



Rep. Angelo Saviano

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09700HB4520ham001

LRB097 19605 CEL 67103 a

1 AMENDMENT TO HOUSE BILL 4520

2 AMENDMENT NO. _____. Amend House Bill 4520 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. The Regulatory Sunset Act is amended by
5 changing Section 4.23 and by adding Section 4.33 as follows:

6 (5 ILCS 80/4.23)

7 Sec. 4.23. Acts and Sections repealed on January 1, 2013.
8 The following Acts and Sections of Acts are repealed on January
9 1, 2013:

10 The Dietetic and Nutrition Services Practice Act.

11 The Elevator Safety and Regulation Act.

12 The Fire Equipment Distributor and Employee Regulation Act
13 of 2011.

14 The Funeral Directors and Embalmers Licensing Code.

15 The Naprapathic Practice Act.

16 ~~The Professional Counselor and Clinical Professional~~

1 ~~Counselor Licensing Act.~~

2 The Wholesale Drug Distribution Licensing Act.

3 Section 2.5 of the Illinois Plumbing License Law.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-1499, eff. 1-18-11.)

5 (5 ILCS 80/4.33 new)

6 Sec. 4.33. Act repealed on January 1, 2023. The following
7 Act is repealed on January 1, 2023:

8 The Professional Counselor and Clinical Professional
9 Counselor Licensing and Practice Act.

10 Section 5. The Professional Counselor and Clinical
11 Professional Counselor Licensing Act is amended by changing
12 Sections 1, 5, 10, 20, 21, 25, 30, 45, 50, 60, 65, 75, 80, 85,
13 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 145, 155, 160,
14 and 165 and by adding Sections 18 and 93 as follows:

15 (225 ILCS 107/1)

16 (Section scheduled to be repealed on January 1, 2013)

17 Sec. 1. Short title. This Act may be cited as the
18 Professional Counselor and Clinical Professional Counselor
19 Licensing and Practice Act.

20 (Source: P.A. 87-1011.)

21 (225 ILCS 107/5)

22 (Section scheduled to be repealed on January 1, 2013)

1 Sec. 5. Declaration of public policy. The practice of
2 professional counseling and clinical professional counseling
3 is hereby declared to affect the public health, safety and
4 welfare, and to be subject to regulation in the public
5 interest. The purpose of the Act is to protect and benefit the
6 public by setting standards of qualifications, education,
7 training, and experience for those who seek to engage in the
8 independent practice of clinical professional counseling and
9 in the practice of professional counseling in the State of
10 Illinois and to obtain a license and hold the title of
11 professional counselor, to promote high standards of
12 professional performance for those licensed to practice
13 professional counseling and clinical professional counseling
14 in the State of Illinois, and to protect the public from
15 unprofessional conduct by persons licensed to practice
16 professional counseling and the independent practice of
17 clinical professional counseling.

18 (Source: P.A. 87-1011.)

19 (225 ILCS 107/10)

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

21 Sec. 10. Definitions. As used in this Act:

22 "Address of record" means the designated address recorded
23 by the Department in the applicant's or licensee's application
24 file or license file as maintained by the Department's
25 licensure maintenance unit. It is the duty of the applicant or

1 licensee to inform the Department of any change of address and
2 those changes must be made either through the Department's
3 website or by contacting the Department.

4 "Department" means the Department of Financial and
5 Professional Regulation.

6 ~~"Director" means the Director of Professional Regulation.~~

7 "Board" means the Professional Counselor Licensing and
8 Disciplinary Board as appointed by the Secretary ~~Director~~.

9 "Person" means an individual, association, partnership, or
10 corporation.

11 "Professional counseling" means the provision of services
12 to individuals, couples, groups, families, and organizations
13 in any one or more of the fields of professional counseling.

14 "Professional counseling" includes the therapeutic process of:
15 (i) conducting assessments and diagnosing for the purpose of
16 establishing treatment goals and objectives and (ii) planning,
17 implementing, and evaluating treatment plans using treatment
18 interventions to facilitate human development and to identify
19 and remediate mental, emotional, or behavioral disorders and
20 associated distresses that interfere with mental health.

21 ~~Professional counseling includes, but is not limited to:~~

22 ~~(1) social, emotional, educational, and career testing~~
23 ~~and evaluation;~~

24 ~~(2) a professional relationship between a counselor~~
25 ~~and a client in which the counselor provides assistance in~~
26 ~~coping with life issues that include relationships,~~

1 ~~conflicts, problem solving, decision making, and~~
2 ~~developmental concerns; and~~
3 ~~(3) research.~~

4 Professional counseling may also include clinical
5 professional counseling as long as it is not conducted in
6 independent private practice as defined in this Act.

7 "Clinical professional counseling" means the provision of
8 professional counseling and mental health services, which
9 includes, but is not limited to, the application of clinical
10 counseling theory and techniques to prevent and alleviate
11 mental and emotional disorders and psychopathology and to
12 promote optimal mental health, rehabilitation, treatment,
13 testing, assessment, and evaluation. "Clinical professional
14 counseling" may include the practice of professional
15 counseling as defined in this Act. It also includes clinical
16 counseling and psychotherapy in a professional relationship to
17 assist individuals, couples, families, groups, and
18 organizations to alleviate emotional disorders, to understand
19 conscious and unconscious motivation, to resolve emotional,
20 relationship, and attitudinal conflicts, and to modify
21 behaviors that interfere with effective emotional, social,
22 adaptive, and intellectual functioning.

23 "Licensed professional counselor" and "professional
24 counselor" means a person who holds a license authorizing the
25 practice of professional counseling as defined in this Act.

26 "Licensed clinical professional counselor" and "clinical

1 professional counselor" means a person who holds a license
2 authorizing the independent practice of clinical professional
3 counseling in private practice as defined in this Act.

4 "Independent private practice of clinical professional
5 counseling" means the application of clinical professional
6 counseling knowledge and skills by a licensed clinical
7 professional counselor who ~~(i)~~ regulates and is responsible for
8 her or his own practice or treatment procedures ~~and (ii) is~~
9 ~~self-employed or works in a group practice or setting not~~
10 ~~qualified under Internal Revenue Service regulations as a~~
11 ~~not-for-profit business.~~

12 "Clinical supervision" or "supervision" means review of
13 aspects of counseling and case management in a face-to-face
14 meeting with the person under supervision.

15 "Qualified supervisor" or "qualified clinical supervisor"
16 means any person who is a licensed clinical professional
17 counselor, licensed clinical social worker, licensed clinical
18 psychologist, psychiatrist as defined in Section 1-121 of the
19 Mental Health and Developmental Disabilities Code, or other
20 supervisor as defined by rule. A qualified supervisor may be
21 provided at the applicant's place of work, or may be hired by
22 the applicant to provide supervision.

23 "License" means that which is required to practice
24 professional counseling or clinical professional counseling as
25 defined in this Act.

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

2 "Volunteer" means a person performing services without
3 compensation for a nonprofit organization, a nonprofit
4 corporation, a hospital, a governmental entity, or a private
5 business, other than reimbursement for actual expenses
6 incurred. "Volunteer" includes a person serving as a director,
7 officer, trustee, or direct service volunteer.

8 (Source: P.A. 92-719, eff. 7-25-02.)

9 (225 ILCS 107/15)

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

11 Sec. 15. Exemptions.

12 (a) This Act does not prohibit any persons legally
13 regulated in this State by any other Act from engaging in the
14 practice for which they are authorized as long as they do not
15 represent themselves by the title of "professional counselor",
16 "licensed professional counselor", "clinical professional
17 counselor", or "licensed clinical professional counselor".
18 This Act does not prohibit the practice of nonregulated
19 professions whose practitioners are engaged in the delivery of
20 human services as long as these practitioners do not represent
21 themselves as or use the title of "professional counselor",
22 "licensed professional counselor", "clinical professional
23 counselor", or "licensed clinical professional counselor".

24 (b) Nothing in this Act shall be construed to limit the
25 activities and services of a student, intern, or resident in

1 professional counseling or clinical professional counseling
2 seeking to fulfill educational requirements in order to qualify
3 for a license under this Act if (i) these activities and
4 services constitute a part of the student's supervised course
5 of study, (ii) ~~or an individual seeking to fulfill the~~
6 ~~post degree experience requirements in order to qualify for~~
7 ~~licensing under this Act, as long as~~ the activities and
8 services are not conducted in an independent practice, as
9 defined in this Act, (iii) ~~if~~ the activities and services are
10 supervised as specified in this Act, and (iv) ~~that~~ the student,
11 intern, or resident is designated by a title "intern" or
12 "resident" or other designation of trainee status. Nothing
13 contained in this Section shall be construed to permit
14 students, interns, or residents to offer their services as
15 professional counselors or clinical professional counselors to
16 any other person, ~~and to accept remuneration for such~~
17 ~~professional counseling or clinical professional counseling~~
18 ~~services~~ other than as specifically excepted in this Section,
19 unless they have been licensed under this Act.

20 (b-5) Nothing in this Act shall be construed to limit the
21 activities and services of individuals seeking to fulfill
22 post-degree experience requirements in order to qualify for
23 licensing as a clinical professional counselor under this Act,
24 so long as the individual is not engaged in the independent
25 private practice of clinical professional counseling as
26 defined in this Act, and is in compliance with all applicable

1 regulations regarding supervision including, but not limited
2 to, the requirement that the supervised experience must be
3 under the order, control, and full professional responsibility
4 of their supervisor. The Department may, by rule, adopt further
5 limitations on individuals practicing under this subsection.

6 (c) Corporations, partnerships, and associations may
7 employ practicum students, interns, or post-degree candidates
8 seeking to fulfill educational requirements or the
9 professional experience requirements needed to qualify for a
10 license under this Act if their activities and services
11 constitute a part of the student's supervised course of study
12 or post-degree professional experience requirements. Nothing
13 in this paragraph shall prohibit a corporation, partnership, or
14 association from contracting with a licensed health care
15 professional to provide services that they are licensed to
16 provide.

