



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5529

Introduced 2/9/2024, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

225 ILCS 20/3	from Ch. 111, par. 6353
225 ILCS 20/4	from Ch. 111, par. 6354
225 ILCS 20/4.5 new	
225 ILCS 20/6	from Ch. 111, par. 6356
225 ILCS 20/8.2	
225 ILCS 20/10	from Ch. 111, par. 6360
225 ILCS 20/10.5	
225 ILCS 20/11	from Ch. 111, par. 6361
225 ILCS 20/12.5	
225 ILCS 20/14	from Ch. 111, par. 6364
225 ILCS 20/17	from Ch. 111, par. 6367
225 ILCS 20/19	from Ch. 111, par. 6369
225 ILCS 20/20	from Ch. 111, par. 6370
225 ILCS 20/21	from Ch. 111, par. 6371
225 ILCS 20/28	from Ch. 111, par. 6378
225 ILCS 20/30	from Ch. 111, par. 6380
225 ILCS 20/31	from Ch. 111, par. 6381
225 ILCS 20/32	from Ch. 111, par. 6382
745 ILCS 49/70	

Amends the Clinical Social Work and Social Work Practice Act and the Good Samaritan Act. Provides that a licensed clinical social worker or licensed social worker may possess and administer opioid antagonists. Makes conforming changes. Provides that if a person employs a licensed clinical social worker or licensed social worker and the licensed clinical social worker or licensed social worker possess an opioid antagonist in a professional capacity, then the person must provide training in the administration of opioid antagonists and establish a policy to control the acquisition, storage, transportation, and administration of opioid antagonists. Makes other changes.

LRB103 37645 RTM 67772 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 1. The Clinical Social Work and Social Work
5 Practice Act is amended by changing Sections 3, 4, 6, 8.2, 10,
6 10.5, 11, 12.5, 14, 17, 19, 20, 21, 28, 30, 31, and 32 and by
7 adding Section 4.5 as follows:

8 (225 ILCS 20/3) (from Ch. 111, par. 6353)

9 (Section scheduled to be repealed on January 1, 2028)

10 Sec. 3. Definitions. The following words and phrases shall
11 have the meanings ascribed to them in this Section unless the
12 context clearly indicates otherwise:

13 1. "Department" means the Department of Financial and
14 Professional Regulation.

15 2. "Secretary" means the Secretary of Financial and
16 Professional Regulation.

17 3. "Board" means the Social Work Examining and
18 Disciplinary Board.

19 4. "Licensed Clinical Social Worker" means a person who
20 holds a license authorizing the independent practice of
21 clinical social work in Illinois under the auspices of an
22 employer or in private practice or under the auspices of
23 public human service agencies or private, nonprofit agencies

1 providing publicly sponsored human services.

2 5. "Clinical social work practice" means the providing of
3 mental health services for the evaluation, treatment, and
4 prevention of mental and emotional disorders in individuals,
5 families, and groups based on knowledge and theory of
6 professionally accepted theoretical structures, including, but
7 not limited to, psychosocial development, behavior,
8 psychopathology, unconscious motivation, interpersonal
9 relationships, and environmental stress.

10 6. "Treatment procedures" means among other things,
11 individual, marital, family, and group psychotherapy.

12 7. "Independent practice of clinical social work" means
13 the application of clinical social work knowledge and skills
14 by a licensed clinical social worker who regulates and the
15 licensed clinical social worker is responsible for the
16 licensed clinical social worker's ~~her or his~~ own practice or
17 treatment procedures.

18 8. "License" means that which is required to practice
19 clinical social work or social work under this Act, the
20 qualifications for which include specific education,
21 acceptable experience, and examination requirements.

22 9. "Licensed social worker" means a person who holds a
23 license authorizing the practice of social work, which
24 includes social services to individuals, groups or communities
25 in any one or more of the fields of social casework, social
26 group work, community organization for social welfare, social

1 work research, social welfare administration, or social work
2 education. Social casework and social group work may also
3 include clinical social work, as long as it is not conducted in
4 an independent practice, as defined in this Section.

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

9 11. "Email address of record" means the designated email
10 address recorded by the Department in the applicant's
11 application file or the licensee's license file, as maintained
12 by the Department's licensure maintenance unit.

13 (Source: P.A. 100-201, eff. 8-18-17; 100-414, eff. 8-25-17.)

14 (225 ILCS 20/4) (from Ch. 111, par. 6354)

15 (Section scheduled to be repealed on January 1, 2028)

16 Sec. 4. Exemptions.

17 1. This Act does not prohibit any of the following:

18 (a) Any persons legally regulated in this State under
19 any other Act from engaging in the practice for which they
20 are authorized, provided that they do not represent
21 themselves by any title as being engaged in the
22 independent practice of clinical social work or the
23 practice of social work as defined in this Act, nor does it
24 prohibit the practice of nonregulated professions whose
25 practitioners are engaged in the delivery of human

1 services, provided such practitioners do not represent
2 themselves as or use the title of clinical social worker
3 or social worker.

