

1 AN ACT concerning professional regulation.

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

4 Section 1. The Regulatory Sunset Act is amended by changing
5 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 Acts and Sections repealed on January 1, 2013.

8 The following Acts and Sections of Acts are repealed on January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
17 Counselor Licensing Act.

18 The Wholesale Drug Distribution Licensing Act.

19 Section 2.5 of the Illinois Plumbing License Law.

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

21 (5 ILCS 80/4.33 new)

22 Sec. 4.33. Act repealed on January 1, 2023. The following

1 Act is repealed on January 1, 2023:

2 The Funeral Directors and Embalmers Licensing Code.

3 Section 5. The Funeral Directors and Embalmers Licensing
4 Code is amended by changing Sections 1-5, 1-10, 1-15, 1-20,
5 1-30, 5-5, 5-10, 5-15, 5-20, 10-5, 10-20, 10-30, 10-35, 15-5,
6 15-15, 15-16, 15-20, 15-21, 15-22, 15-25, 15-40, 15-41, 15-45,
7 15-46, 15-50, 15-65, 15-70, 15-75, 15-76, 15-77, 15-80, 15-85,
8 15-91, and 20-15 and by adding Sections 5-18, 10-38, 10-43,
9 15-18, 15-19, and 15-115 as follows:

10 (225 ILCS 41/1-5)

11 (Section scheduled to be repealed on January 1, 2013)

12 Sec. 1-5. Legislative intent. The practice of funeral
13 directing and embalming in the State of Illinois is declared to
14 be a practice affecting the public health, safety and welfare
15 and subject to regulation and control in the public interest.
16 It is further declared to be a matter of public interest and
17 concern that the preparation, care and final disposition
18 ~~disposal~~ of a deceased human body be attended with appropriate
19 observance and understanding, having due regard and respect for
20 the reverent care of the human body and for those bereaved and
21 the overall spiritual dignity of every person ~~man~~. It is
22 further a matter of public interest that the practice of
23 funeral directing and embalming as defined in this Code merit
24 and receive the confidence of the public and that only

1 qualified persons be authorized to practice funeral directing
2 and embalming in the State of Illinois. This Code shall be
3 liberally construed to best carry out these subjects and
4 purposes.

5 (Source: P.A. 87-966.)

6 (225 ILCS 41/1-10)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 1-10. Definitions. As used in this Code:

9 "Address of record" means the designated address recorded
10 by the Department in the applicant's or licensee's application
11 file or license file. It is the duty of the applicant or
12 licensee to inform the Department of any changes of address and
13 those changes must be made either through the Department's
14 website or by contacting the Department.

15 "Applicant" means any person making application for a
16 license ~~or certificate of registration~~. Any applicants
17 ~~applicant~~ or people ~~any person~~ who hold ~~holds~~ themselves
18 ~~himself~~ out as applicants are ~~an applicant is~~ considered
19 licensees ~~a licensee~~ for purposes of enforcement,
20 investigation, hearings, and the Illinois Administrative
21 Procedure Act.

22 "Board" means the Funeral Directors and Embalmers
23 Licensing and Disciplinary Board.

24 "Certificate of Death" means a certificate of death as
25 referenced in the Illinois Vital Records Act.

1 "Department" means the Department of Financial and
2 Professional Regulation.

3 "Funeral director and embalmer" means a person who is
4 licensed and qualified to practice funeral directing and to
5 prepare, disinfect and preserve dead human bodies by the
6 injection or external application of antiseptics,
7 disinfectants or preservative fluids and materials and to use
8 derma surgery or plastic art for the restoring of mutilated
9 features. It further means a person who restores the remains of
10 a person for the purpose of funeralization whose organs or bone
11 or tissue has been donated for anatomical purposes.

12 "Funeral director and embalmer intern" means a person
13 licensed by the Department ~~State~~ who is qualified to render
14 assistance to a funeral director and embalmer in carrying out
15 the practice of funeral directing and embalming under the
16 supervision of the funeral director and embalmer.

