

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 1. Short title. This Act may be cited as the
5 Genetic Counselor Licensing Act.

6 Section 5. Declaration of public policy. The mapping of
7 the human genome continues to result in the rapid expansion of
8 genetic knowledge and a proliferation of testing for genetic
9 conditions. This has created a need for qualified medical
10 genetics professionals, including genetic counselors, to
11 coordinate an assessment that may include genetic testing, to
12 deliver accurate information to families, to assist the
13 families in adjusting to the implications of their diagnoses,
14 and to help ensure that genetic information is used
15 appropriately in the delivery of medical care. Therefore, the
16 practice of genetic counseling is declared to affect the public
17 health, safety, and welfare and to be subject to regulation in
18 the public interest. The purpose of the Act is to protect and
19 benefit the public by setting standards of qualifications,
20 education, training, and experience for those who seek to
21 obtain a license and hold the title of genetic counselor, to
22 promote high standards of professional performance for those
23 licensed to practice genetic counseling in the State of
24 Illinois, and to protect the public from unprofessional conduct
25 by persons licensed to practice genetic counseling.

26 Section 10. Definitions. As used in this Act:

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

28 "ABMG" means the American Board of Medical Genetics.

29 "Active candidate status" is awarded to applicants who have
30 received approval from the ABGC or ABMG to sit for their
31 respective certification examinations.

1 "Department" means the Department of Professional
2 Regulation.

3 "Director" means the Director of Professional Regulation.

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

12 "Genetic counseling" means the provision of services to
13 individuals, couples, groups, families, and organizations by
14 one or more appropriately trained individuals to address the
15 physical and psychological issues associated with the
16 occurrence or risk of occurrence or recurrence of a genetic
17 disorder, birth defect, disease, or potentially inherited or
18 genetically influenced condition in an individual or a family.
19 "Genetic counseling" includes, but is not limited to, the
20 following:

21 (A) Estimating the likelihood of occurrence or
22 recurrence of a birth defect or of any potentially
23 inherited or genetically influenced condition. This
24 assessment may involve:

25 (i) obtaining and analyzing a complete health
26 history of the person and his or her family;

27 (ii) reviewing pertinent medical records;

28 (iii) evaluating the risks from exposure to
29 possible mutagens or teratogens;

30 (iv) recommending genetic testing or other
31 evaluations to diagnose a condition or determine the
32 carrier status of one or more family members;

33 (B) Helping the individual, family, health care
34 provider, or public (i) appreciate the medical,
35 psychological and social implications of a disorder,
36 including its features, variability, usual course and

1 management options, (ii) learn how genetic factors
2 contribute to the disorder and affect the chance for
3 recurrence of the condition in other family members, (iii)
4 understand available options for coping with, preventing,
5 or reducing the chance of occurrence or recurrence of a
6 condition, (iv) select the most appropriate, accurate, and
7 cost-effective methods of diagnosis, and (v) understand
8 genetic or prenatal tests, coordinate testing for
9 inherited disorders, and interpret complex genetic test
10 results.

11 (C) Facilitating an individual's or family's (i)
12 exploration of the perception of risk and burden associated
13 with the disorder, (ii) decision-making regarding testing
14 or medical interventions consistent with their beliefs,
15 goals, needs, resources, culture, and ethical and moral
16 views, and (iii) adjustment and adaptation to the condition
17 or their genetic risk by addressing needs for
18 psychological, social, and medical support.

19 (D) Entering pertinent patient interactions into the
20 patient's medical records.

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

23 "Genetic test" is a test of a person's genes, gene
24 products, or chromosomes for abnormalities or deficiencies,
25 including carrier status, that are linked to physical or mental
26 disorders or impairments, indicate a susceptibility to
27 illness, disease, impairment, or other disorders, whether
28 physical or mental, or demonstrate genetic or chromosomal
29 damage due to environmental factors. "Genetic testing" does not
30 include routine physical measurements; chemical, blood, and
31 urine analyses that are widely accepted and in use in clinical
32 practice; tests for use of drugs; and tests for the presence of
33 the human immunodeficiency virus.

