



Sen. Carol Ronen

**Filed: 2/7/2006**

09400SB2297sam001

LRB094 18618 RAS 55282 a

1 AMENDMENT TO SENATE BILL 2297

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2297 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing 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 Acts repealed on January 1, 2007.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8 are repealed on January 1, 2007: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 Act repealed on January 1, 2017.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22 Act is repealed on January 1, 2017: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.

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

4 (225 ILCS 15/2) (from Ch. 111, par. 5352)

5 (Section scheduled to be repealed on January 1, 2007)

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

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

9 (2) "Secretary Director" means the Secretary Director  
10 of Financial and Professional Regulation.

11 (3) "Board" means the Clinical Psychologists Licensing  
12 and Disciplinary Board appointed by the Secretary  
13 Director.

14 (4) "Person" means an individual, association,  
15 partnership or corporation.

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

31 (6) A person represents himself to be a "clinical  
32 psychologist" within the meaning of this Act when he or she

1 holds himself out to the public by any title or description  
2 of services incorporating the words "psychological",  
3 "psychologic", "psychologist", "psychology", or "clinical  
4 psychologist" or under such title or description offers to  
5 render or renders clinical psychological services as  
6 defined in paragraph (7) of this Section to individuals,  
7 corporations, or the public for remuneration.

8 (7) "Clinical psychological services" refers to any  
9 services under paragraph (5) of this Section if the words  
10 "psychological", "psychologic", "psychologist",  
11 "psychology" or "clinical psychologist" are used to  
12 describe such services by the person or organization  
13 offering to render or rendering them.

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

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

18 (225 ILCS 15/3) (from Ch. 111, par. 5353)

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

20 Sec. 3. Necessity of license; corporations, partnerships,  
21 and associations; display of license.

22 (a) No individual, partnership, association or corporation  
23 shall, without a valid license as a clinical psychologist  
24 issued by the Department, in any manner hold himself or herself  
25 out to the public as a psychologist or clinical psychologist  
26 under the provisions of this Act or render or offer to render  
27 clinical psychological services as defined in paragraph 7 of  
28 Section 2 of this Act; or attach the title "clinical  
29 psychologist", "psychologist" or any other name or designation  
30 which would in any way imply that he or she is able to practice  
31 as a clinical psychologist; or offer to render or render, to  
32 individuals, corporations or the public, clinical  
33 psychological services as defined in paragraph 7 of Section 2

1 of this Act.

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

6 (b) No association or partnership shall be granted a  
7 license unless every member, partner, and employee of the  
8 association or partnership who renders clinical psychological  
9 services holds a currently valid license issued under this Act.  
10 No license shall be issued by the Department to a corporation  
11 that (i) has a stated purpose that includes clinical  
12 psychology, or (ii) practices or holds itself out as available  
13 to practice clinical psychology, unless it is organized under  
14 the Professional Service Corporation Act.

15 (c) Individuals, corporations, partnerships and  
16 associations may employ practicum students, interns or  
17 postdoctoral candidates seeking to fulfill educational  
18 requirements or the professional experience requirements  
19 needed to qualify for a license as a clinical psychologist to  
20 assist in the rendering of services, provided that such  
21 employees function under the direct supervision, order,  
22 control and full professional responsibility of a licensed  
23 clinical psychologist in the corporation, partnership or  
24 association. Nothing in this paragraph shall prohibit a  
25 corporation, partnership or association from contracting with  
26 a licensed health care professional to provide services.

27 (d) Nothing in this Act shall prevent the employment, by a  
28 clinical psychologist, individual, association, partnership or  
29 a corporation furnishing clinical psychological services for  
30 remuneration, of persons not licensed as clinical  
31 psychologists under the provisions of this Act to perform  
32 services in various capacities as needed, provided that such  
33 persons are not in any manner held out to the public as  
34 rendering clinical psychological services as defined in

1 paragraph 7 of Section 2 of this Act. Nothing contained in this  
2 Act shall require any hospital, clinic, home health agency,  
3 hospice, or other entity that provides health care services to  
4 employ or to contract with a clinical psychologist licensed  
5 under this Act to perform any of the activities under paragraph  
6 (5) of Section 2 of this Act.