17 "Embalming" means the process of sanitizing and chemically
18 treating a deceased human body in order to reduce the presence
19 and growth of microorganisms, to retard organic decomposition,
20 to render the remains safe to handle while retaining
21 naturalness of tissue, and to restore an acceptable physical
22 appearance for funeral viewing purposes.

23 "Funeral director" means a person, known by the title of
24 "funeral director" or other similar words or titles, licensed
25 by the Department ~~State~~ who practices funeral directing.

26 "Funeral establishment", "funeral chapel", "funeral home",

1 or "mortuary" means a building or separate portion of a
2 building having a specific street address or location and
3 devoted to activities relating to the shelter, care, custody
4 and preparation of a deceased human body and which may contain
5 facilities for funeral or wake services.

6 "Licensee" means a person licensed under this Code as a
7 funeral director, funeral director and embalmer, or funeral
8 director and embalmer intern. Anyone who holds himself or
9 herself out as a licensee or who is accused of unlicensed
10 practice is considered a licensee for purposes of enforcement,
11 investigation, hearings, and the Illinois Administrative
12 Procedure Act.

13 "Owner" means the individual, partnership, corporation,
14 limited liability company, association, trust, estate, or
15 agent thereof, or other person or combination of persons who
16 owns a funeral establishment or funeral business.

17 "Person" means any individual, partnership, association,
18 firm, corporation, limited liability company, trust or estate,
19 or other entity. "Person" includes both natural persons and
20 legal entities.

21 "Secretary" means the Secretary of Financial and
22 Professional Regulation.

23 (Source: P.A. 96-863, eff. 3-1-10; 96-1463, eff. 1-1-11.)

24 (225 ILCS 41/1-15)

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

1 Sec. 1-15. Funeral directing; definition. Conducting or
2 engaging in or representing or holding out oneself as
3 conducting or engaged in any one or any combination of the
4 following practices constitutes the practice of funeral
5 directing:

6 (a) The practice of preparing, otherwise than by
7 embalming, for the burial, cremation, or disposition
8 ~~disposal~~ and directing and supervising the burial or
9 disposition ~~disposal~~ of deceased human remains or
10 performing any act or service in connection with the
11 preparing of dead human bodies. Preparation, direction,
12 and supervision shall not be construed to mean those
13 functions normally performed by cemetery and crematory
14 personnel.

15 (b) The practice of operating a place for preparing for
16 the disposition of deceased human bodies or for caring for
17 deceased human bodies before their disposition. Nothing in
18 this Code shall prohibit the ownership and management of
19 such a place by an unlicensed owner if the place is
20 operated in accordance with this Code and the unlicensed
21 owner does not engage in any form of funeral directing.

22 (c) The removal of a deceased human body from its place
23 of death, institution, or other location. A licensed
24 funeral director and embalmer intern may remove a deceased
25 human body from its place of death, institution, or other
26 location without another licensee being present. The

1 licensed funeral director may engage others who are not
2 licensed funeral directors, licensed funeral director and
3 embalmers, or licensed funeral director and embalmer
4 interns to assist in the removal if the funeral director
5 directs and instructs them in handling and precautionary
6 procedures and accompanies them on all calls. The
7 transportation of deceased human remains to a cemetery,
8 crematory or other place of final disposition shall be
9 under the immediate direct supervision of a licensee unless
10 otherwise permitted by this Section. The transportation of
11 deceased human remains that are embalmed or otherwise
12 prepared and enclosed in an appropriate container to some
13 other place that is not the place of final disposition,
14 such as another funeral home or common carrier, or to a
15 facility that shares common ownership with the
16 transporting funeral home may be performed under the
17 general supervision of a licensee, but the supervision need
18 not be immediate or direct.

19 (d) The administering and conducting of, or assuming
20 responsibility for administering and conducting of, at
21 need funeral arrangements.

