

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 Funeral Directors and Embalmers Licensing  
5 Code is amended by changing Section 15-15 as follows:

6 (225 ILCS 41/15-15)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 15-15. Complaints; investigations; hearings; summary  
9 suspension of license. The Department shall conduct regular  
10 inspections of all funeral establishments to determine  
11 compliance with the provisions of this Code. The Department may  
12 upon its own motion and shall upon the verified complaint in  
13 writing of any person setting forth facts that if proved would  
14 constitute grounds for refusal, suspension, revocation, or  
15 other disciplinary action investigate the action of any person  
16 holding or claiming to hold a license under this Code. The  
17 Department shall report to the Board, on at least a quarterly  
18 basis, the status or disposition of all complaints against, and  
19 investigations of, license holders. The Department shall,  
20 before refusing to issue or renew, suspending, revoking, or  
21 taking any other disciplinary action with respect to any  
22 license and at least 30 days before the date set for the  
23 hearing, notify in writing the licensee of any charges made and

1 shall direct that person to file a written answer to the Board  
2 under oath within 20 days after the service of the notice and  
3 inform that person that failure to file an answer may result in  
4 default being taken and the person's license or certificate may  
5 be suspended, revoked, placed on probationary status, or other  
6 disciplinary action may be taken, including limiting the scope,  
7 nature or extent of practice, as the Secretary ~~Director~~ may  
8 deem proper. The Department shall afford the licensee an  
9 opportunity to be heard in person or by counsel in reference to  
10 the charges. Written notice may be served by personal delivery  
11 to the licensee or by mailing it by registered mail to the last  
12 known business address of licensee. In case the person fails to  
13 file an answer after receiving notice, his or her license or  
14 certificate may, in the discretion of the Department, be  
15 suspended, revoked, or placed on probationary status, or the  
16 Department may take whatever disciplinary action deemed  
17 proper, including limiting the scope, nature, or extent of the  
18 person's practice or the imposition of a fine, without a  
19 hearing, if the act or acts charged constitute sufficient  
20 grounds for such action under this Act. The hearing on the  
21 charges shall be at a time and place as the Department shall  
22 prescribe. The Department may appoint a hearing officer to  
23 conduct the hearing. The Department shall notify the Board of  
24 the time and place of the hearing and Board members shall be  
25 allowed to sit at the hearing. The Department has the power to  
26 subpoena and bring before it any person in this State, or take

1 testimony of any person by deposition, with the same fees and  
2 mileage, in the same manner as prescribed by law in judicial  
3 proceedings in circuit courts of this State in civil cases. If  
4 the Department determines that any licensee is guilty of a  
5 violation of any of the provisions of this Code, disciplinary  
6 action shall be taken against the licensee. The Department may  
7 take disciplinary action without a formal hearing subject to  
8 Section 10-70 of the Illinois Administrative Procedure Act.

9 The Secretary may summarily suspend the license of any  
10 person licensed under this Act without a hearing,  
11 simultaneously with the institution of proceedings for a  
12 hearing provided for in this Section, if the Secretary finds  
13 that evidence in the possession of the Secretary indicates that  
14 the continuation of practice by the licensee would constitute  
15 an imminent danger to the public. In the event that the  
16 Secretary summarily suspends the license of an individual  
17 without a hearing, a hearing must be held within 30 days after  
18 the suspension has occurred. Notwithstanding any other  
19 rulemaking authority that may exist, neither the Governor nor  
20 any agency or agency head under the jurisdiction of the  
21 Governor has any authority to make or promulgate rules to  
22 implement or enforce the provisions of this amendatory Act of  
23 the 95th General Assembly. If, however, the Governor believes  
24 that rules are necessary to implement or enforce the provisions  
25 of this amendatory Act of the 95th General Assembly, the  
26 Governor may suggest rules to the General Assembly by filing

1 them with the Clerk of the House and the Secretary of the  
2 Senate and by requesting that the General Assembly authorize  
3 such rulemaking by law, enact those suggested rules into law,  
4 or take any other appropriate action in the General Assembly's  
5 discretion. Nothing contained in this amendatory Act of the  
6 95th General Assembly shall be interpreted to grant rulemaking  
7 authority under any other Illinois statute where such authority  
8 is not otherwise explicitly given. For the purposes of this  
9 amendatory Act of the 95th General Assembly, "rules" is given  
10 the meaning contained in Section 1-70 of the Illinois  
11 Administrative Procedure Act, and "agency" and "agency head"  
12 are given the meanings contained in Sections 1-20 and 1-25 of  
13 the Illinois Administrative Procedure Act to the extent that  
14 such definitions apply to agencies or agency heads under the  
15 jurisdiction of the Governor.

16 (Source: P.A. 87-966; 88-45.)

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