



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Dan Reitz, Angelo Saviano

SYNOPSIS AS INTRODUCED:

225 ILCS 37/20	
225 ILCS 55/58 new	
225 ILCS 84/55	
225 ILCS 310/6	from Ch. 111, par. 8206
225 ILCS 310/8	from Ch. 111, par. 8208
805 ILCS 10/12	from Ch. 32, par. 415-12
805 ILCS 15/2	from Ch. 32, par. 632

Amends the Environmental Health Practitioner Licensing Act. Makes a technical change in a Section concerning qualification for licensure as an environmental health practitioner. Amends the Marriage and Family Therapy Licensing Act. Adds civil penalties for unlicensed practice. Amends the Orthotics, Prosthetics, and Pedorthics Practice Act. Removes obsolete language. Amends the Interior Design Title Act. In provision concerning the Board of Interior Design Professionals, adds 2 registered residential interior designers to the Board, provides that a majority of Board members then appointed constitutes a quorum and that a majority vote of the quorum is required for a Board decision, and removes language concerning initial appointments. Removes obsolete language in provisions concerning requirements for registration. Amends the Professional Service Corporation Act. Provides that "regulating authority" will be defined by rule. Makes changes concerning the posting of the corporation's certificate of registration. Amends the Medical Corporation Act. Provides that the registered agent of the corporation need not be licensed if the registered agent is not a shareholder, director, officer, or employee.

LRB093 17943 AMC 43626 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning professional regulation.

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

4 Section 5. The Environmental Health Practitioner Licensing
5 Act is amended by changing Section 20 as follows:

6 (225 ILCS 37/20)

7 (Section scheduled to be repealed on January 1, 2007)

8 Sec. 20. Qualifications for licensure ~~registration~~ as an
9 environmental health practitioner. A person is qualified to be
10 licensed as an environmental health practitioner if that
11 person:

12 (1) Has applied in writing on the prescribed forms, has
13 paid the required fee, and holds one of the following:

14 (A) A Bachelor's Degree in environmental health
15 science from a college or university approved by the
16 National Environmental Health Association
17 Accreditation Council for environmental health
18 curricula or its equivalent as approved by the
19 Department.

20 (B) A Bachelor's Degree from an accredited college
21 or university which included a minimum of 30 semester
22 hours or equivalent of basic sciences acceptable to the
23 Department and 12 months of full time experience.

24 (C) A Master's Degree in public health or
25 environmental health science from an accredited
26 college or university if the applicant has completed a
27 minimum of 30 semester or equivalent hours of basic
28 science acceptable to the Department.

29 (2) Passes an examination authorized by the
30 Department. The examination shall be of a character to give
31 a fair test of the qualifications of the applicant to
32 practice as an environmental health practitioner.

1 (Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97.)

2 Section 10. The Marriage and Family Therapy Licensing Act
3 is amended by adding Section 58 as follows:

4 (225 ILCS 55/58 new)

5 Sec. 58. Unlicensed practice; violation; civil penalty.

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

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

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

24 Section 15. The Orthotics, Prosthetics, and Pedorthics
25 Practice Act is amended by changing Section 55 as follows:

26 (225 ILCS 84/55)

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

28 Sec. 55. Licensure requirement ~~Transition period.~~

29 (a) (Blank) ~~Until January 1, 2002, a person certified as a~~
30 ~~Certified Orthotist (CO), Certified Prosthetist (CP), or~~
31 ~~Certified Prosthetist Orthotist (CPO) by the American Board for~~
32 ~~Certification in Prosthetics and Orthotics, Incorporated, or~~

1 ~~holding similar certifications from other accrediting bodies~~
2 ~~with equivalent educational requirements and examination~~
3 ~~standards may apply for and shall be granted orthotic or~~
4 ~~prosthetic licensure under this Act upon payment of the~~
5 ~~required fee. After that date, any applicant for licensure as~~
6 ~~an orthotist or a prosthetist shall meet the requirements of~~
7 ~~subsection (a) of Section 40 of this Act.~~