22 (e) The assuming custody of, transportation, providing
23 shelter, protection and care and disposition of deceased
24 human remains and the furnishing of necessary funeral
25 services, facilities and equipment.

26 (f) Using in connection with a name or practice the

1 word "funeral director", "undertaker", "mortician",
2 "funeral home", "funeral parlor", "funeral chapel", or any
3 other title implying that the person is engaged in the
4 practice of funeral directing.

5 Within the existing scope of the practice of funeral
6 directing or funeral directing and embalming, only a licensed
7 funeral director, a licensed funeral director and embalmer, or
8 a licensed funeral director and embalmer intern under the
9 restrictions provided for in this Code, and not any other
10 person employed or contracted by the licensee, may engage in
11 the following activities at-need: (1) have direct contact with
12 consumers and explain funeral or burial merchandise or services
13 or (2) negotiate, develop, or finalize contracts with
14 consumers. This paragraph shall not be construed or enforced in
15 such a manner as to limit the functions of persons regulated
16 under the Illinois Funeral or Burial Funds Act, the Illinois
17 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the
18 Cemetery Care Act, the Cemetery Association Act, the Illinois
19 Insurance Code, or any other related professional regulatory
20 Act.

21 The practice of funeral directing shall not include the
22 phoning in of obituary notices, ordering of flowers for the
23 funeral, or reporting of prices on the firm's general price
24 list as required by the Federal Trade Commission Funeral Rule
25 by nonlicensed persons, or like clerical tasks incidental to
26 the act of making funeral arrangements.

1 The making of funeral arrangements, at need, shall be done
2 only by licensed funeral directors or licensed funeral
3 directors and embalmers. Licensed funeral director and
4 embalmer interns may, however, assist or participate in the
5 arrangements under the direct supervision of a licensed funeral
6 director or licensed funeral director and embalmer.

7 (Source: P.A. 96-1463, eff. 1-1-11.)

8 (225 ILCS 41/1-20)

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

10 Sec. 1-20. Funeral directing and embalming; definition.

11 "The practice of funeral directing and embalming" means:

12 (a) The practice of preparing, otherwise than by
13 embalming, for the burial, cremation, or disposition
14 ~~disposal~~ and directing and supervising the burial or
15 disposition ~~disposal~~ of deceased human remains or
16 performing any act or service in connection with the
17 preparing of dead human bodies. Preparation, direction,
18 and supervision shall not be construed to mean those
19 functions normally performed by cemetery and crematory
20 personnel.

21 (b) The practice of operating a place for preparing for
22 the disposition of deceased human bodies or for caring for
23 deceased human bodies before their disposition. Nothing in
24 this Code shall prohibit the ownership and management of
25 such a place by an unlicensed owner if the place is

1 operated in accordance with this Code and the unlicensed
2 owner does not engage in any form of funeral directing and
3 embalming.

4 (c) The removal of a deceased human body from its place
5 of death, institution or other location. A licensed funeral
6 director and embalmer intern may remove a deceased human
7 body from its place of death, institution, or other
8 location without another licensee being present. The
9 licensed funeral director and embalmer may engage others
10 who are not licensed funeral directors and embalmers,
11 licensed funeral directors, or licensed funeral director
12 and embalmer interns to assist in the removal if the
13 funeral director and embalmer directs and instructs them in
14 handling and precautionary procedures and accompanies them
15 on all calls. The transportation of deceased human remains
16 to a cemetery, crematory or other place of final
17 disposition shall be under the immediate, direct
18 supervision of a licensee unless otherwise permitted by
19 this Section. The transportation of deceased human remains
20 that are embalmed or otherwise prepared and enclosed in an
21 appropriate container to some other place that is not the
22 place of final disposition, such as another funeral home or
23 common carrier, or to a facility that shares common
24 ownership with the transporting funeral home may be
25 performed under the general supervision of a licensee, but
26 the supervision need not be immediate or direct.

1 (d) The administering and conducting of, or assuming
2 responsibility for administering and conducting of, at
3 need funeral arrangements.

