



Adopted in House Comm. on Mar 04, 2004

09300HB4200ham001

LRB093 18959 AMC 48260 a

1 AMENDMENT TO HOUSE BILL 4200

2 AMENDMENT NO. _____. Amend House Bill 4200 by replacing
3 everything after the enacting clause with the following:

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

1 by persons licensed to practice genetic counseling.

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

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

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

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

8 "Department" means the Department of Professional
9 Regulation.

10 "Director" means the Director of Professional Regulation.

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

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

26 "Genetic counseling" includes, but is not limited to, the
27 following:

28 (A) Estimating the likelihood of occurrence or
29 recurrence of a birth defect or of any potentially
30 inherited or genetically influenced condition. This
31 assessment may involve:

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

- 1 (ii) reviewing pertinent medical records;
2 (iii) evaluating the risks from exposure to
3 possible mutagens or teratogens;
4 (iv) recommending genetic testing or other
5 evaluations to diagnose a condition or determine the
6 carrier status of one or more family members;

7 (B) Helping the individual, family, health care
8 provider, or public (i) appreciate the medical,
9 psychological and social implications of a disorder,
10 including its features, variability, usual course and
11 management options, (ii) learn how genetic factors
12 contribute to the disorder and affect the chance for
13 recurrence of the condition in other family members, (iii)
14 understand available options for coping with, preventing,
15 or reducing the chance of occurrence or recurrence of a
16 condition, (iv) select the most appropriate, accurate, and
17 cost-effective methods of diagnosis, and (v) understand
18 genetic or prenatal tests, coordinate testing for
19 inherited disorders, and interpret complex genetic test
20 results.

21 (C) Facilitating an individual's or family's (i)
22 exploration of the perception of risk and burden associated
23 with the disorder, (ii) decision-making regarding testing
24 or medical interventions consistent with their beliefs,
25 goals, needs, resources, culture, and ethical and moral
26 views, and (iii) adjustment and adaptation to the condition
27 or their genetic risk by addressing needs for
28 psychological, social, and medical support.

29 (D) Entering pertinent patient interactions into the
30 patient's medical records.

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

33 "Genetic test" is a test of a person's genes, gene
34 products, or chromosomes for abnormalities or deficiencies,

1 including carrier status, that are linked to physical or mental
2 disorders or impairments, indicate a susceptibility to
3 illness, disease, impairment, or other disorders, whether
4 physical or mental, or demonstrate genetic or chromosomal
5 damage due to environmental factors. "Genetic testing" does not
6 include routine physical measurements; chemical, blood, and
7 urine analyses that are widely accepted and in use in clinical
8 practice; tests for use of drugs; and tests for the presence of
9 the human immunodeficiency virus.

10 "Person" means an individual, association, partnership, or
11 corporation.

12 "Qualified supervisor" means any person who is a licensed
13 genetic counselor, as defined by rule, or a physician with a
14 specialty in genetics certified by the American Board of
15 Medical Genetics. A qualified supervisor may be provided at the
16 applicant's place of work, or may be contracted by the
17 applicant to provide supervision. The qualified supervisor
18 shall file written documentation to the Department of
19 employment, discharge, or supervisory control of a genetic
20 counselor at the time of employment, discharge, or assumption
21 of supervision of a genetic counselor.

22 "Supervision" means review of aspects of genetic
23 counseling and case management in a bimonthly meeting with the
24 person under supervision.

25 Section 15. Exemptions.

26 (a) This Act does not prohibit any persons legally
27 regulated in this State by any other Act from engaging in the
28 practice for which they are authorized as long as they do not
29 represent themselves by the title of "genetic counselor" or
30 "licensed genetic counselor". This Act does not prohibit the
31 practice of nonregulated professions whose practitioners are
32 engaged in the delivery of human services as long as these
33 practitioners do not represent themselves as or use the title

1 of "genetic counselor" or "licensed genetic counselor".