4 (b) The practice of clinical social work or social
5 work by a person who is employed by the United States
6 government or by the State of Illinois, unit of local
7 government or any bureau, division or agency thereof while
8 in the discharge of the employee's official duties.
9 Clinical social workers employed by the State of Illinois
10 who are hired after the effective date of this amendatory
11 Act of 1994 shall hold a valid license, issued by this
12 State, to practice as a licensed clinical social worker,
13 except for those clinical social workers employed by the
14 State who obtain their positions through promotion.

15 (c) The practice of a student pursuing a course of
16 professional education under the terms of this Act, if
17 these activities and services constitute a part of such
18 student's supervised course of study.

19 (d) A person from practicing social work if the person
20 is obtaining experience for licensure as a clinical social
21 worker or social worker, provided the person is designated
22 by a title that clearly indicates training status.

23 (e) A person, who is not a resident of this State, from
24 performing social work via telehealth in this State for a
25 nonresident of this State for not more than 5 days in any
26 one month or more than 15 days in any one calendar year,

1 had a previous established therapeutic relationship with
2 the nonresident, and the person is authorized to perform
3 such services under the laws of the state or country in
4 which the person resides.

5 (f) A person, who is not a resident of this State, from
6 performing social work via telehealth in this State for a
7 nonresident of this State currently attending a university
8 or college in this State, had a previous established
9 therapeutic relationship with the nonresident, and the
10 person is authorized to perform such services under the
11 laws of the state or country in which the person resides.

12 2. Nothing in this Act shall be construed to apply to any
13 person engaged in the bona fide practice of religious ministry
14 provided the person does not claim ~~hold himself out~~ to be
15 engaged in the independent practice of clinical social work or
16 the practice of social work.

17 3. This Act does not prohibit a person serving as a
18 volunteer so long as no representation prohibited by this
19 Section is made.

20 4. Nothing contained in this Act shall be construed to
21 require any hospital, clinic, home health agency, hospice, or
22 other entity which provides health care to employ or to
23 contract with a licensed clinical social worker to provide
24 clinical social work practice or the independent practice of
25 clinical social work as described in this Act.

26 (Source: P.A. 102-785, eff. 1-1-23.)

1 (225 ILCS 20/4.5 new)

2 Sec. 4.5. Opioid antagonists.

3 (a) A licensed clinical social worker or licensed social
4 worker may possess and administer opioid antagonists in the
5 licensed clinical social worker's or licensed social worker's
6 professional capacity.

7 (b) If a person employs a licensed clinical social worker
8 or licensed social worker and the licensed clinical social
9 worker or licensed social worker possess an opioid antagonist
10 in a professional capacity, then the employer must:

11 (1) provide training in the administration of opioid
12 antagonists; and

13 (2) establish a policy to control the acquisition,
14 storage, transportation, and administration of opioid
15 antagonists.

16 (225 ILCS 20/6) (from Ch. 111, par. 6356)

17 (Section scheduled to be repealed on January 1, 2028)

18 Sec. 6. Social Work Examining and Disciplinary Board.

19 (1) The Secretary shall appoint a Social Work Examining
20 and Disciplinary Board consisting of 9 persons who shall serve
21 in an advisory capacity to the Secretary. The Board shall be
22 composed of 6 licensed clinical social workers, one of whom
23 shall be employed in a public human service agency, one of whom
24 shall be a certified school social worker, one of whom shall be

1 employed in the private not-for-profit sector and one of whom
2 shall serve as the chairperson, 2 licensed social workers, and
3 one member of the public who is not regulated under this Act or
4 a similar Act and who clearly represents consumer interests.

5 (2) Members shall serve for a term of 4 years each, except
6 that any person chosen to fill a vacancy shall be appointed
7 only for the unexpired term of the Board member whom the person
8 ~~he or she~~ shall succeed. Upon the expiration of this term of
9 office, a Board member shall continue to serve until a
10 successor is appointed and qualified. No member shall serve
11 more than 2 consecutive 4-year terms.

12 (3) The membership of the Board should represent racial
13 and cultural diversity and reasonably reflect representation
14 from different geographic areas of Illinois.

15 (4) The Secretary may terminate the appointment of any
16 member for cause.

17 (5) The Secretary may consider the recommendation of the
18 Board on all matters and questions relating to this Act, such
19 as: (i) matters relating to continuing education, including
20 the number of hours necessary for license renewal, waivers for
21 those unable to meet such requirements, and acceptable course
22 content and (ii) rules for administration of this Act.

23 (6) (Blank).

24 (7) (Blank).

25 (8) The Board shall annually elect one of its members as
26 chairperson and one as vice chairperson.

1 (9) Members of the Board shall be reimbursed for all
2 legitimate, necessary, and authorized expenses.

3 (10) A majority of the Board members currently appointed
4 shall constitute a quorum. A vacancy in the membership of the
5 Board shall not impair the right of a quorum to perform all of
6 the duties of the Board.

7 (11) Members of the Board shall have no liability in an
8 action based upon a disciplinary proceeding or other activity
9 performed in good faith as a member of the Board.

10 (Source: P.A. 100-414, eff. 8-25-17.)