4 (e) The assuming custody of, transportation, providing
5 shelter, protection and care and disposition of deceased
6 human remains and the furnishing of necessary funeral
7 services, facilities and equipment.

8 (f) Using in connection with a name or practice the
9 word "funeral director and embalmer", "embalmer", "funeral
10 director", "undertaker", "mortician", "funeral home",
11 "funeral parlor", "funeral chapel", or any other title
12 implying that the person is engaged in the practice of
13 funeral directing and embalming.

14 (g) The practice of embalming or representing or
15 holding out oneself as engaged in the practice of embalming
16 of deceased human bodies or the transportation of human
17 bodies deceased of a contagious or infectious disease.

18 Within the existing scope of the practice of funeral
19 directing or funeral directing and embalming, only a licensed
20 funeral director, a licensed funeral director and embalmer, or
21 a licensed funeral director and embalmer intern under the
22 restrictions provided for in this Code, and not any other
23 person employed or contracted by the licensee, may engage in
24 the following activities at-need: (1) have direct contact with
25 consumers and explain funeral or burial merchandise or services
26 or (2) negotiate, develop, or finalize contracts with

1 consumers. This paragraph shall not be construed or enforced in
2 such a manner as to limit the functions of persons regulated
3 under the Illinois Funeral or Burial Funds Act, the Illinois
4 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the
5 Cemetery Care Act, the Cemetery Association Act, the Illinois
6 Insurance Code, or any other related professional regulatory
7 Act.

8 The practice of funeral directing and embalming shall not
9 include the phoning in of obituary notices, ordering of flowers
10 for the funeral, or reporting of prices on the firm's general
11 price list as required by the Federal Trade Commission Funeral
12 Rule by nonlicensed persons, or like clerical tasks incidental
13 to the act of making funeral arrangements.

14 The making of funeral arrangements, at need, shall be done
15 only by licensed funeral directors or licensed funeral
16 directors and embalmers. Licensed funeral director and
17 embalmer interns may, however, assist or participate in the
18 arrangements under the direct supervision of a licensed funeral
19 director or licensed funeral director and embalmer.

20 (Source: P.A. 96-1463, eff. 1-1-11.)

21 (225 ILCS 41/1-30)

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

23 Sec. 1-30. Powers of the Department. Subject to the
24 provisions of this Code, the Department may exercise the
25 following powers:

1 (1) To authorize examinations to ascertain the
2 qualifications and fitness of applicants for licensing as a
3 licensed funeral director and embalmer and pass upon the
4 qualifications of applicants for licensure.

5 (2) To examine the records of a licensed funeral director
6 or licensed funeral director and embalmer from any year or any
7 other aspect of funeral directing and embalming as the
8 Department deems appropriate.

9 (3) To investigate any and all funeral directing and
10 embalming activity.

11 (4) To conduct hearings on proceedings to refuse to issue
12 or renew licenses or to revoke, suspend, place on probation,
13 reprimand, or otherwise discipline a license under this Code or
14 take other non-disciplinary action.

15 (5) To adopt all necessary and reasonable rules and
16 regulations for the effective ~~required for the~~ administration
17 of this Code.

18 (6) To prescribe forms to be issued for the administration
19 and enforcement of this Code.

20 (7) To maintain rosters of the names and addresses of all
21 licensees and all persons whose licenses have been suspended,
22 revoked, denied renewal, or otherwise disciplined within the
23 previous calendar year. These rosters shall be available upon
24 written request and payment of the required fee as established
25 by rule.

26 (8) To contract with third parties for services necessary

1 for the proper administration of this Code including, without
2 limitation, investigators with the proper knowledge, training,
3 and skills to properly inspect funeral homes and investigate
4 complaints under this Code.

5 (Source: P.A. 96-1463, eff. 1-1-11.)

6 (225 ILCS 41/5-5)

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

8 Sec. 5-5. License requirement. It is unlawful for any
9 person to practice, or to attempt to practice, funeral
10 directing without a license as a funeral director issued by the
11 Department.