2 (b) Nothing in this Act shall be construed to limit the
3 activities and services of (i) a student, intern, resident, or
4 fellow in genetic counseling or genetics seeking to fulfill
5 educational requirements in order to qualify for a license
6 under this Act if these activities and services constitute a
7 part of the student's supervised course of study or (ii) an
8 individual seeking to fulfill the post-degree experience
9 requirements in order to qualify for licensing under this Act,
10 as long as the activities and services are not conducted in an
11 independent practice if the activities and services are
12 supervised by a qualified supervisor. A student, intern,
13 resident, or fellow must be designated by the title "intern",
14 "resident", "fellow", or any other designation of trainee
15 status. Nothing contained in this subsection shall be construed
16 to permit students, interns, residents, or fellows to offer
17 their services as genetic counselors or geneticists to any
18 other person and to accept remuneration for such genetic
19 counseling services, except as specifically provided in this
20 subsection or subsection (c).

21 (c) Corporations, partnerships, and associations may
22 employ students, interns, or post-degree candidates seeking to
23 fulfill educational requirements or the professional
24 experience requirements needed to qualify for a license under
25 this Act if their activities and services constitute a part of
26 the student's supervised course of study or post-degree
27 professional experience requirements. Nothing in this
28 subsection shall prohibit a corporation, partnership, or
29 association from contracting with a licensed health care
30 professional to provide services that they are licensed to
31 provide.

32 (d) Nothing in this Act shall prevent the employment, by a
33 genetic counselor, person, association, partnership, or
34 corporation furnishing genetic counseling services for

1 remuneration, of persons not licensed as genetic counselors
2 under this Act to perform services in various capacities as
3 needed, if these persons are not in any manner held out to the
4 public or do not hold themselves out to the public by any title
5 or designation stating or implying that they are genetic
6 counselors.

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

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

21 (g) Nothing in this Act shall be construed to limit the
22 activities and use of the official title of "genetic counselor"
23 on the part of a person not licensed under this Act who is an
24 academic employee of a duly chartered institution of higher
25 education and who holds educational and professional
26 qualifications equivalent to those required for licensure
27 under this Act, insofar as such activities are performed in the
28 person's role as an academic employee, or insofar as such
29 person engages in public speaking with or without remuneration.

30 (h) Nothing in this Act shall be construed to require any
31 hospital, clinic, home health agency, hospice, or other entity
32 that provides health care to employ or to contract with a
33 person licensed under this Act to provide genetic counseling
34 services.

1 (i) Nothing in this Act shall be construed to prevent any
2 licensed social worker, licensed clinical social worker,
3 licensed clinical psychologist, licensed professional
4 counselor, or licensed clinical professional counselor from
5 practicing professional counseling as long as that person is
6 not in any manner held out to the public as a "genetic
7 counselor" or "licensed genetic counselor" or does not hold out
8 his or her services as being genetic counseling.

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

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

20 Section 20. Restrictions and limitations.

21 (a) Beginning on January 1, 2006, no person shall, without
22 a valid license as a genetic counselor issued by the Department
23 (i) in any manner hold himself or herself out to the public as
24 a genetic counselor under this Act; (ii) use in connection with
25 his or her name or place of business the title "genetic
26 counselor", "licensed genetic counselor", "gene counselor",
27 "genetic consultant", or "genetic associate" or any words,
28 letters, abbreviations, or insignia indicating or implying a
29 person has met the qualifications for or has the license issued
30 under this Act; or (iii) offer to render or render to
31 individuals, corporations, or the public genetic counseling
32 services if the words "genetic counselor" or "licensed genetic
33 counselor" are used to describe the person offering to render

1 or rendering them, or "genetic counseling" is used to describe
2 the services rendered or offered to be rendered.

3 (b) Beginning on January 1, 2006, no association or
4 partnership shall practice genetic counseling unless every
5 member, partner, and employee of the association or partnership
6 who practices genetic counseling or who renders genetic
7 counseling services holds a valid license issued under this
8 Act. No license shall be issued to a corporation, the stated
9 purpose of which includes or which practices or which holds
10 itself out as available to practice genetic counseling, unless
11 it is organized under the Professional Service Corporation Act.

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

16 (d) When, in the course of providing genetic counseling
17 services to any person, a genetic counselor licensed under this
18 Act finds indication of a disease or condition that in his or
19 her professional judgment requires professional service
20 outside the scope of practice as defined in this Act, he or she
21 shall refer that person to a physician licensed to practice
22 medicine in all of its branches or another appropriate health
23 care practitioner.