8 (b) (Blank) ~~Until January 1, 2002, a person certified as a~~
9 ~~Certified Pedorthist (CPed) by the Board for Certification in~~
10 ~~Pedorthics, Incorporated, or a person certified as a Certified~~
11 ~~Orthotist (CO) or Certified Prosthetist Orthotist (CPO) by the~~
12 ~~American Board for Certification in Prosthetics and Orthotics,~~
13 ~~Incorporated, or holding similar certifications from other~~
14 ~~accrediting bodies with equivalent educational requirements~~
15 ~~and examination standards may apply for and shall be granted~~
16 ~~pedorthic licensure under this Act upon payment of the required~~
17 ~~fee. After that date, any applicant for licensure as a~~
18 ~~pedorthist shall meet the requirements of subsection (b) of~~
19 ~~Section 40 of this Act.~~

20 (c) On and after January 1, 2002, no person shall practice
21 orthotics, prosthetics, or pedorthics in this State or hold
22 himself or herself out as being able to practice either
23 profession, unless he or she is licensed in accordance with
24 Section 40 of this Act.

25 (d) (Blank) ~~Notwithstanding any other provision of this~~
26 ~~Section, a person who has practiced full time for the past 7~~
27 ~~years in a prosthetic/orthotic facility as an orthotist,~~
28 ~~prosthetist, prosthetist/orthotist, assistant, or technician~~
29 ~~or in a pedorthic facility as a pedorthist or pedorthic~~
30 ~~technician on the effective date of this Act may file an~~
31 ~~application with the Board within 60 days after the enforcement~~
32 ~~of this Section begins pursuant to Section 56 of this Act in~~
33 ~~order to continue to practice orthotics, prosthetics, or~~
34 ~~pedorthics at his or her identified level of practice. The~~
35 ~~applicant shall be issued a license or certificate of~~
36 ~~registration to practice orthotics, prosthetics, or pedorthics~~

1 ~~under the provisions of this Act without examination upon~~
2 ~~receipt by the Department of payment of the licensing or~~
3 ~~registration fee required under Section 70 of this Act and~~
4 ~~after the Board has completed an investigation of the~~
5 ~~applicant's work history. The Board shall complete its~~
6 ~~investigation for the purposes of this Section within 6 months~~
7 ~~of the date of the application. The investigation may include,~~
8 ~~but is not limited to, completion by the applicant of a~~
9 ~~questionnaire regarding the applicant's work history and scope~~
10 ~~of practice.~~

11 (Source: P.A. 91-590, eff. 1-1-00.)

12 Section 20. The Interior Design Title Act is amended by
13 changing Sections 6 and 8 as follows:

14 (225 ILCS 310/6) (from Ch. 111, par. 8206)

15 (Section scheduled to be repealed on January 1, 2012)

16 Sec. 6. Board of Interior Design Professionals. There is
17 created a Board of Interior Design Professionals to be composed
18 of persons designated from time to time by the Director, as
19 follows:

20 (a) Seven ~~For the first year, 5~~ persons, 4 of whom have
21 been registered interior designers for a period of 5 years or
22 more, 2 of whom have been registered residential interior
23 designers for a period of 5 years or more ~~who would qualify~~
24 ~~upon application to the Department under this Act to be~~
25 ~~registered interior designers, and one public member. After the~~
26 ~~initial appointments, each interior design member shall hold a~~
27 ~~valid interior design registration. After the effective date of~~
28 ~~this amendatory Act of 1994, 2 additional persons shall be~~
29 ~~appointed to the Board who have been residential interior~~
30 ~~designers for a period of 5 years or more and who would qualify~~
31 ~~upon application under this Act to be registered as a~~
32 ~~residential interior designer. After the initial appointments~~
33 ~~of the 2 additional members, each residential interior designer~~
34 ~~member shall hold a valid residential interior designer~~

1 ~~registration.~~ The Board shall annually elect a chairman.

2 (b) Terms for all members shall be 3 years. ~~For initial~~
3 ~~appointments, one member shall be appointed to serve for one~~
4 ~~year, 2 shall be appointed to serve for 2 years, and the~~
5 ~~remaining shall be appointed to serve for 3 years and until~~
6 ~~their successors are appointed and qualified. Initial terms~~
7 ~~shall begin on the effective date of this Act. For the initial~~
8 ~~appointments of the 2 additional members added by this~~
9 ~~amendatory Act of 1994, one shall be appointed to serve for one~~
10 ~~year and the other to serve for 2 years, and until their~~
11 ~~successors are appointed and qualified. Partial terms over 2~~
12 years in length shall be considered as full terms. A member may
13 be reappointed for a successive term, but no member shall serve
14 more than 2 full terms.

