



Rep. Angelo Saviano

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09700HB4951ham001

LRB097 17914 CEL 68138 a

1 AMENDMENT TO HOUSE BILL 4951

2 AMENDMENT NO. _____. Amend House Bill 4951 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pharmacy Practice Act is amended by
5 changing Section 35.7 as follows:

6 (225 ILCS 85/35.7) (from Ch. 111, par. 4155.7)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 35.7. Notwithstanding the provisions of Section 35.6
9 of this Act, the Director shall have the authority to appoint
10 any attorney duly licensed to practice law in the State of
11 Illinois to serve as the hearing officer in any action before
12 the Board for refusal to issue, renew, or discipline of a
13 license or certificate. The Director shall notify the Board of
14 any such appointment. The hearing officer shall have full
15 authority to conduct the hearing. ~~There shall be present at~~
16 ~~least one member of the Board at any such hearing.~~ The hearing

1 officer shall report his findings of fact, conclusions of law
2 and recommendations to the Board and the Director. The Board
3 shall have 60 days from receipt of the report to review the
4 report of the hearing officer and present their findings of
5 fact, conclusions of law, and recommendations to the Director.
6 If the Board fails to present its report within the 60 day
7 period, the respondent may request in writing a direct appeal
8 to the Secretary, in which case the Secretary shall, within 7
9 calendar days after the request, issue an order directing the
10 Board to issue its findings of fact, conclusions of law, and
11 recommendations to the Secretary within 30 calendar days after
12 such order. If the Board fails to issue its findings of fact,
13 conclusions of law, and recommendations within that time frame
14 to the Secretary after the entry of such order, the Secretary
15 shall, within 30 calendar days thereafter, issue an order based
16 upon the report of the hearing officer and the record of the
17 proceedings or issue an order remanding the matter back to the
18 hearing officer for additional proceedings in accordance with
19 the order. If (i) a direct appeal is requested, (ii) the Board
20 fails to issue its findings of fact, conclusions of law, and
21 recommendations within the 30-day mandate from the Secretary or
22 the Secretary fails to order the Board to do so, and (iii) the
23 Secretary fails to issue an order within 30 calendar days
24 thereafter, then the hearing officer's report is deemed
25 accepted and a final decision of the Secretary. Notwithstanding
26 any other provision of this Section, if the Secretary, upon

1 review, determines that substantial justice has not been done
2 in the revocation, suspension, or refusal to issue or renew a
3 license or other disciplinary action taken as the result of the
4 entry of the hearing officer's report, the Secretary may order
5 a rehearing by the same or other examiners. If the Secretary
6 disagrees with the recommendation of the Board or the hearing
7 officer, the Secretary may issue an order in contravention of
8 the recommendation.

9 (Source: P.A. 95-689, eff. 10-29-07.)

10 Section 10. The Illinois Physical Therapy Act is amended by
11 changing Section 25 as follows:

12 (225 ILCS 90/25) (from Ch. 111, par. 4275)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 25. Appointment of a Hearing Officer. The Director
15 shall have the authority to appoint any attorney duly licensed
16 to practice law in the State of Illinois to serve as the
17 hearing officer in any action for refusal to issue, renew or
18 discipline of a license or permit. The hearing officer shall
19 have full authority to conduct the hearing. ~~At least one member~~
20 ~~of the Board shall attend each hearing.~~ The hearing officer
21 shall report his findings and recommendations to the Board and
22 the Director. The Board shall have 60 days from receipt of the
23 report to review the report of the hearing officer and present
24 their findings of fact, conclusions of law and recommendations

1 to the Director. If the Board fails to present its report
2 within the 60 day period, the Director shall issue an order
3 based on the report of the hearing officer. If the Director
4 determines that the Board's report is contrary to the manifest
5 weight of the evidence, he may issue an order in contravention
6 of the Board's report.

7 (Source: P.A. 94-651, eff. 1-1-06.)

8 Section 15. The Respiratory Care Practice Act is amended by
9 changing Section 140 as follows:

10 (225 ILCS 106/140)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 140. Appointment of a hearing officer. The Director
13 has the authority to appoint an attorney, licensed to practice
14 law in the State of Illinois, to serve as a hearing officer in
15 any action for refusal to issue or renew a license or to
16 discipline a licensee. The hearing officer has full authority
17 to conduct the hearing. ~~At least one member of the Board shall~~
18 ~~attend each hearing.~~ The hearing officer shall report his or
19 her findings of fact, conclusions of law, and recommendations
20 to the Board and to the Director. The Board shall have 60
21 calendar days from receipt of the report to review it and to
22 present its findings of fact, conclusions of law, and
23 recommendations to the Director. If the Board does not present
24 its report within the 60 day period, the Director may issue an

1 order based on the report of the hearing officer. If the
2 Director disagrees with the recommendation of the Board or the
3 hearing officer, the Director may issue an order in
4 contravention of the recommendation.

5 The Director shall promptly provide a written explanation
6 to the Board on any such disagreement.

7 (Source: P.A. 89-33, eff. 1-1-96.)

8 Section 20. The Illinois Landscape Architecture Act of 1989
9 is amended by changing Section 24 as follows:

10 (225 ILCS 315/24) (from Ch. 111, par. 8124)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 24. Appointment of a hearing officer. The Secretary
13 has the authority to appoint any attorney licensed to practice
14 law in the State of Illinois to serve as the hearing officer in
15 any action for refusal to issue or renew a license or permit or
16 to discipline a licensee. The Secretary shall notify the Board
17 of any such appointment. The hearing officer has full authority
18 to conduct the hearing. ~~At least one member of the Board shall~~
19 ~~attend each hearing.~~ The hearing officer shall report his
20 findings of fact, conclusions of law and recommendations to the
21 Board and the Secretary. The Board has 60 days from receipt of
22 the report to review it and present its findings of fact,
23 conclusions of law and recommendations to the Secretary. If the
24 Board fails to present its report within the 60 day period, the

1 Secretary shall issue an order based on the report of the
2 hearing officer. If the Secretary disagrees with the
3 recommendation of the Board or hearing officer, the Secretary
4 may issue an order in contravention of the recommendation. The
5 Secretary shall promptly provide a written explanation to the
6 Board on any disagreement.

7 (Source: P.A. 96-730, eff. 8-25-09.)

8 Section 25. The Professional Geologist Licensing Act is
9 amended by changing Section 125 as follows:

10 (225 ILCS 745/125)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 125. Appointment of a hearing officer. The Director
13 has the authority to appoint any attorney licensed to practice
14 law in the State of Illinois to serve as the hearing officer in
15 any action for refusal to issue, restore, or renew a person's
16 license to practice as a Licensed Professional Geologist or to
17 discipline a licensee. The hearing officer has full authority
18 to conduct the hearing. ~~At least one member of the Board shall~~
19 ~~attend each hearing.~~ The hearing officer shall report his or
20 her findings of fact, conclusions of law, and recommendations
21 to the Board and the Director. The Board shall have 60 calendar
22 days from receipt of the report to review the report of the
23 hearing officer and present its findings of fact, conclusions
24 of law, and recommendations to the Director. If the Board does

1 not present its report within the 60-day period, the Director
2 may issue an order based on the report of the hearing officer.
3 If the Director disagrees with the recommendation of the Board
4 or of the hearing officer, the Director may issue an order in
5 contravention of the recommendation. The Director shall
6 promptly provide a written report to the Board on any
7 deviation, and shall specify the reasons for the action in the
8 final order.

9 (Source: P.A. 96-1327, eff. 7-27-10.)

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