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

25 (a) Beginning on January 1, 2006, any person who practices,
26 offers to practice, attempts to practice, or holds himself or
27 herself out to practice as a genetic counselor without being
28 licensed or exempt under this Act shall, in addition to any
29 other penalty provided by law, pay a civil penalty to the
30 Department in an amount not to exceed \$5,000 for each offense,
31 as determined by the Department. Civil penalty shall be
32 assessed by the Department after a hearing is held in
33 accordance with the provisions set forth in this Act regarding

1 the provision of a hearing for the discipline of a licensee.

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

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

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

11 (a) authorize examinations to ascertain the qualifications
12 and fitness of applicants for licensing as genetic counselors
13 and pass upon the qualifications of applicants for licensure by
14 endorsement;

15 (b) conduct hearings on proceedings to refuse to issue or
16 renew or to revoke licenses or suspend, place on probation,
17 censure, or reprimand persons licensed under this Act, and to
18 refuse to issue or renew or to revoke licenses, or suspend,
19 place on probation, censure, or reprimand persons licensed
20 under this Act.

21 (c) adopt rules necessary for the administration of this
22 Act; and

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

28 Section 40. Application for original license. Applications
29 for original licenses shall be made to the Department on forms
30 prescribed by the Department and accompanied by the required
31 fee, which is not refundable. All applications shall contain
32 such information that, in the judgment of the Department, will

1 enable the Department to pass on the qualifications of the
2 applicant for a license to practice as a genetic counselor.

3 Section 45. Social Security Number on license application.
4 In addition to any other information required to be contained
5 in the application, every application for an original, renewal,
6 or restored license under this Act shall include the
7 applicant's Social Security Number.

8 Section 50. Examination; failure or refusal to take
9 examination.

10 (a) Applicants for genetic counseling licensure must
11 provide evidence that they have successfully completed the
12 certification examination provided by the ABGC or ABMG, if they
13 are master's degree trained genetic counselors, or the ABMG, if
14 they are PhD trained medical geneticists; or successfully
15 completed the examination provided by the successor agencies of
16 the ABGC or ABMG. The examinations shall be of a character to
17 fairly test the competence and qualifications of the applicants
18 to practice genetic counseling.

19 (b) If an applicant neglects, fails, or refuses to take an
20 examination or fails to pass an examination for a license under
21 this Act within 2 exam cycles after receiving a temporary
22 license, the application will be denied. However, such
23 applicant may thereafter make a new application for license
24 only if the applicant provides documentation of passing the
25 certification examination offered through the ABGC or ABMG or
26 their successor agencies and satisfies the requirements then in
27 existence for a license.

28 Section 55. Qualifications for licensure. A person shall be
29 qualified for licensure as a genetic counselor and the
30 Department shall issue a license if that person:

31 (1) has applied in writing in form and substance

1 satisfactory to the Department; is at least 21 years of
2 age;

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

5 (3) has not violated any of the provisions of Sections
6 20 or 25 of this Act or the rules promulgated thereunder.
7 The Department may take into consideration any felony
8 conviction of the applicant but such conviction shall not
9 operate as an absolute bar to licensure;

10 (4) has provided documentation of the successful
11 completion of the certification examination and current
12 certification provided by the American Board of Genetic
13 Counseling or the American Board of Medical Genetics, or
14 their successor agencies; and

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

16 Section 60. Temporary licensure.

17 (a) A person shall be qualified for temporary licensure as
18 a genetic counselor and the Department shall issue a temporary
19 license if that person:

20 (1) has successfully completed a Master's degree in
21 genetic counseling from an ABGC or ABMG accredited training
22 program or its equivalent as established by the ABGC or is
23 a physician or has a doctoral degree and has successfully
24 completed an ABMG accredited medical genetics training
25 program or its equivalent as established by the ABMG;

26 (2) Has submitted evidence to the Department of active
27 candidate status for the certifying examination
28 administered by the ABGC or the ABMG or their successor
29 agencies; and

30 (3) has made application to the Department and paid the
31 required fees.

32 (b) A temporary license shall allow the applicant to
33 practice under the supervision of a qualified supervisor until

1 he or she receives certification from the ABGC or the ABMG or
2 their successor agencies or 2 exam cycles have elapsed,
3 whichever comes first.

4 (c) Under no circumstances shall an applicant continue to
5 practice on the temporary license for more than 30 days after
6 notification that he or she has not passed the examination
7 within 2 exam cycles after receiving the temporary license.
8 However, the applicant may thereafter make a new application to
9 the Department for a license satisfying the requirements then
10 in existence for a license.

