

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.17 and by adding Section 4.27 as follows:

6 (5 ILCS 80/4.17)

7 Sec. 4.17. Acts repealed on January 1, 2007. The following  
8 are repealed on January 1, 2007:

9 The Boiler and Pressure Vessel Repairer Regulation  
10 Act.

11 The Structural Pest Control Act.

12 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC,  
13 XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois  
14 Insurance Code.

15 ~~The Clinical Psychologist Licensing Act.~~

16 The Illinois Optometric Practice Act of 1987.

17 The Medical Practice Act of 1987.

18 The Environmental Health Practitioner Licensing Act.

19 (Source: P.A. 92-837, eff. 8-22-02.)

20 (5 ILCS 80/4.27 new)

21 Sec. 4.27. Act repealed on January 1, 2017. The following  
22 Act is repealed on January 1, 2017:

23 The Clinical Psychologist Licensing Act.

24 Section 10. The Clinical Psychologist Licensing Act is  
25 amended by changing Sections 2, 3, 7, 13, 15, 15.4, 16, 16.1,  
26 16.5, 17, 20, 21.4, 21.6, 25, 27, and 27.2 as follows:

27 (225 ILCS 15/2) (from Ch. 111, par. 5352)

28 (Section scheduled to be repealed on January 1, 2007)

29 Sec. 2. Definitions. As used in this Act:

1 (1) "Department" means the Department of Financial and  
2 Professional Regulation.

3 (2) "Secretary Director" means the Secretary Director  
4 of Financial and Professional Regulation.

5 (3) "Board" means the Clinical Psychologists Licensing  
6 and Disciplinary Board appointed by the Secretary  
7 ~~Director~~.

8 (4) "Person" means an individual, association,  
9 partnership or corporation.

10 (5) "Clinical psychology" means the independent  
11 evaluation, classification and treatment of mental,  
12 emotional, behavioral or nervous disorders or conditions,  
13 developmental disabilities, alcoholism and substance  
14 abuse, disorders of habit or conduct, the psychological  
15 aspects of physical illness. The practice of clinical  
16 psychology includes psychoeducational evaluation, therapy,  
17 remediation and consultation, the use of psychological and  
18 neuropsychological testing, assessment, psychotherapy,  
19 psychoanalysis, hypnosis, biofeedback, and behavioral  
20 modification when any of these are used for the purpose of  
21 preventing or eliminating psychopathology, or for the  
22 amelioration of psychological disorders of individuals or  
23 groups. "Clinical psychology" does not include the use of  
24 hypnosis by unlicensed persons pursuant to Section 3.

25 (6) A person represents himself to be a "clinical  
26 psychologist" within the meaning of this Act when he or she  
27 holds himself out to the public by any title or description  
28 of services incorporating the words "psychological",  
29 "psychologic", "psychologist", "psychology", or "clinical  
30 psychologist" or under such title or description offers to  
31 render or renders clinical psychological services as  
32 defined in paragraph (7) of this Section to individuals,  
33 corporations, or the public for remuneration.

34 (7) "Clinical psychological services" refers to any  
35 services under paragraph (5) of this Section if the words  
36 "psychological", "psychologic", "psychologist",

1 "psychology" or "clinical psychologist" are used to  
2 describe such services by the person or organization  
3 offering to render or rendering them.

4 This Act shall not apply to persons lawfully carrying on  
5 their particular profession or business under any valid  
6 existing regulatory Act of the State.

7 (Source: P.A. 89-702, eff. 7-1-97; 90-473, eff. 1-1-98.)

8 (225 ILCS 15/3) (from Ch. 111, par. 5353)

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

10 Sec. 3. Necessity of license; corporations, partnerships,  
11 and associations; display of license.

12 (a) No individual, partnership, association or corporation  
13 shall, without a valid license as a clinical psychologist  
14 issued by the Department, in any manner hold himself or herself  
15 out to the public as a psychologist or clinical psychologist  
16 under the provisions of this Act or render or offer to render  
17 clinical psychological services as defined in paragraph 7 of  
18 Section 2 of this Act; or attach the title "clinical  
19 psychologist", "psychologist" or any other name or designation  
20 which would in any way imply that he or she is able to practice  
21 as a clinical psychologist; or offer to render or render, to  
22 individuals, corporations or the public, clinical  
23 psychological services as defined in paragraph 7 of Section 2  
24 of this Act.