17 (d) Nothing in this Act shall prevent the employment, by a
18 professional counselor or clinical professional counselor,
19 person, association, partnership, or a corporation furnishing
20 professional counseling or clinical professional counseling
21 services for remuneration, of persons not licensed as
22 professional counselors or clinical professional counselors
23 under this Act to perform services in various capacities as
24 needed if these persons are not in any manner held out to the
25 public or do not hold themselves out to the public by any title
26 or designation stating or implying that they are professional

1 counselors or clinical professional counselors.

2 (e) Nothing in this Act shall be construed to limit the
3 services of a person, not licensed under the provisions of this
4 Act, in the employ of a federal, State, county, or municipal
5 agency or other political subdivision or not-for-profit
6 corporation providing human services if (1) the services are a
7 part of the duties in his or her salaried position, (2) the
8 services are performed solely on behalf of his or her employer,
9 and (3) that person does not in any manner represent himself or
10 herself as or use the title of "professional counselor",
11 "licensed professional counselor", "clinical professional
12 counselor", or "licensed clinical professional counselor".

13 (f) Duly recognized members of any religious organization
14 shall not be restricted from functioning in their ministerial
15 capacity provided they do not represent themselves as being
16 professional counselors or clinical professional counselors,
17 or as providing "professional counseling" or "clinical
18 professional counseling". This Act shall not apply or be
19 construed so as to apply to the employees or agents of a church
20 or religious organization or an organization owned,
21 controlled, or affiliated with a church or religious
22 organization, unless the church, religious organization, or
23 owned, controlled, or affiliated organization designates or
24 holds these employees or agents out to the public as
25 professional counselors or clinical professional counselors or
26 holds out their services as being "professional counseling" or

1 "clinical professional counseling".

2 (g) Nothing in this Act shall prohibit individuals not
3 licensed under the provisions of this Act who work in self-help
4 groups or programs or not-for-profit organizations from
5 providing services in those groups, programs, or
6 organizations, as long as those persons are not in any manner
7 held out to the public as practicing professional counseling or
8 clinical professional counseling, or do not hold themselves out
9 to the public by any title or designation stating or implying
10 that they are professional counselors or clinical professional
11 counselors.

12 (h) Nothing in this Act shall be construed to limit the
13 activities and use of the official title of "professional
14 counselor" or "clinical professional counselor" on the part of
15 a person not licensed under this Act who is an academic
16 employee of a duly chartered institution of higher education
17 and who holds educational and professional qualifications
18 equivalent to those required for licensing under this Act,
19 insofar as such activities are performed in the person's role
20 as an academic employee, or insofar as such person engages in
21 public speaking with or without remuneration.

22 (i) Nothing in this Act shall be construed to require
23 licensure under this Act or limit the services of a school
24 counselor certified by the State Teacher Certification Board
25 and employed as authorized by Section 10-22-24a or any other
26 provision of the School Code as long as that person is not in

1 any manner held out to the public as a "professional counselor"
2 or "clinical professional counselor" or does not hold out his
3 or her services as being "professional counseling" or "clinical
4 professional counseling".

5 (j) Nothing in this Act shall be construed to require any
6 hospital, clinic, home health agency, hospice, or other entity
7 that provides health care to employ or to contract with a
8 person licensed under this Act to provide professional
9 counseling or clinical professional counseling services. These
10 persons may not hold themselves out or represent themselves to
11 the public as being licensed under this Act.

12 (k) Nothing in this Act shall be construed to require
13 licensure under this Act or limit the services of a person
14 employed by a private elementary or secondary school who
15 provides counseling within the scope of his or her employment
16 as long as that person is not in any manner held out to the
17 public as a "professional counselor" or "clinical professional
18 counselor" or does not hold out his or her services as being
19 "professional counseling" or "clinical professional
20 counseling".

21 (l) Nothing in this Act shall be construed to require
22 licensure under this Act or limit the services of a rape crisis
23 counselor who is an employee or volunteer of a rape crisis
24 organization as defined in Section 8-802.1 of the Code of Civil
25 Procedure as long as that person is not in any manner held out
26 to the public as a "professional counselor" or "clinical

1 professional counselor" or does not hold out his or her
2 services as being "professional counseling" or "clinical
3 professional counseling".

4 (m) Nothing in this Act shall be construed to prevent any
5 licensed social worker, licensed clinical social worker, or
6 licensed clinical psychologist from practicing professional
7 counseling as long as that person is not in any manner held out
8 to the public as a "professional counselor" or "clinical
9 professional counselor" or does not hold out his or her
10 services as being "professional counseling" or "clinical
11 professional counseling".

12 (n) Nothing in this Act shall be construed to limit the
13 activities and use of the official title of "professional
14 counselor" or "clinical professional counselor" on the part of
15 a person not licensed under this Act who is a physician
16 licensed to practice medicine in all of its branches under the
17 Medical Practice Act of 1987.

18 (o) Nothing in this Act shall be construed to require
19 licensure under this Act or limit the services of a domestic
20 violence counselor who is an employee or volunteer of a
21 domestic violence program as defined in Section 227 of the
22 Illinois Domestic Violence Act of 1986.

23 (Source: P.A. 92-719, eff. 7-25-02.)

24 (225 ILCS 107/18 new)

25 Sec. 18. Provision of clinical services by licensed

1 professional counselors; scope of practice.

2 (a) Licensed professional counselors may not engage in the
3 independent practice of clinical professional counseling
4 without a clinical professional counselor license.

5 (b) In an independent private practice, a licensed
6 professional counselor must practice at all times under the
7 order, control, and full professional responsibility of a
8 licensed clinical professional counselor, a licensed clinical
9 social worker, a licensed clinical psychologist, or a
10 psychiatrist as defined in Section 1-121 of the Mental Health
11 and Developmental Disabilities Code.

12 (c) When providing clinical professional counseling as set
13 forth in this Act, a licensed professional counselors may not
14 represent himself or herself as a sole or independent
15 practitioner and may not use the title "clinical professional
16 counselor" or "licensed clinical professional counselor". A
17 licensed professional counselor providing clinical
18 professional counseling shall always operate and represent
19 himself or herself as providing services through or as a part
20 of a group practice or through a clinical supervisor's
21 practice, and the licensed professional counselor shall have no
22 ownership interest in either type of practice. Licensed
23 professional counselors providing clinical services shall
24 provide the name and contact information of the licensed
25 professional counselor's supervisor to all clients.

26 (d) Nothing in this Act shall be construed to limit

1 licensed professional counselors from owning or engaging in
2 sole or other type of practice or from using the title
3 "licensed professional counselor" or "professional counselor"
4 when providing social services that do not fall within the
5 definition of professional counseling or clinical professional
6 counseling as set forth in this Act.

7 (e) The Department may adopt rules necessary to implement
8 this Section.

9 (225 ILCS 107/20)

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

11 Sec. 20. Restrictions and limitations.

12 (a) No person shall, without a valid license as a
13 professional counselor issued by the Department: (i) in any
14 manner hold himself or herself out to the public as a
15 professional counselor under this Act; (ii) attach the title
16 "professional counselor" or "licensed professional counselor";
17 or (iii) offer to render or render to individuals,
18 corporations, or the public professional counseling services.

19 (b) No person shall, without a valid license as a clinical
20 professional counselor issued by the Department: (i) in any
21 manner hold himself or herself out to the public as a clinical
22 professional counselor or licensed clinical professional
23 counselor under this Act; (ii) attach the title "clinical
24 professional counselor" or "licensed clinical professional
25 counselor"; or (iii) offer to render to individuals,

1 corporations, or the public clinical professional counseling
2 services.

3 (c) (Blank). ~~Licensed professional counselors may not~~
4 ~~engage in independent private practice as defined in this Act~~
5 ~~without a clinical professional counseling license. In an~~
6 ~~independent private practice, a licensed professional~~
7 ~~counselor must practice at all times under the order, control,~~
8 ~~and full professional responsibility of a licensed clinical~~
9 ~~professional counselor, a licensed clinical social worker, a~~
10 ~~licensed clinical psychologist, or a psychiatrist, as defined~~
11 ~~in Section 1-121 of the Mental Health and Developmental~~
12 ~~Disabilities Code.~~

13 (d) No association, limited liability company, or
14 partnership shall practice clinical professional counseling or
15 professional counseling unless every member, partner, and
16 employee of the association or partnership who practices
17 professional counseling or clinical professional counseling,
18 or who renders professional counseling or clinical
19 professional counseling services, holds a currently valid
20 license issued under this Act. No license shall be issued to a
21 corporation, the stated purpose of which includes or which
22 practices or which holds itself out as available to practice
23 professional counseling or clinical professional counseling
24 unless it is organized under the Professional Service
25 Corporation Act.

26 (e) Nothing in this Act shall be construed as permitting

1 persons licensed as professional counselors or clinical
2 professional counselors to engage in any manner in the practice
3 of medicine in all its branches as defined by law in this
4 State.

5 (f) When, in the course of providing professional
6 counseling or clinical professional counseling services to any
7 person, a professional counselor or clinical professional
8 counselor licensed under this Act finds indication of a disease
9 or condition that in his or her professional judgment requires
10 professional service outside the scope of practice as defined
11 in this Act, he or she shall refer that person to a physician
12 licensed to practice medicine in all of its branches or another
13 appropriate health care practitioner.

14 (Source: P.A. 94-765, eff. 1-1-07.)

15 (225 ILCS 107/21)

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

17 Sec. 21. Unlicensed practice; violation; civil penalty.

18 (a) Any person who practices, offers to practice, attempts
19 to practice, or holds himself or herself out to practice as a
20 clinical professional counselor or professional counselor
21 without being licensed or exempt under this Act shall, in
22 addition to any other penalty provided by law, pay a civil
23 penalty to the Department in an amount not to exceed \$10,000
24 ~~\$5,000~~ for each offense, as determined by the Department. The
25 civil penalty shall be assessed by the Department after a

1 hearing is held in accordance with the provisions set forth in
2 this Act regarding the provision of a hearing for the
3 discipline of a licensee.

