



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4282

Introduced 1/16/2024, by Rep. Bob Morgan

SYNOPSIS AS INTRODUCED:

See Index

Amends the Genetic Counselor Licensing Act. Provides that application for licenses shall be made to the Department of Financial and Professional Regulation in writing or electronically (rather than in writing) as prescribed by the Department. Provides that all applicants and licensees shall (1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and (2) inform the Department of any change of address of record or email address of record within 14 days after the change either through the Department's website or by contacting the Department's licensure maintenance unit. Provides that no association, limited liability company, professional limited liability company, or partnership (rather than no association or partnership) shall practice genetic counseling unless every member, partner, and employee of the association, limited liability company, professional limited liability company, or partnership who practices genetic counseling or who renders genetic counseling services holds a valid license issued under the Act. Provides that every application for an original license under the Act shall include the applicant's Social Security Number or individual taxpayer identification number. Removes a provision that authorizes the Department to maintain rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, or denied. Defines "email address of record". Changes references from the "American Board of Medical Genetics" to the "American Board of Medical Genetics and Genomics". Makes conforming changes. Makes grammatical changes. Amends the Regulatory Sunset Act to provide for the repeal of the Genetic Counselor Licensing Act on January 1, 2030.

LRB103 35607 SPS 65680 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.35 and 4.40 as follows:

6 (5 ILCS 80/4.35)

7 Sec. 4.35. Acts repealed on January 1, 2025. The following
8 Acts are repealed on January 1, 2025:

9 ~~The Genetic Counselor Licensing Act.~~

10 The Illinois Certified Shorthand Reporters Act of 1984.

11 (Source: P.A. 103-563, eff. 11-17-23.)

12 (5 ILCS 80/4.40)

13 Sec. 4.40. Acts repealed on January 1, 2030. The following
14 Acts are repealed on January 1, 2030:

15 The Auction License Act.

16 The Genetic Counselor Licensing Act.

17 The Illinois Architecture Practice Act of 1989.

18 The Illinois Professional Land Surveyor Act of 1989.

19 The Orthotics, Prosthetics, and Pedorthics Practice Act.

20 The Perfusionist Practice Act.

21 The Professional Engineering Practice Act of 1989.

22 The Real Estate License Act of 2000.

1 The Structural Engineering Practice Act of 1989.
2 (Source: P.A. 101-269, eff. 8-9-19; 101-310, eff. 8-9-19;
3 101-311, eff. 8-9-19; 101-312, eff. 8-9-19; 101-313, eff.
4 8-9-19; 101-345, eff. 8-9-19; 101-346, eff. 8-9-19; 101-357,
5 eff. 8-9-19; 102-558, eff. 8-20-21.)

6 Section 10. The Genetic Counselor Licensing Act is amended
7 by changing Sections 10, 15, 20, 25, 30, 40, 45, 50, 55, 60,
8 65, 73, 80, 85, 95, 100, 105, 110, 115, 135, 140, 155, and 180
9 and by adding Section 12 as follows:

10 (225 ILCS 135/10)

11 (Section scheduled to be repealed on January 1, 2025)

12 Sec. 10. Definitions. As used in this Act:

13 "ABGC" means the American Board of Genetic Counseling.

14 "ABMGG" ~~"ABMG"~~ means the American Board of Medical
15 Genetics and Genomics.

16 "Active candidate status" is awarded to applicants who
17 have received approval from the ABGC or ABMGG ~~ABMG~~ to sit for
18 their respective certification examinations.

19 "Address of record" means the designated address recorded
20 by the Department in the applicant's or licensee's application
21 file or license file as maintained by the Department's
22 licensure maintenance unit. ~~It is the duty of the applicant or~~
23 ~~licensee to inform the Department of any change of address,~~
24 ~~and those changes must be made either through the Department's~~

1 ~~website or by contacting the Department.~~

2 "Department" means the Department of Financial and
3 Professional Regulation.

4 "Email address of record" means the designated email
5 address recorded by the Department in the applicant's
6 application file or the licensee's license file, as maintained
7 by the Department's licensure maintenance unit.

8 "Genetic anomaly" means a variation in an individual's DNA
9 that has been shown to confer a genetically influenced disease
10 or predisposition to a genetically influenced disease or makes
11 a person a carrier of such variation. A "carrier" of a genetic
12 anomaly means a person who may or may not have a predisposition
13 or risk of incurring a genetically influenced condition and
14 who is at risk of having offspring with a genetically
15 influenced condition.

16 "Genetic counseling" means the provision of services,
17 which may include the ordering of genetic tests, to
18 individuals, couples, groups, families, and organizations by
19 one or more appropriately trained individuals to address the
20 physical and psychological issues associated with the
21 occurrence or risk of occurrence or recurrence of a genetic
22 disorder, birth defect, disease, or potentially inherited or
23 genetically influenced condition in an individual or a family.

24 "Genetic counseling" consists of the following:

25 (A) Estimating the likelihood of occurrence or
26 recurrence of a birth defect or of any potentially

1 inherited or genetically influenced condition. This
2 assessment may involve:

3 (i) obtaining and analyzing a complete health
4 history of the person and the person's ~~his or her~~
5 family;

6 (ii) reviewing pertinent medical records;

7 (iii) evaluating the risks from exposure to
8 possible mutagens or teratogens;

9 (iv) recommending genetic testing or other
10 evaluations to diagnose a condition or determine the
11 carrier status of one or more family members;

12 (B) Helping the individual, family, health care
13 provider, or health care professional (i) appreciate the
14 medical, psychological and social implications of a
15 disorder, including its features, variability, usual
16 course and management options, (ii) learn how genetic
17 factors contribute to the disorder and affect the chance
18 for recurrence of the condition in other family members,
19 and (iii) understand available options for coping with,
20 preventing, or reducing the chance of occurrence or
21 recurrence of a condition.