15 (c) The membership of the Board should reasonably reflect
16 representation from the various geographic areas of the State.

17 (d) In making appointments to the Board, the Director shall
18 give due consideration to recommendations by national and state
19 organizations of the interior design profession and the
20 residential interior design profession, and shall promptly
21 give due notice to such organizations of any vacancy in the
22 membership of the Board. The Director may terminate the
23 appointment of any member for any cause, which in the opinion
24 of the Director, reasonably justifies such termination. A
25 majority of Board members then appointed constitutes a quorum.
26 A majority vote of the quorum is required for a Board decision.

27 (e) A vacancy in the membership of the Board shall not
28 impair the right of a quorum to exercise all the rights and
29 perform all the duties of the Board.

30 (f) The members of the Board shall each receive as
31 compensation a reasonable sum as determined by the Director for
32 each day actually engaged in the duties of the office, and all
33 legitimate and necessary expenses incurred in attending the
34 meeting of the Board.

35 (g) Members of the Board shall be immune from suit in any
36 action based upon any disciplinary proceedings or other

1 activities performed in good faith as members of the Board.

2 (Source: P.A. 88-650, eff. 9-16-94.)

3 (225 ILCS 310/8) (from Ch. 111, par. 8208)

4 (Section scheduled to be repealed on January 1, 2012)

5 Sec. 8. Requirements for registration.

6 (a) Each applicant for registration shall apply to the
7 Department in writing on a form provided by the Department.
8 Except as otherwise provided in this Act, each applicant shall
9 take and pass the examination approved by the Department. Prior
10 to registration, the applicant shall provide substantial
11 evidence to the Board that the applicant:

12 (1) is a graduate of a 5 year interior design program
13 from an accredited institution and has completed at least 2
14 years of full time diversified interior design experience;

15 (2) is a graduate of a 4 year interior design program
16 from an accredited institution and has completed at least 2
17 years of full time diversified interior design experience;

18 (3) has completed at least 3 years of interior design
19 curriculum from an accredited institution and has
20 completed 3 years of full time diversified interior design
21 experience;

22 (4) is a graduate of a 2 year interior design program
23 from an accredited institution and has completed 4 years of
24 full time diversified interior design experience; or

25 (5) holds a high school diploma or GED and has
26 completed 5 years of full time diversified residential
27 interior design experience.

28 (b) In addition to providing evidence of meeting the
29 requirements of subsection (a):

30 (1) Each applicant for registration as an interior
31 designer shall provide substantial evidence that he or she
32 has successfully completed the examination administered by
33 the National Council for Interior Design Qualifications.

34 (2) Each applicant for registration as a residential
35 interior designer shall provide substantial evidence that

1 he or she has successfully completed the examination
2 administered by the Council for Qualification of
3 Residential Interior Designers.

4 Examinations for applicants under this Act may be held at
5 the direction of the Department from time to time but not less
6 than once each year. The scope and form of the examination
7 shall conform to the National Council for Interior Design
8 Qualification examination for interior designers and the
9 Council for Qualification of Residential Interior Designers
10 for residential interior designers.

11 Each applicant for registration who possesses the
12 necessary qualifications shall pay to the Department the
13 required registration fee, which is not refundable.

14 An individual applying for registration shall have 3 years
15 from the date of application to complete the application
16 process. If the process has not been completed in 3 years, the
17 application shall be denied and the fee forfeited. The
18 applicant may reapply, but shall meet the requirements in
19 effect at the time of reapplication.