7 (e) Nothing in this Act shall be construed to limit the  
8 services and use of official title on the part of a person, not  
9 licensed under the provisions of this Act, in the employ of a  
10 State, county or municipal agency or other political  
11 subdivision insofar that such services are a part of the duties  
12 in his or her salaried position, and insofar that such services  
13 are performed solely on behalf of his or her employer.

14 Nothing contained in this Section shall be construed as  
15 permitting such person to offer their services as psychologists  
16 to any other persons and to accept remuneration for such  
17 psychological services other than as specifically excepted  
18 herein, unless they have been licensed under the provisions of  
19 this Act.

20 (f) Duly recognized members of any bonafide religious  
21 denomination shall not be restricted from functioning in their  
22 ministerial capacity provided they do not represent themselves  
23 as being clinical psychologists or providing clinical  
24 psychological services.

25 (g) Nothing in this Act shall prohibit individuals not  
26 licensed under the provisions of this Act who work in self-help  
27 groups or programs or not-for-profit organizations from  
28 providing services in those groups, programs, or  
29 organizations, provided that such persons are not in any manner  
30 held out to the public as rendering clinical psychological  
31 services as defined in paragraph 7 of Section 2 of this Act.

32 (h) Nothing in this Act shall be construed to prevent a  
33 person from practicing hypnosis without a license issued under  
34 this Act provided that the person (1) does not otherwise engage

1 in the practice of clinical psychology including, but not  
2 limited to, the independent evaluation, classification, and  
3 treatment of mental, emotional, behavioral, or nervous  
4 disorders or conditions, developmental disabilities,  
5 alcoholism and substance abuse, disorders of habit or conduct,  
6 the psychological aspects of physical illness, (2) does not  
7 otherwise engage in the practice of medicine including, but not  
8 limited to, the diagnosis or treatment of physical or mental  
9 ailments or conditions, and (3) does not hold himself or  
10 herself out to the public by a title or description stating or  
11 implying that the individual is a clinical psychologist or is  
12 licensed to practice clinical psychology.

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

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

18 (225 ILCS 15/7) (from Ch. 111, par. 5357)

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

20 Sec. 7. Board. The Secretary ~~Director~~ shall appoint a Board  
21 that shall serve in an advisory capacity to the Secretary  
22 ~~Director~~.

23 The Board shall consist of 7 persons, 4 of whom are  
24 licensed clinical psychologists, and actively engaged in the  
25 practice of clinical psychology, 2 of whom are licensed  
26 clinical psychologists and are full time faculty members of  
27 accredited colleges or universities who are engaged in training  
28 clinical psychologists, and one of whom is a public member who  
29 is not a licensed health care provider. In appointing members  
30 of the Board, the Secretary ~~Director~~ shall give due  
31 consideration to the adequate representation of the various  
32 fields of health care psychology such as clinical psychology,  
33 school psychology and counseling psychology. In appointing

1 members of the Board, the Secretary ~~Director~~ shall give due  
2 consideration to recommendations by members of the profession  
3 of clinical psychology and by the State-wide organizations  
4 representing the interests of clinical psychologists and  
5 organizations representing the interests of academic programs  
6 as well as recommendations by approved doctoral level  
7 psychology programs in the State of Illinois. The members shall  
8 be appointed for a term of 4 years. No member shall be eligible  
9 to serve for more than 2 full terms. Any appointment to fill a  
10 vacancy shall be for the unexpired portion of the term. A  
11 member appointed to fill a vacancy for an unexpired term for a  
12 duration of 2 years or more may be reappointed for a maximum of  
13 one term and a member appointed to fill a vacancy for an  
14 unexpired term for a duration of less than 2 years may be  
15 reappointed for a maximum of 2 terms. The Secretary ~~Director~~  
16 may remove any member for cause at any time prior to the  
17 expiration of his or her term.