22 (C) Facilitating an individual's or family's (i)
23 exploration of the perception of risk and burden
24 associated with the disorder and (ii) adjustment and
25 adaptation to the condition or their genetic risk by
26 addressing needs for psychological, social, and medical

1 support.

2 "Genetic counselor" means a person licensed under this Act
3 to engage in the practice of genetic counseling.

4 "Genetic testing" and "genetic test" mean a test or
5 analysis of human genes, gene products, DNA, RNA, chromosomes,
6 proteins, or metabolites that detects genotypes, mutations,
7 chromosomal changes, abnormalities, or deficiencies, including
8 carrier status, that (i) are linked to physical or mental
9 disorders or impairments, (ii) indicate a susceptibility to
10 illness, disease, impairment, or other disorders, whether
11 physical or mental, or (iii) demonstrate genetic or
12 chromosomal damage due to environmental factors. "Genetic
13 testing" and "genetic tests" do not include routine physical
14 measurements; chemical, blood and urine analyses that are
15 widely accepted and in use in clinical practice; tests for use
16 of drugs; tests for the presence of the human immunodeficiency
17 virus; analyses of proteins or metabolites that do not detect
18 genotypes, mutations, chromosomal changes, abnormalities, or
19 deficiencies; or analyses of proteins or metabolites that are
20 directly related to a manifested disease, disorder, or
21 pathological condition that could reasonably be detected by a
22 health care professional with appropriate training and
23 expertise in the field of medicine involved.

24 "Person" means an individual, association, partnership, or
25 corporation.

26 "Qualified supervisor" means any person who is a licensed

1 genetic counselor, as defined by rule, or a physician licensed
2 to practice medicine in all its branches. A qualified
3 supervisor may be provided at the applicant's place of work,
4 or may be contracted by the applicant to provide supervision.
5 The qualified supervisor shall file written documentation with
6 the Department of employment, discharge, or supervisory
7 control of a genetic counselor at the time of employment,
8 discharge, or assumption of supervision of a genetic
9 counselor.

10 "Secretary" means the Secretary of Financial and
11 Professional Regulation.

12 "Supervision" means review of aspects of genetic
13 counseling and case management in a bimonthly meeting with the
14 person under supervision.

15 (Source: P.A. 99-173, eff. 7-29-15; 99-633, eff. 1-1-17;
16 100-201, eff. 8-18-17.)

17 (225 ILCS 135/12 new)

18 Sec. 12. Address of record; email address of record. All
19 applicants and licensees shall:

20 (1) provide a valid address and email address to the
21 Department, which shall serve as the address of record and
22 email address of record, respectively, at the time of
23 application for licensure or renewal of a license; and

24 (2) inform the Department of any change of address of
25 record or email address of record within 14 days after the

1 change either through the Department's website or by
2 contacting the Department's licensure maintenance unit.

3 (225 ILCS 135/15)

4 (Section scheduled to be repealed on January 1, 2025)

5 Sec. 15. Exemptions.

6 (a) This Act does not prohibit any persons legally
7 regulated in this State by any other Act from engaging in the
8 practice for which they are authorized as long as they do not
9 represent themselves by the title of "genetic counselor" or
10 "licensed genetic counselor". This Act does not prohibit the
11 practice of nonregulated professions whose practitioners are
12 engaged in the delivery of human services as long as these
13 practitioners do not represent themselves as or use the title
14 of "genetic counselor" or "licensed genetic counselor".

15 (b) Nothing in this Act shall be construed to limit the
16 activities and services of (i) a student, intern, resident, or
17 fellow in genetic counseling or genetics seeking to fulfill
18 educational requirements in order to qualify for a license
19 under this Act if these activities and services constitute a
20 part of the student's supervised course of study or (ii) an
21 individual seeking to fulfill the post-degree experience
22 requirements in order to qualify for licensing under this Act,
23 as long as the activities and services are supervised by a
24 qualified supervisor. A student, intern, resident, or fellow
25 must be designated by the title "intern", "resident",

1 "fellow", or any other designation of trainee status. Nothing
2 contained in this subsection shall be construed to permit
3 students, interns, residents, or fellows to offer their
4 services as genetic counselors or geneticists to any other
5 person and to accept remuneration for such genetic counseling
6 services, except as specifically provided in this subsection
7 or subsection (c).

8 (c) Corporations, partnerships, and associations may
9 employ students, interns, or post-degree candidates seeking to
10 fulfill educational requirements or the professional
11 experience requirements needed to qualify for a license under
12 this Act if their activities and services constitute a part of
13 the student's supervised course of study or post-degree
14 professional experience requirements. Nothing in this
15 subsection shall prohibit a corporation, partnership, or
16 association from contracting with a licensed health care
17 professional to provide services that they are licensed to
18 provide.

19 (d) Nothing in this Act shall prevent the employment, by a
20 genetic counselor, person, association, partnership, or
21 corporation furnishing genetic counseling services for
22 remuneration, of persons not licensed as genetic counselors
23 under this Act to perform services in various capacities as
24 needed, if these persons are not in any manner held out to the
25 public or do not hold themselves out to the public by any title
26 or designation stating or implying that they are genetic

1 counselors.

