

1 AN ACT concerning professional regulation.

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

4 Section 5. The Professional Engineering Practice Act of  
5 1989 is amended by changing Section 24 as follows:

6 (225 ILCS 325/24) (from Ch. 111, par. 5224)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 24. Rules of professional conduct; disciplinary or  
9 administrative action.

10 (a) The Department shall adopt rules setting standards  
11 of professional conduct and establish appropriate penalty for  
12 the breach of such rules.

13 (a-1) The Department may, singularly or in combination,  
14 refuse to issue, restore, or renew a license or registration,  
15 revoke or suspend a license or registration, or place on  
16 probation, reprimand, or impose a civil penalty not to exceed  
17 \$10,000 upon any person, corporation, partnership, or  
18 professional design firm licensed or registered under this  
19 Act for any one or combination of the following:

20 (1) Material misstatement in furnishing information  
21 to the Department.

22 (2) Failure to comply with any provisions of this  
23 Act or any of its rules.

24 (3) Conviction of any crime under the laws of the  
25 United States, or any state or territory thereof, which  
26 is a felony, whether related to practice or not, or  
27 conviction of any crime, whether a felony, misdemeanor,  
28 or otherwise, an essential element of which is dishonesty  
29 or which is directly related to the practice of  
30 engineering.

31 (4) Making any misrepresentation for the purpose of

1 obtaining licensure, or in applying for restoration or  
2 renewal; or practice of any fraud or deceit in taking any  
3 examination to qualify for licensure under this Act.

4 (5) Purposefully making false statements or signing  
5 false statements, certificates, or affidavits to induce  
6 payment.

7 (6) Negligence, incompetence or misconduct in the  
8 practice of professional engineering as a licensed  
9 professional engineer or in working as an engineer  
10 intern.

11 (7) Aiding or assisting another person in violating  
12 any provision of this Act or its rules.

13 (8) Failing to provide information in response to a  
14 written request made by the Department within 30 days  
15 after receipt of such written request.

16 (9) Engaging in dishonorable, unethical or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud or harm the public.

19 (10) Habitual intoxication or addiction to the use  
20 of drugs.

21 (11) Discipline by the United States Government,  
22 another state, District of Columbia, territory, foreign  
23 nation or government agency, if at least one of the  
24 grounds for the discipline is the same or substantially  
25 equivalent to those set forth in this Act.

26 (12) Directly or indirectly giving to or receiving  
27 from any person, firm, corporation, partnership or  
28 association any fee, commission, rebate or other form of  
29 compensation for any professional services not actually  
30 or personally rendered.

31 (13) A finding by the Board that an applicant or  
32 registrant has failed to pay a fine imposed by the  
33 Department, a registrant whose license has been placed on  
34 probationary status has violated the terms of probation,

1 or a registrant has practiced on an expired, inactive,  
2 suspended, or revoked license.

3 (14) Signing, affixing the professional engineer's  
4 seal or permitting the professional engineer's seal to be  
5 affixed to any technical submissions not prepared as  
6 required by Section 14 or completely reviewed by the  
7 professional engineer or under the professional  
8 engineer's direct supervision.

9 (15) Physical illness, including but not limited to  
10 deterioration through the aging process or loss of motor  
11 skill, which results in the inability to practice the  
12 profession with reasonable judgment, skill or safety.

13 (16) The making of a statement pursuant to the  
14 Environmental Barriers Act that a plan for construction  
15 or alteration of a public facility or for construction of  
16 a multi-story housing unit is in compliance with the  
17 Environmental Barriers Act when such plan is not in  
18 compliance.

19 (17) Failing to file a return, or to pay the tax,  
20 penalty or interest shown in a filed return, or to pay  
21 any final assessment of tax, penalty or interest as  
22 required by a tax Act administered by the Illinois  
23 Department of Revenue, until such time as the  
24 requirements of any such tax Act are satisfied.

25 (a-5) In enforcing this Section, the Board upon a  
26 showing of a possible violation may compel a person licensed  
27 to practice under this Act, or who has applied for licensure  
28 or certification pursuant to this Act, to submit to a mental  
29 or physical examination, or both, as required by and at the  
30 expense of the Department. The examining physicians shall be  
31 those specifically designated by the Board. The Board or the  
32 Department may order the examining physician to present  
33 testimony concerning this mental or physical examination of  
34 the licensee or applicant. No information shall be excluded

1 by reason of any common law or statutory privilege relating  
2 to communications between the licensee or applicant and the  
3 examining physician. The person to be examined may have, at  
4 his or her own expense, another physician of his or her  
5 choice present during all aspects of the examination.  
6 Failure of any person to submit to a mental or physical  
7 examination, when directed, shall be grounds for suspension  
8 of a license until the person submits to the examination if  
9 the Board finds, after notice and hearing, that the refusal  
10 to submit to the examination was without reasonable cause.

11 If the Board finds a person unable to practice because of  
12 the reasons set forth in this Section, the Board may require  
13 that person to submit to care, counseling, or treatment by  
14 physicians approved or designated by the Board as a  
15 condition, term, or restriction for continued, reinstated, or  
16 renewed licensure to practice; or, in lieu of care,  
17 counseling, or treatment, the Board may recommend to the  
18 Department to file a complaint to immediately suspend,  
19 revoke, or otherwise discipline the license of the person.  
20 Any person whose license was granted, continued, reinstated,  
21 renewed, disciplined, or supervised subject to such terms,  
22 conditions, or restrictions and who fails to comply with such  
23 terms, conditions, or restrictions shall be referred to the  
24 Director for a determination as to whether the person shall  
25 have his or her license suspended immediately, pending a  
26 hearing by the Board.

27 (a-10) Nothing in this Act shall prevent a person, sole  
28 proprietorship, professional service corporation,  
29 corporation, limited liability company, partnership, or other  
30 entity from performing their duties. Nothing in this Act  
31 shall be deemed unethical or unprofessional because a person,  
32 sole proprietorship, professional service corporation,  
33 corporation, limited liability company, partnership, or other  
34 entity licensed under this Act is a member of or has a

1 collective bargaining agreement with a labor union whose  
2 members are performing work on the same site.

3 (b) The determination by a circuit court that a  
4 registrant is subject to involuntary admission or judicial  
5 admission as provided in the Mental Health and Developmental  
6 Disabilities Code, as now or hereafter amended, operates as  
7 an automatic suspension. Such suspension will end only upon  
8 a finding by a court that the patient is no longer subject to  
9 involuntary admission or judicial admission, the issuance of  
10 an order so finding and discharging the patient, and the  
11 recommendation of the Board to the Director that the  
12 registrant be allowed to resume practice.

13 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.