12 No person shall practice funeral directing unless they are
13 employed by or contracted with a fixed place of practice or
14 establishment devoted to the care and preparation for burial or
15 for the transportation of deceased human bodies. ~~who does not~~
16 ~~have a fixed place of practice or establishment devoted to the~~
17 ~~care and preparation for burial or for transportation of~~
18 ~~deceased human bodies, or who is not regularly employed in a~~
19 ~~fixed place of practice or establishment.~~

20 No person shall practice funeral directing independently
21 at the fixed place of practice or establishment of another
22 licensee unless that person's name is published and displayed
23 at all times in connection therewith.

24 (Source: P.A. 87-966.)

1 (225 ILCS 41/5-10)

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

3 Sec. 5-10. Funeral director license; display. Every holder
4 of a license as a funeral director shall display it in a
5 conspicuous place in the licensee's place of practice or in the
6 place of practice in which the licensee is employed or
7 contracted. If, in case the licensee is engaged in funeral
8 directing at more than one place of practice, then in the
9 licensee's principal place of practice or the principal place
10 of practice of the licensee's employer and a copy of the
11 license shall be displayed in a conspicuous place at all other
12 places of practice.

13 (Source: P.A. 96-1463, eff. 1-1-11.)

14 (225 ILCS 41/5-15)

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

16 Sec. 5-15. Renewal; reinstatement; restoration ~~Expiration~~
17 ~~and renewal; inactive status; continuing education.~~ The
18 expiration date and renewal period for each license issued
19 under this Article shall be set by rule. The holder of a
20 license as a licensed funeral director may renew the license
21 during the month preceding the expiration date of the license
22 by paying the required fee. A licensed funeral director whose
23 license has expired may have the license reinstated within 5
24 years from the date of expiration upon payment of the required
25 reinstatement fee. The reinstatement shall be effective as of

1 the date of reissuance of the license.

2 Any licensed funeral director whose license has been
3 expired for more than 5 years may have the license restored
4 only by fulfilling the requirements of the Department's rules
5 and by paying the required restoration fee. However, any
6 licensed funeral director whose license has expired while he or
7 she has been engaged (1) in federal service on active duty with
8 the United States Army, Navy, Marine Corps, Air Force, or Coast
9 Guard, or the State Militia called into the service or training
10 of the United States of America or (2) in training or education
11 under the supervision of the United States preliminary to
12 induction into the military service may have his or her license
13 restored without paying any lapsed renewal fees or restoration
14 fee or without passing any examination if, within 2 years after
15 termination of the service, training or education other than by
16 dishonorable discharge, he or she furnishes the Department with
17 an affidavit to the effect that he or she has been so engaged
18 and that his or her service, training or education has been so
19 terminated.

20 In addition to any other requirement for renewal of a
21 license or reinstatement or restoration of an expired license,
22 as a condition for the renewal, reinstatement, or restoration
23 of a license as a licensed funeral director, each licensee
24 shall provide evidence to the Department of completion of at
25 least 12 hours of continuing education during the 24 months
26 preceding the expiration date of the license, or in the case of

1 reinstatement or restoration, during the 24 months preceding
2 application for reinstatement or restoration. The continuing
3 education sponsors shall be approved by the Board. In addition,
4 any qualified continuing education course for funeral
5 directors offered by a college, university, the Illinois
6 Funeral Directors Association, Funeral Directors Services
7 Association of Greater Chicago, Cook County Association of
8 Funeral Home Owners, Inc., Illinois Selected Morticians
9 Association, Inc., Illinois Cemetery and Funeral Home
10 Association, National Funeral Directors Association, Selected
11 Independent Funeral Homes, National Funeral Directors and
12 Morticians Association, Inc., International Order of the
13 Golden Rule, or an Illinois school of mortuary science shall be
14 accepted toward satisfaction of the continuing education
15 requirements.