2 (e) Nothing in this Act shall be construed to limit the
3 services of a person, not licensed under the provisions of
4 this Act, in the employ of a federal, State, county, or
5 municipal agency or other political subdivision or
6 not-for-profit corporation providing human services if (i) the
7 services are a part of the duties in the person's ~~his or her~~
8 salaried position, (ii) the services are performed solely on
9 behalf of the person's ~~his or her~~ employer, and (iii) that
10 person does not in any manner represent oneself ~~himself or~~
11 ~~herself~~ as or use the title of "genetic counselor" or
12 "licensed genetic counselor".

13 (f) Duly recognized members of any religious organization
14 shall not be restricted from functioning in their ministerial
15 capacity provided they do not represent themselves as being
16 genetic counselors or as providing genetic counseling.

17 (g) Nothing in this Act shall be construed to require or
18 prohibit any hospital, clinic, home health agency, hospice, or
19 other entity that provides health care to employ or to
20 contract with a person licensed under this Act to provide
21 genetic counseling services.

22 (h) Nothing in this Act shall be construed to prevent any
23 licensed social worker, licensed clinical social worker,
24 licensed clinical psychologist, licensed professional
25 counselor, or licensed clinical professional counselor from
26 practicing professional counseling as long as that person is

1 not in any manner held out to the public as a "genetic
2 counselor" or "licensed genetic counselor" or does not hold
3 out that person's ~~his or her~~ services as being genetic
4 counseling.

5 (i) Nothing in this Act shall be construed to limit the
6 practice of a person not licensed under this Act who is a
7 physician licensed to practice medicine in all of its branches
8 under the Medical Practice Act of 1987 or intern, fellow, or
9 resident from using the title "genetic counselor" or any other
10 title tending to indicate they are a genetic counselor.

11 (j) Nothing in the Act shall prohibit a visiting ABGC or
12 ABMGG ~~ABMG~~ certified genetic counselor from outside the State
13 working as a consultant, or organizations from outside the
14 State employing ABGC or ABMGG ~~ABMG~~ certified genetic
15 counselors providing occasional services, who are not licensed
16 under this Act, from engaging in the practice of genetic
17 counseling subject to the stated circumstances and limitations
18 defined by rule.

19 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

20 (225 ILCS 135/20)

21 (Section scheduled to be repealed on January 1, 2025)

22 Sec. 20. Restrictions and limitations.

23 (a) Except as provided in Section 15, no person shall,
24 without a valid license as a genetic counselor issued by the
25 Department (i) in any manner hold oneself ~~himself or herself~~

1 out to the public as a genetic counselor under this Act; (ii)
2 use in connection with a person's ~~his or her~~ name or place of
3 business the title "genetic counselor", "licensed genetic
4 counselor", "gene counselor", "genetic consultant", or
5 "genetic associate" or any words, letters, abbreviations, or
6 insignia indicating or implying a person has met the
7 qualifications for or has the license issued under this Act;
8 or (iii) offer to render or render to individuals,
9 corporations, or the public genetic counseling services if the
10 words "genetic counselor" or "licensed genetic counselor" are
11 used to describe the person offering to render or rendering
12 them, or "genetic counseling" is used to describe the services
13 rendered or offered to be rendered.

14 (b) (Blank).

15 (c) No association, limited liability company,
16 professional limited liability company, or partnership shall
17 practice genetic counseling unless every member, partner, and
18 employee of the association, limited liability company,
19 professional limited liability company, or partnership who
20 practices genetic counseling or who renders genetic counseling
21 services holds a valid license issued under this Act. No
22 license shall be issued to a business corporation, the stated
23 purpose of which includes or which practices or which holds
24 itself out as available to practice genetic counseling, unless
25 it is organized under the Professional Service Corporation Act
26 or the Professional Limited Liability Company Act.

1 (d) Nothing in this Act shall be construed as permitting
2 persons licensed as genetic counselors to engage in any manner
3 in the practice of medicine in all its branches as defined by
4 law in this State.

5 (e) Nothing in this Act shall be construed to authorize a
6 licensed genetic counselor to diagnose or treat any genetic or
7 other disease or condition.

8 (f) When, in the course of providing genetic counseling
9 services to any person, a genetic counselor licensed under
10 this Act finds any indication of a disease or condition that in
11 the genetic counselor's ~~his or her~~ professional judgment
12 requires professional service outside the scope of practice as
13 defined in this Act, the genetic counselor ~~he or she~~ shall
14 refer that person to a physician licensed to practice medicine
15 in all of its branches.

16 (Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15;
17 99-633, eff. 1-1-17.)

18 (225 ILCS 135/25)

19 (Section scheduled to be repealed on January 1, 2025)

20 Sec. 25. Unlicensed practice; violation; civil penalty.

21 (a) Any person who practices, offers to practice, attempts
22 to practice, or holds oneself ~~himself or herself~~ out to
23 practice as a genetic counselor without being licensed or
24 exempt under this Act shall, in addition to any other penalty
25 provided by law, pay a civil penalty to the Department in an

1 amount not to exceed \$10,000 for each offense, as determined
2 by the Department. Civil penalty shall be assessed by the
3 Department after a hearing is held in accordance with the
4 provisions set forth in this Act regarding the provision of a
5 hearing for the discipline of a licensee.

6 (b) The Department may investigate any actual, alleged, or
7 suspected unlicensed activity.

8 (c) The civil penalty shall be paid within 60 days after
9 the effective date of the order imposing the civil penalty.
10 The order shall constitute a final judgment and may be filed
11 and execution had thereon in the same manner as any judgment
12 from any court of record.

13 (Source: P.A. 98-813, eff. 1-1-15.)