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

6 (c) The civil penalty shall be paid within 60 days after
7 the effective date of the order imposing the civil penalty. The
8 order shall constitute a final judgment and may be filed and
9 execution had thereon in the same manner as any judgment from
10 any court of record.

11 (Source: P.A. 92-719, eff. 7-25-02.)

12 (225 ILCS 107/25)

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

14 Sec. 25. Powers and duties of the Department. Subject to
15 the provisions of this Act, the Department may:

16 (a) Authorize examinations to ascertain the qualifications
17 and fitness of applicants for licensing as professional
18 counselors or clinical professional counselors and pass upon
19 the qualifications of applicants for licensure by endorsement.

20 (b) Conduct hearings on proceedings to refuse to issue or
21 renew or to revoke licenses or suspend, place on probation,
22 censure, or reprimand or take any other disciplinary or
23 non-disciplinary action with regard to a person ~~persons~~
24 licensed under this Act, ~~and to refuse to issue or renew or to~~
25 ~~revoke licenses, or suspend, place on probation, censure, or~~

1 ~~reprimand persons licensed under this Act.~~

2 (c) Formulate rules and regulations required for the
3 administration of this Act.

4 (d) Maintain rosters of the names and addresses of all
5 licensees, and all persons whose licenses have been suspended,
6 revoked, or denied renewal for cause within the previous
7 calendar year. These rosters shall be available upon written
8 request and payment of the required fee.

9 (e) Establish rules for determining approved ~~undergraduate~~
10 ~~human services programs and~~ graduate professional counseling,
11 clinical professional counseling, psychology, rehabilitation
12 counseling and similar programs ~~and prepare and maintain a list~~
13 ~~of colleges and universities offering such programs whose~~
14 ~~graduates, if they otherwise meet the requirements of this Act,~~
15 ~~are eligible to apply for a license.~~

16 (Source: P.A. 87-1011.)

17 (225 ILCS 107/30) (from Ch. 111, par. 8451-30)

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

19 Sec. 30. Professional Counselor Examining and Disciplinary
20 Board.

21 (a) The Secretary ~~Director~~ shall appoint a Board which
22 shall serve in an advisory capacity to the Secretary ~~Director~~.
23 The Board shall consist of 7 persons, 2 of whom are licensed
24 solely as professional counselors, 3 of whom are licensed
25 solely as clinical professional counselors, one full-time

1 faculty member of an accredited college or university that is
2 engaged in training professional counselors or clinical
3 professional counselors who possesses the qualifications
4 substantially equivalent to the education and experience
5 requirements for a professional counselor or clinical
6 professional counselor, and one member of the public who is not
7 a licensed health care provider. In appointing members of the
8 Board, the Secretary ~~Director~~ shall give due consideration to
9 the adequate representation of the various fields of
10 counseling. In appointing members of the Board, the Secretary
11 ~~Director~~ shall give due consideration to recommendations by
12 members of the professions of professional counseling and
13 clinical professional counseling, the Statewide organizations
14 representing the interests of professional counselors and
15 clinical professional counselors, organizations representing
16 the interests of academic programs, rehabilitation counseling
17 programs, and approved counseling programs in the State of
18 Illinois.

19 (b) Members shall be appointed for and shall serve 4 year
20 terms and until their successors are appointed and qualified.
21 No member of the Board shall serve more than 2 full consecutive
22 terms, except that of the initial appointments 2 members shall
23 be appointed to serve for 2 years, 2 shall be appointed to
24 serve for 3 years, and the remaining shall be appointed to
25 serve for 4 years and until their successors are appointed and
26 qualified. No member shall be reappointed to the Board for a

1 ~~term that would cause continuous service on the Board to be~~
2 ~~longer than 8 years.~~ Any appointment to fill a vacancy shall be
3 for the unexpired portion of the term.

4 (c) The membership of the Board should reasonably reflect
5 representation from different geographic areas of Illinois.

6 (d) (Blank). ~~Any member appointed to fill a vacancy shall~~
7 ~~be eligible for reappointment to only one full term.~~

8 (e) The Secretary shall have the authority to ~~Director may~~
9 remove or suspend any member for cause at any time prior to the
10 expiration of his or her term. The Secretary shall be the sole
11 arbiter of cause.

12 (f) The Board shall annually elect one of its members as
13 chairperson.

14 (g) The members of the Board shall be reimbursed for all
15 legitimate, necessary, and authorized expenses incurred in
16 attending the meetings of the Board.

17 (h) The Board may make recommendations on matters relating
18 to approving graduate counseling, rehabilitation counseling,
19 psychology, and related programs.

20 (i) The Board may make recommendations on matters relating
21 to continuing education including the number of hours necessary
22 for license renewal, waivers for those unable to meet such
23 requirements, and acceptable course content. These
24 recommendations shall not impose an undue burden on the
25 Department or an unreasonable restriction on those seeking
26 license renewal.

1 (j) The Secretary ~~Director~~ shall give due consideration to
2 all recommendations of the Board.

3 (k) Four members ~~A majority~~ of the Board ~~members currently~~
4 ~~appointed~~ shall constitute a quorum. A quorum is required for
5 all Board decisions. ~~A vacancy in the membership of the Board~~
6 ~~shall not impair the right of a quorum to perform all of the~~
7 ~~duties of the Board.~~

8 (l) Members of the Board shall have no criminal, civil, or
9 professional liability in an action based upon a disciplinary
10 proceeding or other activity performed in good faith as a
11 member of the Board, except for willful or wanton misconduct.

12 (Source: P.A. 92-719, eff. 7-25-02.)

13 (225 ILCS 107/45)

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

15 Sec. 45. Qualifications for a license.

16 (a) Professional counselor. A person is qualified to be
17 licensed as a licensed professional counselor, and the
18 Department shall issue a license authorizing the practice of
19 professional counseling to an applicant who:

20 (1) has applied in writing on the prescribed form and
21 has paid the required fee;

22 (2) is at least 21 years of age and has not engaged in
23 conduct or activities which would constitute grounds for
24 discipline under this Act;

25 (3) is a graduate of:

1 (A) a master's or doctoral level program in the
2 field of counseling, rehabilitation counseling,
3 psychology, or similar degree program approved by the
4 Department; or

5 (B) in the case of an applicant who applied ~~applies~~
6 for licensure before the effective date of this
7 amendatory Act of the 96th General Assembly, an
8 approved baccalaureate program in human services or
9 similar degree program approved by the Department and
10 can document the equivalent of 5 years of full-time
11 satisfactory supervised experience, as established by
12 rule, under a qualified supervisor;

13 (4) has passed an examination for the practice of
14 professional counseling as authorized by the Department;
15 and

16 (5) has paid the fees required by this Act.

17 Any person who has received certification by any State or
18 national organization whose standards are accepted by the
19 Department as being substantially similar to the standards in
20 this Act may apply for a professional counselor license and
21 need not be examined further.

22 (b) Clinical professional counselor. A person is qualified
23 to be licensed as a clinical professional counselor, and the
24 Department shall issue a license authorizing the practice of
25 clinical professional counseling to an applicant who:

26 (1) has applied in writing on the prescribed form and

1 has paid the required fee;

2 (2) is at least 21 years of age and has not engaged in
3 conduct or activities which would constitute grounds for
4 discipline under this Act;

5 (3) is a graduate of:

6 (A) a master's level program in the field of
7 counseling, rehabilitation counseling, psychology, or
8 similar degree program approved by the Department and
9 has completed the equivalent of 2 years full-time
10 satisfactory supervised employment or experience
11 working as a clinical counselor under the direction of
12 a qualified supervisor subsequent to the degree; or

13 (B) a doctoral program in the field of counseling,
14 rehabilitation counseling, psychology, or similar
15 program approved by the Department and has completed
16 the equivalent of 2 years full-time satisfactory
17 supervised employment or experience working as a
18 clinical counselor under the direction of a qualified
19 supervisor, at least one year of which is subsequent to
20 the degree;

21 (4) has passed the examination for the practice of
22 clinical professional counseling as authorized by the
23 Department; and

24 (5) has paid the fees required by this Act.

25 Any person who has received certification or licensure by
26 any State or national organization whose standards are accepted

1 by the Department as being substantially similar to the
2 standards in this Act may apply for a clinical professional
3 counselor license, and need not be examined further.

4 (c) Examination for applicants under this Act shall be held
5 at the discretion of the Department from time to time but not
6 less than once each year. The examination used shall be
7 authorized by the Department.

8 (d) Upon application and payment of the required fee, an
9 applicant who has an active license as a clinical psychologist
10 or a clinical social worker licensed under the laws of this
11 State may, without examination, be granted registration as a
12 licensed clinical professional counselor by the Department.

13 (Source: P.A. 96-1139, eff. 7-21-10.)

14 (225 ILCS 107/50)

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

16 Sec. 50. Licenses; renewal; restoration; person in
17 military service; inactive status.

18 (a) The expiration date and renewal period for each license
19 issued under this Act shall be set by rule. As a condition for
20 renewal of a license, the licensee shall be required to
21 complete continuing education in accordance with rules
22 established by the Department ~~The licensee may renew a license~~
23 ~~during the 30 day period preceding its expiration date by~~
24 ~~paying the required fee and demonstrating compliance with any~~
25 ~~continuing education requirements.~~

1 (b) Any person who has permitted a license to expire or who
2 has a license on inactive status may have it restored by
3 submitting an application to the Department and filing proof of
4 fitness acceptable to the Department, ~~as defined by rule~~, to
5 have the license restored, including, if appropriate, evidence
6 which is satisfactory to the Department certifying the active
7 practice of professional counseling or clinical professional
8 counseling in another jurisdiction and by paying the required
9 fee.