11 (225 ILCS 20/8.2)

12 (Section scheduled to be repealed on January 1, 2028)

13 Sec. 8.2. Examination alternative.

14 (a) An applicant who, on or after January 1, 2019 ~~the~~
15 ~~effective date of this amendatory Act of the 103rd General~~
16 ~~Assembly or within 5 years before the effective date of this~~
17 ~~amendatory Act of the 103rd General Assembly~~, has taken but
18 has not successfully completed an examination to ascertain the
19 qualifications and fitness of candidates for a license to
20 engage in the independent practice of clinical social work may
21 use an examination alternative to allow the Department to
22 ascertain the qualifications and fitness of candidates for a
23 license to engage in the independent practice of clinical
24 social work.

25 (b) The examination alternative shall consist of at least

1 3,000 hours of supervised professional experience that is
2 obtained ~~within the 10 calendar years immediately preceding~~
3 ~~the date of application and~~ after the degree is obtained and
4 between the time period starting 10 years before the date of
5 application and ending 3 years after the date of application
6 as established by rule. If no supervision by a licensed
7 clinical social worker is available, then supervised
8 professional experience may include supervision by other
9 appropriate disciplines as defined by rule.

10 (c) The examination alternative supervised professional
11 experience shall be in addition to any other supervised
12 clinical professional experience required for licensure.

13 (d) Beginning January 1, 2026, an applicant acquiring the
14 examination alternative supervised professional experience
15 must be a licensed social worker or licensed in this State for
16 the practice of school social work prior to acquiring the
17 supervised professional experience.

18 (Source: P.A. 103-433, eff. 1-1-24.)

19 (225 ILCS 20/10) (from Ch. 111, par. 6360)

20 (Section scheduled to be repealed on January 1, 2028)

21 Sec. 10. License restrictions and limitations.

22 (a) No person shall, without a currently valid license as
23 a social worker issued by the Department: (i) in any manner
24 claim to be ~~hold himself or herself out~~ to the public as a
25 social worker under this Act; (ii) use the title "social

1 worker" or "licensed social worker"; or (iii) offer to render
2 social work services if the words "social work" or "licensed
3 social worker" are used to describe the person offering to
4 render or rendering the services or to describe the services
5 rendered or offered to be rendered.

6 (b) No person shall, without a currently valid license as
7 a clinical social worker issued by the Department: (i) in any
8 manner claim to be ~~hold himself or herself out~~ to the public as
9 a clinical social worker or licensed clinical social worker
10 under this Act; (ii) use the title "clinical social worker" or
11 "licensed clinical social worker"; or (iii) offer to render
12 clinical social work services if the words "licensed clinical
13 social worker" or "clinical social work" are used to describe
14 the person to render or rendering the services or to describe
15 the services rendered or offered to be rendered.

16 (c) Licensed social workers may not engage in independent
17 practice of clinical social work without a clinical social
18 worker license. In independent practice, a licensed social
19 worker shall practice at all times under the order, control,
20 and full professional responsibility of a licensed clinical
21 social worker, a licensed clinical psychologist, a licensed
22 clinical professional counselor, a licensed marriage and
23 family therapist, or a psychiatrist, as defined in Section
24 1-121 of the Mental Health and Developmental Disabilities
25 Code.

26 (d) No business organization shall provide, attempt to

1 provide, or offer to provide social work or clinical social
2 work services unless every member, shareholder, partner,
3 director, officer, holder of any other ownership interest, and
4 employee who renders social work or clinical social work
5 services holds a currently valid license issued under this
6 Act. No business shall be created that (1) has a stated purpose
7 that includes social work or clinical social work, or (2)
8 provides, attempts to provide, or offers to provide social
9 work or clinical social work services unless it is organized
10 under the Professional Service Corporation Act, the Medical
11 Corporation Act, or the Professional Limited Liability Company
12 Act.

13 (e) Nothing in this Act shall preclude individuals
14 licensed under this Act from practicing directly or indirectly
15 for a physician licensed to practice medicine in all its
16 branches under the Medical Practice Act of 1987 or for any
17 legal entity as provided under subsection (c) of Section 22.2
18 of the Medical Practice Act of 1987.

19 (f) Nothing in this Act shall preclude individuals
20 licensed under this Act from practicing directly or indirectly
21 for any hospital licensed under the Hospital Licensing Act or
22 any hospital affiliate as defined in Section 10.8 of the
23 Hospital Licensing Act and any hospital authorized under the
24 University of Illinois Hospital Act.

25 (Source: P.A. 99-227, eff. 8-3-15; 100-414, eff. 8-25-17.)

1 (225 ILCS 20/10.5)

2 (Section scheduled to be repealed on January 1, 2028)

3 Sec. 10.5. Unlicensed practice; violation; civil penalty.

4 (a) Any person who practices, offers to practice, attempts
5 to practice, or claims ~~holds himself or herself out~~ to
6 practice as a clinical social worker or social worker without
7 being licensed or exempt under this Act shall, in addition to
8 any other penalty provided by law, pay a civil penalty to the
9 Department in an amount not to exceed \$10,000 for each
10 offense, as determined by the Department. The civil penalty
11 shall be assessed by the Department after a hearing is held in
12 accordance with the provisions set forth in this Act regarding
13 the provision of a hearing for the discipline of a licensee.