14 (225 ILCS 135/30)

15 (Section scheduled to be repealed on January 1, 2025)

16 Sec. 30. Powers and duties of the Department. Subject to
17 the provisions of this Act, the Department may:

18 (a) authorize examinations to ascertain the
19 qualifications and fitness of applicants for licensing as
20 genetic counselors and pass upon the qualifications of
21 applicants for licensure by endorsement;

22 (b) conduct hearings on proceedings to refuse to issue
23 or renew or to revoke licenses or suspend, place on
24 probation, ~~censure~~, or reprimand persons licensed under
25 this Act, and to refuse to issue or renew or to revoke

1 licenses, or suspend, place on probation, ~~reprimand~~, or
2 reprimand persons licensed under this Act;

3 (c) adopt rules necessary for the administration of
4 this Act; and

5 (d) (blank). ~~maintain rosters of the names and~~
6 ~~addresses of all licensees and all persons whose licenses~~
7 ~~have been suspended, revoked, or denied. These rosters~~
8 ~~shall be available upon written request and payment of the~~
9 ~~required fee.~~

10 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

11 (225 ILCS 135/40)

12 (Section scheduled to be repealed on January 1, 2025)

13 Sec. 40. Application for original license. Applications
14 for original licenses shall be made to the Department on forms
15 or electronically as prescribed by the Department and
16 accompanied by the required fee, which is not refundable. All
17 applications shall contain such information that, in the
18 judgment of the Department, will enable the Department to pass
19 on the qualifications of the applicant for a license to
20 practice as a genetic counselor.

21 If an applicant fails to obtain a license under this Act
22 within 3 years after filing an ~~his or her~~ application, the
23 application shall be denied. The applicant may make a new
24 application, which shall be accompanied by the required
25 nonrefundable fee. The applicant shall be required to meet the

1 qualifications required for licensure at the time of
2 reapplication.

3 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

4 (225 ILCS 135/45)

5 (Section scheduled to be repealed on January 1, 2025)

6 Sec. 45. Social Security Number or individual taxpayer
7 identification number on license application. In addition to
8 any other information required to be contained in the
9 application, every application for an original license under
10 this Act shall include the applicant's Social Security Number
11 or individual taxpayer identification number, which shall be
12 retained in the agency's records pertaining to the license. As
13 soon as practical, the Department shall assign a customer's
14 identification number to each applicant for a license.

15 Every application for a renewal, reinstated, or restored
16 license shall require the applicant's customer identification
17 number.

18 (Source: P.A. 97-400, eff. 1-1-12; 98-813, eff. 1-1-15.)

19 (225 ILCS 135/50)

20 (Section scheduled to be repealed on January 1, 2025)

21 Sec. 50. Examination.

22 (a) Applicants for genetic counseling licensure must
23 provide evidence that they have successfully completed the
24 certification examination provided by the ABGC or ABMGG ~~ABMG~~,

1 if they are master's degree trained genetic counselors, or the
2 ABMGG ~~ABMG~~, if they are PhD trained medical geneticists; or
3 successfully completed the examination provided by the
4 successor agencies of the ABGC or ABMGG ~~ABMG~~. The examinations
5 shall be of a character to fairly test the competence and
6 qualifications of the applicants to practice genetic
7 counseling.

8 (b) (Blank).

9 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

10 (225 ILCS 135/55)

11 (Section scheduled to be repealed on January 1, 2025)

12 Sec. 55. Qualifications for licensure. A person shall be
13 qualified for licensure as a genetic counselor and the
14 Department may issue a license if that person:

15 (1) has applied in writing or electronically in form
16 and substance satisfactory to the Department; is at least
17 21 years of age;

18 (2) has not engaged in conduct or activities which
19 would constitute grounds for discipline under this Act;

20 (3) (i) has successfully completed a Master's degree
21 in genetic counseling from an ABGC or ABMGG ~~ABMG~~
22 accredited training program or an equivalent program
23 approved by the ABGC or the ABMGG ~~ABMG~~ or (ii) is a
24 physician licensed to practice medicine in all its
25 branches or (iii) has a doctoral degree and has

1 successfully completed an ABMGG ~~ABMG~~ accredited medical
2 genetics training program or an equivalent program
3 approved by the ABMGG ~~ABMG~~;

4 (4) has successfully completed an examination provided
5 by the ABGC or its successor, the ABMGG ~~ABMG~~ or its
6 successor, or a substantially equivalent examination
7 approved by the Department;

8 (5) has paid the fees required by rule;

9 (6) has met the requirements for certification set
10 forth by the ABGC or its successor or the ABMGG ~~ABMG~~ or its
11 successor; and

12 (7) has met any other requirements established by
13 rule.

14 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

15 (225 ILCS 135/60)

16 (Section scheduled to be repealed on January 1, 2025)

17 Sec. 60. Temporary licensure. A temporary license may be
18 issued to an individual who has made application to the
19 Department, has submitted evidence to the Department of
20 admission to the certifying examination administered by the
21 ABGC or the ABMGG ~~ABMG~~ or either of its successor agencies, has
22 met all of the requirements for licensure in accordance with
23 Section 55 of this Act, except the examination requirement of
24 item (4) of Section 55 of this Act, and has met any other
25 condition established by rule. The holder of a temporary

1 license shall practice only under the supervision of a
2 qualified supervisor and may not have the authority to order
3 genetic tests. Nothing in this Section prohibits an applicant
4 from re-applying for a temporary license if the applicant ~~he~~
5 ~~or she~~ meets the qualifications of this Section.

6 (Source: P.A. 96-1313, eff. 7-27-10.)

7 (225 ILCS 135/65)

8 (Section scheduled to be repealed on January 1, 2025)

9 Sec. 65. Licenses; renewal; restoration; person in
10 military service; inactive status.

11 (a) The expiration date and renewal period for each
12 license issued under this Act shall be set by rule. As a
13 condition of renewal of a license, a licensee must complete
14 continuing education requirements established by rule of the
15 Department.