34 "Person" means an individual, association, partnership, or
35 corporation.

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

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

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

13 Section 15. Exemptions.

14 (a) This Act does not prohibit any persons legally
15 regulated in this State by any other Act from engaging in the
16 practice for which they are authorized as long as they do not
17 represent themselves by the title of "genetic counselor" or
18 "licensed genetic counselor". This Act does not prohibit the
19 practice of nonregulated professions whose practitioners are
20 engaged in the delivery of human services as long as these
21 practitioners do not represent themselves as or use the title
22 of "genetic counselor" or "licensed genetic counselor".

23 (b) Nothing in this Act shall be construed to limit the
24 activities and services of (i) a student, intern, resident, or
25 fellow in genetic counseling or genetics seeking to fulfill
26 educational requirements in order to qualify for a license
27 under this Act if these activities and services constitute a
28 part of the student's supervised course of study or (ii) an
29 individual seeking to fulfill the post-degree experience
30 requirements in order to qualify for licensing under this Act,
31 as long as the activities and services are not conducted in an
32 independent practice if the activities and services are
33 supervised by a qualified supervisor. A student, intern,
34 resident, or fellow must be designated by the title "intern",
35 "resident", "fellow", or any other designation of trainee

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

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

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

27 (e) Nothing in this Act shall be construed to limit the
28 services of a person, not licensed under the provisions of this
29 Act, in the employ of a federal, State, county, or municipal
30 agency or other political subdivision or not-for-profit
31 corporation providing human services if (i) the services are a
32 part of the duties in his or her salaried position, (ii) the
33 services are performed solely on behalf of his or her employer,
34 and (iii) that person does not in any manner represent himself
35 or herself as or use the title of "genetic counselor" or
36 "licensed genetic counselor".

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

5 (g) Nothing in this Act shall be construed to limit the
6 activities and use of the official title of "genetic counselor"
7 on the part of a person not licensed under this Act who is an
8 academic employee of a duly chartered institution of higher
9 education and who holds educational and professional
10 qualifications equivalent to those required for licensure
11 under this Act, insofar as such activities are performed in the
12 person's role as an academic employee, or insofar as such
13 person engages in public speaking with or without remuneration.

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

19 (i) Nothing in this Act shall be construed to prevent any
20 licensed social worker, licensed clinical social worker,
21 licensed clinical psychologist, licensed professional
22 counselor, or licensed clinical professional counselor from
23 practicing professional counseling as long as that person is
24 not in any manner held out to the public as a "genetic
25 counselor" or "licensed genetic counselor" or does not hold out
26 his or her services as being genetic counseling.

27 (j) Nothing in this Act shall be construed to limit the
28 competent practice of the occupation of a person not licensed
29 under this Act who is a physician licensed to practice medicine
30 in all of its branches under the Medical Practice Act of 1987.

31 (k) Nothing in this Act shall prohibit a visiting ABGC or
32 ABMG certified genetic counselor from outside the State working
33 as a consultant, or organizations from outside the State
34 employing ABGC or ABMG certified genetic counselors providing
35 occasional services, who are not licensed under this Act, from
36 engaging in the practice of genetic counseling subject to the

1 stated circumstances and limitations.

2 Section 20. Restrictions and limitations.

3 (a) Beginning on January 1, 2006, no person shall, without
4 a valid license as a genetic counselor issued by the Department
5 (i) in any manner hold himself or herself out to the public as
6 a genetic counselor under this Act; (ii) use in connection with
7 his or her name or place of business the title "genetic
8 counselor", "licensed genetic counselor", "gene counselor",
9 "genetic consultant", or "genetic associate" or any words,
10 letters, abbreviations, or insignia indicating or implying a
11 person has met the qualifications for or has the license issued
12 under this Act; or (iii) offer to render or render to
13 individuals, corporations, or the public genetic counseling
14 services if the words "genetic counselor" or "licensed genetic
15 counselor" are used to describe the person offering to render
16 or rendering them, or "genetic counseling" is used to describe
17 the services rendered or offered to be rendered.