10 (c) If the person has not maintained an active practice in
11 another jurisdiction which is satisfactory to the Department,
12 the Department shall determine, by an evaluation program
13 established by rule, the person's fitness to resume active
14 status and shall establish procedures and requirements for
15 restoration. ~~The Department may also require the person to~~
16 ~~complete a specific period of evaluated professional~~
17 ~~counseling or clinical professional counseling work experience~~
18 ~~and may require successful completion of an examination.~~

19 (d) However, any person whose license expired while he or
20 she was (i) in federal service on active duty with the armed
21 forces of the United States or, ~~while called into service or~~
22 ~~training with~~ the State Militia or (ii) in training or
23 education under the supervision of the United States government
24 prior to induction into the military service may have his or
25 her license restored without paying any lapsed renewal fees if,
26 within 2 years after the honorable termination of such service,

1 training, or education, ~~except under conditions other than~~
2 ~~honorable,~~ the Department is furnished with satisfactory
3 evidence that the person has been so engaged and that such
4 service, training, or education has been so terminated.

5 (e) A license to practice shall not be denied any applicant
6 because of the applicant's race, religion, creed, national
7 origin, political beliefs or activities, age, sex, sexual
8 orientation, or physical impairment.

9 (f) Any person requesting restoration from inactive status
10 shall (i) be required to pay the current renewal fee, (ii) meet
11 continuing education requirements, and (iii) be required to
12 restore his or her license as provided in this Act.

13 (Source: P.A. 87-1011; 87-1269.)

14 (225 ILCS 107/60)

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

16 Sec. 60. Fees. The Department shall provide by rule for a
17 schedule of fees for the administration and enforcement of this
18 Act, including, but not limited to, original licensure,
19 registration, renewal, and restoration. The fees shall be
20 nonrefundable ~~The fees imposed under this Act shall be set by~~
21 ~~rule and are not refundable.~~

22 All ~~of the~~ fees, finances, and penalties collected under this
23 Act shall be deposited into the General Professions Dedicated
24 Fund and shall be appropriated to the Department for the
25 ordinary and contingent expenses of the Department in the

1 administration of this Act.

2 (Source: P.A. 92-719, eff. 7-25-02.)

3 (225 ILCS 107/65)

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

5 Sec. 65. Payments; penalty for insufficient funds ~~Checks or~~
6 ~~orders dishonored.~~ Any person who issues or delivers a check or
7 other order to the Department that is returned to the
8 Department unpaid by the financial institution upon which it is
9 drawn shall pay to the Department, in addition to the amount
10 already owed to the Department, a fine of \$50. The fines
11 imposed by this Section are in addition to any other discipline
12 provided under this Act prohibiting unlicensed practice or
13 practice on a nonrenewed license. The Department shall notify
14 the person that payment of fees and fines shall be paid to the
15 Department by certified check or money order within 30 calendar
16 days after notification. If, after the expiration of 30 days
17 from the date of the notification, the person has failed to
18 submit the necessary remittance, the Department shall
19 automatically terminate the license or certification or deny
20 the application, without hearing. If, after termination or
21 denial, the person seeks a license or certificate, he or she
22 shall apply to the Department for restoration or issuance of
23 the license or certificate and pay all fees and fines due to
24 the Department. The Department may establish a fee for the
25 processing of an application for restoration of a license to

1 pay all costs and expenses of processing of this application.
2 The Secretary ~~Director~~ may waive the fines due under this
3 Section in individual cases where the Secretary ~~Director~~ finds
4 that the fines would be unnecessarily burdensome.

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

6 (225 ILCS 107/75)

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

8 Sec. 75. Privileged communications and exceptions.

9 (a) No licensed professional counselor or licensed
10 clinical professional counselor shall disclose any information
11 acquired from persons consulting the counselor in a
12 professional capacity, except that which may be voluntarily
13 disclosed under the following circumstances:

14 (1) In the course of formally reporting, conferring, or
15 consulting with administrative superiors, colleagues, or
16 consultants who share professional responsibility, in
17 which instance all recipients of the information are
18 similarly bound to regard the communication as privileged;

19 (2) With the written consent of the person who provided
20 the information;

21 (3) In the case of death or disability, with the
22 written consent of a personal representative, other person
23 authorized to sue, or the beneficiary of an insurance
24 policy on the person's life, health or physical condition;

25 (4) When a communication reveals the intended

1 commission of a crime or harmful act and such disclosure is
2 judged necessary by the licensed professional counselor or
3 licensed clinical professional counselor to protect any
4 person from a clear, imminent risk of serious mental or
5 physical harm or injury, or to forestall a serious threat
6 to the public safety; or

7 (5) When the person waives the privilege by bringing
8 any public charges against the licensee.

9 (b) When the person is a minor under the laws of the State
10 of Illinois and the information acquired by the licensed
11 professional counselor or licensed clinical professional
12 counselor indicates the minor was the victim or subject of a
13 crime, the licensed professional counselor or licensed
14 clinical professional counselor may be required to testify in
15 any judicial proceedings in which the commission of that crime
16 is the subject of inquiry when, after in camera review of the
17 information that the licensed professional counselor or
18 licensed clinical professional counselor acquired, the court
19 determines that the interests of the minor in having the
20 information held privileged are outweighed by the requirements
21 of justice, the need to protect the public safety or the need
22 to protect the minor, except as provided under the Abused and
23 Neglected Child Reporting Act.

24 (c) Any person having access to records or anyone who
25 participates in providing professional counseling or clinical
26 professional counseling services, or, in providing any human

1 services, is supervised by a licensed professional counselor or
2 licensed clinical professional counselor, is similarly bound
3 to regard all information and communications as privileged in
4 accord with this Section.

5 (d) Nothing in this Act shall be construed to prohibit a
6 licensed professional counselor or licensed clinical
7 professional counselor from voluntarily testifying in court
8 hearings concerning matters of adoption, child abuse, child
9 neglect or other matters pertaining to children, except as
10 provided under the Abused and Neglected Child Reporting Act and
11 matters pertaining to elders as set forth in the Elder Abuse
12 and Neglect Act.

13 (e) The Mental Health and Developmental Disabilities
14 Confidentiality Act is incorporated herein as if all of its
15 provisions were included in this Act. In the event of a
16 conflict between the application of this Section and the Mental
17 Health and Developmental Disabilities Confidentiality Act to a
18 specific situation, the provisions of the Mental Health and
19 Developmental Disabilities Confidentiality Act shall control.

20 (f) Licensed professional counselors and licensed clinical
21 professional counselors when performing professional
22 counseling services or clinical professional counseling
23 services shall comply with counselor licensure rules and laws
24 contained in this Section and Section 80 of this Act regardless
25 of their employment or work setting.

26 (Source: P.A. 87-1011.)

1 (225 ILCS 107/80)

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

3 Sec. 80. Grounds for discipline.

4 (a) The Department may refuse to issue, renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action as the Department
7 deems appropriate, including the issuance of fines not to
8 exceed \$10,000 ~~\$1000~~ for each violation, with regard to any
9 license for any one or more of the following:

10 (1) Material misstatement in furnishing information to
11 the Department or to any other State agency.

12 (2) Violations or negligent or intentional disregard
13 of this Act, ~~or any of its~~ rules adopted under this Act.

14 (3) Conviction by plea of guilty or nolo contendere,
15 finding of guilt, jury verdict, or entry of judgment or by
16 sentencing of any crime, including, but not limited to,
17 convictions, preceding sentences of supervision,
18 conditional discharge, or first offender probation, under
19 the laws of any jurisdiction of the United States: (i) that
20 is a felony or (ii) that is a misdemeanor, an essential
21 element of which is dishonesty, or that is directly related
22 to the practice of the profession ~~Conviction of any crime~~
23 ~~under the laws of the United States or any state or~~
24 ~~territory thereof that is a felony, or that is a~~
25 ~~misdemeanor, an essential element of which is dishonesty,~~

1 ~~or of any crime which is directly related to the practice~~
2 ~~of the profession.~~

3 (4) Fraud or Making any misrepresentation in applying
4 for or procuring a license under this Act or in connection
5 with applying for renewal of a license under this Act ~~for~~
6 ~~the purpose of obtaining a license, or violating any~~
7 ~~provision of this Act or its rules.~~

8 (5) Professional incompetence or gross negligence in
9 the rendering of professional counseling or clinical
10 professional counseling services.

11 (6) Malpractice.

12 (7) Aiding or assisting another person in violating any
13 provision of this Act or any rules.

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

16 (9) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public and violating the rules of
19 professional conduct adopted by the Department.

20 (10) Habitual or excessive use or abuse of drugs as
21 defined in law as controlled substances, alcohol,
22 ~~addiction to alcohol, narcotics, stimulants,~~ or any other
23 substance ~~chemical agent or drug~~ which results in inability
24 to practice with reasonable skill, judgment, or safety.

25 (11) Discipline by another jurisdiction, the District
26 of Columbia, territory, county, or governmental agency, if

1 at least one of the grounds for the discipline is the same
2 or substantially equivalent to those set forth in this
3 Section.

4 (12) Directly or indirectly giving to or receiving from
5 any person, firm, corporation, partnership, or association
6 any fee, commission, rebate or other form of compensation
7 for any professional service not actually rendered.
8 Nothing in this paragraph (12) affects any bona fide
9 independent contractor or employment arrangements among
10 health care professionals, health facilities, health care
11 providers, or other entities, except as otherwise
12 prohibited by law. Any employment arrangements may include
13 provisions for compensation, health insurance, pension, or
14 other employment benefits for the provision of services
15 within the scope of the licensee's practice under this Act.
16 Nothing in this paragraph (12) shall be construed to
17 require an employment arrangement to receive professional
18 fees for services rendered.

19 (13) A finding by the Board that the licensee, after
20 having the license placed on probationary status, has
21 violated the terms of probation.