16 (b) Any person who has permitted a license to expire or who
17 has a license on inactive status may have it restored by
18 submitting an application to the Department and filing proof
19 of fitness, as defined by rule, to have the license restored,
20 including, if appropriate, evidence which is satisfactory to
21 the Department certifying the active practice of genetic
22 counseling in another jurisdiction, and by paying the required
23 fee.

24 (c) If the person has not maintained an active practice in
25 another jurisdiction that is satisfactory to the Department,

1 the Department shall determine the person's fitness to resume
2 active status. The Department may also require the person to
3 complete a specific period of evaluated genetic counseling
4 work experience under the supervision of a qualified
5 supervisor and may require demonstration of completion of
6 continuing education requirements.

7 (d) Any person whose license expired while on active duty
8 with the armed forces of the United States, while called into
9 service or training with the State Militia, or while in
10 training or education under the supervision of the United
11 States government prior to induction into military service may
12 have the ~~his~~ license restored without paying any renewal fees
13 if, within 2 years after the termination of such service,
14 training, or education, except under conditions other than
15 honorable, the Department is furnished with satisfactory
16 evidence that the person has been so engaged and that such
17 service, training, or education has been so terminated.

18 (e) A license to practice shall not be denied any
19 applicant because of the applicant's race, religion, creed,
20 national origin, political beliefs or activities, age, sex, or
21 physical impairment.

22 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

23 (225 ILCS 135/73)

24 (Section scheduled to be repealed on January 1, 2025)

25 Sec. 73. Inactive status. A person licensed under this Act

1 who notifies the Department in writing on forms or
2 electronically as prescribed by the Department may elect to
3 place the ~~his or her~~ license on inactive status and shall,
4 subject to rule of the Department, be excused from payment of
5 renewal fees until that person ~~he or she~~ notifies the
6 Department, in writing, of that person's ~~his or her~~ desire to
7 resume active status.

8 A person requesting restoration from inactive status shall
9 be required to pay the current renewal fee and shall be
10 required to restore the ~~his or her~~ license as provided by ~~7~~
11 ~~pursuant to~~ Section 65 of this Act.

12 Practice by an individual whose license is on inactive
13 status shall be considered to be the unlicensed practice of
14 genetic counseling and shall be grounds for discipline under
15 this Act.

16 (Source: P.A. 94-661, eff. 1-1-06.)

17 (225 ILCS 135/80)

18 (Section scheduled to be repealed on January 1, 2025)

19 Sec. 80. Checks or orders dishonored. Any person who
20 issues or delivers a check or other order to the Department
21 that is returned to the Department unpaid by the financial
22 institution upon which it is drawn shall pay to the
23 Department, in addition to the amount already owed to the
24 Department, a fine of \$50. The fines imposed by this Section
25 are in addition to any other discipline provided under this

1 Act prohibiting unlicensed practice or practice on a
2 nonrenewed license. The Department shall notify the person
3 that payment of fees and fines shall be paid to the Department
4 by certified check or money order within 30 calendar days
5 after notification. If, after the expiration of 30 days from
6 the date of the notification, the person has failed to submit
7 the necessary remittance, the Department shall automatically
8 terminate the license or certification or deny the
9 application, without hearing. If, after termination or denial,
10 the person seeks a license or certificate, the person ~~he or she~~
11 shall apply to the Department for restoration or issuance of
12 the license or certificate and pay all fees and fines due to
13 the Department. The Department may establish a fee for the
14 processing of an application for restoration of a license to
15 pay all costs and expenses of processing of this application.
16 The Secretary may waive the fines due under this Section in
17 individual cases where the Secretary finds that the fines
18 would be unnecessarily burdensome.

19 (Source: P.A. 98-813, eff. 1-1-15.)

20 (225 ILCS 135/85)

21 (Section scheduled to be repealed on January 1, 2025)

22 Sec. 85. Endorsement. The Department may issue a license
23 as a genetic counselor, without administering the required
24 examination, to an applicant licensed under the laws of
25 another state, a U.S. territory, or another country if the

1 requirements for licensure in that state, U.S. territory, or
2 country are, on the date of licensure, substantially equal to
3 the requirements of this Act or to a person who, at the time of
4 ~~his or her~~ application for licensure, possesses individual
5 qualifications that are substantially equivalent to the
6 requirements of this Act. An applicant under this Section
7 shall pay all of the required fees.

8 An applicant shall have 3 years from the date of
9 application to complete the application process. If the
10 process has not been completed within the 3-year time period,
11 the application shall be denied, the fee shall be forfeited,
12 and the applicant shall be required to reapply and meet the
13 requirements in effect at the time of reapplication.

14 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

15 (225 ILCS 135/95)

16 (Section scheduled to be repealed on January 1, 2025)

17 Sec. 95. Grounds for discipline.

18 (a) The Department may refuse to issue, renew, or may
19 revoke, suspend, place on probation, reprimand, or take other
20 disciplinary or non-disciplinary action as the Department
21 deems appropriate, including the issuance of fines not to
22 exceed \$10,000 for each violation, with regard to any license
23 for any one or more of the following:

24 (1) Material misstatement in furnishing information to
25 the Department or to any other State agency.

1 (2) Violations or negligent or intentional disregard
2 of this Act, or any of its rules.

3 (3) Conviction by plea of guilty or nolo contendere,
4 finding of guilt, jury verdict, or entry of judgment or
5 sentencing, including, but not limited to, convictions,
6 preceding sentences of supervision, conditional discharge,
7 or first offender probation, under the laws of any
8 jurisdiction of the United States: (i) that is a felony or
9 (ii) that is a misdemeanor, an essential element of which
10 is dishonesty, or that is directly related to the practice
11 of genetic counseling.