25 No person may engage in the practice of clinical  
26 psychology, as defined in paragraph (5) of Section 2 of this  
27 Act, without a license granted under this Act, except as  
28 otherwise provided in this Act.

29 (b) No association or partnership shall be granted a  
30 license unless every member, partner, and employee of the  
31 association or partnership who renders clinical psychological  
32 services holds a currently valid license issued under this Act.  
33 No license shall be issued by the Department to a corporation  
34 that (i) has a stated purpose that includes clinical  
35 psychology, or (ii) practices or holds itself out as available

1 to practice clinical psychology, unless it is organized under  
2 the Professional Service Corporation Act.

3 (c) Individuals, corporations, partnerships and  
4 associations may employ practicum students, interns or  
5 postdoctoral candidates seeking to fulfill educational  
6 requirements or the professional experience requirements  
7 needed to qualify for a license as a clinical psychologist to  
8 assist in the rendering of services, provided that such  
9 employees function under the direct supervision, order,  
10 control and full professional responsibility of a licensed  
11 clinical psychologist in the corporation, partnership or  
12 association. Nothing in this paragraph shall prohibit a  
13 corporation, partnership or association from contracting with  
14 a licensed health care professional to provide services.

15 (d) Nothing in this Act shall prevent the employment, by a  
16 clinical psychologist, individual, association, partnership or  
17 a corporation furnishing clinical psychological services for  
18 remuneration, of persons not licensed as clinical  
19 psychologists under the provisions of this Act to perform  
20 services in various capacities as needed, provided that such  
21 persons are not in any manner held out to the public as  
22 rendering clinical psychological services as defined in  
23 paragraph 7 of Section 2 of this Act. Nothing contained in this  
24 Act shall require any hospital, clinic, home health agency,  
25 hospice, or other entity that provides health care services to  
26 employ or to contract with a clinical psychologist licensed  
27 under this Act to perform any of the activities under paragraph  
28 (5) of Section 2 of this Act.

29 (e) Nothing in this Act shall be construed to limit the  
30 services and use of official title on the part of a person, not  
31 licensed under the provisions of this Act, in the employ of a  
32 State, county or municipal agency or other political  
33 subdivision insofar that such services are a part of the duties  
34 in his or her salaried position, and insofar that such services  
35 are performed solely on behalf of his or her employer.

36 Nothing contained in this Section shall be construed as

1 permitting such person to offer their services as psychologists  
2 to any other persons and to accept remuneration for such  
3 psychological services other than as specifically excepted  
4 herein, unless they have been licensed under the provisions of  
5 this Act.

6 (f) Duly recognized members of any bonafide religious  
7 denomination shall not be restricted from functioning in their  
8 ministerial capacity provided they do not represent themselves  
9 as being clinical psychologists or providing clinical  
10 psychological services.

11 (g) Nothing in this Act shall prohibit individuals not  
12 licensed under the provisions of this Act who work in self-help  
13 groups or programs or not-for-profit organizations from  
14 providing services in those groups, programs, or  
15 organizations, provided that such persons are not in any manner  
16 held out to the public as rendering clinical psychological  
17 services as defined in paragraph 7 of Section 2 of this Act.

18 (h) Nothing in this Act shall be construed to prevent a  
19 person from practicing hypnosis without a license issued under  
20 this Act provided that the person (1) does not otherwise engage  
21 in the practice of clinical psychology including, but not  
22 limited to, the independent evaluation, classification, and  
23 treatment of mental, emotional, behavioral, or nervous  
24 disorders or conditions, developmental disabilities,  
25 alcoholism and substance abuse, disorders of habit or conduct,  
26 the psychological aspects of physical illness, (2) does not  
27 otherwise engage in the practice of medicine including, but not  
28 limited to, the diagnosis or treatment of physical or mental  
29 ailments or conditions, and (3) does not hold himself or  
30 herself out to the public by a title or description stating or  
31 implying that the individual is a clinical psychologist or is  
32 licensed to practice clinical psychology.

33 (i) Every licensee under this Act shall prominently display  
34 the license at the licensee's principal office, place of  
35 business, or place of employment and, whenever requested by any  
36 representative of the Department, must exhibit the license.