22 (14) Abandonment of a client.

23 (15) Willfully filing false reports relating to a
24 licensee's practice, including but not limited to false
25 records filed with federal or State agencies or
26 departments.

1 (16) Willfully failing to report an instance of
2 suspected child abuse or neglect as required by the Abused
3 and Neglected Child Reporting Act and in matters pertaining
4 to elders or suspected elder abuse as set forth in the
5 Elder Abuse and Neglect Act.

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

13 (18) Physical or mental illness or disability,
14 including, but not limited to, deterioration through the
15 aging process or loss of abilities and skills which results
16 in the inability to practice the profession with reasonable
17 judgment, skill, or safety.

18 (19) Solicitation of professional services by using
19 false or misleading advertising.

20 (20) Allowing one's license under this Act to be used
21 by an unlicensed person in violation of this Act ~~Failure to~~
22 ~~file a return, or to pay the tax, penalty or interest shown~~
23 ~~in a filed return, or to pay any final assessment of tax,~~
24 ~~penalty or interest, as required by any tax Act~~
25 ~~administered by the Illinois Department of Revenue or any~~
26 ~~successor agency or the Internal Revenue Service or any~~

1 ~~successor agency.~~

2 (21) A finding that licensure has been applied for or
3 obtained by fraudulent means.

4 (22) Practicing under a false or, except as provided by
5 law, an assumed name ~~or attempting to practice under a name~~
6 ~~other than the full name as shown on the license or any~~
7 ~~other legally authorized name.~~

8 (23) Gross and willful overcharging for professional
9 services including filing statements for collection of
10 fees or monies for which services are not rendered.

11 (24) Rendering professional counseling or clinical
12 professional counseling services without a license or
13 practicing outside the scope of a license.

14 (25) Clinical supervisors failing to adequately and
15 responsibly monitor supervisees.

16 All fines imposed under this Section shall be paid within
17 60 days after the effective date of the order imposing the
18 fine.

19 (b) The Department shall deny, without hearing, any
20 application or renewal for a license under this Act to any
21 person who has defaulted on an educational loan guaranteed by
22 the Illinois State Assistance Commission or any governmental
23 agency of this State in accordance with item (5) of subsection
24 (a) of Section 2105-15 of the Department of Professional
25 Regulation Law of the Civil Administrative Code of Illinois,
26 ~~however, the Department may issue a license or renewal if the~~

1 ~~person in default has established a satisfactory repayment~~
2 ~~record as determined by the Illinois Student Assistance~~
3 ~~Commission.~~

4 (b-5) The Department may refuse to issue or may suspend
5 without hearing, as provided for in the Code of Civil
6 Procedure, the license of any person who fails to file a
7 return, pay the tax, penalty, or interest shown in a filed
8 return, or pay any final assessment of the tax, penalty, or
9 interest as required by any tax Act administered by the
10 Illinois Department of Revenue, until such time as the
11 requirements of any such tax Act are satisfied in accordance
12 with subsection (g) of Section 2105-15 of the Department of
13 Professional Regulation Law of the Civil Administrative Code of
14 Illinois.

15 (b-10) In cases where the Department of Healthcare and
16 Family Services has previously determined a licensee or a
17 potential licensee is more than 30 days delinquent in the
18 payment of child support and has subsequently certified the
19 delinquency to the Department, the Department may refuse to
20 issue or renew or may revoke or suspend that person's license
21 or may take other disciplinary action against that person based
22 solely upon the certification of delinquency made by the
23 Department of Healthcare and Family Services in accordance with
24 item (5) of subsection (a) of Section 2105-15 of the Department
25 of Professional Regulation Law of the Civil Administrative Code
26 of Illinois.

1 (c) The determination by a court that a licensee is subject
2 to involuntary admission or judicial admission as provided in
3 the Mental Health and Developmental Disabilities Code will
4 result in an automatic suspension of his or her license. The
5 suspension will end upon a finding by a court that the licensee
6 is no longer subject to involuntary admission or judicial
7 admission, the issuance of an order so finding and discharging
8 the patient, and the recommendation of the Board to the
9 Secretary ~~Director~~ that the licensee be allowed to resume
10 professional practice.

11 (c-5) In enforcing this Act, the Department, upon a showing
12 of a possible violation, may compel an individual licensed to
13 practice under this Act, or who has applied for licensure under
14 this Act, to submit to a mental or physical examination, or
15 both, as required by and at the expense of the Department. The
16 Department may order the examining physician to present
17 testimony concerning the mental or physical examination of the
18 licensee or applicant. No information shall be excluded by
19 reason of any common law or statutory privilege relating to
20 communications between the licensee or applicant and the
21 examining physician. The examining physicians shall be
22 specifically designated by the Department. The individual to be
23 examined may have, at his or her own expense, another physician
24 of his or her choice present during all aspects of this
25 examination. The examination shall be performed by a physician
26 licensed to practice medicine in all its branches. Failure of

1 an individual to submit to a mental or physical examination,
2 when directed, shall result in an automatic suspension without
3 hearing.

4 A person holding a license under this Act or who has
5 applied for a license under this Act who, because of a physical
6 or mental illness or disability, including, but not limited to,
7 deterioration through the aging process or loss of motor skill,
8 is unable to practice the profession with reasonable judgment,
9 skill, or safety, may be required by the Department to submit
10 to care, counseling, or treatment by physicians approved or
11 designated by the Department as a condition, term, or
12 restriction for continued, reinstated, or renewed licensure to
13 practice. Submission to care, counseling, or treatment as
14 required by the Department shall not be considered discipline
15 of a license. If the licensee refuses to enter into a care,
16 counseling, or treatment agreement or fails to abide by the
17 terms of the agreement, the Department may file a complaint to
18 revoke, suspend, or otherwise discipline the license of the
19 individual. The Secretary may order the license suspended
20 immediately, pending a hearing by the Department. Fines shall
21 not be assessed in disciplinary actions involving physical or
22 mental illness or impairment.

23 In instances in which the Secretary immediately suspends a
24 person's license under this Section, a hearing on that person's
25 license must be convened by the Department within 15 days after
26 the suspension and completed without appreciable delay. The

1 Department shall have the authority to review the subject
2 individual's record of treatment and counseling regarding the
3 impairment to the extent permitted by applicable federal
4 statutes and regulations safeguarding the confidentiality of
5 medical records.

6 An individual licensed under this Act and affected under
7 this Section shall be afforded an opportunity to demonstrate to
8 the Department that he or she can resume practice in compliance
9 with acceptable and prevailing standards under the provisions
10 of his or her license.

11 ~~(d) (Blank). In enforcing this Section, the Board, upon a~~
12 ~~showing of a possible violation, may compel a licensee or~~
13 ~~applicant to submit to a mental or physical examination, or~~
14 ~~both, as required by and at the expense of the Department. The~~
15 ~~examining physicians or clinical psychologists shall be those~~
16 ~~specifically designated by the Board. The Board or the~~
17 ~~Department may order (i) the examining physician to present~~
18 ~~testimony concerning the mental or physical examination of a~~
19 ~~licensee or applicant or (ii) the examining clinical~~
20 ~~psychologist to present testimony concerning the mental~~
21 ~~examination of a licensee or applicant. No information shall be~~
22 ~~excluded by reason of any common law or statutory privilege~~
23 ~~relating to communications between a licensee or applicant and~~
24 ~~the examining physician or clinical psychologist. An~~
25 ~~individual to be examined may have, at his or her own expense,~~
26 ~~another physician or clinical psychologist of his or her choice~~

1 ~~present during all aspects of the examination. Failure of an~~
2 ~~individual to submit to a mental or physical examination, when~~
3 ~~directed, is grounds for suspension of his or her license. The~~
4 ~~license must remain suspended until the person submits to the~~
5 ~~examination or the Board finds, after notice and hearing, that~~
6 ~~the refusal to submit to the examination was with reasonable~~
7 ~~cause.~~

8 ~~If the Board finds an individual unable to practice because~~
9 ~~of the reasons set forth in this Section, the Board must~~
10 ~~require the individual to submit to care, counseling, or~~
11 ~~treatment by a physician or clinical psychologist approved by~~
12 ~~the Board, as a condition, term, or restriction for continued,~~
13 ~~reinstated, or renewed licensure to practice. In lieu of care,~~
14 ~~counseling, or treatment, the Board may recommend that the~~
15 ~~Department file a complaint to immediately suspend or revoke~~
16 ~~the license of the individual or otherwise discipline the~~
17 ~~licensee.~~

18 ~~Any individual whose license was granted, continued,~~
19 ~~reinstated, or renewed subject to conditions, terms, or~~
20 ~~restrictions, as provided for in this Section, or any~~
21 ~~individual who was disciplined or placed on supervision~~
22 ~~pursuant to this Section must be referred to the Director for a~~
23 ~~determination as to whether the person shall have his or her~~
24 ~~license suspended immediately, pending a hearing by the Board.~~

25 (Source: P.A. 96-1482, eff. 11-29-10.)

1 (225 ILCS 107/85)

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

3 Sec. 85. Violations; injunction; cease and desist order.

4 (a) If any person violates the provisions of this Act, the
5 Secretary ~~Director~~ may, in the name of the People of the State
6 of Illinois, through the Attorney General of the State of
7 Illinois or the State's Attorney of the county in which the
8 violation is alleged to have occurred, petition for an order
9 enjoining the violation or for an order enforcing compliance
10 with this Act. Upon the filing of a verified petition, the
11 court with appropriate jurisdiction may issue a temporary
12 restraining order without notice or bond, and may preliminarily
13 and permanently enjoin the violation. If it is established that
14 the person has violated or is violating the injunction, the
15 court may punish the offender for contempt of court.
16 Proceedings under this Section are in addition to all other
17 remedies and penalties provided by this Act.