11 Section 65. Licenses; renewal; restoration; person in
12 military service; inactive status.

13 (a) The expiration date and renewal period for each license
14 issued under this Act shall be set by rule. The licensee may
15 renew a license during the 30-day period preceding its
16 expiration date by paying the required fee and demonstrating
17 compliance with continuing education requirements established
18 by rule.

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

27 (c) If the person has not maintained an active practice in
28 another jurisdiction that is satisfactory to the Department,
29 the Department shall determine the person's fitness to resume
30 active status. The Department may also require the person to
31 complete a specific period of evaluated genetic counseling work
32 experience under the supervision of a qualified clinical
33 supervisor and may require demonstration of completion of

1 continuing education requirements.

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

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

17 Section 70. Implementation; transitional periods.

18 (a) Upon enactment of this law, qualified applicants have 6
19 months to submit the required fees, completed application, and
20 documentation of passing the American Board of Genetic
21 Counseling or American Board Medical Genetics certification
22 examination in order to obtain a genetic counselor license that
23 will allow the applicant to practice genetic counseling; or

24 (b) Upon enactment of this law, qualified applicants have 6
25 months to submit the required fees, completed application, and
26 documentation of active candidate status with the American
27 Board of Genetic Counseling or American Board Medical Genetics
28 in order to obtain a temporary genetic counselor license that
29 will allow the applicant to practice genetic counseling under
30 supervision as specified in this Act.

31 Section 75. Fees; deposit of fees. The fees imposed under
32 this Act shall be set by rule and are not refundable. All of

1 the fees collected under this Act shall be deposited into the
2 General Professions Dedicated Fund.

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

28 Section 85. Endorsement. The Department may issue a license
29 as a genetic counselor, to an applicant currently licensed
30 under the laws of another state or United States jurisdiction
31 whose standards, in the opinion of the Department, were
32 substantially equivalent at the date of his or her licensure in

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

8 Section 90. Privileged communications and exceptions.

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

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

18 (2) With the written consent of the person who provided
19 the information.

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

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

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

32 (b) When the person is a minor under the laws of the State
33 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

1 the following:

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

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

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

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

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

16 (6) Malpractice.

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

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

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

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

28 (11) Exploiting a client for personal advantage,
29 profit, or interest.

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

34 (13) Discipline by another jurisdiction, if at least

1 one of the grounds for the discipline is the same or
2 substantially equivalent to those set forth in this
3 Section.

4 (14) Directly or indirectly giving to or receiving from
5 any person, firm, corporation, partnership, or association
6 any fee, commission, rebate, or other form of compensation
7 for any professional service not actually rendered.

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

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

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

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

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

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

33 (21) Solicitation of professional services by using
34 false or misleading advertising.

1 (22) Failing to file a return, or to pay the tax,
2 penalty of interest shown in a filed return, or to pay any
3 final assessment of tax, penalty or interest, as required
4 by any tax Act administered by the Illinois Department of
5 Revenue or any successor agency or the Internal Revenue
6 Service or any successor agency.

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

9 (24) Practicing or attempting to practice under a name
10 other than the full name as shown on the license or any
11 other legally authorized name.

12 (25) Gross overcharging for professional services,
13 including filing statements for collection of fees or
14 monies for which services are not rendered.

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

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

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

33 Section 100. Violations; injunction; cease and desist

1 order.

2 (a) If any person violates the provisions of this Act, the
3 Director may, in the name of the People of the State of
4 Illinois, through the Attorney General, petition for an order
5 enjoining the violation or for an order enforcing compliance
6 with this Act. Upon the filing of a verified petition, the
7 court with appropriate jurisdiction may issue a temporary
8 restraining order without notice or bond, and may preliminarily
9 and permanently enjoin the violation. If it is established that
10 the person has violated or is violating the injunction, the
11 court may punish the offender for contempt of court.
12 Proceedings under this Section are in addition to all other
13 remedies and penalties provided by this Act.

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

19 (c) Whenever, in the opinion of the Department, a person
20 violates any provision of this Act, the Department may issue a
21 rule to show cause why an order to cease and desist should not
22 be entered against that person. The rule shall clearly set
23 forth the grounds relied upon by the Department and shall allow
24 at least 7 days from the date of the rule to file an answer
25 satisfactory to the Department. Failure to answer to the
26 satisfaction of the Department shall cause an order to cease
27 and desist to be issued.