18 (b) Beginning on January 1, 2006, no association or
19 partnership shall practice genetic counseling unless every
20 member, partner, and employee of the association or partnership
21 who practices genetic counseling or who renders genetic
22 counseling services holds a valid license issued under this
23 Act. No license shall be issued to a corporation, the stated
24 purpose of which includes or which practices or which holds
25 itself out as available to practice genetic counseling, unless
26 it is organized under the Professional Service Corporation Act.

27 (c) Nothing in this Act shall be construed as permitting
28 persons licensed as genetic counselors to engage in any manner
29 in the practice of medicine in all its branches as defined by
30 law in this State.

31 (d) When, in the course of providing genetic counseling
32 services to any person, a genetic counselor licensed under this
33 Act finds indication of a disease or condition that in his or
34 her professional judgment requires professional service
35 outside the scope of practice as defined in this Act, he or she

1 shall refer that person to a physician licensed to practice
2 medicine in all of its branches or another appropriate health
3 care practitioner.

4 Section 25. Unlicensed practice; violation; civil penalty.

5 (a) Beginning on January 1, 2006, any person who practices,
6 offers to practice, attempts to practice, or holds himself or
7 herself out to practice as a genetic counselor without being
8 licensed or exempt under this Act shall, in addition to any
9 other penalty provided by law, pay a civil penalty to the
10 Department in an amount not to exceed \$5,000 for each offense,
11 as determined by the Department. Civil penalty shall be
12 assessed by the Department after a hearing is held in
13 accordance with the provisions set forth in this Act regarding
14 the provision of a hearing for the discipline of a licensee.

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

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

22 Section 30. Powers and duties of the Department. Subject to
23 the provisions of this Act, the Department may:

24 (a) authorize examinations to ascertain the qualifications
25 and fitness of applicants for licensing as genetic counselors
26 and pass upon the qualifications of applicants for licensure by
27 endorsement;

28 (b) conduct hearings on proceedings to refuse to issue or
29 renew or to revoke licenses or suspend, place on probation,
30 censure, or reprimand persons licensed under this Act, and to
31 refuse to issue or renew or to revoke licenses, or suspend,
32 place on probation, censure, or reprimand persons licensed
33 under this Act;

34 (c) adopt rules necessary for the administration of this

1 Act; and

2 (d) maintain rosters of the names and addresses of all
3 licensees and all persons whose licenses have been suspended,
4 revoked, or denied renewal for cause within the previous
5 calendar year. These rosters shall be available upon written
6 request and payment of the required fee.

7 Section 40. Application for original license. Applications
8 for original licenses shall be made to the Department on forms
9 prescribed by the Department and accompanied by the required
10 fee, which is not refundable. All applications shall contain
11 such information that, in the judgment of the Department, will
12 enable the Department to pass on the qualifications of the
13 applicant for a license to practice as a genetic counselor.

14 Section 45. Social Security Number on license application.
15 In addition to any other information required to be contained
16 in the application, every application for an original, renewal,
17 or restored license under this Act shall include the
18 applicant's Social Security Number.

19 Section 50. Examination; failure or refusal to take
20 examination.

21 (a) Applicants for genetic counseling licensure must
22 provide evidence that they have successfully completed the
23 certification examination provided by the ABGC or ABMG, if they
24 are master's degree trained genetic counselors, or the ABMG, if
25 they are PhD trained medical geneticists; or successfully
26 completed the examination provided by the successor agencies of
27 the ABGC or ABMG. The examinations shall be of a character to
28 fairly test the competence and qualifications of the applicants
29 to practice genetic counseling.

30 (b) If an applicant neglects, fails, or refuses to take an
31 examination or fails to pass an examination for a license under
32 this Act within 2 exam cycles after receiving a temporary
33 license, the application will be denied. However, such

1 applicant may thereafter make a new application for license
2 only if the applicant provides documentation of passing the
3 certification examination offered through the ABGC or ABMG or
4 their successor agencies and satisfies the requirements then in
5 existence for a license.