20 (c) (Blank). ~~If any applicant applies for registration~~
21 ~~between January 1, 1993, and January 31, 1993, and had~~
22 ~~completed by June 30, 1992 at least 8 years of full time,~~
23 ~~diversified professional experience in interior design or a~~
24 ~~combination of full time experience and interior design~~
25 ~~education to equal 8 years, the applicant may be issued a~~
26 ~~certificate of registration without examination. Registration~~
27 ~~under this subsection shall be subject to the Board's~~
28 ~~discretionary review of the experience qualification.~~

29 ~~Notwithstanding any other provisions in this Act, anyone~~
30 ~~who has submitted an application within 5 days after the~~
31 ~~effective date of this amendatory Act of 1994 and has completed~~
32 ~~at least 15 years of full-time, diversified professional~~
33 ~~experience in interior design may be issued a certificate of~~
34 ~~registration without examination.~~

35 (c-5) (Blank). ~~If any applicant applies for registration as~~
36 ~~a residential interior designer within one year after the~~

~~effective date of this amendatory Act of 1994 and has completed at least 5 years of full time, diversified professional experience in residential interior design or a combination of full time experience and residential interior design education equal to 5 years, the applicant may be issued a certificate of registration without examination. Registration under this subsection shall be subject to the Board's discretionary review of the experience qualification.~~

(d) Upon payment of the required fee, which shall be determined by rule, an applicant who is an architect licensed under the laws of this State may, without examination, be granted registration as an interior designer or residential interior designer by the Department provided the applicant submits proof of an active architectural license in Illinois.

(e) An interior designer registered under the laws of this State may, without examination or re-application, use the title "Residential Interior Designer".

(Source: P.A. 87-756; 87-1237; 87-1269; 88-45; 88-650, eff. 9-16-94.)

Section 25. The Professional Service Corporation Act is amended by changing Section 12 as follows:

(805 ILCS 10/12) (from Ch. 32, par. 415-12)

Sec. 12. No corporation shall open, operate or maintain an establishment for any of the purposes for which a corporation may be organized under this Act without a certificate of registration from the regulating authority authorized by law to license individuals to engage in the profession or related professions concerned. Application for such registration shall be made in writing, and shall contain the name and address of the corporation, and such other information as may be required by the regulating authority, as defined by administrative rule. Upon receipt of such application, the regulating authority, or some administrative agency of government designated by it, shall make an investigation of the corporation. If the

1 regulating authority is the Supreme Court it may designate the
2 bar or legal association which investigates and prefers charges
3 against lawyers to it for disciplining. If such authority finds
4 that the incorporators, officers, directors and shareholders
5 are each licensed pursuant to the laws of Illinois to engage in
6 the particular profession or related professions involved
7 (except that the secretary of the corporation need not be so
8 licensed), and if no disciplinary action is pending before it
9 against any of them, and if it appears that the corporation
10 will be conducted in compliance with the law and the
11 regulations and rules of the regulating authority, such
12 authority, shall issue, upon payment of a registration fee of
13 \$50, a certificate of registration.

14 Upon written application of the holder, the regulating
15 authority which originally issued the certificate of
16 registration shall renew the certificate if it finds that the
17 corporation has complied with its regulations and the
18 provisions of this Act.

19 The fee for the renewal of a certificate of registration
20 shall be calculated at the rate of \$40 per year.

21 The certificate of registration shall be conspicuously
22 posted upon the premises where the corporation shall open,
23 operates, or maintains an establishment for any of the purposes
24 for which a corporation may be organized under this Act ~~to~~
25 ~~which it is applicable~~, and the professional corporation shall
26 have only those offices which are designated by street address
27 in the articles of incorporation, or as changed by amendment of
28 such articles. No certificate of registration shall be
29 assignable.

30 (Source: P.A. 83-863.)

31 Section 30. The Medical Corporation Act is amended by
32 changing Section 2 as follows:

33 (805 ILCS 15/2) (from Ch. 32, par. 632)

34 Sec. 2. One or more persons licensed pursuant to the

1 Medical Practice Act of 1987, as heretofore or hereafter
2 amended, may form a corporation pursuant to the "Business
3 Corporation Act of 1983", as amended, to own, operate and
4 maintain an establishment for the study, diagnosis and
5 treatment of human ailments and injuries, whether physical or
6 mental, and to promote medical, surgical and scientific
7 research and knowledge; provided that medical or surgical
8 treatment, consultation or advice may be given by employees of
9 the corporation only if they are licensed pursuant to the
10 Medical Practice Act of 1987; and provided further, however,
11 that nothing herein shall prohibit an attorney licensed to
12 practice law in Illinois from signing and acting as initial
13 incorporator on behalf of such corporation. The registered
14 agent of the corporation need not be licensed if the registered
15 agent is not a shareholder, director, officer, or employee
16 (other than ancillary personnel).

17 (Source: P.A. 85-1209.)