16 The Department shall establish by rule a means for
17 verification of completion of the continuing education
18 required by this Section. This verification may be accomplished
19 through audits of records maintained by licensees, by requiring
20 the filing of continued education certificates with the
21 Department or a qualified organization selected by the
22 Department to maintain these records, or by other means
23 established by the Department.

24 Except as otherwise provided in this paragraph, a ~~A~~ person
25 who is licensed as a funeral director under this Code and who
26 has engaged in the practice of funeral directing for at least

1 40 years shall be exempt from the continuing education
2 requirements of this Section. Licensees who have not engaged in
3 the practice of funeral directing for at least 40 years by
4 January 1, 2016 shall not receive this exemption after that
5 date. In addition, the Department shall establish by rule an
6 exemption or exception, for a limited period of time, for
7 funeral directors who, by reason of advanced age, health or
8 other extreme condition should reasonably be excused from the
9 continuing education requirement upon the approval of the
10 Secretary. Those persons, identified above, who cannot attend
11 on-site classes, shall have the opportunity to comply by
12 completing home study courses designed for them by sponsors.

13 ~~Any funeral director who notifies the Department in writing~~
14 ~~on forms prescribed by the Department may elect to place his or~~
15 ~~her license on an inactive status and shall, subject to rules~~
16 ~~of the Department, be excused from payment of renewal fees and~~
17 ~~completion of continuing education requirements until he or she~~
18 ~~notifies the Department in writing of an intent to restore or~~
19 ~~reinstate the license to active status. Any licensee requesting~~
20 ~~restoration or reinstatement from inactive status shall notify~~
21 ~~the Department as provided by rule of the Department and pay~~
22 ~~the fee required by the Department for restoration or~~
23 ~~reinstatement of the license. Any licensee whose license is on~~
24 ~~inactive status shall not practice in the State of Illinois.~~

25 ~~Practice on a license that has lapsed or been placed in~~
26 ~~inactive status is practicing without a license and a violation~~

1 ~~of this Code.~~

2 (Source: P.A. 96-1463, eff. 1-1-11.)

3 (225 ILCS 41/5-18 new)

4 Sec. 5-18. Inactive status.

5 (a) Any funeral director who notifies the Department in
6 writing on forms prescribed by the Department may elect to
7 place his or her license on an inactive status and shall,
8 subject to rules of the Department, be excused from payment of
9 renewal fees and completion of continuing education
10 requirements until he or she notifies the Department in writing
11 of an intent to restore or reinstate the license to active
12 status.

13 (b) Any licensee who has permitted his or her license to
14 expire or who has had his or her license on inactive status may
15 have the license restored by making application to the
16 Department, by filing proof acceptable to the Department of his
17 or her fitness to have the license restored, and by paying the
18 required fees. Proof of fitness may include sworn evidence
19 certifying to active lawful practice in another jurisdiction.
20 If the licensee has not maintained an active practice in
21 another jurisdiction satisfactory to the Department, then the
22 Department shall determine by an evaluation program,
23 established by rule, his or her fitness for restoration of the
24 license and shall establish procedures and requirements for
25 restoration. Any licensee whose license is on inactive status

1 shall not practice in the State.

2 (c) Any licensee whose license is on inactive status or in
3 a non-renewed status shall not engage in the practice of
4 funeral directing in the State or use the title or advertise
5 that he or she performs the services of a licensed funeral
6 director. Any person violating this Section shall be considered
7 to be practicing without a license and shall be subject to the
8 disciplinary provisions of this Code.

9 (225 ILCS 41/5-20)

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

11 Sec. 5-20. Disposition of unclaimed cremated remains
12 ~~residual ashes~~. The holder of a license is authorized at his or
13 her discretion to effect a final disposition of the unclaimed
14 cremated remains ~~residual ashes~~ of any cremated human body if
15 no person lawfully entitled to the custody of the ashes makes
16 or has made a proper request for them within one year of the
17 date of death of the person whose body was cremated.

18 (Source: P.A. 87-966.)