6 Section 55. Qualifications for licensure. A person shall be
7 qualified for licensure as a genetic counselor and the
8 Department shall issue a license if that person:

9 (1) has applied in writing in form and substance
10 satisfactory to the Department; is at least 21 years of
11 age;

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

14 (3) has not violated any of the provisions of Sections
15 20 or 25 of this Act or the rules promulgated thereunder.
16 The Department may take into consideration any felony
17 conviction of the applicant but such conviction shall not
18 operate as an absolute bar to licensure;

19 (4) has provided documentation of the successful
20 completion of the certification examination and current
21 certification provided by the American Board of Genetic
22 Counseling or the American Board of Medical Genetics, or
23 their successor agencies; and

24 (5) has paid the fees required by this Act.

25 Section 60. Temporary licensure.

26 (a) A person shall be qualified for temporary licensure as
27 a genetic counselor and the Department shall issue a temporary
28 license if that person:

29 (1) has successfully completed a Master's degree in
30 genetic counseling from an ABGC or ABMG accredited training
31 program or its equivalent as established by the ABGC or is
32 a physician or has a doctoral degree and has successfully
33 completed an ABMG accredited medical genetics training
34 program or its equivalent as established by the ABMG;

1 (2) has submitted evidence to the Department of active
2 candidate status for the certifying examination
3 administered by the ABGC or the ABMG or their successor
4 agencies; and

5 (3) has made application to the Department and paid the
6 required fees.

7 (b) A temporary license shall allow the applicant to
8 practice under the supervision of a qualified supervisor until
9 he or she receives certification from the ABGC or the ABMG or
10 their successor agencies or 2 exam cycles have elapsed,
11 whichever comes first.

12 (c) Under no circumstances shall an applicant continue to
13 practice on the temporary license for more than 30 days after
14 notification that he or she has not passed the examination
15 within 2 exam cycles after receiving the temporary license.
16 However, the applicant may thereafter make a new application to
17 the Department for a license satisfying the requirements then
18 in existence for a license.

19 Section 65. Licenses; renewal; restoration; person in
20 military service; inactive status.

21 (a) The expiration date and renewal period for each license
22 issued under this Act shall be set by rule. The licensee may
23 renew a license during the 30-day period preceding its
24 expiration date by paying the required fee and demonstrating
25 compliance with continuing education requirements established
26 by rule.

27 (b) Any person who has permitted a license to expire or who
28 has a license on inactive status may have it restored by
29 submitting an application to the Department and filing proof of
30 fitness, as defined by rule, to have the license restored,
31 including, if appropriate, evidence which is satisfactory to
32 the Department certifying the active practice of genetic
33 counseling in another jurisdiction, and by paying the required
34 fee.

35 (c) If the person has not maintained an active practice in

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

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

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

23 Section 70. Implementation; transitional periods.

24 (a) Upon enactment of this law, qualified applicants have 6
25 months to submit the required fees, completed application, and
26 documentation of passing the American Board of Genetic
27 Counseling or American Board Medical Genetics certification
28 examination in order to obtain a genetic counselor license that
29 will allow the applicant to practice genetic counseling; or

30 (b) Upon enactment of this law, qualified applicants have 6
31 months to submit the required fees, completed application, and
32 documentation of active candidate status with the American
33 Board of Genetic Counseling or American Board Medical Genetics
34 in order to obtain a temporary genetic counselor license that
35 will allow the applicant to practice genetic counseling under

1 supervision as specified in this Act.

2 Section 75. Fees; deposit of fees. The fees imposed under
3 this Act shall be set by rule and are not refundable. All of
4 the fees collected under this Act shall be deposited into the
5 General Professions Dedicated Fund.

6 Section 80. Checks or orders dishonored. Any person who
7 issues or delivers a check or other order to the Department
8 that is returned to the Department unpaid by the financial
9 institution upon which it is drawn shall pay to the Department,
10 in addition to the amount already owed to the Department, a
11 fine of \$50. The fines imposed by this Section are in addition
12 to any other discipline provided under this Act prohibiting
13 unlicensed practice or practice on a nonrenewed license. The
14 Department shall notify the person that payment of fees and
15 fines shall be paid to the Department by certified check or
16 money order within 30 calendar days after notification. If,
17 after the expiration of 30 days from the date of the
18 notification, the person has failed to submit the necessary
19 remittance, the Department shall automatically terminate the
20 license or certification or deny the application, without
21 hearing. If, after termination or denial, the person seeks a
22 license or certificate, he or she shall apply to the Department
23 for restoration or issuance of the license or certificate and
24 pay all fees and fines due to the Department. The Department
25 may establish a fee for the processing of an application for
26 restoration of a license to pay all costs and expenses of
27 processing of this application. The Director may waive the
28 fines due under this Section in individual cases where the
29 Director finds that the fines would be unnecessarily
30 burdensome.