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

16 (c) The civil penalty shall be paid within 60 days after
17 the effective date of the order imposing the civil penalty.
18 The order shall constitute a judgment and may be filed and
19 execution had thereon in the same manner as any judgment from
20 any court of record.

21 (Source: P.A. 95-687, eff. 10-23-07.)

22 (225 ILCS 20/11) (from Ch. 111, par. 6361)

23 (Section scheduled to be repealed on January 1, 2028)

24 Sec. 11. Licenses; renewal; restoration; person in
25 military service; inactive status.

1 (a) The expiration date and renewal period for each
2 license issued under this Act shall be set by rule. The
3 licensee may renew a license during the 60-day period
4 preceding its expiration date by paying the required fee and
5 by demonstrating compliance with any continuing education
6 requirements. The Department shall adopt rules establishing
7 minimum requirements of continuing education and means for
8 verification of the completion of the continuing education
9 requirements. The Department may, by rule, specify
10 circumstances under which the continuing education
11 requirements may be waived.

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

20 (b-5) If the person has not maintained an active practice
21 in another jurisdiction which is satisfactory to the
22 Department, the Department shall determine the person's
23 fitness to resume active status. The Department may also
24 require the person to complete a specific period of evaluated
25 clinical social work or social work experience and may require
26 successful completion of an examination for clinical social

1 workers.

2 (b-7) Notwithstanding any other provision of this Act, any
3 person whose license expired while on active duty with the
4 armed forces of the United States, while called into service
5 or training with the State Militia or in training or education
6 under the supervision of the United States government prior to
7 induction into the military service may have the person's ~~his~~
8 ~~or her~~ license restored without paying any renewal fees if,
9 within 2 years after the honorable termination of that
10 service, training or education, except under conditions other
11 than honorable, the Department is furnished with satisfactory
12 evidence that the person has been so engaged and that the
13 service, training or education has been so terminated.

14 (c) A license to practice shall not be denied any
15 applicant because of the applicant's race, religion, creed,
16 national origin, political beliefs or activities, age, sex,
17 sexual orientation, or physical impairment.

18 (d) (Blank).

19 (e) (Blank).

20 (f) (Blank).

21 (g) The Department shall indicate on each license the
22 academic degree of the licensee.

23 (h) Notwithstanding any other provision of law, the
24 following requirements for restoration of an inactive or
25 expired license of 5 years or less as set forth in subsections
26 (b) and (b-5) are suspended for any licensed clinical social

1 worker who has had no disciplinary action taken against the
2 licensed clinical social worker's ~~his or her~~ license in this
3 State or in any other jurisdiction during the entire period of
4 licensure: proof of fitness, certification of active practice
5 in another jurisdiction, and the payment of a fee or renewal
6 fee. An individual may not restore the individual's ~~his or her~~
7 license in accordance with this subsection more than once.

8 (Source: P.A. 102-326, eff. 1-1-22; 102-1053, eff. 6-10-22.)

9 (225 ILCS 20/12.5)

10 (Section scheduled to be repealed on January 1, 2028)

11 Sec. 12.5. Endorsement. The Department may issue a license
12 as a clinical social worker or as a social worker, without the
13 required examination, to an applicant licensed under the laws
14 of another jurisdiction if the requirements for licensure in
15 that jurisdiction are, on the date of licensure, substantially
16 equivalent to the requirements of this Act or to any person
17 who, at the time of the person's ~~his or her~~ licensure,
18 possessed individual qualifications that were substantially
19 equivalent to the requirements then in force in this State. An
20 applicant under this Section shall pay the required fees.

21 An individual applying for licensure as a clinical social
22 worker who has been licensed at the independent level in
23 another United States jurisdiction for 5 consecutive years
24 without discipline is not required to submit proof of
25 completion of the education and supervised clinical

1 professional experience required in paragraph (3) of Section
2 9. Individuals with 5 consecutive years of experience must
3 submit certified verification of licensure from the
4 jurisdiction in which the applicant practiced and must comply
5 with all other licensing requirements and pay all required
6 fees.

7 If the accuracy of any submitted documentation or the
8 relevance or sufficiency of the course work or experience is
9 questioned by the Department or the Board because of a lack of
10 information, discrepancies or conflicts in information given,
11 or a need for clarification, the applicant seeking licensure
12 may be required to provide additional information.

13 An applicant has 3 years from the date of application to
14 complete the application process. If the process has not been
15 completed within 3 years, the application shall be denied, the
16 fee shall be forfeited, and the applicant must reapply and
17 meet the requirements in effect at the time of reapplication.

18 (Source: P.A. 102-1053, eff. 6-10-22.)