12 (4) Making any misrepresentation for the purpose of
13 obtaining a license, or violating any provision of this
14 Act or its rules.

15 (5) Negligence in the rendering of genetic counseling
16 services.

17 (6) Failure to provide genetic testing results and any
18 requested information to a referring physician licensed to
19 practice medicine in all its branches, advanced practice
20 registered nurse, or physician assistant.

21 (7) Aiding or assisting another person in violating
22 any provision of this Act or any rules.

23 (8) Failing to provide information within 60 days in
24 response to a written request made by the Department.

25 (9) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public and violating the rules of
2 professional conduct adopted by the Department.

3 (10) Failing to maintain the confidentiality of any
4 information received from a client, unless otherwise
5 authorized or required by law.

6 (10.5) Failure to maintain client records of services
7 provided and provide copies to clients upon request.

8 (11) Exploiting a client for personal advantage,
9 profit, or interest.

10 (12) Habitual or excessive use or addiction to
11 alcohol, narcotics, stimulants, or any other chemical
12 agent or drug which results in inability to practice with
13 reasonable skill, judgment, or safety.

14 (13) Discipline by another governmental agency or unit
15 of government, by any jurisdiction of the United States,
16 or by a foreign nation, if at least one of the grounds for
17 the discipline is the same or substantially equivalent to
18 those set forth in this Section.

19 (14) Directly or indirectly giving to or receiving
20 from any person, firm, corporation, partnership, or
21 association any fee, commission, rebate, or other form of
22 compensation for any professional service not actually
23 rendered. Nothing in this paragraph (14) affects any bona
24 fide independent contractor or employment arrangements
25 among health care professionals, health facilities, health
26 care providers, or other entities, except as otherwise

1 prohibited by law. Any employment arrangements may include
2 provisions for compensation, health insurance, pension, or
3 other employment benefits for the provision of services
4 within the scope of the licensee's practice under this
5 Act. Nothing in this paragraph (14) shall be construed to
6 require an employment arrangement to receive professional
7 fees for services rendered.

8 (15) A finding by the Department that the licensee,
9 after having the license placed on probationary status,
10 has violated the terms of probation.

11 (16) Failing to refer a client to other health care
12 professionals when the licensee is unable or unwilling to
13 adequately support or serve the client.

14 (17) Willfully filing false reports relating to a
15 licensee's practice, including, but not limited to, false
16 records filed with federal or State agencies or
17 departments.

18 (18) Willfully failing to report an instance of
19 suspected child abuse or neglect as required by the Abused
20 and Neglected Child Reporting Act.

21 (19) Being named as a perpetrator in an indicated
22 report by the Department of Children and Family Services
23 pursuant to the Abused and Neglected Child Reporting Act,
24 and upon proof by clear and convincing evidence that the
25 licensee has caused a child to be an abused child or
26 neglected child as defined in the Abused and Neglected

1 Child Reporting Act.

2 (20) Physical or mental disability, including
3 deterioration through the aging process or loss of
4 abilities and skills which results in the inability to
5 practice the profession with reasonable judgment, skill,
6 or safety.

7 (21) Solicitation of professional services by using
8 false or misleading advertising.

9 (22) Failure to file a return, or to pay the tax,
10 penalty of interest shown in a filed return, or to pay any
11 final assessment of tax, penalty or interest, as required
12 by any tax Act administered by the Illinois Department of
13 Revenue or any successor agency or the Internal Revenue
14 Service or any successor agency.

15 (23) Fraud or making any misrepresentation in applying
16 for or procuring a license under this Act or in connection
17 with applying for renewal of a license under this Act.

18 (24) Practicing or attempting to practice under a name
19 other than the full name as shown on the license or any
20 other legally authorized name.

21 (25) Gross overcharging for professional services,
22 including filing statements for collection of fees or
23 moneys ~~monies~~ for which services are not rendered.

24 (26) (Blank).

25 (27) Charging for professional services not rendered,
26 including filing false statements for the collection of

1 fees for which services are not rendered.

2 (28) Allowing one's license under this Act to be used
3 by an unlicensed person in violation of this Act.

4 (b) (Blank).

5 (b-5) The Department shall not revoke, suspend, summarily
6 suspend, place on prohibition, reprimand, refuse to issue or
7 renew, or take any other disciplinary or non-disciplinary
8 action against the license or permit issued under this Act to
9 practice as a genetic counselor based solely upon the genetic
10 counselor authorizing, recommending, aiding, assisting,
11 referring for, or otherwise participating in any health care
12 service, so long as the care was not unlawful under the laws of
13 this State, regardless of whether the patient was a resident
14 of this State or another state.

15 (b-10) The Department shall not revoke, suspend, summarily
16 suspend, place on prohibition, reprimand, refuse to issue or
17 renew, or take any other disciplinary or non-disciplinary
18 action against the license or permit issued under this Act to
19 practice as a genetic counselor based upon the genetic
20 counselor's license being revoked or suspended, or the genetic
21 counselor being otherwise disciplined by any other state, if
22 that revocation, suspension, or other form of discipline was
23 based solely on the genetic counselor violating another
24 state's laws prohibiting the provision of, authorization of,
25 recommendation of, aiding or assisting in, referring for, or
26 participation in any health care service if that health care

1 service as provided would not have been unlawful under the
2 laws of this State and is consistent with the standards of
3 conduct for the genetic counselor if it occurred in Illinois.

4 (b-15) The conduct specified in subsections (b-5) and
5 (b-10) shall not constitute grounds for suspension under
6 Section 160.