1 (Source: P.A. 89-702, eff. 7-1-97; 90-473, eff. 1-1-98.)

2 (225 ILCS 15/7) (from Ch. 111, par. 5357)

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

4 Sec. 7. Board. The Secretary ~~Director~~ shall appoint a Board  
5 that shall serve in an advisory capacity to the Secretary  
6 ~~Director~~.

7 The Board shall consist of 7 persons, 4 of whom are  
8 licensed clinical psychologists, and actively engaged in the  
9 practice of clinical psychology, 2 of whom are licensed  
10 clinical psychologists and are full time faculty members of  
11 accredited colleges or universities who are engaged in training  
12 clinical psychologists, and one of whom is a public member who  
13 is not a licensed health care provider. In appointing members  
14 of the Board, the Secretary ~~Director~~ shall give due  
15 consideration to the adequate representation of the various  
16 fields of health care psychology such as clinical psychology,  
17 school psychology and counseling psychology. In appointing  
18 members of the Board, the Secretary ~~Director~~ shall give due  
19 consideration to recommendations by members of the profession  
20 of clinical psychology and by the State-wide organizations  
21 representing the interests of clinical psychologists and  
22 organizations representing the interests of academic programs  
23 as well as recommendations by approved doctoral level  
24 psychology programs in the State of Illinois. The members shall  
25 be appointed for a term of 4 years. No member shall be eligible  
26 to serve for more than 2 full terms. Any appointment to fill a  
27 vacancy shall be for the unexpired portion of the term. A  
28 member appointed to fill a vacancy for an unexpired term for a  
29 duration of 2 years or more may be reappointed for a maximum of  
30 one term and a member appointed to fill a vacancy for an  
31 unexpired term for a duration of less than 2 years may be  
32 reappointed for a maximum of 2 terms. The Secretary ~~Director~~  
33 may remove any member for cause at any time prior to the  
34 expiration of his or her term.

35 The Board shall annually elect one of its members as

1 chairperson and vice chairperson.

2 The members of the Board shall be reimbursed for all  
3 authorized legitimate and necessary expenses incurred in  
4 attending the meetings of the Board.

5 The Secretary ~~Director~~ shall give due consideration to all  
6 recommendations of the Board. In the event the Secretary  
7 ~~Director~~ disagrees with or takes action contrary to the  
8 recommendation of the Board, he or she shall provide the Board  
9 with a written and specific explanation of his or her actions.

10 A majority of the Board members currently appointed shall  
11 constitute a quorum. A vacancy in the membership of the Board  
12 shall not impair the right of a quorum to perform all of the  
13 duties of the Board.

14 Members of the Board shall have no liability in any action  
15 based upon any disciplinary proceeding or other activity  
16 performed in good faith as a member of the Board.

17 The Secretary ~~Director~~ may terminate the appointment of any  
18 member for cause which in the opinion of the Secretary ~~Director~~  
19 reasonably justifies such termination.

20 (Source: P.A. 93-745, eff. 7-15-04.)

21 (225 ILCS 15/13) (from Ch. 111, par. 5363)

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

23 Sec. 13. License renewal; restoration. The expiration date  
24 and renewal period for each license issued under this Act shall  
25 be set by rule. Every holder of a license under this Act may  
26 renew such license during the 90-day period immediately ~~month~~  
27 preceding the expiration date thereof upon payment of the  
28 required renewal fees.

29 A clinical psychologist who has permitted his or her  
30 license to expire or who has had his or her license on inactive  
31 status may have his or her license restored by making  
32 application to the Department and filing proof acceptable to  
33 the Department of his or her fitness to have his or her license  
34 restored, including evidence certifying to active practice in  
35 another jurisdiction satisfactory to the Department and by

1 paying the required restoration fee.

2 If the clinical psychologist has not maintained an active  
3 practice in another jurisdiction satisfactory to the  
4 Department, the Board shall determine, by an evaluation program  
5 established by rule, his or her fitness to resume active status  
6 and may require the clinical psychologist to complete a period  
7 of supervised professional experience and may require  
8 successful completion of an examination.