18 (b) If any person holds himself or herself out as being a
19 licensed professional counselor or licensed clinical
20 professional counselor under this Act and is not licensed to do
21 so, then any licensed professional counselor, licensed
22 clinical professional counselor, interested party, or any
23 person injured thereby may petition for relief as provided in
24 subsection (a) of this Section.

25 (c) Whenever, in the opinion of the Department, a person
26 violates any provision of this Act, the Department may issue a

1 rule to show cause why an order to cease and desist should not
2 be entered against that person. The rule shall clearly set
3 forth the grounds relied upon by the Department and shall allow
4 at least 7 days from the date of the rule to file an answer
5 satisfactory to the Department. Failure to answer to the
6 satisfaction of the Department shall cause an order to cease
7 and desist to be issued.

8 (Source: P.A. 87-1011.)

9 (225 ILCS 107/90)

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

11 Sec. 90. Investigations; notice and hearing. The
12 Department may investigate the actions of any applicant or any
13 person holding or claiming to hold a license. The Department
14 shall, before refusing to issue or renew a license or
15 disciplining a licensee ~~revoking, suspending, placing on~~
16 ~~probation, reprimanding, or taking any other disciplinary~~
17 ~~action~~ under Section 80 of this Act, at least 30 days prior to
18 the date set for the hearing, (i) notify the accused, in
19 writing, of any charges made and the time and place for the
20 hearing on the charges, (ii) direct him or her to file a
21 written answer to the charges with the Board under oath within
22 20 days after the service ~~on him or her~~ of the notice, and
23 (iii) inform the applicant or licensee ~~accused~~ that failure, ~~if~~
24 ~~he or she fails~~ to file an answer shall result in, default
25 being ~~will be~~ taken against the applicant or licensee. At the

1 time and place fixed in the notice, the Department shall
2 proceed to hear the charges, and the parties or their counsel
3 shall be accorded ample opportunity to present any pertinent
4 statements, testimony, evidence, and arguments. The Department
5 may continue the hearing from time to time. In case the person,
6 after receiving the notice, fails to answer, his or her
7 license, may, in the discretion of the Department, be revoked,
8 suspended, placed on probationary status, or the Department may
9 take whatever disciplinary action considered proper, including
10 limiting the scope, nature, or extent of the person's practice
11 or the imposition of a fine, without a hearing, if the act or
12 acts charged constitute sufficient grounds for that action
13 under the Act. The written notice and any notice in the
14 subsequent proceeding may be served by registered or certified
15 mail to the licensee's address of record. ~~him or her or that~~
16 ~~his or her license or certificate may be suspended, revoked,~~
17 ~~placed on probationary status, or other disciplinary action~~
18 ~~taken with regard to the license or certificate, including~~
19 ~~limiting the scope, nature, or extent of his or her practice,~~
20 ~~as the Department may deem proper. In case the person, after~~
21 ~~receiving notice, fails to file an answer, his or her license~~
22 ~~may, in the discretion of the Department, be suspended,~~
23 ~~revoked, placed on probationary status, or the Department may~~
24 ~~take whatever disciplinary action deemed proper, including~~
25 ~~limiting the scope, nature, or extent of the person's practice~~
26 ~~or the imposition of a fine, without a hearing, if the act or~~

1 ~~acts charged constitute sufficient grounds for such action~~
2 ~~under this Act. The written notice may be served by personal~~
3 ~~delivery or certified mail to the address specified by the~~
4 ~~accused in his or her last notification to the Department.~~

5 (Source: P.A. 87-1011; 87-1269.)

6 (225 ILCS 107/93 new)

7 Sec. 93. Confidentiality. All information collected by the
8 Department in the course of an examination or investigation of
9 a licensee or applicant, including, but not limited to, any
10 complaint against a licensee filed with the Department and
11 information collected to investigate any such complaint, shall
12 be maintained for the confidential use of the Department and
13 shall not be disclosed. The Department may not disclose the
14 information to anyone other than law enforcement officials,
15 other regulatory agencies that have an appropriate regulatory
16 interest as determined by the Secretary, or a party presenting
17 a lawful subpoena to the Department. Information and documents
18 disclosed to a federal, State, county, or local law enforcement
19 agency shall not be disclosed by the agency for any purpose to
20 any other agency or person. A formal complaint filed against a
21 licensee by the Department or any order issued by the
22 Department against a licensee or applicant shall be a public
23 record, except as otherwise prohibited by law.

24 (225 ILCS 107/95)

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

2 Sec. 95. Record of proceedings; transcript. The
3 Department, at its expense, shall preserve a record of all
4 proceedings at the formal hearing of any case. The notice of
5 hearing, complaint, all other documents in the nature of
6 pleadings, written motions filed in the proceedings, the
7 transcript of testimony, the report of the Board and orders of
8 the Department shall be in the record of such proceeding. ~~The~~
9 ~~Department shall furnish a transcript of the record to any~~
10 ~~person interested in the hearing upon payment of the fee~~
11 ~~required under Section 2105-115 of the Department of~~
12 ~~Professional Regulation Law (20 ILCS 2105/2105-115).~~

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (225 ILCS 107/100)

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

16 Sec. 100. Subpoenas; ~~depositions;~~ oaths. The Department
17 has the power to subpoena and ~~to~~ bring before it any person ~~and~~
18 to take the oral or written testimony or compel the production
19 of any books, papers, records, or any other documents that the
20 Secretary or his or her designee deems relevant or material to
21 any investigation or hearing conducted by the Department ~~either~~
22 ~~orally or by deposition, or both,~~ with the same fees and
23 mileage and in the same manner as prescribed in civil cases in
24 the courts of this State.

25 The Secretary ~~Director,~~ the designated hearing officer,

1 any and every member of the Board, or a certified shorthand
2 court reporter may ~~has the power to~~ administer oaths ~~to~~
3 ~~witnesses~~ at any hearing which the Department conducts ~~is~~
4 ~~authorized to conduct~~, and any other oaths authorized in any
5 Act administered by the Department. Notwithstanding any other
6 statute or Department rules to the contrary, all requests for
7 testimony, production of documents, or records shall be in
8 accordance with this Act.

9 (Source: P.A. 87-1011.)

10 (225 ILCS 107/105)

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

12 Sec. 105. Compelling testimony. Any circuit court, upon
13 application of the Department, ~~designated hearing officer,~~ or
14 the ~~applicant or licensee against whom proceedings under~~
15 ~~Section 80 of this Act are pending,~~ may enter an order
16 requiring the attendance of witnesses and their testimony and
17 the production of relevant documents, papers, files, books, and
18 records in connection with any hearing or investigation. The
19 court may compel obedience to its order by proceedings for
20 contempt.

21 (Source: P.A. 87-1011.)

22 (225 ILCS 107/110)

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

24 Sec. 110. Findings and recommendations. At the conclusion

1 of the hearing, the Board shall present to the Secretary
2 ~~Director~~ a written report of its findings of fact, conclusions
3 of law, and recommendations. The report shall contain a finding
4 whether the licensee violated this Act or failed to comply with
5 the conditions required in this Act. The Board shall specify
6 the nature of the violation or failure to comply, and shall
7 make its recommendations to the Secretary ~~Director~~.

8 The report of findings of fact, conclusions of law, and
9 recommendation of the Board shall be the basis for the
10 Department's order for refusing to issue, restore, or renew a
11 license, or otherwise discipline a licensee ~~refusal or for the~~
12 ~~granting of the license~~. If the Secretary ~~Director~~ disagrees
13 with the recommendations of the Board, the Secretary ~~Director~~
14 may issue an order in contravention of the Board
15 recommendations. ~~The Director shall provide a written report to~~
16 ~~the Board on any disagreement and shall specify the reasons for~~
17 ~~the action in the final order~~. The finding is not admissible in
18 evidence against the person in a criminal prosecution brought
19 for the violation of this Act, but the hearing and findings are
20 not a bar to a criminal prosecution brought for the violation
21 of this Act.

22 (Source: P.A. 87-1011.)

23 (225 ILCS 107/115)

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

25 Sec. 115. Motion for Board, rehearing. In any hearing

1 involving the refusal to issue or renew a license, or the
2 discipline of a licensee ~~At the conclusion of the hearing,~~ a
3 copy of the Board's report shall be served upon the applicant
4 or licensee by the Department, either personally or as provided
5 in this Act for the service of the notice of hearing. Within 20
6 days after such service, the applicant or licensee may present
7 to the Department a motion in writing for a rehearing which
8 shall specify the particular grounds for rehearing. If no
9 motion for a rehearing is filed, then upon the expiration of
10 the time specified for filing such a motion, or if a motion for
11 rehearing is denied, then upon such denial, the Secretary
12 ~~Director~~ may enter an order in accordance with recommendations
13 of the Board, except as provided in Section 120 of this Act. If
14 the applicant or licensee requests and pays for a transcript of
15 the record within the time for filing a motion for rehearing,
16 the 20-day period within which a motion may be filed shall
17 commence upon the delivery of the transcript to the applicant
18 or licensee.

19 (Source: P.A. 87-1011; 87-1269.)

20 (225 ILCS 107/120)

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

22 Sec. 120. Order for ~~Director,~~ rehearing. Whenever the
23 Secretary is not satisfied that substantial ~~Director believes~~
24 justice has ~~not~~ been done in the revocation, suspension or
25 refusal to issue or renew a license or the discipline of a

1 licensee, the Secretary ~~he or she~~ may order a rehearing by the
2 same or other hearing officers.

3 (Source: P.A. 87-1011.)