7 (b-20) An applicant seeking licensure, certification, or
8 authorization pursuant to this Act who has been subject to
9 disciplinary action by a duly authorized professional
10 disciplinary agency of another jurisdiction solely on the
11 basis of having authorized, recommended, aided, assisted,
12 referred for, or otherwise participated in health care shall
13 not be denied such licensure, certification, or authorization,
14 unless the Department determines that such action would have
15 constituted professional misconduct in this State; however,
16 nothing in this Section shall be construed as prohibiting the
17 Department from evaluating the conduct of such applicant and
18 making a determination regarding the licensure, certification,
19 or authorization to practice a profession under this Act.

20 (c) The determination by a court that a licensee is
21 subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental Disabilities
23 Code will result in an automatic suspension of the ~~his or her~~
24 license. The suspension will end upon a finding by a court that
25 the licensee is no longer subject to involuntary admission or
26 judicial admission, the issuance of an order so finding and

1 discharging the patient, and the determination of the
2 Secretary that the licensee be allowed to resume professional
3 practice.

4 (d) The Department may refuse to issue or renew or may
5 suspend without hearing the license of any person who fails to
6 file a return, to pay the tax penalty or interest shown in a
7 filed return, or to pay any final assessment of the tax,
8 penalty, or interest as required by any Act regarding the
9 payment of taxes administered by the Illinois Department of
10 Revenue until the requirements of the Act are satisfied in
11 accordance with subsection (g) of Section 2105-15 of the Civil
12 Administrative Code of Illinois.

13 (e) In cases where the Department of Healthcare and Family
14 Services has previously determined that a licensee or a
15 potential licensee is more than 30 days delinquent in the
16 payment of child support and has subsequently certified the
17 delinquency to the Department, the Department may refuse to
18 issue or renew or may revoke or suspend that person's license
19 or may take other disciplinary action against that person
20 based solely upon the certification of delinquency made by the
21 Department of Healthcare and Family Services in accordance
22 with item (5) of subsection (a) of Section 2105-15 of the
23 Department of Professional Regulation Law of the Civil
24 Administrative Code of Illinois.

25 (f) All fines or costs imposed under this Section shall be
26 paid within 60 days after the effective date of the order

1 imposing the fine or costs or in accordance with the terms set
2 forth in the order imposing the fine.

3 (g) The Department may adopt rules to implement the
4 changes made by this amendatory Act of the 102nd General
5 Assembly.

6 (Source: P.A. 102-1117, eff. 1-13-23.)

7 (225 ILCS 135/100)

8 (Section scheduled to be repealed on January 1, 2025)

9 Sec. 100. Violations; injunction; cease and desist order.

10 (a) If any person violates the provisions of this Act, the
11 Secretary may, in the name of the People of the State of
12 Illinois, through the Attorney General of the State of
13 Illinois or the State's Attorney of any county in which the
14 violation is alleged to have occurred, petition for an order
15 enjoining the violation or for an order enforcing compliance
16 with this Act. Upon the filing of a verified petition, the
17 court with appropriate jurisdiction may issue a temporary
18 restraining order without notice or bond, and may
19 preliminarily and permanently enjoin the violation. If it is
20 established that the person has violated or is violating the
21 injunction, the court may punish the offender for contempt of
22 court. Proceedings under this Section are in addition to all
23 other remedies and penalties provided by this Act.

24 (b) If any person holds oneself ~~himself or herself~~ out as
25 being a licensed genetic counselor under this Act and is not

1 licensed to do so, then any licensed genetic counselor,
2 interested party, or any person injured thereby may petition
3 for relief as provided in subsection (a) of this Section.

4 (c) Whenever, in the opinion of the Department, a person
5 violates any provision of this Act, the Department may issue a
6 rule to show cause why an order to cease and desist should not
7 be entered against that person. The rule shall clearly set
8 forth the grounds relied upon by the Department and shall
9 allow at least 7 days from the date of the rule to file an
10 answer satisfactory to the Department. Failure to answer to
11 the satisfaction of the Department shall cause an order to
12 cease and desist to be issued.

13 (Source: P.A. 98-813, eff. 1-1-15.)

14 (225 ILCS 135/105)

15 (Section scheduled to be repealed on January 1, 2025)

16 Sec. 105. Investigations; notice and hearing. The
17 Department may investigate the actions of any applicant or any
18 person holding or claiming to hold a license. The Department
19 shall, before revoking, suspending, placing on probation,
20 reprimanding, or taking any other disciplinary action under
21 Section 95 of this Act, at least 30 days prior to the date set
22 for the hearing, (i) notify the accused, in writing, of any
23 charges made and the time and place for the hearing on the
24 charges, (ii) direct the accused ~~him or her~~ to file a written
25 answer to the charges with the Department under oath within 20

1 days after service of the notice, and (iii) inform the accused
2 that, if the accused ~~he or she~~ fails to answer, a default
3 judgment will be entered ~~taken~~ against the accused ~~him or her~~
4 or that the ~~his or her~~ license or certificate may be suspended,
5 revoked, placed on probationary status, or other disciplinary
6 action taken with regard to the license, including limiting
7 the scope, nature, or extent of the accused's ~~his or her~~
8 practice, as the Department may deem proper. In case the
9 person, after receiving notice, fails to file an answer, the
10 ~~his or her~~ license may, in the discretion of the Department, be
11 suspended, revoked, placed on probationary status, or the
12 Department may take whatever disciplinary action considered
13 proper, including limiting the scope, nature, or extent of the
14 person's practice or the imposition of a fine, without a
15 hearing, if the act or acts charged constitute sufficient
16 grounds for such action under this Act. The written notice may
17 be served by ~~personal delivery or certified~~ mail to the
18 applicant's or licensee's address of record or by email to the
19 applicant's or licensee's email address of record.