9 However, any clinical psychologist whose license expired  
10 while he or she was (1) in Federal Service on active duty with  
11 the Armed Forces of the United States, or the State Militia  
12 called into service or training, or (2) in training or  
13 education under the supervision of the United States  
14 preliminary to induction into the military service, may have  
15 his or her license renewed or restored without paying any  
16 lapsed renewal fees if within 2 years after honorable  
17 termination of such service, training or education he or she  
18 furnishes the Department with satisfactory evidence to the  
19 effect that he or she has been so engaged and that his or her  
20 service, training or education has been so terminated.

21 (Source: P.A. 89-702, eff. 7-1-97.)

22 (225 ILCS 15/15) (from Ch. 111, par. 5365)

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

24 Sec. 15. Disciplinary action; grounds. The Department may  
25 refuse to issue, refuse to renew, suspend, or revoke any  
26 license, or may place on probation, censure, reprimand, or take  
27 other disciplinary action deemed appropriate by the  
28 Department, including the imposition of fines not to exceed  
29 \$10,000 ~~\$5000~~ for each violation, with regard to any license  
30 issued under the provisions of this Act for any one or a  
31 combination of the following reasons:

32 (1) Conviction of, or entry of a plea of guilty or nolo  
33 contendere to, any crime that is a felony under the laws of the  
34 United States or any state or territory thereof or that is a  
35 misdemeanor of which an essential element is dishonesty, or any

1 crime that is directly related to the practice of the  
2 profession.

3 (2) Gross negligence in the rendering of clinical  
4 psychological services.

5 (3) Using fraud or making any misrepresentation in applying  
6 for a license or in passing the examination provided for in  
7 this Act.

8 (4) Aiding or abetting or conspiring to aid or abet a  
9 person, not a clinical psychologist licensed under this Act, in  
10 representing himself or herself as so licensed or in applying  
11 for a license under this Act.

12 (5) Violation of any provision of this Act or the rules  
13 promulgated thereunder.

14 (6) Professional connection or association with any  
15 person, firm, association, partnership or corporation holding  
16 himself, herself, themselves, or itself out in any manner  
17 contrary to this Act.

18 (7) Unethical, unauthorized or unprofessional conduct as  
19 defined by rule. In establishing those rules, the Department  
20 shall consider, though is not bound by, the ethical standards  
21 for psychologists promulgated by recognized national  
22 psychology associations.

23 (8) Aiding or assisting another person in violating any  
24 provisions of this Act or the rules promulgated thereunder.

25 (9) Failing to provide, within 60 days, information in  
26 response to a written request made by the Department.

27 (10) Habitual or excessive use or addiction to alcohol,  
28 narcotics, stimulants, or any other chemical agent or drug that  
29 results in a clinical psychologist's inability to practice with  
30 reasonable judgment, skill or safety.

31 (11) Discipline by another state, territory, the District  
32 of Columbia or foreign country, if at least one of the grounds  
33 for the discipline is the same or substantially equivalent to  
34 those set forth herein.

35 (12) Directly or indirectly giving or receiving from any  
36 person, firm, corporation, association or partnership any fee,

1 commission, rebate or other form of compensation for any  
2 professional service not actually or personally rendered.

3 (13) A finding by the Board that the licensee, after having  
4 his or her license placed on probationary status has violated  
5 the terms of probation.

6 (14) Willfully making or filing false records or reports,  
7 including but not limited to, false records or reports filed  
8 with State agencies or departments.

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

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

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

22 (18) Violation of the Health Care Worker Self-Referral Act.

23 (19) Making a material misstatement in furnishing  
24 information to the Department, any other State or federal  
25 agency, or any other entity.

26 (20) Failing to report to the Department any adverse  
27 judgment, settlement, or award arising from a liability claim  
28 related to an act or conduct similar to an act or conduct that  
29 would constitute grounds for action as set forth in this  
30 Section.

31 (21) Failing to report to the Department any adverse final  
32 action taken against a licensee or applicant by another  
33 licensing jurisdiction, including any other state or territory  
34 of the United States or any foreign state or country, or any  
35 peer review body, health care institution, professional  
36 society or association related to the profession, governmental

1 agency, law enforcement agency, or court for an act or conduct  
2 similar to an act or conduct that would constitute grounds for  
3 disciplinary action as set forth in this Section.

