



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2476

Introduced 2/20/2009, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-15

was 20 ILCS 2105/60

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Provides that within 180 days the effective date of this amendatory Act, the Department shall promulgate rules which permit a person with a criminal record, who seeks a license or certificate, to apply to the Department for an opinion as to whether his or her criminal record would bar the individual from the licensure or certification sought, should the individual meet all other licensure requirements including, but not limited to, the successful completion of the relevant examinations. Provides that the Department shall establish a schedule of fees for the issuance of the opinion. Provides that if the person applies for the license or certificate within 2 years of the Department issuing its opinion on his or her eligibility for such license or certificate, his or her application fee for the license or certificate shall be reduced by the amount of the opinion fee paid under this subsection. Effective immediately.

LRB096 09415 ASK 21196 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

20 (3) To pass upon the qualifications of applicants for
21 licenses, certificates, and authorities, whether by
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for

1 the respective professions, trades, and occupations, what
2 shall constitute a school, college, or university, or
3 department of a university, or other institution,
4 reputable and in good standing, and to determine the
5 reputability and good standing of a school, college, or
6 university, or department of a university, or other
7 institution, reputable and in good standing, by reference
8 to a compliance with those rules and regulations; provided,
9 that no school, college, or university, or department of a
10 university, or other institution that refuses admittance
11 to applicants solely on account of race, color, creed, sex,
12 or national origin shall be considered reputable and in
13 good standing.

14 (5) To conduct hearings on proceedings to revoke,
15 suspend, refuse to renew, place on probationary status, or
16 take other disciplinary action as authorized in any
17 licensing Act administered by the Department with regard to
18 licenses, certificates, or authorities of persons
19 exercising the respective professions, trades, or
20 occupations and to revoke, suspend, refuse to renew, place
21 on probationary status, or take other disciplinary action
22 as authorized in any licensing Act administered by the
23 Department with regard to those licenses, certificates, or
24 authorities. The Department shall issue a monthly
25 disciplinary report. The Department shall deny any license
26 or renewal authorized by the Civil Administrative Code of

1 Illinois to any person who has defaulted on an educational
2 loan or scholarship provided by or guaranteed by the
3 Illinois Student Assistance Commission or any governmental
4 agency of this State; however, the Department may issue a
5 license or renewal if the aforementioned persons have
6 established a satisfactory repayment record as determined
7 by the Illinois Student Assistance Commission or other
8 appropriate governmental agency of this State.
9 Additionally, beginning June 1, 1996, any license issued by
10 the Department may be suspended or revoked if the
11 Department, after the opportunity for a hearing under the
12 appropriate licensing Act, finds that the licensee has
13 failed to make satisfactory repayment to the Illinois
14 Student Assistance Commission for a delinquent or
15 defaulted loan. For the purposes of this Section,
16 "satisfactory repayment record" shall be defined by rule.
17 The Department shall refuse to issue or renew a license to,
18 or shall suspend or revoke a license of, any person who,
19 after receiving notice, fails to comply with a subpoena or
20 warrant relating to a paternity or child support
21 proceeding. However, the Department may issue a license or
22 renewal upon compliance with the subpoena or warrant.

23 The Department, without further process or hearings,
24 shall revoke, suspend, or deny any license or renewal
25 authorized by the Civil Administrative Code of Illinois to
26 a person who is certified by the Department of Healthcare

1 and Family Services (formerly Illinois Department of
2 Public Aid) as being more than 30 days delinquent in
3 complying with a child support order or who is certified by
4 a court as being in violation of the Non-Support Punishment
5 Act for more than 60 days. The Department may, however,
6 issue a license or renewal if the person has established a
7 satisfactory repayment record as determined by the
8 Department of Healthcare and Family Services (formerly
9 Illinois Department of Public Aid) or if the person is
10 determined by the court to be in compliance with the
11 Non-Support Punishment Act. The Department may implement
12 this paragraph as added by Public Act 89-6 through the use
13 of emergency rules in accordance with Section 5-45 of the
14 Illinois Administrative Procedure Act. For purposes of the
15 Illinois Administrative Procedure Act, the adoption of
16 rules to implement this paragraph shall be considered an
17 emergency and necessary for the public interest, safety,
18 and welfare.

19 (6) To transfer jurisdiction of any realty under the
20 control of the Department to any other department of the
21 State Government or to acquire or accept federal lands when
22 the transfer, acquisition, or acceptance is advantageous
23 to the State and is approved in writing by the Governor.

24 (7) To formulate rules and regulations necessary for
25 the enforcement of any Act administered by the Department.

26 (8) To exchange with the Department of Healthcare and

1 Family Services information that may be necessary for the
2 enforcement of child support orders entered pursuant to the
3 Illinois Public Aid Code, the Illinois Marriage and
4 Dissolution of Marriage Act, the Non-Support of Spouse and
5 Children Act, the Non-Support Punishment Act, the Revised
6 Uniform Reciprocal Enforcement of Support Act, the Uniform
7 Interstate Family Support Act, or the Illinois Parentage
8 Act of 1984. Notwithstanding any provisions in this Code to
9 the contrary, the Department of Professional Regulation
10 shall not be liable under any federal or State law to any
11 person for any disclosure of information to the Department
12 of Healthcare and Family Services (formerly Illinois
13 Department of Public Aid) under this paragraph (8) or for
14 any other action taken in good faith to comply with the
15 requirements of this paragraph (8).

16 (9) To perform other duties prescribed by law.

17 (b) The Department may, when a fee is payable to the
18 Department for a wall certificate of registration provided by
19 the Department of Central Management Services, require that
20 portion of the payment for printing and distribution costs be
21 made directly or through the Department to the Department of
22 Central Management Services for deposit into the Paper and
23 Printing Revolving Fund. The remainder shall be deposited into
24 the General Revenue Fund.