19 (225 ILCS 20/14) (from Ch. 111, par. 6364)

20 (Section scheduled to be repealed on January 1, 2028)

21 Sec. 14. Checks or order to Department dishonored because
22 of insufficient funds. Any person who delivers a check or
23 other payment to the Department that is returned to the
24 Department unpaid by the financial institution upon which it
25 is drawn shall pay to the Department, in addition to the amount

1 already owed to the Department, a fine of \$50. The fines
2 imposed by this Section are in addition to any other
3 discipline provided under this Act for unlicensed practice or
4 practice on a nonrenewed license. The Department shall notify
5 the person that payment of fees and fines shall be paid to the
6 Department by certified check or money order within 30
7 calendar days of the notification. If, after the expiration of
8 30 days from the date of the notification, the person has
9 failed to submit the necessary remittance, the Department
10 shall automatically terminate the license or deny the
11 application, without hearing. If, after termination or denial,
12 the person seeks a license, then the person ~~he or she~~ shall
13 apply to the Department for restoration or issuance of the
14 license and pay all fees and fines due to the Department. The
15 Department may establish a fee for the processing of an
16 application for restoration of a license to pay all expenses
17 of processing this application. The Secretary may waive the
18 fines due under this Section in individual cases where the
19 Secretary finds that the fines would be unreasonable or
20 unnecessarily burdensome.

21 (Source: P.A. 100-414, eff. 8-25-17.)

22 (225 ILCS 20/17) (from Ch. 111, par. 6367)

23 (Section scheduled to be repealed on January 1, 2028)

24 Sec. 17. Advertising.

25 (A) Persons licensed under this Act may advertise the

1 availability of their professional services as permitted by
2 law, provided that such advertising is true and not
3 misleading. Representing that social work services or clinical
4 social work services are used or made available by individuals
5 who are not licensed under the provisions of this Act is deemed
6 to be false and misleading and is subject to the provisions of
7 Section 35 of this Act.

8 (B) A licensee shall include in every advertisement for
9 services regulated under this Act the licensee's ~~his or her~~
10 title as it appears on the license or the initials authorized
11 under this Act.

12 (Source: P.A. 91-310, eff. 1-1-00.)

13 (225 ILCS 20/19) (from Ch. 111, par. 6369)

14 (Section scheduled to be repealed on January 1, 2028)

15 Sec. 19. Grounds for disciplinary action.

16 (1) The Department may refuse to issue or renew a license,
17 or may suspend, revoke, place on probation, reprimand, or take
18 any other disciplinary or non-disciplinary action deemed
19 appropriate by the Department, including the imposition of
20 fines not to exceed \$10,000 for each violation, with regard to
21 any license issued under the provisions of this Act for any one
22 or a combination of the following grounds:

23 (a) material misstatements in furnishing information
24 to the Department or to any other State agency or in
25 furnishing information to any insurance company with

1 respect to a claim on behalf of a licensee or a patient;

2 (b) violations or negligent or intentional disregard
3 of this Act, or any of the rules promulgated hereunder;

4 (c) conviction of or entry of a plea of guilty or nolo
5 contendere, finding of guilt, jury verdict, or entry of
6 judgment or sentencing, including, but not limited to,
7 convictions, preceding sentences of supervision,
8 conditional discharge, or first offender probation, under

9 the laws of any jurisdiction of the United States that is
10 (i) a felony or (ii) a misdemeanor, an essential element
11 of which is dishonesty, or that is directly related to the
12 practice of the clinical social work or social work
13 professions;

14 (d) fraud or misrepresentation in applying for or
15 procuring a license under this Act or in connection with
16 applying for renewal or restoration of a license under
17 this Act;

18 (e) professional incompetence;

19 (f) gross negligence in practice under this Act;

20 (g) aiding or assisting another person in violating
21 any provision of this Act or its rules;

22 (h) failing to provide information within 60 days in
23 response to a written request made by the Department;

24 (i) engaging in dishonorable, unethical or
25 unprofessional conduct of a character likely to deceive,
26 defraud or harm the public as defined by the rules of the

1 Department, or violating the rules of professional conduct
2 adopted by the Department;

3 (j) habitual or excessive use or abuse of drugs
4 defined in law as controlled substances, of alcohol, or of
5 any other substances that results in the inability to
6 practice with reasonable judgment, skill, or safety;

7 (k) adverse action taken by another state or
8 jurisdiction, if at least one of the grounds for the
9 discipline is the same or substantially equivalent to
10 those set forth in this Section;

11 (l) directly or indirectly giving to or receiving from
12 any person, firm, corporation, partnership, or association
13 any fee, commission, rebate or other form of compensation
14 for any professional service not actually rendered.
15 Nothing in this paragraph (l) affects any bona fide
16 independent contractor or employment arrangements among
17 health care professionals, health facilities, health care
18 providers, or other entities, except as otherwise
19 prohibited by law. Any employment arrangements may include
20 provisions for compensation, health insurance, pension, or
21 other employment benefits for the provision of services
22 within the scope of the licensee's practice under this
23 Act. Nothing in this paragraph (l) shall be construed to
24 require an employment arrangement to receive professional
25 fees for services rendered;

26 (m) a finding by the Department that the licensee,

1 after having the license placed on probationary status,
2 has violated the terms of probation or failed to comply
3 with such terms;