4 The entry of an order by any circuit court establishing  
5 that any person holding a license under this Act is subject to  
6 involuntary admission or judicial admission as provided for in  
7 the Mental Health and Developmental Disabilities Code,  
8 operates as an automatic suspension of that license. That  
9 person may have his or her license restored only upon the  
10 determination by a circuit court that the patient is no longer  
11 subject to involuntary admission or judicial admission and the  
12 issuance of an order so finding and discharging the patient and  
13 upon the Board's recommendation to the Department that the  
14 license be restored. Where the circumstances so indicate, the  
15 Board may recommend to the Department that it require an  
16 examination prior to restoring any license so automatically  
17 suspended.

18 The Department may refuse to issue or may suspend the  
19 license of any person who fails to file a return, or to pay the  
20 tax, penalty or interest shown in a filed return, or to pay any  
21 final assessment of the tax penalty or interest, as required by  
22 any tax Act administered by the Illinois Department of Revenue,  
23 until such time as the requirements of any such tax Act are  
24 satisfied.

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

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

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

27 In instances in which the Secretary ~~Director~~ immediately  
28 suspends a person's license under this Section, a hearing on  
29 that person's license must be convened by the Board within 15  
30 days after the suspension and completed without appreciable  
31 delay. The Board shall have the authority to review the subject  
32 person's record of treatment and counseling regarding the  
33 impairment, to the extent permitted by applicable federal  
34 statutes and regulations safeguarding the confidentiality of  
35 medical records.

36 A person licensed under this Act and affected under this

1 Section shall be afforded an opportunity to demonstrate to the  
2 Board that he or she can resume practice in compliance with  
3 acceptable and prevailing standards under the provisions of his  
4 or her license.

5 (Source: P.A. 89-702, eff. 7-1-97.)

6 (225 ILCS 15/15.4)

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

8 Sec. 15.4. Rehearing. Whenever the Secretary ~~Director~~ is  
9 satisfied that substantial justice has not been done in a  
10 hearing for revocation, suspension, refusal to issue or renewal  
11 of a license or to place on probation, censure or reprimand a  
12 person licensed under the provisions of this Act, he or she may  
13 order a rehearing by the same or another hearing officer or  
14 Board.

15 (Source: P.A. 89-702, eff. 7-1-97.)

16 (225 ILCS 15/16) (from Ch. 111, par. 5366)

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

18 Sec. 16. Investigations; notice; hearing. Licenses may be  
19 refused, revoked, or suspended in the manner provided by this  
20 Act and not otherwise. The Department may upon its own motion  
21 and shall upon the verified complaint in writing of any person  
22 setting forth facts that if proven would constitute grounds for  
23 refusal to issue, suspend or revoke under this Act investigate  
24 the actions of any person applying for, holding or claiming to  
25 hold a license. The Department shall, before refusing to issue,  
26 renew, suspend or revoke any license or take other disciplinary  
27 action pursuant to Section 15 of this Act, and at least 30 days  
28 prior to the date set for the hearing, notify in writing the  
29 applicant for or the holder of such license of any charges  
30 made, shall afford such accused person an opportunity to be  
31 heard in person or by counsel in reference thereto, and direct  
32 the applicant or licensee to file a written answer to the Board  
33 under oath within 20 days after the service of the notice and  
34 inform the applicant or licensee that failure to file an answer

1 will result in default being taken against the applicant or  
2 licensee and that the license or certificate may be suspended,  
3 revoked, placed on probationary status, or other disciplinary  
4 action may be taken, including limiting the scope, nature or  
5 extent of practice, as the Secretary ~~Director~~ may deem proper.  
6 Written notice may be served by delivery of the same personally  
7 to the accused person, or by mailing the same by certified mail  
8 to his or her last known place of residence or to the place of  
9 business last theretofore specified by the accused person in  
10 his or her last notification to the Department. In case the  
11 person fails to file an answer after receiving notice, his or  
12 her license or certificate may, in the discretion of the  
13 Department, be suspended, revoked, or 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. At the time and place  
19 fixed in the notice, the Board shall proceed to hearing of the  
20 charges and both the accused person and the complainant shall  
21 be accorded ample opportunity to present, in person or by  
22 counsel, any statements, testimony, evidence and arguments as  
23 may be pertinent to the charges or to their defense. The Board  
24 may continue such hearing from time to time. If the Board shall  
25 not be sitting at the time and place fixed in the notice or at  
26 the time and place to which the hearing shall have been  
27 continued, the Department shall continue such hearing for a  
28 period not to exceed 30 days.