31 Section 85. Endorsement. The Department may issue a license
32 as a genetic counselor, to an applicant currently licensed
33 under the laws of another state or United States jurisdiction

1 whose standards, in the opinion of the Department, were
2 substantially equivalent at the date of his or her licensure in
3 the other jurisdiction to the requirements of this Act. Such an
4 applicant shall pay all of the required fees. Applicants have 6
5 months from the date of application to complete the application
6 process. If the process has not been completed within 6 months,
7 the application shall be denied, the fee forfeited, and the
8 applicant must reapply and meet the requirements in effect at
9 the time of reapplication.

10 Section 90. Privileged communications and exceptions.

11 (a) No licensed genetic counselor shall disclose any
12 information acquired from persons consulting the counselor in a
13 professional capacity, except that which may be voluntarily
14 disclosed under any of the following circumstances:

15 (1) In the course of formally reporting, conferring, or
16 consulting with administrative superiors, colleagues, or
17 consultants who share professional responsibility, in
18 which instance all recipients of the information are
19 similarly bound to regard the communication as privileged.

20 (2) With the written consent of the person who provided
21 the information.

22 (3) In the case of death or disability, with the
23 written consent of a personal representative, other person
24 authorized to sue, or the beneficiary of an insurance
25 policy on the person's life, health or physical condition.

26 (4) When a communication reveals the intended
27 commission of a crime or harmful act and such disclosure is
28 judged necessary by the licensed genetic counselor to
29 protect any person from a clear, imminent risk of serious
30 mental or physical harm or injury, or to forestall a
31 serious threat to the public safety.

32 (5) When the person waives the privilege by bringing
33 any public charges against the licensee.

34 (b) When the person is a minor under the laws of the State
35 of Illinois and the information acquired by the licensed

1 genetic counselor indicates the minor was the victim or subject
2 of a crime, the licensed genetic counselor may be required to
3 testify in any judicial proceedings in which the commission of
4 that crime is the subject of inquiry when, after in camera
5 review of the information that the licensed genetic counselor
6 acquired, the court determines that the interests of the minor
7 in having the information held privileged are outweighed by the
8 requirements of justice, the need to protect the public safety
9 or the need to protect the minor, except as provided under the
10 Abused and Neglected Child Reporting Act.

11 (c) Any person having access to records or anyone who
12 participates in providing genetic counseling services, or in
13 providing any human services, or is supervised by a licensed
14 genetic counselor is similarly bound to regard all information
15 and communications as privileged in accord with this Section.

16 (d) Nothing in this Act shall be construed to prohibit a
17 licensed genetic counselor from voluntarily testifying in
18 court hearings concerning matters of adoption, child abuse,
19 child neglect or other matters pertaining to children, except
20 as provided under the Abused and Neglected Child Reporting Act.

21 (e) The Mental Health and Developmental Disabilities
22 Confidentiality Act is incorporated herein as if all of its
23 provisions were included in this Act. In the event of a
24 conflict between the application of this Section and the Mental
25 Health and Developmental Disabilities Confidentiality Act to a
26 specific situation, the provisions of the Mental Health and
27 Developmental Disabilities Confidentiality Act shall control.

28 Section 95. Grounds for discipline.

29 (a) The Department may refuse to issue, renew, or may
30 revoke, suspend, place on probation, reprimand, or take other
31 disciplinary action as the Department deems appropriate,
32 including the issuance of fines not to exceed \$1,000 for each
33 violation, with regard to any license for any one or more of
34 the following:

35 (1) Material misstatement in furnishing information to

1 the Department or to any other State agency.