4 (n) abandonment, without cause, of a client;

5 (o) willfully making or filing false records or
6 reports relating to a licensee's practice, including, but
7 not limited to, false records filed with Federal or State
8 agencies or departments;

9 (p) willfully failing to report an instance of
10 suspected child abuse or neglect as required by the Abused
11 and Neglected Child Reporting Act;

12 (q) being named as a perpetrator in an indicated
13 report by the Department of Children and Family Services
14 under the Abused and Neglected Child Reporting Act, and
15 upon proof by clear and convincing evidence that the
16 licensee has caused a child to be an abused child or
17 neglected child as defined in the Abused and Neglected
18 Child Reporting Act;

19 (r) physical illness, mental illness, or any other
20 impairment or disability, including, but not limited to,
21 deterioration through the aging process, or loss of motor
22 skills that results in the inability to practice the
23 profession with reasonable judgment, skill or safety;

24 (s) solicitation of professional services by using
25 false or misleading advertising;

26 (t) violation of the Health Care Worker Self-Referral

1 Act;

2 (u) willfully failing to report an instance of
3 suspected abuse, neglect, financial exploitation, or
4 self-neglect of an eligible adult as defined in and
5 required by the Adult Protective Services Act; or

6 (v) being named as an abuser in a verified report by
7 the Department on Aging under the Adult Protective
8 Services Act, and upon proof by clear and convincing
9 evidence that the licensee abused, neglected, or
10 financially exploited an eligible adult as defined in the
11 Adult Protective Services Act.

12 (2) (Blank).

13 (3) The determination by a court that a licensee is
14 subject to involuntary admission or judicial admission as
15 provided in the Mental Health and Developmental Disabilities
16 Code, will result in an automatic suspension of the licensee's
17 ~~his~~ license. Such suspension will end upon a finding by a court
18 that the licensee is no longer subject to involuntary
19 admission or judicial admission and issues an order so finding
20 and discharging the patient, and upon the recommendation of
21 the Board to the Secretary that the licensee be allowed to
22 resume professional practice.

23 (4) The Department shall refuse to issue or renew or may
24 suspend the license of a person who (i) fails to file a return,
25 pay the tax, penalty, or interest shown in a filed return, or
26 pay any final assessment of tax, penalty, or interest, as

1 required by any tax Act administered by the Department of
2 Revenue, until the requirements of the tax Act are satisfied
3 or (ii) has failed to pay any court-ordered child support as
4 determined by a court order or by referral from the Department
5 of Healthcare and Family Services.

6 (4.5) The Department shall not revoke, suspend, summarily
7 suspend, place on prohibition, reprimand, refuse to issue or
8 renew, or take any other disciplinary or non-disciplinary
9 action against a license or permit issued under this Act based
10 solely upon the licensed clinical social worker authorizing,
11 recommending, aiding, assisting, referring for, or otherwise
12 participating in any health care service, so long as the care
13 was not unlawful under the laws of this State, regardless of
14 whether the patient was a resident of this State or another
15 state.

16 (4.10) The Department shall not revoke, suspend, summarily
17 suspend, place on prohibition, reprimand, refuse to issue or
18 renew, or take any other disciplinary or non-disciplinary
19 action against the license or permit issued under this Act to
20 practice as a licensed clinical social worker based upon the
21 licensed clinical social worker's license being revoked or
22 suspended, or the licensed clinical social worker being
23 otherwise disciplined by any other state, if that revocation,
24 suspension, or other form of discipline was based solely on
25 the licensed clinical social worker violating another state's
26 laws prohibiting the provision of, authorization of,

1 recommendation of, aiding or assisting in, referring for, or
2 participation in any health care service if that health care
3 service as provided would not have been unlawful under the
4 laws of this State and is consistent with the standards of
5 conduct for a licensed clinical social worker practicing in
6 Illinois.

7 (4.15) The conduct specified in subsections (4.5) and
8 (4.10) shall not constitute grounds for suspension under
9 Section 32.

10 (4.20) An applicant seeking licensure, certification, or
11 authorization pursuant to this Act who has been subject to
12 disciplinary action by a duly authorized professional
13 disciplinary agency of another jurisdiction solely on the
14 basis of having authorized, recommended, aided, assisted,
15 referred for, or otherwise participated in health care shall
16 not be denied such licensure, certification, or authorization,
17 unless the Department determines that such action would have
18 constituted professional misconduct in this State; however,
19 nothing in this Section shall be construed as prohibiting the
20 Department from evaluating the conduct of such applicant and
21 making a determination regarding the licensure, certification,
22 or authorization to practice a profession under this Act.

23 (5) (a) In enforcing this Section, the Department or Board,
24 upon a showing of a possible violation, may compel a person
25 licensed to practice under this Act, or who has applied for
26 licensure under this Act, to submit to a mental or physical

1 examination, or both, which may include a substance abuse or
2 sexual offender evaluation, as required by and at the expense
3 of the Department.