18 The Board shall annually elect one of its members as  
19 chairperson and vice chairperson.

20 The members of the Board shall be reimbursed for all  
21 authorized legitimate and necessary expenses incurred in  
22 attending the meetings of the Board.

23 The Secretary ~~Director~~ shall give due consideration to all  
24 recommendations of the Board. In the event the Secretary  
25 ~~Director~~ disagrees with or takes action contrary to the  
26 recommendation of the Board, he or she shall provide the Board  
27 with a written and specific explanation of his or her actions.

28 A majority of the Board members currently appointed shall  
29 constitute a quorum. A vacancy in the membership of the Board  
30 shall not impair the right of a quorum to perform all of the  
31 duties of the Board.

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

1           The Secretary ~~Director~~ may terminate the appointment of any  
2 member for cause which in the opinion of the Secretary ~~Director~~  
3 reasonably justifies such termination.

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

5           (225 ILCS 15/13) (from Ch. 111, par. 5363)

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

7           Sec. 13. License renewal; restoration. The expiration date  
8 and renewal period for each license issued under this Act shall  
9 be set by rule. Every holder of a license under this Act may  
10 renew such license during the 90-day period immediately ~~month~~  
11 preceding the expiration date thereof upon payment of the  
12 required renewal fees.

13           A clinical psychologist who has permitted his or her  
14 license to expire or who has had his or her license on inactive  
15 status may have his or her license restored by making  
16 application to the Department and filing proof acceptable to  
17 the Department of his or her fitness to have his or her license  
18 restored, including evidence certifying to active practice in  
19 another jurisdiction satisfactory to the Department and by  
20 paying the required restoration fee.

21           If the clinical psychologist has not maintained an active  
22 practice in another jurisdiction satisfactory to the  
23 Department, the Board shall determine, by an evaluation program  
24 established by rule, his or her fitness to resume active status  
25 and may require the clinical psychologist to complete a period  
26 of supervised professional experience and may require  
27 successful completion of an examination.

28           However, any clinical psychologist whose license expired  
29 while he or she was (1) in Federal Service on active duty with  
30 the Armed Forces of the United States, or the State Militia  
31 called into service or training, or (2) in training or  
32 education under the supervision of the United States  
33 preliminary to induction into the military service, may have



1 his or her license renewed or restored without paying any  
2 lapsed renewal fees if within 2 years after honorable  
3 termination of such service, training or education he or she  
4 furnishes the Department with satisfactory evidence to the  
5 effect that he or she has been so engaged and that his or her  
6 service, training or education has been so terminated.

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

8 (225 ILCS 15/15) (from Ch. 111, par. 5365)

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

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

18 (1) Conviction of, or entry of a plea of guilty or nolo  
19 contendere to, any crime that is a felony under the laws of the  
20 United States or any state or territory thereof or that is a  
21 misdemeanor of which an essential element is dishonesty, or any  
22 crime that is directly related to the practice of the  
23 profession.

24 (2) Gross negligence in the rendering of clinical  
25 psychological services.

26 (3) Using fraud or making any misrepresentation in applying  
27 for a license or in passing the examination provided for in  
28 this Act.

29 (4) Aiding or abetting or conspiring to aid or abet a  
30 person, not a clinical psychologist licensed under this Act, in  
31 representing himself or herself as so licensed or in applying  
32 for a license under this Act.

33 (5) Violation of any provision of this Act or the rules

1 promulgated thereunder.

2 (6) Professional connection or association with any  
3 person, firm, association, partnership or corporation holding  
4 himself, herself, themselves, or itself out in any manner  
5 contrary to this Act.

6 (7) Unethical, unauthorized or unprofessional conduct as  
7 defined by rule. In establishing those rules, the Department  
8 shall consider, though is not bound by, the ethical standards  
9 for psychologists promulgated by recognized national  
10 psychology associations.

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

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

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

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

23 (12) Directly or indirectly giving or receiving from any  
24 person, firm, corporation, association or partnership any fee,  
25 commission, rebate or other form of compensation for any  
26 professional service not actually or personally rendered.