29 (Source: P.A. 89-702, eff. 7-1-97.)

30 (225 ILCS 15/16.1)

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

32 Sec. 16.1. Appointment of hearing officer. Notwithstanding  
33 any other provision of this Act, the Secretary ~~Director~~ shall  
34 have the authority to appoint any attorney duly licensed to  
35 practice law in the State of Illinois to serve as the hearing

1 officer in any action for refusal to issue, renew or discipline  
2 a license. The hearing officer shall have full authority to  
3 conduct the hearing. The hearing officer shall report his or  
4 her findings of fact, conclusions of law, and recommendations  
5 to the Board and the Secretary ~~Director~~. The Board shall have  
6 60 days after receipt of the report to review the report of the  
7 hearing officer and to present its findings of fact,  
8 conclusions of law and recommendations to the Secretary  
9 ~~Director~~. If the Board fails to present its report within the  
10 60 day period, the Secretary ~~Director~~ may issue an order based  
11 on the report of the hearing officer. If the Secretary ~~Director~~  
12 disagrees with the recommendations of the Board or hearing  
13 officer, the Secretary ~~Director~~ may issue an order in  
14 contravention of the Board's report. The Secretary ~~Director~~  
15 shall promptly provide a written explanation to the Board on  
16 any such disagreement.

17 (Source: P.A. 89-702, eff. 7-1-97.)

18 (225 ILCS 15/16.5)

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

20 Sec. 16.5. Unlicensed practice; violation; civil penalty.

21 (a) Any person who practices, offers to practice, attempts  
22 to practice, or holds oneself out to practice clinical  
23 psychology without being licensed under this Act shall, in  
24 addition to any other penalty provided by law, pay a civil  
25 penalty to the Department in an amount not to exceed \$10,000  
26 ~~\$5,000~~ for each offense as determined by the Department. The  
27 civil penalty shall be assessed by the Department after a  
28 hearing is held in accordance with the provisions set forth in  
29 this Act regarding the provision of a hearing for the  
30 discipline of a licensee.

31 (b) The Department has the authority and power to  
32 investigate any and all unlicensed activity.

33 (c) The civil penalty shall be paid within 60 days after  
34 the effective date of the order imposing the civil penalty. The  
35 order shall constitute a judgment and may be filed and

1 execution had thereon in the same manner as any judgment from  
2 any court of record.

3 (Source: P.A. 89-474, eff. 6-18-96.)

4 (225 ILCS 15/17) (from Ch. 111, par. 5367)

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

6 Sec. 17. Subpoenas; depositions; oaths. The Department  
7 shall have power to subpoena and bring before it any person and  
8 to take testimony either orally or by deposition, or both, with  
9 the same fees and mileage and in the same manner as prescribed  
10 by law in judicial proceedings in civil cases in courts in this  
11 State.

12 The Secretary ~~Director~~, the designated hearing officer and  
13 any member of the Board shall each have power to administer  
14 oaths to witnesses at any hearings which the Department is  
15 authorized to conduct and any other oaths authorized in any Act  
16 administered by the Department.

17 (Source: P.A. 89-702, eff. 7-1-97.)

18 (225 ILCS 15/20) (from Ch. 111, par. 5370)

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

20 Sec. 20. Report; motion for rehearing. The Board shall  
21 present to the Secretary ~~Director~~ its written report of its  
22 findings and recommendations. A copy of such report shall be  
23 served upon the applicant or licensee, either personally or by  
24 certified mail. Within 20 days after such service, the  
25 applicant or licensee may present to the Department a motion in  
26 writing for a rehearing, that shall specify the particular  
27 grounds for the rehearing. If no motion for a rehearing is  
28 filed, then upon the expiration of the time specified for  
29 filing such a motion, or if a motion for rehearing is denied,  
30 then upon such denial, the Secretary ~~Director~~ may enter an  
31 order in accordance with recommendations of the Board, except  
32 as provided in Section 16.1 of this Act. If the applicant or  
33 licensee requests and pays for a transcript of the record  
34 within the time for filing a motion for rehearing, the 20 day

1 period within which a motion may be filed shall commence upon  
2 the delivery of the transcript.

3 (Source: P.A. 89-702, eff. 7-1-97.)