4 (225 ILCS 107/125)

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

6 Sec. 125. Appointment of a hearing officer. The Secretary
7 ~~Director~~ has the authority to appoint any attorney licensed to
8 practice law in the State of Illinois to serve as the hearing
9 officer in any action for refusal to issue or renew a license
10 or permit or to discipline a licensee. The hearing officer has
11 full authority to conduct the hearing. ~~At least one member of~~
12 ~~the Board shall attend each hearing.~~ The hearing officer shall
13 report his or her findings of fact, conclusions of law, and
14 recommendations to the Board and to the Secretary ~~Director~~. The
15 Board shall have 60 calendar days from receipt of the report to
16 review it and to present its findings of fact, conclusions of
17 law and recommendation to the Secretary ~~Director~~. If the Board
18 does not present its report within the 60 day period, the
19 Secretary ~~Director~~ may issue an order based on the report of
20 the hearing officer. If the Secretary ~~Director~~ disagrees with
21 the recommendation of the Board or of the hearing officer, the
22 Secretary ~~Director~~ may issue an order in contravention of the
23 recommendation. ~~The Director shall promptly provide a written~~
24 ~~explanation to the Board on any such disagreement.~~

25 (Source: P.A. 87-1011; 87-1269.)

1 (225 ILCS 107/130)

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

3 Sec. 130. Order or certified copy; prima facie proof. An
4 order or certified copy thereof, over the seal of the
5 Department and purporting to be signed by the Secretary
6 ~~Director~~, is prima facie proof that:

7 (a) the ~~The~~ signature is the genuine signature of the
8 Secretary ~~Director~~; and

9 (b) the Secretary ~~The Director~~ is duly appointed and
10 qualified. ~~;~~ and

11 ~~(c) The Board and the members thereof are qualified to act.~~

12 (Source: P.A. 87-1011.)

13 (225 ILCS 107/135)

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

15 Sec. 135. Restoration of ~~suspended or revoked~~ license from
16 discipline. At any time after the successful completion of a
17 term of indefinite probation, suspension, or revocation of a
18 license, the Department may restore the license to the
19 licensee, unless, after an investigation and a hearing, the
20 Secretary determines that restoration is not in the public
21 interest or that the licensee has not been sufficiently
22 rehabilitated to warrant the public trust. No person or entity
23 whose license, certificate, or authority has been revoked as
24 authorized in this Act may apply for restoration of that

1 license, certification, or authority until such time as
2 provided for in Article 2105 of the Department of Professional
3 Regulation Law of the Civil Administrative Code of Illinois
4 ~~suspension or revocation of any license, the Department may~~
5 ~~restore it to the licensee upon the written recommendation of~~
6 ~~the Board, unless after an investigation and hearing the Board~~
7 ~~determines that restoration is not in the public interest.~~

8 (Source: P.A. 87-1011.)

9 (225 ILCS 107/145)

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

11 Sec. 145. Summary suspension of license. The Secretary
12 ~~Director~~ may summarily suspend the license of a professional
13 counselor or a clinical professional counselor without a
14 hearing, simultaneously with the institution of proceedings
15 for a hearing provided for in Section 90 of this Act, if the
16 Secretary ~~Director~~ finds that the evidence ~~in the possession of~~
17 ~~the Director~~ indicates that the continuation of practice by the
18 professional counselor or clinical professional counselor
19 would constitute an imminent danger to the public. In the event
20 that the Secretary ~~Director~~ summarily suspends the license of
21 an individual without a hearing, a hearing must be commenced
22 ~~held~~ within 30 days after the suspension has occurred and shall
23 be concluded as expeditiously as possible.

24 (Source: P.A. 87-1011.)

1 (225 ILCS 107/155)

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

3 Sec. 155. Certification of record; costs. The Department
4 shall not be required to certify any record to the court, to
5 file an answer in court, or to otherwise appear in any court in
6 a judicial review proceeding, unless and until the Department
7 has received from the plaintiff there is filed in the court,
8 with the complaint, a receipt from the Department acknowledging
9 payment of the costs of furnishing and certifying the record,
10 which costs shall be determined by the Department. Exhibits
11 shall be certified without cost. Failure on the part of the
12 plaintiff to file the receipt in court is grounds for dismissal
13 of the action.

14 (Source: P.A. 87-1011.)

15 (225 ILCS 107/160)

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

17 Sec. 160. Violations.

18 (a) Unless otherwise specified, any person found to have
19 violated any Section provision of this Act other than this
20 Section is guilty of a Class A misdemeanor for the first
21 offense.

22 (b) Each of the following acts is a Class A misdemeanor for
23 the first offense and a Class 4 felony for a second or
24 subsequent offense:

25 (1) the making of any willfully false oath or

1 affirmation in any matter or proceeding where an oath or
2 affirmation is required by this Act;

3 (2) using or attempting to use an inactive, suspended,
4 or revoked license or the license of another, impersonating
5 another licensee, or practicing clinical professional
6 counseling or professional counseling as defined by this
7 Act, or using the title "clinical professional counselor"
8 or "professional counselor" while one's license is
9 inactive, suspended, or revoked;

10 (3) the practice, attempt to practice, or offer to
11 practice clinical professional counseling or professional
12 counseling as defined by this Act, without the appropriate
13 license; each day of practicing or attempting to practice,
14 and each instance of offering to practice, without the
15 appropriate license constitutes a separate offense;

16 (4) advertising or displaying any sign or card or other
17 device that might indicate to the public that the person or
18 entity is entitled to practice as a licensed professional
19 counselor or licensed clinical professional counselor,
20 unless that person holds an active license as a licensed
21 professional counselor or licensed clinical professional
22 counselor; and

23 (5) obtaining or attempting to obtain a license by
24 fraud.

25 (Source: P.A. 87-1011.)

1 (225 ILCS 107/165)

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

3 Sec. 165. Administrative Procedure Act; application. The
4 Illinois Administrative Procedure Act is hereby expressly
5 adopted and incorporated in this Act as if all of the
6 provisions of such Act were included in this Act, except that
7 the provisions of subsection (d) of Section 10-65 of the
8 Illinois Administrative Procedure Act that provides that at
9 hearings the clinical professional counselor or professional
10 counselor has the right to show compliance with all lawful
11 requirements for retention, continuation, or renewal of the
12 license is specifically excluded. For the purposes of this Act
13 the notice required under Section 10-25 of the Illinois
14 Administrative Procedure Act is deemed sufficient when mailed
15 to the last known address of record of a party.

16 (Source: P.A. 87-1011.)

17 Section 10. The Elder Abuse and Neglect Act is amended by
18 changing Section 2 as follows:

19 (320 ILCS 20/2) (from Ch. 23, par. 6602)

20 Sec. 2. Definitions. As used in this Act, unless the
21 context requires otherwise:

22 (a) "Abuse" means causing any physical, mental or sexual
23 injury to an eligible adult, including exploitation of such
24 adult's financial resources.

1 Nothing in this Act shall be construed to mean that an
2 eligible adult is a victim of abuse, neglect, or self-neglect
3 for the sole reason that he or she is being furnished with or
4 relies upon treatment by spiritual means through prayer alone,
5 in accordance with the tenets and practices of a recognized
6 church or religious denomination.

7 Nothing in this Act shall be construed to mean that an
8 eligible adult is a victim of abuse because of health care
9 services provided or not provided by licensed health care
10 professionals.

11 (a-5) "Abuser" means a person who abuses, neglects, or
12 financially exploits an eligible adult.

13 (a-7) "Caregiver" means a person who either as a result of
14 a family relationship, voluntarily, or in exchange for
15 compensation has assumed responsibility for all or a portion of
16 the care of an eligible adult who needs assistance with
17 activities of daily living.

18 (b) "Department" means the Department on Aging of the State
19 of Illinois.

20 (c) "Director" means the Director of the Department.

21 (d) "Domestic living situation" means a residence where the
22 eligible adult at the time of the report lives alone or with
23 his or her family or a caregiver, or others, or a board and
24 care home or other community-based unlicensed facility, but is
25 not:

26 (1) A licensed facility as defined in Section 1-113 of

1 the Nursing Home Care Act;

2 (1.5) A facility licensed under the ID/DD Community
3 Care Act;

4 (1.7) A facility licensed under the Specialized Mental
5 Health Rehabilitation Act;

6 (2) A "life care facility" as defined in the Life Care
7 Facilities Act;

8 (3) A home, institution, or other place operated by the
9 federal government or agency thereof or by the State of
10 Illinois;

11 (4) A hospital, sanitarium, or other institution, the
12 principal activity or business of which is the diagnosis,
13 care, and treatment of human illness through the
14 maintenance and operation of organized facilities
15 therefor, which is required to be licensed under the
16 Hospital Licensing Act;

17 (5) A "community living facility" as defined in the
18 Community Living Facilities Licensing Act;

19 (6) (Blank);

20 (7) A "community-integrated living arrangement" as
21 defined in the Community-Integrated Living Arrangements
22 Licensure and Certification Act;

23 (8) An assisted living or shared housing establishment
24 as defined in the Assisted Living and Shared Housing Act;
25 or

26 (9) A supportive living facility as described in

1 Section 5-5.01a of the Illinois Public Aid Code.

2 (e) "Eligible adult" means a person 60 years of age or
3 older who resides in a domestic living situation and is, or is
4 alleged to be, abused, neglected, or financially exploited by
5 another individual or who neglects himself or herself.

6 (f) "Emergency" means a situation in which an eligible
7 adult is living in conditions presenting a risk of death or
8 physical, mental or sexual injury and the provider agency has
9 reason to believe the eligible adult is unable to consent to
10 services which would alleviate that risk.