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

30 (14) Willfully making or filing false records or reports,  
31 including but not limited to, false records or reports filed  
32 with State agencies or departments.

33 (15) Physical illness, including but not limited to,  
34 deterioration through the aging process, mental illness or

1 disability that results in the inability to practice the  
2 profession with reasonable judgment, skill and safety.

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

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

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

13 (19) Making a material misstatement in furnishing  
14 information to the Department, any other State or federal  
15 agency, or any other entity.

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

21 (21) Failing to report to the Department any adverse final  
22 action taken against a licensee or applicant by another  
23 licensing jurisdiction, including any other state or territory  
24 of the United States or any foreign state or country, or any  
25 peer review body, health care institution, professional  
26 society or association related to the profession, governmental  
27 agency, law enforcement agency, or court for an act or conduct  
28 similar to an act or conduct that would constitute grounds for  
29 disciplinary action as set forth in this Section.

30 The entry of an order by any circuit court establishing  
31 that any person holding a license under this Act is subject to  
32 involuntary admission or judicial admission as provided for in  
33 the Mental Health and Developmental Disabilities Code,  
34 operates as an automatic suspension of that license. That

1 person may have his or her license restored only upon the  
2 determination by a circuit court that the patient is no longer  
3 subject to involuntary admission or judicial admission and the  
4 issuance of an order so finding and discharging the patient and  
5 upon the Board's recommendation to the Department that the  
6 license be restored. Where the circumstances so indicate, the  
7 Board may recommend to the Department that it require an  
8 examination prior to restoring any license so automatically  
9 suspended.

10 The Department may refuse to issue or may suspend the  
11 license of any person who fails to file a return, or to pay the  
12 tax, penalty or interest shown in a filed return, or to pay any  
13 final assessment of the tax penalty or interest, as required by  
14 any tax Act administered by the Illinois Department of Revenue,  
15 until such time as the requirements of any such tax Act are  
16 satisfied.

17 In enforcing this Section, the Board upon a showing of a  
18 possible violation may compel any person licensed to practice  
19 under this Act, or who has applied for licensure or  
20 certification pursuant to this Act, to submit to a mental or  
21 physical examination, or both, as required by and at the  
22 expense of the Department. The examining physicians or clinical  
23 psychologists shall be those specifically designated by the  
24 Board. The Board or the Department may order the examining  
25 physician or clinical psychologist to present testimony  
26 concerning this mental or physical examination of the licensee  
27 or applicant. No information shall be excluded by reason of any  
28 common law or statutory privilege relating to communications  
29 between the licensee or applicant and the examining physician  
30 or clinical psychologist. The person to be examined may have,  
31 at his or her own expense, another physician or clinical  
32 psychologist of his or her choice present during all aspects of  
33 the examination. Failure of any person to submit to a mental or  
34 physical examination, when directed, shall be grounds for

1 suspension of a license until the person submits to the  
2 examination if the Board finds, after notice and hearing, that  
3 the refusal to submit to the examination was without reasonable  
4 cause.

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

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

30 A person licensed under this Act and affected under this  
31 Section shall be afforded an opportunity to demonstrate to the  
32 Board that he or she can resume practice in compliance with  
33 acceptable and prevailing standards under the provisions of his  
34 or her license.

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

2 (225 ILCS 15/15.4)

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

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

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

12 (225 ILCS 15/16) (from Ch. 111, par. 5366)