20 (Source: P.A. 98-813, eff. 1-1-15.)

21 (225 ILCS 135/110)

22 (Section scheduled to be repealed on January 1, 2025)

23 Sec. 110. Record of proceedings; transcript. The
24 Department, at its expense, shall provide a certified
25 shorthand reporter to take down the testimony and preserve a

1 record of all proceedings at the hearing of any case in which a
2 license may be revoked, suspended, or placed on probationary
3 status or a licensee may be reprimanded, fined, or subjected
4 to other disciplinary action with reference to the license
5 when a disciplinary action is authorized under this Act and
6 its rules. The notice of hearing, complaint, and all other
7 documents in the nature of pleadings and written portions
8 filed in the proceedings, the transcript of the testimony, the
9 report of the hearing officer, and the orders of the
10 Department shall be the records of the proceedings. The record
11 may be made available to any person interested in the hearing
12 upon payment of the fee required by Section 2105-115 of the
13 Department of Professional Regulation Law of the Civil
14 Administrative Code of Illinois ~~preserve a record of all~~
15 ~~proceedings at the formal hearing of any case.~~

16 (Source: P.A. 98-813, eff. 1-1-15.)

17 (225 ILCS 135/115)

18 (Section scheduled to be repealed on January 1, 2025)

19 Sec. 115. Subpoenas; depositions; oaths. The Department
20 may subpoena and bring before it any person in this State and
21 take the oral or written testimony or compel the production of
22 any books, papers, records, or any other documents that the
23 Secretary or the Secretary's ~~his or her~~ designee deems
24 relevant or material to any investigation or hearing conducted
25 by the Department with the same fees and mileage and in the

1 same manner as prescribed in civil cases in the courts of this
2 State. The Secretary, the shorthand court reporter, and the
3 designated hearing officer may administer oaths at any hearing
4 which the Department conducts. Notwithstanding any other
5 statute or Department rule to the contrary, all requests for
6 testimony and for the production of documents or records shall
7 be in accordance with this Act.

8 (Source: P.A. 98-813, eff. 1-1-15.)

9 (225 ILCS 135/135)

10 (Section scheduled to be repealed on January 1, 2025)

11 Sec. 135. Secretary; rehearing. Whenever the Secretary
12 believes justice has not been done in the revocation,
13 suspension, or refusal to issue or renew a license or the
14 discipline of a licensee, the Secretary ~~he or she~~ may order a
15 rehearing.

16 (Source: P.A. 98-813, eff. 1-1-15.)

17 (225 ILCS 135/140)

18 (Section scheduled to be repealed on January 1, 2025)

19 Sec. 140. Appointment of a hearing officer. The Secretary
20 has the authority to appoint any attorney licensed to practice
21 law in the State of Illinois to serve as the hearing officer in
22 any action for refusal to issue or renew a license or permit or
23 to discipline a licensee. The hearing officer has full
24 authority to conduct the hearing. The hearing officer shall

1 report the hearing officer's ~~his~~ findings of fact, conclusions
2 of law, and recommendations to the Secretary.

3 (Source: P.A. 98-813, eff. 1-1-15.)

4 (225 ILCS 135/155)

5 (Section scheduled to be repealed on January 1, 2025)

6 Sec. 155. Surrender of license. Upon the revocation or
7 suspension of a license, the licensee shall immediately
8 surrender the ~~his or her~~ license to the Department. If the
9 licensee fails to do so, the Department has the right to seize
10 the license.

11 (Source: P.A. 93-1041, eff. 9-29-04.)

12 (225 ILCS 135/180)

13 (Section scheduled to be repealed on January 1, 2025)

14 Sec. 180. Administrative Procedure Act; application. The
15 Illinois Administrative Procedure Act is hereby expressly
16 adopted and incorporated in this Act as if all of the
17 provisions of such Act were included in this Act, except that
18 the provision of paragraph (d) of Section 10-65 of the
19 Illinois Administrative Procedure Act, which provides that at
20 hearings the license holder has the right to show compliance
21 with all lawful requirements for retention, continuation, or
22 renewal of the certificate, is specifically excluded. For the
23 purpose of this Act the notice required under Section 10-25 of
24 the Illinois Administrative Procedure Act is deemed sufficient

1 when mailed to the last known address of record of a party or
2 when emailed to the last known email address of record of a
3 party.

4 (Source: P.A. 98-813, eff. 1-1-15.)

1 INDEX

2 Statutes amended in order of appearance

- 3 5 ILCS 80/4.35
- 4 5 ILCS 80/4.40
- 5 225 ILCS 135/10
- 6 225 ILCS 135/12 new
- 7 225 ILCS 135/15
- 8 225 ILCS 135/20
- 9 225 ILCS 135/25
- 10 225 ILCS 135/30
- 11 225 ILCS 135/40
- 12 225 ILCS 135/45
- 13 225 ILCS 135/50
- 14 225 ILCS 135/55
- 15 225 ILCS 135/60
- 16 225 ILCS 135/65
- 17 225 ILCS 135/73
- 18 225 ILCS 135/80
- 19 225 ILCS 135/85
- 20 225 ILCS 135/95
- 21 225 ILCS 135/100
- 22 225 ILCS 135/105
- 23 225 ILCS 135/110
- 24 225 ILCS 135/115
- 25 225 ILCS 135/135

HB4282

- 38 -

LRB103 35607 SPS 65680 b

- 1 225 ILCS 135/140
- 2 225 ILCS 135/155
- 3 225 ILCS 135/180