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

4 (3) Conviction of any crime under the laws of the
5 United States or any state or territory thereof that is a
6 felony, a misdemeanor, an essential element of which is
7 dishonesty, or a crime that is directly related to the
8 practice of the profession.

9 (4) Making any misrepresentation for the purpose of
10 obtaining a license, or violating any provision of this Act
11 or its rules.

12 (5) Professional incompetence or gross negligence in
13 the rendering of genetic counseling services.

14 (6) Malpractice.

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

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

19 (9) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public and violating the rules of
22 professional conduct adopted by the Department.

23 (10) Failing to maintain the confidentiality of any
24 information received from a client, unless released by the
25 client or otherwise authorized or required by law.

26 (11) Exploiting a client for personal advantage,
27 profit, or interest.

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

32 (13) Discipline by another jurisdiction, if at least
33 one of the grounds for the discipline is the same or
34 substantially equivalent to those set forth in this
35 Section.

36 (14) Directly or indirectly giving to or receiving from

1 any person, firm, corporation, partnership, or association
2 any fee, commission, rebate, or other form of compensation
3 for any professional service not actually rendered.

4 (15) A finding by the Department that the licensee,
5 after having the license placed on probationary status has
6 violated the terms of probation

7 (16) Failing to refer a client to other competent
8 professionals when the licensee is unable or unwilling to
9 adequately support or serve the client.

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

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

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

24 (20) Physical or mental disability, including
25 deterioration through the aging process or loss of
26 abilities and skills which results in the inability to
27 practice the profession with reasonable judgment, skill,
28 or safety.

29 (21) Solicitation of professional services by using
30 false or misleading advertising.

31 (22) Failing to file a return, or to pay the tax,
32 penalty of interest shown in a filed return, or to pay any
33 final assessment of tax, penalty or interest, as required
34 by any tax Act administered by the Illinois Department of
35 Revenue or any successor agency or the Internal Revenue
36 Service or any successor agency.

1 (23) A finding that licensure has been applied for or
2 obtained by fraudulent means.

3 (24) Practicing or attempting to practice under a name
4 other than the full name as shown on the license or any
5 other legally authorized name.

6 (25) Gross overcharging for professional services,
7 including filing statements for collection of fees or
8 monies for which services are not rendered.

9 (26) Failing to enter pertinent patient interactions
10 into a patient's medical records.

11 (b) The Department shall deny, without hearing, any
12 application or renewal for a license under this Act to any
13 person who has defaulted on an educational loan guaranteed by
14 the Illinois Student Assistance Commission; however, the
15 Department may issue a license or renewal if the person in
16 default has established a satisfactory repayment record as
17 determined by the Illinois Student Assistance Commission.

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

27 Section 100. Violations; injunction; cease and desist
28 order.

29 (a) If any person violates the provisions of this Act, the
30 Director may, in the name of the People of the State of
31 Illinois, through the Attorney General, petition for an order
32 enjoining the violation or for an order enforcing compliance
33 with this Act. Upon the filing of a verified petition, the
34 court with appropriate jurisdiction may issue a temporary
35 restraining order without notice or bond, and may preliminarily

1 and permanently enjoin the violation. If it is established that
2 the person has violated or is violating the injunction, the
3 court may punish the offender for contempt of court.
4 Proceedings under this Section are in addition to all other
5 remedies and penalties provided by this Act.

6 (b) If any person holds himself or herself out as being a
7 licensed genetic counselor under this Act and is not licensed
8 to do so, then any licensed genetic counselor, interested
9 party, or any person injured thereby may petition for relief as
10 provided in subsection (a) of this Section.