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

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

1     revoked, placed on probationary status, or other disciplinary  
2     action may be taken, including limiting the scope, nature or  
3     extent of practice, as the Secretary ~~Director~~ may deem proper.  
4     Written notice may be served by delivery of the same personally  
5     to the accused person, or by mailing the same by certified mail  
6     to his or her last known place of residence or to the place of  
7     business last theretofore specified by the accused person in  
8     his or her last notification to the Department. In case the  
9     person fails to file an answer after receiving notice, his or  
10    her license or certificate may, in the discretion of the  
11    Department, be suspended, revoked, or placed on probationary  
12    status, or the Department may take whatever disciplinary action  
13    deemed proper, including limiting the scope, nature, or extent  
14    of the person's practice or the imposition of a fine, without a  
15    hearing, if the act or acts charged constitute sufficient  
16    grounds for such action under this Act. At the time and place  
17    fixed in the notice, the Board shall proceed to hearing of the  
18    charges and both the accused person and the complainant shall  
19    be accorded ample opportunity to present, in person or by  
20    counsel, any statements, testimony, evidence and arguments as  
21    may be pertinent to the charges or to their defense. The Board  
22    may continue such hearing from time to time. If the Board shall  
23    not be sitting at the time and place fixed in the notice or at  
24    the time and place to which the hearing shall have been  
25    continued, the Department shall continue such hearing for a  
26    period not to exceed 30 days.

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

28           (225 ILCS 15/16.1)

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

30           Sec. 16.1. Appointment of hearing officer. Notwithstanding  
31    any other provision of this Act, the Secretary ~~Director~~ shall  
32    have the authority to appoint any attorney duly licensed to  
33    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



1 the effective date of the order imposing the civil penalty. The  
2 order shall constitute a judgment and may be filed and  
3 execution had thereon in the same manner as any judgment from  
4 any court of record.

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

6 (225 ILCS 15/17) (from Ch. 111, par. 5367)

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

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

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

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

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

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

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

1 order in accordance with recommendations of the Board, except  
2 as provided in Section 16.1 of this Act. If the applicant or  
3 licensee requests and pays for a transcript of the record  
4 within the time for filing a motion for rehearing, the 20 day  
5 period within which a motion may be filed shall commence upon  
6 the delivery of the transcript.

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

8 (225 ILCS 15/21.4)

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

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

14 (1) the signature is the genuine signature of the  
15 Secretary ~~Director~~;

16 (2) the Secretary ~~Director~~ is duly appointed and  
17 qualified; and

18 (3) the Board and the members thereof are qualified to  
19 act.

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

21 (225 ILCS 15/21.6)

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

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

1 30 days after the suspension has occurred.

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

3 (225 ILCS 15/25) (from Ch. 111, par. 5375)

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

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

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

30 (225 ILCS 15/27) (from Ch. 111, par. 5377)

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

32 Sec. 27. Injunctions. It is hereby declared to be a public

1 nuisance for any person to render or offer to render clinical  
2 psychological services as defined in Section 2 of this Act or  
3 to represent himself as a clinical psychologist or that the  
4 services he or she renders are clinical psychological services  
5 as defined in Section 2 of this Act, without having in effect a  
6 currently valid license as defined in this Act. The Secretary  
7 ~~Director~~, Attorney General, or the State's Attorney of the  
8 county in which such nuisance has occurred may file a complaint  
9 in the circuit court in the name of the People of the State of  
10 Illinois perpetually to enjoin such person from performing such  
11 unlawful acts. Upon the filing of a verified complaint in such  
12 cause, the court, if satisfied that such unlawful act has been  
13 performed and may continue to be performed, shall enter a  
14 temporary restraining order or preliminary injunction without  
15 notice or bond enjoining the defendant from performing such  
16 unlawful act.

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

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

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

2 Sec. 27.2. Cease and desist order. If any person violates  
3 the provisions of this Act, the Secretary ~~Director~~, in the name  
4 of the People of the State of Illinois, through the Attorney  
5 General or the State's Attorney of the county in which the  
6 violation is alleged to have occurred, may petition for an  
7 order enjoining the violation or for an order enforcing  
8 compliance with this Act. Upon the filing of a verified  
9 petition, the court with appropriate jurisdiction may issue a  
10 temporary restraining order, without notice or bond, and may  
11 preliminarily and permanently enjoin the violation. If it is  
12 established that the person has violated or is violating the  
13 injunction, the court may punish the offender for contempt of  
14 court. Proceedings under this Section are in addition to, and  
15 not in lieu of, all other remedies and penalties provided by  
16 this Act.

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

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

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law."