28 Section 105. Investigations; notice and hearing. The
29 Department may investigate the actions of any applicant or any
30 person holding or claiming to hold a license. The Department
31 shall, before revoking, suspending, placing on probation,
32 reprimanding, or taking any other disciplinary action under
33 Section 95 of this Act, at least 30 days prior to the date set

1 for the hearing, (i) notify the accused, in writing, of any
2 charges made and the time and place for the hearing on the
3 charges, (ii) direct him or her to file a written answer to the
4 charges with the under oath within 20 days after service of the
5 notice, and (iii) inform the accused that, if he or she fails
6 to answer, default will be taken against him or her or that his
7 or her license or certificate may be suspended, revoked, placed
8 on probationary status, or other disciplinary action taken with
9 regard to the license, including limiting the scope, nature, or
10 extent of his or her practice, as the Department may deem
11 proper. In case the person, after receiving notice, fails to
12 file an answer, his or her license may, in the discretion of
13 the Department, be suspended, revoked, placed on probationary
14 status, or the Department may take whatever disciplinary action
15 deemed proper, including limiting the scope, nature, or extent
16 of the person's practice or the imposition of a fine, without a
17 hearing, if the act or acts charged constitute sufficient
18 grounds for such action under this Act. The written notice may
19 be served by personal delivery or certified mail to the address
20 specified by the accused in his or her last notification to the
21 Department.

22 Section 110. Record of proceedings; transcript. The
23 Department, at its expense, shall preserve a record of all
24 proceedings at the formal hearing of any case. The notice of
25 hearing, complaint, all other documents in the nature of
26 pleadings, written motions filed in the proceedings, the
27 transcript of testimony, the report of the hearing officer, and
28 orders of the Department shall be in the record of such
29 proceeding. The Department shall furnish a transcript of the
30 record to any person interested in the hearing upon payment of
31 the fee required under Section 2105-115 of the Department of
32 Professional Regulation Law of the Civil Administrative Code of
33 Illinois.

1 Section 115. Subpoenas; depositions; oaths. The Department
2 has the power to subpoena and to bring before it any person and
3 to take testimony either orally or by deposition, or both, with
4 the same fees and mileage and in the same manner as prescribed
5 in civil cases in the courts of this State. The Director and
6 the designated hearing officer have the power to administer
7 oaths to witnesses at any hearing which the Department is
8 authorized to conduct, and any other oaths authorized in any
9 Act administered by the Department.

10 Section 120. Compelling testimony. Any court, upon
11 application of the Department, designated hearing officer, or
12 the applicant or licensee against whom proceedings under
13 Section 95 of this Act are pending, may enter an order
14 requiring the attendance of witnesses and their testimony and
15 the production of documents, papers, files, books, and records
16 in connection with any hearing or investigation. The court may
17 compel obedience to its order by proceedings for contempt.

18 Section 125. Findings and recommendations. At the
19 conclusion of the hearing, the hearing officer shall present to
20 the Director a written report of its findings of fact,
21 conclusions of law, and recommendations. The report shall
22 contain a finding whether the licensee violated this Act or
23 failed to comply with the conditions required in this Act. The
24 hearing officer shall specify the nature of the violation or
25 failure to comply, and shall make its recommendations to the
26 Director. The report of findings of fact, conclusions of law,
27 and recommendation of the hearing officer shall be the basis
28 for the Department's order for refusal or for the granting of
29 the license. If the Director disagrees with the recommendations
30 of the hearing officer, the Director may issue an order in
31 contravention of the hearing officer's recommendations. The

1 Director shall provide a written report to the hearing officer
2 on any disagreement and shall specify the reasons for the
3 action in the final order. The finding is not admissible in
4 evidence against the person in a criminal prosecution brought
5 for the violation of this Act, but the hearing and findings are
6 not a bar to a criminal prosecution brought for the violation
7 of this Act.