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

20 Section 105. Investigations; notice and hearing. The
21 Department may investigate the actions of any applicant or any
22 person holding or claiming to hold a license. The Department
23 shall, before revoking, suspending, placing on probation,
24 reprimanding, or taking any other disciplinary action under
25 Section 95 of this Act, at least 30 days prior to the date set
26 for the hearing, (i) notify the accused, in writing, of any
27 charges made and the time and place for the hearing on the
28 charges, (ii) direct him or her to file a written answer to the
29 charges with the Department under oath within 20 days after
30 service of the notice, and (iii) inform the accused that, if he
31 or she fails to answer, default will be taken against him or
32 her or that his or her license or certificate may be suspended,
33 revoked, placed on probationary status, or other disciplinary
34 action taken with regard to the license, including limiting the
35 scope, nature, or extent of his or her practice, as the

1 Department may deem proper. In case the person, after receiving
2 notice, fails to file an answer, his or her license may, in the
3 discretion of the Department, be suspended, revoked, placed on
4 probationary status, or the Department may take whatever
5 disciplinary action deemed proper, including limiting the
6 scope, nature, or extent of the person's practice or the
7 imposition of a fine, without a hearing, if the act or acts
8 charged constitute sufficient grounds for such action under
9 this Act. The written notice may be served by personal delivery
10 or certified mail to the address specified by the accused in
11 his or her last notification to the Department.

12 Section 110. Record of proceedings; transcript. The
13 Department, at its expense, shall preserve a record of all
14 proceedings at the formal hearing of any case. The notice of
15 hearing, complaint, all other documents in the nature of
16 pleadings, written motions filed in the proceedings, the
17 transcript of testimony, the report of the hearing officer, and
18 orders of the Department shall be in the record of such
19 proceeding. The Department shall furnish a transcript of the
20 record to any person interested in the hearing upon payment of
21 the fee required under Section 2105-115 of the Department of
22 Professional Regulation Law of the Civil Administrative Code of
23 Illinois.

24 Section 115. Subpoenas; depositions; oaths. The Department
25 has the power to subpoena and to bring before it any person and
26 to take testimony either orally or by deposition, or both, with
27 the same fees and mileage and in the same manner as prescribed
28 in civil cases in the courts of this State. The Director and
29 the designated hearing officer have the power to administer
30 oaths to witnesses at any hearing which the Department is
31 authorized to conduct, and any other oaths authorized in any
32 Act administered by the Department.

33 Section 120. Compelling testimony. Any court, upon

1 application of the Department, designated hearing officer, or
2 the applicant or licensee against whom proceedings under
3 Section 95 of this Act are pending, may enter an order
4 requiring the attendance of witnesses and their testimony and
5 the production of documents, papers, files, books, and records
6 in connection with any hearing or investigation. The court may
7 compel obedience to its order by proceedings for contempt.

8 Section 125. Findings and recommendations. At the
9 conclusion of the hearing, the hearing officer shall present to
10 the Director a written report of its findings of fact,
11 conclusions of law, and recommendations. The report shall
12 contain a finding whether the licensee violated this Act or
13 failed to comply with the conditions required in this Act. The
14 hearing officer shall specify the nature of the violation or
15 failure to comply, and shall make its recommendations to the
16 Director. The report of findings of fact, conclusions of law,
17 and recommendation of the hearing officer shall be the basis
18 for the Department's order for refusal or for the granting of
19 the license. If the Director disagrees with the recommendations
20 of the hearing officer, the Director may issue an order in
21 contravention of the hearing officer's recommendations. The
22 Director shall provide a written report to the hearing officer
23 on any disagreement and shall specify the reasons for the
24 action in the final order. The finding is not admissible in
25 evidence against the person in a criminal prosecution brought
26 for the violation of this Act, but the hearing and findings are
27 not a bar to a criminal prosecution brought for the violation
28 of this Act.

29 Section 130. Hearing officer; rehearing. At the conclusion
30 of the hearing, a copy of the hearing officer's report shall be
31 served upon the applicant or licensee by the Department, either
32 personally or as provided in this Act for the service of the
33 notice of hearing. Within 20 days after such service, the
34 applicant or licensee may present to the Department a motion in

1 writing for a rehearing, which shall specify the particular
2 grounds for rehearing. If no motion for a rehearing is filed,
3 then upon the expiration of the time specified for filing such
4 a motion, or if a motion for rehearing is denied, then upon
5 such denial, the Director may enter an order in accordance with
6 recommendations of the hearing officer, except as provided in
7 Section 125 of this Act. If the applicant or licensee requests
8 and pays for a transcript of the record within the time for
9 filing a motion for rehearing, the 20-day period within which a
10 motion may be filed shall commence upon the delivery of the
11 transcript to the applicant or licensee.