4 (225 ILCS 15/21.4)

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

6 Sec. 21.4. Order or certified copy; prima facie proof. An  
7 order or certified copy thereof, over the seal of the  
8 Department and purporting to be signed by the Secretary  
9 ~~Director~~, is prima facie proof that:

10 (1) the signature is the genuine signature of the  
11 Secretary ~~Director~~;

12 (2) the Secretary ~~Director~~ is duly appointed and  
13 qualified; and

14 (3) the Board and the members thereof are qualified to  
15 act.

16 (Source: P.A. 89-702, eff. 7-1-97.)

17 (225 ILCS 15/21.6)

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

19 Sec. 21.6. Summary suspension of license. The Secretary  
20 ~~Director~~ may summarily suspend the license of a clinical  
21 psychologist without a hearing, simultaneously with the  
22 institution of proceedings for a hearing provided for in  
23 Section 16 of this Act, if the Secretary ~~Director~~ finds that  
24 evidence in the possession of the Secretary ~~Director~~ indicates  
25 that the continuation of practice by the clinical psychologist  
26 would constitute an imminent danger to the public. In the event  
27 that the Secretary ~~Director~~ summarily suspends the license of  
28 an individual without a hearing, a hearing must be held within  
29 30 days after the suspension has occurred.

30 (Source: P.A. 89-702, eff. 7-1-97.)

31 (225 ILCS 15/25) (from Ch. 111, par. 5375)

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

33 Sec. 25. Returned checks; fines. Any person who delivers a

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

24 (Source: P.A. 92-146, eff. 1-1-02.)

25 (225 ILCS 15/27) (from Ch. 111, par. 5377)

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

27 Sec. 27. Injunctions. It is hereby declared to be a public  
28 nuisance for any person to render or offer to render clinical  
29 psychological services as defined in Section 2 of this Act or  
30 to represent himself as a clinical psychologist or that the  
31 services he or she renders are clinical psychological services  
32 as defined in Section 2 of this Act, without having in effect a  
33 currently valid license as defined in this Act. The Secretary  
34 ~~Director~~, Attorney General, or the State's Attorney of the  
35 county in which such nuisance has occurred may file a complaint

1 in the circuit court in the name of the People of the State of  
2 Illinois perpetually to enjoin such person from performing such  
3 unlawful acts. Upon the filing of a verified complaint in such  
4 cause, the court, if satisfied that such unlawful act has been  
5 performed and may continue to be performed, shall enter a  
6 temporary restraining order or preliminary injunction without  
7 notice or bond enjoining the defendant from performing such  
8 unlawful act.

9 If it is established that the defendant contrary to this  
10 Act has been rendering or offering to render clinical  
11 psychological services as defined in Section 2 of this Act or  
12 is engaging in or about to engage in representing himself as a  
13 clinical psychologist or that the services he or she renders  
14 are clinical psychological services as defined in Section 2 of  
15 this Act, without having been issued a license or after his or  
16 her license has been suspended or revoked or after his or her  
17 license has not been renewed, the court, may enter a judgment  
18 perpetually enjoining such person from further engaging in the  
19 unlawful act. In case of violation of any injunction entered  
20 under this Section, the court, may summarily try and punish the  
21 offender for contempt of court. Such injunction proceedings  
22 shall be in addition to, and not in lieu of, all penalties and  
23 other remedies provided in this Act.

24 (Source: P.A. 89-702, eff. 7-1-97.)

25 (225 ILCS 15/27.2)

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

27 Sec. 27.2. Cease and desist order. If any person violates  
28 the provisions of this Act, the Secretary ~~Director~~, in the name  
29 of the People of the State of Illinois, through the Attorney  
30 General or the State's Attorney of the county in which the  
31 violation is alleged to have occurred, may petition for an  
32 order enjoining the violation or for an order enforcing  
33 compliance with this Act. Upon the filing of a verified  
34 petition, the court with appropriate jurisdiction may issue a  
35 temporary restraining order, without notice or bond, and may

1 preliminarily and permanently enjoin the violation. If it is  
2 established that the person has violated or is violating the  
3 injunction, the court may punish the offender for contempt of  
4 court. Proceedings under this Section are in addition to, and  
5 not in lieu of, all other remedies and penalties provided by  
6 this Act.

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

16 (Source: P.A. 89-702, eff. 7-1-97.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.