11 (f-5) "Mandated reporter" means any of the following
12 persons while engaged in carrying out their professional
13 duties:

14 (1) a professional or professional's delegate while
15 engaged in: (i) social services, (ii) law enforcement,
16 (iii) education, (iv) the care of an eligible adult or
17 eligible adults, or (v) any of the occupations required to
18 be licensed under the Clinical Psychologist Licensing Act,
19 the Clinical Social Work and Social Work Practice Act, the
20 Illinois Dental Practice Act, the Dietetic and Nutrition
21 Services Practice Act, the Marriage and Family Therapy
22 Licensing Act, the Medical Practice Act of 1987, the
23 Naprapathic Practice Act, the Nurse Practice Act, the
24 Nursing Home Administrators Licensing and Disciplinary
25 Act, the Illinois Occupational Therapy Practice Act, the
26 Illinois Optometric Practice Act of 1987, the Pharmacy

1 Practice Act, the Illinois Physical Therapy Act, the
2 Physician Assistant Practice Act of 1987, the Podiatric
3 Medical Practice Act of 1987, the Respiratory Care Practice
4 Act, the Professional Counselor and Clinical Professional
5 Counselor Licensing and Practice Act, the Illinois
6 Speech-Language Pathology and Audiology Practice Act, the
7 Veterinary Medicine and Surgery Practice Act of 2004, and
8 the Illinois Public Accounting Act;

9 (2) an employee of a vocational rehabilitation
10 facility prescribed or supervised by the Department of
11 Human Services;

12 (3) an administrator, employee, or person providing
13 services in or through an unlicensed community based
14 facility;

15 (4) any religious practitioner who provides treatment
16 by prayer or spiritual means alone in accordance with the
17 tenets and practices of a recognized church or religious
18 denomination, except as to information received in any
19 confession or sacred communication enjoined by the
20 discipline of the religious denomination to be held
21 confidential;

22 (5) field personnel of the Department of Healthcare and
23 Family Services, Department of Public Health, and
24 Department of Human Services, and any county or municipal
25 health department;

26 (6) personnel of the Department of Human Services, the

1 Guardianship and Advocacy Commission, the State Fire
2 Marshal, local fire departments, the Department on Aging
3 and its subsidiary Area Agencies on Aging and provider
4 agencies, and the Office of State Long Term Care Ombudsman;

5 (7) any employee of the State of Illinois not otherwise
6 specified herein who is involved in providing services to
7 eligible adults, including professionals providing medical
8 or rehabilitation services and all other persons having
9 direct contact with eligible adults;

10 (8) a person who performs the duties of a coroner or
11 medical examiner; or

12 (9) a person who performs the duties of a paramedic or
13 an emergency medical technician.

14 (g) "Neglect" means another individual's failure to
15 provide an eligible adult with or willful withholding from an
16 eligible adult the necessities of life including, but not
17 limited to, food, clothing, shelter or health care. This
18 subsection does not create any new affirmative duty to provide
19 support to eligible adults. Nothing in this Act shall be
20 construed to mean that an eligible adult is a victim of neglect
21 because of health care services provided or not provided by
22 licensed health care professionals.

23 (h) "Provider agency" means any public or nonprofit agency
24 in a planning and service area appointed by the regional
25 administrative agency with prior approval by the Department on
26 Aging to receive and assess reports of alleged or suspected

1 abuse, neglect, or financial exploitation.

2 (i) "Regional administrative agency" means any public or
3 nonprofit agency in a planning and service area so designated
4 by the Department, provided that the designated Area Agency on
5 Aging shall be designated the regional administrative agency if
6 it so requests. The Department shall assume the functions of
7 the regional administrative agency for any planning and service
8 area where another agency is not so designated.

9 (i-5) "Self-neglect" means a condition that is the result
10 of an eligible adult's inability, due to physical or mental
11 impairments, or both, or a diminished capacity, to perform
12 essential self-care tasks that substantially threaten his or
13 her own health, including: providing essential food, clothing,
14 shelter, and health care; and obtaining goods and services
15 necessary to maintain physical health, mental health,
16 emotional well-being, and general safety. The term includes
17 compulsive hoarding, which is characterized by the acquisition
18 and retention of large quantities of items and materials that
19 produce an extensively cluttered living space, which
20 significantly impairs the performance of essential self-care
21 tasks or otherwise substantially threatens life or safety.

22 (j) "Substantiated case" means a reported case of alleged
23 or suspected abuse, neglect, financial exploitation, or
24 self-neglect in which a provider agency, after assessment,
25 determines that there is reason to believe abuse, neglect, or
26 financial exploitation has occurred.

1 (Source: P.A. 96-339, eff. 7-1-10; 96-526, eff. 1-1-10; 96-572,
2 eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227,
3 eff. 1-1-12; 97-300, eff. 8-11-11; revised 10-4-11.)

4 Section 15. The Unified Code of Corrections is amended by
5 changing Section 5-5-5 as follows:

6 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

7 Sec. 5-5-5. Loss and Restoration of Rights.

8 (a) Conviction and disposition shall not entail the loss by
9 the defendant of any civil rights, except under this Section
10 and Sections 29-6 and 29-10 of The Election Code, as now or
11 hereafter amended.

12 (b) A person convicted of a felony shall be ineligible to
13 hold an office created by the Constitution of this State until
14 the completion of his sentence.

15 (c) A person sentenced to imprisonment shall lose his right
16 to vote until released from imprisonment.

17 (d) On completion of sentence of imprisonment or upon
18 discharge from probation, conditional discharge or periodic
19 imprisonment, or at any time thereafter, all license rights and
20 privileges granted under the authority of this State which have
21 been revoked or suspended because of conviction of an offense
22 shall be restored unless the authority having jurisdiction of
23 such license rights finds after investigation and hearing that
24 restoration is not in the public interest. This paragraph (d)

1 shall not apply to the suspension or revocation of a license to
2 operate a motor vehicle under the Illinois Vehicle Code.

3 (e) Upon a person's discharge from incarceration or parole,
4 or upon a person's discharge from probation or at any time
5 thereafter, the committing court may enter an order certifying
6 that the sentence has been satisfactorily completed when the
7 court believes it would assist in the rehabilitation of the
8 person and be consistent with the public welfare. Such order
9 may be entered upon the motion of the defendant or the State or
10 upon the court's own motion.

11 (f) Upon entry of the order, the court shall issue to the
12 person in whose favor the order has been entered a certificate
13 stating that his behavior after conviction has warranted the
14 issuance of the order.

15 (g) This Section shall not affect the right of a defendant
16 to collaterally attack his conviction or to rely on it in bar
17 of subsequent proceedings for the same offense.

18 (h) No application for any license specified in subsection
19 (i) of this Section granted under the authority of this State
20 shall be denied by reason of an eligible offender who has
21 obtained a certificate of relief from disabilities, as defined
22 in Article 5.5 of this Chapter, having been previously
23 convicted of one or more criminal offenses, or by reason of a
24 finding of lack of "good moral character" when the finding is
25 based upon the fact that the applicant has previously been
26 convicted of one or more criminal offenses, unless:

1 (1) there is a direct relationship between one or more
2 of the previous criminal offenses and the specific license
3 sought; or

4 (2) the issuance of the license would involve an
5 unreasonable risk to property or to the safety or welfare
6 of specific individuals or the general public.

7 In making such a determination, the licensing agency shall
8 consider the following factors:

9 (1) the public policy of this State, as expressed in
10 Article 5.5 of this Chapter, to encourage the licensure and
11 employment of persons previously convicted of one or more
12 criminal offenses;

13 (2) the specific duties and responsibilities
14 necessarily related to the license being sought;

15 (3) the bearing, if any, the criminal offenses or
16 offenses for which the person was previously convicted will
17 have on his or her fitness or ability to perform one or
18 more such duties and responsibilities;

19 (4) the time which has elapsed since the occurrence of
20 the criminal offense or offenses;

21 (5) the age of the person at the time of occurrence of
22 the criminal offense or offenses;

23 (6) the seriousness of the offense or offenses;

24 (7) any information produced by the person or produced
25 on his or her behalf in regard to his or her rehabilitation
26 and good conduct, including a certificate of relief from

1 disabilities issued to the applicant, which certificate
2 shall create a presumption of rehabilitation in regard to
3 the offense or offenses specified in the certificate; and

4 (8) the legitimate interest of the licensing agency in
5 protecting property, and the safety and welfare of specific
6 individuals or the general public.

7 (i) A certificate of relief from disabilities shall be
8 issued only for a license or certification issued under the
9 following Acts:

10 (1) the Animal Welfare Act; except that a certificate
11 of relief from disabilities may not be granted to provide
12 for the issuance or restoration of a license under the
13 Animal Welfare Act for any person convicted of violating
14 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
15 Care for Animals Act or Section 26-5 of the Criminal Code
16 of 1961;

17 (2) the Illinois Athletic Trainers Practice Act;

18 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
19 and Nail Technology Act of 1985;

20 (4) the Boiler and Pressure Vessel Repairer Regulation
21 Act;

22 (5) the Boxing and Full-contact Martial Arts Act;

23 (6) the Illinois Certified Shorthand Reporters Act of
24 1984;

25 (7) the Illinois Farm Labor Contractor Certification
26 Act;

- 1 (8) the Interior Design Title Act;
- 2 (9) the Illinois Professional Land Surveyor Act of
- 3 1989;
- 4 (10) the Illinois Landscape Architecture Act of 1989;
- 5 (11) the Marriage and Family Therapy Licensing Act;
- 6 (12) the Private Employment Agency Act;
- 7 (13) the Professional Counselor and Clinical
- 8 Professional Counselor Licensing and Practice Act;
- 9 (14) the Real Estate License Act of 2000;
- 10 (15) the Illinois Roofing Industry Licensing Act;
- 11 (16) the Professional Engineering Practice Act of
- 12 1989;
- 13 (17) the Water Well and Pump Installation Contractor's
- 14 License Act;
- 15 (18) the Electrologist Licensing Act;
- 16 (19) the Auction License Act;
- 17 (20) the Illinois Architecture Practice Act of 1989;
- 18 (21) the Dietetic and Nutrition Services Practice Act;
- 19 (22) the Environmental Health Practitioner Licensing
- 20 Act;
- 21 (23) the Funeral Directors and Embalmers Licensing
- 22 Code;
- 23 (24) the Land Sales Registration Act of 1999;
- 24 (25) the Professional Geologist Licensing Act;
- 25 (26) the Illinois Public Accounting Act; and
- 26 (27) the Structural Engineering Practice Act of 1989.

1 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".