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

16 Section 140. Appointment of a hearing officer. The Director
17 has the authority to appoint any attorney licensed to practice
18 law in the State of Illinois to serve as the hearing officer in
19 any action for refusal to issue or renew a license or permit or
20 to discipline a licensee. The hearing officer has full
21 authority to conduct the hearing. The hearing officer shall
22 report his findings of fact, conclusions of law and
23 recommendations to the Director. The Director shall have 60
24 calendar days from receipt of the report to review it and to
25 present his or her findings of fact, conclusions of law and
26 recommendations. If the Director disagrees with the
27 recommendation of the hearing officer, the Director may issue
28 an order in contravention of the recommendation. The Director
29 shall promptly provide a written explanation to the hearing
30 officer on any such disagreement.

31 Section 145. Order or certified copy; prima facie proof.
32 An order or certified copy thereof, over the seal of the
33 Department and purporting to be signed by the Director, is

1 prima facie proof that:

2 (1) the signature is the genuine signature of the Director;

3 and

4 (2) the Director is duly appointed and qualified.

5 Section 150. Restoration of suspended or revoked license.
6 At any time after the suspension or revocation of any license,
7 the Department may restore it to the licensee upon the written
8 recommendation of the hearing officer, unless after an
9 investigation and hearing the hearing officer determines that
10 restoration is not in the public interest.

11 Section 155. Surrender of license. Upon the revocation or
12 suspension of a license, the licensee shall immediately
13 surrender his or her license to the Department. If the licensee
14 fails to do so, the Department has the right to seize the
15 license.

16 Section 160. Summary suspension of license. The Director
17 may summarily suspend the license of a genetic counselor
18 without a hearing, simultaneously with the institution of
19 proceedings for a hearing provided for in Section 105 of this
20 Act, if the Director finds that evidence in the possession of
21 the Director indicates that the continuation of practice by the
22 genetic counselor would constitute an imminent danger to the
23 public. In the event that the Director summarily suspends the
24 license of an individual without a hearing, a hearing must be
25 held within 30 days after the suspension has occurred.

26 Section 165. Administrative review; venue.

27 (a) All final administrative decisions of the Department
28 are subject to judicial review pursuant to the Administrative
29 Review Law and its rules. The term "administrative decision" is
30 defined as in Section 3-101 of the Code of Civil Procedure.

31 (b) Proceedings for judicial review shall be commenced in
32 the circuit court of the county in which the party applying for

1 review resides, but if the party is not a resident of Illinois,
2 the venue shall be in Sangamon County.

3 Section 170. Certification of record; costs. The
4 Department shall not be required to certify any record to the
5 court, to file an answer in court, or to otherwise appear in
6 any court in a judicial review proceeding, unless there is
7 filed in the court, with the complaint, a receipt from the
8 Department acknowledging payment of the costs of furnishing and
9 certifying the record. Failure on the part of the plaintiff to
10 file the receipt in court is grounds for dismissal of the
11 action.

12 Section 175. Violations. Unless otherwise specified, any
13 person found to have violated any provision of this Act is
14 guilty of a Class A misdemeanor.

15 Section 180. Administrative Procedure Act; application.
16 The Illinois Administrative Procedure Act is hereby expressly
17 adopted and incorporated in this Act as if all of the
18 provisions of such Act were included in this Act.

19 Section 185. Home rule. The regulation and licensing of
20 genetic counselors are exclusive powers and functions of the
21 State. A home rule unit may not regulate or license genetic
22 counselors. This Section is a denial and limitation of home
23 rule powers and functions under subsection (h) of Section 6 of
24 Article VII of the Illinois Constitution.

25 Section 900. The Regulatory Sunset Act is amended by adding
26 Section 4.25 as follows:

27 (5 ILCS 80/4.25 new)

28 Sec. 4.25. Act repealed on January 1, 2015. The following
29 Act is repealed on January 1, 2015:

30 The Genetic Counselor Licensing Act.

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.