4 (b) The Department shall specifically designate the
5 examining physician licensed to practice medicine in all of
6 its branches or, if applicable, the multidisciplinary team
7 involved in providing the mental or physical examination or
8 both. The multidisciplinary team shall be led by a physician
9 licensed to practice medicine in all of its branches and may
10 consist of one or more or a combination of physicians licensed
11 to practice medicine in all of its branches, licensed clinical
12 psychologists, licensed clinical social workers, licensed
13 clinical professional counselors, and other professional and
14 administrative staff. Any examining physician or member of the
15 multidisciplinary team may require any person ordered to
16 submit to an examination pursuant to this Section to submit to
17 any additional supplemental testing deemed necessary to
18 complete any examination or evaluation process, including, but
19 not limited to, blood testing, urinalysis, psychological
20 testing, or neuropsychological testing.

21 (c) The Board or the Department may order the examining
22 physician or any member of the multidisciplinary team to
23 present testimony concerning this mental or physical
24 examination of the licensee or applicant. No information,
25 report, record, or other documents in any way related to the
26 examination shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the
2 licensee or applicant and the examining physician or any
3 member of the multidisciplinary team. No authorization is
4 necessary from the licensee or applicant ordered to undergo an
5 examination for the examining physician or any member of the
6 multidisciplinary team to provide information, reports,
7 records, or other documents or to provide any testimony
8 regarding the examination and evaluation.

9 (d) The person to be examined may have, at the person's ~~his~~
10 ~~or her~~ own expense, another physician of the person's ~~his or~~
11 ~~her~~ choice present during all aspects of the examination.
12 However, that physician shall be present only to observe and
13 may not interfere in any way with the examination.

14 (e) Failure of any person to submit to a mental or physical
15 examination without reasonable cause, when ordered, shall
16 result in an automatic suspension of the person's ~~his or her~~
17 license until the person submits to the examination.

18 (f) If the Department or Board finds a person unable to
19 practice because of the reasons set forth in this Section, the
20 Department or Board may require that person to submit to care,
21 counseling, or treatment by physicians approved or designated
22 by the Department or Board, as a condition, term, or
23 restriction for continued, reinstated, or renewed licensure to
24 practice; or, in lieu of care, counseling or treatment, the
25 Department may file, or the Board may recommend to the
26 Department to file, a complaint to immediately suspend,

1 revoke, or otherwise discipline the license of the person. Any
2 person whose license was granted, continued, reinstated,
3 renewed, disciplined or supervised subject to such terms,
4 conditions or restrictions, and who fails to comply with such
5 terms, conditions, or restrictions, shall be referred to the
6 Secretary for a determination as to whether the person's
7 license shall be ~~person shall have his or her license~~
8 suspended immediately, pending a hearing by the Department.

9 (g) All fines imposed shall be paid within 60 days after
10 the effective date of the order imposing the fine or in
11 accordance with the terms set forth in the order imposing the
12 fine.

13 In instances in which the Secretary immediately suspends a
14 person's license under this Section, a hearing on that
15 person's license must be convened by the Department within 30
16 days after the suspension and completed without appreciable
17 delay. The Department and Board shall have the authority to
18 review the subject person's record of treatment and counseling
19 regarding the impairment, to the extent permitted by
20 applicable federal statutes and regulations safeguarding the
21 confidentiality of medical records.

22 A person licensed under this Act and affected under this
23 Section shall be afforded an opportunity to demonstrate to the
24 Department or Board that the person ~~he or she~~ can resume
25 practice in compliance with acceptable and prevailing
26 standards under the provisions of the person's ~~his or her~~

1 license.

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

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

6 (225 ILCS 20/20) (from Ch. 111, par. 6370)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 20. Violations - Injunction - Cease and desist order.

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

21 2. If any person claims to be ~~shall hold herself or himself~~
22 ~~out as~~ a licensed clinical social worker or licensed social
23 worker and is not licensed under this Act, then any licensed
24 clinical social worker, licensed social worker, interested
25 party or any person injured thereby may petition for relief as

1 provided in subsection (1) of this Section.

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

11 (Source: P.A. 95-687, eff. 10-23-07.)

12 (225 ILCS 20/21) (from Ch. 111, par. 6371)

13 (Section scheduled to be repealed on January 1, 2028)

14 Sec. 21. Investigations; notice and hearing.

15 (a) The Department may investigate the actions of any
16 applicant or of any person holding or claiming to hold a
17 license under this Act.

18 (b) The Department shall, before disciplining an applicant
19 or licensee, at least 30 days prior to the date set for the
20 hearing: (i) notify, in writing, the accused of the charges
21 made and the time and place for the hearing on the charges,
22 (ii) direct the applicant or licensee ~~him or her~~ to file a
23 written answer to the charges under oath within 20 days after
24 the service of the notice, and (iii) inform the applicant or
25 licensee that failure to file an answer will result in a

1 default being entered against the applicant or licensee.