25 (c) For the purpose of securing and preparing evidence, and
26 for the purchase of controlled substances, professional

1 services, and equipment necessary for enforcement activities,
2 recoupment of investigative costs, and other activities
3 directed at suppressing the misuse and abuse of controlled
4 substances, including those activities set forth in Sections
5 504 and 508 of the Illinois Controlled Substances Act, the
6 Director and agents appointed and authorized by the Director
7 may expend sums from the Professional Regulation Evidence Fund
8 that the Director deems necessary from the amounts appropriated
9 for that purpose. Those sums may be advanced to the agent when
10 the Director deems that procedure to be in the public interest.
11 Sums for the purchase of controlled substances, professional
12 services, and equipment necessary for enforcement activities
13 and other activities as set forth in this Section shall be
14 advanced to the agent who is to make the purchase from the
15 Professional Regulation Evidence Fund on vouchers signed by the
16 Director. The Director and those agents are authorized to
17 maintain one or more commercial checking accounts with any
18 State banking corporation or corporations organized under or
19 subject to the Illinois Banking Act for the deposit and
20 withdrawal of moneys to be used for the purposes set forth in
21 this Section; provided, that no check may be written nor any
22 withdrawal made from any such account except upon the written
23 signatures of 2 persons designated by the Director to write
24 those checks and make those withdrawals. Vouchers for those
25 expenditures must be signed by the Director. All such
26 expenditures shall be audited by the Director, and the audit

1 shall be submitted to the Department of Central Management
2 Services for approval.

3 (d) Whenever the Department is authorized or required by
4 law to consider some aspect of criminal history record
5 information for the purpose of carrying out its statutory
6 powers and responsibilities, then, upon request and payment of
7 fees in conformance with the requirements of Section 2605-400
8 of the Department of State Police Law (20 ILCS 2605/2605-400),
9 the Department of State Police is authorized to furnish,
10 pursuant to positive identification, the information contained
11 in State files that is necessary to fulfill the request.

12 (e) The provisions of this Section do not apply to private
13 business and vocational schools as defined by Section 1 of the
14 Private Business and Vocational Schools Act.

15 (f) Beginning July 1, 1995, this Section does not apply to
16 those professions, trades, and occupations licensed under the
17 Real Estate License Act of 2000, nor does it apply to any
18 permits, certificates, or other authorizations to do business
19 provided for in the Land Sales Registration Act of 1989 or the
20 Illinois Real Estate Time-Share Act.

21 (g) Notwithstanding anything that may appear in any
22 individual licensing statute or administrative rule, the
23 Department shall deny any license application or renewal
24 authorized under any licensing Act administered by the
25 Department to any person who has failed to file a return, or to
26 pay the tax, penalty, or interest shown in a filed return, or

1 to pay any final assessment of tax, penalty, or interest, as
2 required by any tax Act administered by the Illinois Department
3 of Revenue, until such time as the requirement of any such tax
4 Act are satisfied; however, the Department may issue a license
5 or renewal if the person has established a satisfactory
6 repayment record as determined by the Illinois Department of
7 Revenue. For the purpose of this Section, "satisfactory
8 repayment record" shall be defined by rule.

9 In addition, a complaint filed with the Department by the
10 Illinois Department of Revenue that includes a certification,
11 signed by its Director or designee, attesting to the amount of
12 the unpaid tax liability or the years for which a return was
13 not filed, or both, is prima facia evidence of the licensee's
14 failure to comply with the tax laws administered by the
15 Illinois Department of Revenue. Upon receipt of that
16 certification, the Department shall, without a hearing,
17 immediately suspend all licenses held by the licensee.
18 Enforcement of the Department's order shall be stayed for 60
19 days. The Department shall provide notice of the suspension to
20 the licensee by mailing a copy of the Department's order by
21 certified and regular mail to the licensee's last known address
22 as registered with the Department. The notice shall advise the
23 licensee that the suspension shall be effective 60 days after
24 the issuance of the Department's order unless the Department
25 receives, from the licensee, a request for a hearing before the
26 Department to dispute the matters contained in the order.

1 Any suspension imposed under this subsection (g) shall be
2 terminated by the Department upon notification from the
3 Illinois Department of Revenue that the licensee is in
4 compliance with all tax laws administered by the Illinois
5 Department of Revenue.

6 The Department shall promulgate rules for the
7 administration of this subsection (g).

8 (h) The Department may grant the title "Retired", to be
9 used immediately adjacent to the title of a profession
10 regulated by the Department, to eligible retirees. The use of
11 the title "Retired" shall not constitute representation of
12 current licensure, registration, or certification. Any person
13 without an active license, registration, or certificate in a
14 profession that requires licensure, registration, or
15 certification shall not be permitted to practice that
16 profession.

17 (i) Within 180 days after the effective date of this
18 amendatory Act of the 96th General Assembly, the Department
19 shall promulgate rules which permit a person with a criminal
20 record, who seeks a license or certificate, to apply to the
21 Department for an opinion as to whether his or her criminal
22 record would bar the individual from the licensure or
23 certification sought, should the individual meet all other
24 licensure requirements including, but not limited to, the
25 successful completion of the relevant examinations. The
26 Department shall establish a schedule of fees for the issuance

1 of the opinion. If the person applies for the license or
2 certificate within 2 years of the Department issuing its
3 opinion on his or her eligibility for such license or
4 certificate, his or her application fee for the license or
5 certificate shall be reduced by the amount of the opinion fee
6 paid under this subsection.

7 (Source: P.A. 94-452, eff. 1-1-06; 94-462, eff. 8-4-05; 95-331,
8 eff. 8-21-07.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.