8 Section 130. Hearing officer; rehearing. At the conclusion
9 of the hearing, a copy of the hearing officer's report shall be
10 served upon the applicant or licensee by the Department, either
11 personally or as provided in this Act for the service of the
12 notice of hearing. Within 20 days after such service, the
13 applicant or licensee may present to the Department a motion in
14 writing for a rehearing, which shall specify the particular
15 grounds for rehearing. If no motion for a rehearing is filed,
16 then upon the expiration of the time specified for filing such
17 a motion, or if a motion for rehearing is denied, then upon
18 such denial, the Director may enter an order in accordance with
19 recommendations of the hearing officer, except as provided in
20 Section 125 of this Act. If the applicant or licensee requests
21 and pays for a transcript of the record within the time for
22 filing a motion for rehearing, the 20-day period within which a
23 motion may be filed shall commence upon the delivery of the
24 transcript to the applicant or licensee.

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

29 Section 140. Appointment of a hearing officer. The Director
30 has the authority to appoint any attorney licensed to practice
31 law in the State of Illinois to serve as the hearing officer in

1 any action for refusal to issue or renew a license or permit or
2 to discipline a licensee. The hearing officer has full
3 authority to conduct the hearing. The hearing officer shall
4 report his findings of fact, conclusions of law and
5 recommendations to the Director. The Director shall have 60
6 calendar days from receipt of the report to review it and to
7 present his or her findings of fact, conclusions of law and
8 recommendations. If the Director disagrees with the
9 recommendation of the hearing officer, the Director may issue
10 an order in contravention of the recommendation. The Director
11 shall promptly provide a written explanation to the hearing
12 officer on any such disagreement.

13 Section 145. Order or certified copy; prima facie proof.
14 An order or certified copy thereof, over the seal of the
15 Department and purporting to be signed by the Director, is
16 prima facie proof that:

- 17 (1) the signature is the genuine signature of the Director;
18 and
19 (2) the Director is duly appointed and qualified.

20 Section 150. Restoration of suspended or revoked license.
21 At any time after the suspension or revocation of any license,
22 the Department may restore it to the licensee upon the written
23 recommendation of the hearing officer, unless after an
24 investigation and hearing the hearing officer determines that
25 restoration is not in the public interest.

26 Section 155. Surrender of license. Upon the revocation or
27 suspension of a license, the licensee shall immediately
28 surrender his or her license to the Department. If the licensee
29 fails to do so, the Department has the right to seize the
30 license.

1 Section 160. Summary suspension of license. The Director
2 may summarily suspend the license of a genetic counselor
3 without a hearing, simultaneously with the institution of
4 proceedings for a hearing provided for in Section 105 of this
5 Act, if the Director finds that evidence in the possession of
6 the Director indicates that the continuation of practice by the
7 genetic counselor would constitute an imminent danger to the
8 public. In the event that the Director summarily suspends the
9 license of an individual without a hearing, a hearing must be
10 held within 30 days after the suspension has occurred.

11 Section 165. Administrative review; venue.

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

16 (b) Proceedings for judicial review shall be commenced in
17 the circuit court of the county in which the party applying for
18 review resides, but if the party is not a resident of Illinois,
19 the venue shall be in Sangamon County.

20 Section 170. Certification of record; costs. The
21 Department shall not be required to certify any record to the
22 court, to file an answer in court, or to otherwise appear in
23 any court in a judicial review proceeding, unless there is
24 filed in the court, with the complaint, a receipt from the
25 Department acknowledging payment of the costs of furnishing and
26 certifying the record. Failure on the part of the plaintiff to
27 file the receipt in court is grounds for dismissal of the
28 action.

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

1 Section 180. Administrative Procedure Act; application.
2 The Illinois Administrative Procedure Act is hereby expressly
3 adopted and incorporated in this Act as if all of the
4 provisions of such Act were included in this Act.

5 Section 185. Home rule. The regulation and licensing of
6 genetic counselors are exclusive powers and functions of the
7 State. A home rule unit may not regulate or license genetic
8 counselors. This Section is a denial and limitation of home
9 rule powers and functions under subsection (h) of Section 6 of
10 Article VII of the Illinois Constitution.

11 Section 900. The Regulatory Sunset Act is amended by adding
12 Section 4.25 as follows:

13 (5 ILCS 80/4.25 new)

14 Sec. 4.25. Act repealed on January 1, 2015. The following
15 Act is repealed on January 1, 2015:

16 The Genetic Counselor Licensing Act.

17 Section 999. Effective date. This Act takes effect upon
18 becoming law."