2 (c) Written or electronic notice of the hearing ~~7~~ and any
3 notice in a ~~the~~ subsequent proceeding~~7~~ may be served by
4 personal delivery, ~~by~~ email to the applicant's or licensee's
5 email address of record, or ~~by~~ mail to the applicant's or
6 licensee's address of record. ~~applicant or licensee at his or~~
7 ~~her address of record or email address of record.~~

8 (d) At the time and place fixed in the notice, the Board or
9 hearing officer appointed by the Secretary shall proceed to
10 hear the charges and the parties or their counsel shall be
11 accorded ample opportunity to present any statements,
12 testimony, evidence and argument as may be pertinent to the
13 charges or to their defense. The Board or hearing officer may
14 continue the hearing from time to time.

15 (e) In case the person, after receiving the notice, fails
16 to file an answer, the person's ~~his or her~~ license may, in the
17 discretion of the Secretary, having first received the
18 recommendation of the Board, be suspended, revoked, or placed
19 on probationary status, or be subject to whatever disciplinary
20 action the Secretary considers proper, including limiting the
21 scope, nature, or extent of the person's practice or the
22 imposition of a fine, without hearing, if the act or acts
23 charged constitute sufficient grounds for that action under
24 this Act.

25 (Source: P.A. 100-414, eff. 8-25-17.)

1 (225 ILCS 20/28) (from Ch. 111, par. 6378)

2 (Section scheduled to be repealed on January 1, 2028)

3 Sec. 28. Appointment of a hearing officer. Notwithstanding
4 any other provision of this Act, the Secretary has the
5 authority to appoint any attorney duly licensed to practice
6 law in the State of Illinois to serve as the hearing officer in
7 any action for refusal to issue or renew a license or to
8 discipline a licensee. The hearing officer shall have full
9 authority to conduct the hearing. The hearing officer shall
10 report ~~his or her~~ findings of fact, conclusions of law, and
11 recommendations to the Board and to the Secretary.

12 (Source: P.A. 100-414, eff. 8-25-17.)

13 (225 ILCS 20/30) (from Ch. 111, par. 6380)

14 (Section scheduled to be repealed on January 1, 2028)

15 Sec. 30. Restoration. At any time after the successful
16 completion of a term of probation, suspension, or revocation
17 of any license, the Department may restore the license to the
18 licensee upon the written recommendation of the Board unless
19 after an investigation and hearing the Board or Department
20 determines that restoration is not in the public interest.
21 Where circumstances of suspension or revocation so indicate,
22 the Department may require an examination of the licensee
23 prior to restoring the licensee's ~~his or her~~ license. No
24 person whose license has been revoked as authorized in this
25 Act may apply for restoration of that license or permit until

1 such time as provided for in the Civil Administrative Code of
2 Illinois.

3 (Source: P.A. 100-414, eff. 8-25-17.)

4 (225 ILCS 20/31) (from Ch. 111, par. 6381)

5 (Section scheduled to be repealed on January 1, 2028)

6 Sec. 31. Surrender of license. Upon the revocation or
7 suspension of any license, the licensee shall immediately
8 surrender the licensee's ~~his or her~~ license to the Department.
9 If the licensee fails to do so, the Department shall have the
10 right to seize the license.

11 (Source: P.A. 100-414, eff. 8-25-17.)

12 (225 ILCS 20/32) (from Ch. 111, par. 6382)

13 (Section scheduled to be repealed on January 1, 2028)

14 Sec. 32. Summary suspension of a license. The Secretary
15 may summarily suspend the license of a licensed clinical
16 social worker or licensed social worker without a hearing
17 simultaneously with the institution of proceedings for a
18 hearing provided for in this Act if the Secretary finds that
19 evidence in the Secretary's ~~his or her~~ possession indicates
20 that a licensee's continuation in practice would constitute an
21 imminent danger to the public. In the event the Secretary
22 summarily suspends such license without a hearing, a hearing
23 by the Board or Department shall be held within 30 calendar
24 days after the suspension has occurred.

1 (Source: P.A. 100-414, eff. 8-25-17.)

2 Section 10. The Good Samaritan Act is amended by changing
3 Section 70 as follows:

4 (745 ILCS 49/70)

5 Sec. 70. Law enforcement officers, firemen, emergency
6 medical technicians (EMTs) and first responders; exemption
7 from civil liability for emergency care. Any law enforcement
8 officer or fireman as defined in Section 2 of the Line of Duty
9 Compensation Act; τ any "emergency medical technician (EMT)"
10 as defined in Section 3.50 of the Emergency Medical Services
11 (EMS) Systems Act; any licensed clinical social worker or
12 licensed social worker as defined in Section 3 of the Clinical
13 Social Work and Social Work Practice Act; τ and any "first
14 responder" as defined in Section 3.60 of the Emergency Medical
15 Services (EMS) Systems Act, who in good faith provides
16 emergency care, including the administration of an opioid
17 antagonist as defined in Section 5-23 of the Substance Use
18 Disorder Act, without fee or compensation to any person shall
19 not, as a result of his or her acts or omissions, except
20 willful and wanton misconduct on the part of the person, in
21 providing the care, be liable to a person to whom such care is
22 provided for civil damages.

23 (Source: P.A. 99-480, eff. 9-9-15; 100-759, eff. 1-1-19.)