19 (225 ILCS 41/10-5)

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

21 Sec. 10-5. License requirement. It is unlawful for any
22 person to practice or attempt to practice funeral directing and
23 embalming without being licensed by the Department.

24 No person shall practice funeral directing and embalming

1 unless they are employed by or contracted with a fixed place of
2 practice or establishment devoted to the care and preparation
3 for burial or for the transportation of deceased human bodies.
4 ~~who does not have a fixed place of practice or establishment in~~
5 ~~Illinois devoted to the care and preparation for burial or for~~
6 ~~transportation of deceased human bodies, or who is not~~
7 ~~regularly employed in a fixed place of practice or~~
8 ~~establishment.~~

9 No person shall practice funeral directing and embalming
10 independently at the fixed place of practice or establishment
11 of another licensee unless his or her name shall be published
12 and displayed at all times in connection therewith.

13 No licensed intern shall independently practice funeral
14 directing and embalming; however, a licensed funeral director
15 and embalmer intern may under the immediate personal
16 supervision of a licensed funeral director and embalmer assist
17 a licensed funeral director and embalmer in the practice of
18 funeral directing and embalming.

19 No person shall practice as a funeral director and embalmer
20 intern unless he or she possesses a valid license in good
21 standing to do so in the State of Illinois.

22 (Source: P.A. 93-268, eff. 1-1-04.)

23 (225 ILCS 41/10-20)

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

25 Sec. 10-20. Application. Every person who desires to obtain

1 a license under this Code shall apply to the Department in
2 writing on forms prepared and furnished by the Department. The
3 application shall contain proof of the particular
4 qualifications required of the applicant, shall be certified by
5 the applicant, and shall be accompanied by the required fee.
6 Applicants have 3 years after the date of application to
7 complete the application process. If the process has not been
8 completed in 3 years, then the application shall be denied, the
9 fee shall be forfeited, and the applicant must reapply and meet
10 the requirements in effect at the time of reapplication.

11 (Source: P.A. 87-966.)

12 (225 ILCS 41/10-30)

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

14 Sec. 10-30. Issuance, display of license. Whenever an
15 applicant has met the requirements of this Code, the Department
16 shall issue to the applicant a license as a licensed funeral
17 director and embalmer or licensed funeral director and embalmer
18 intern, as the case may be.

19 Every holder of a license shall display it in a conspicuous
20 place in the licensee's place of practice or in the place of
21 practice in which the licensee is employed or contracted. If ~~In~~
22 case the licensee is engaged in funeral directing and embalming
23 at more than one place of practice, then the license shall be
24 displayed in the licensee's principal place of practice or the
25 principal place of practice of the licensee's employer and a

1 copy of the license shall be displayed in a conspicuous place
2 at all other places of practice.

3 (Source: P.A. 96-1463, eff. 1-1-11.)

4 (225 ILCS 41/10-35)

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

6 Sec. 10-35. Renewal; reinstatement; restoration;
7 ~~continuing education~~. The expiration date and renewal period
8 for each license issued under this Article shall be set by
9 rule. The holder of a license as a licensed funeral director
10 and embalmer or funeral director and embalmer intern may renew
11 the license during the month preceding the expiration date of
12 the license by paying the required fee. A licensed funeral
13 director and embalmer or licensed funeral director and embalmer
14 trainee whose license has expired may have the license
15 reinstated within 5 years from the date of expiration upon
16 payment of the required reinstatement fee and fulfilling the
17 requirements of the Department's rules. The reinstatement of
18 the license is effective as of the date of the reissuance of
19 the license.

20 Any licensed funeral director and embalmer whose license
21 has been expired for more than 5 years may have the license
22 restored only by fulfilling the requirements set forth in the
23 Department's rules and by paying the required restoration fee.
24 However, any licensed funeral director and embalmer or licensed
25 funeral director and embalmer intern whose license has expired

1 while he or she has been engaged (1) in federal service on
2 active duty with the United States Army, Navy, Marine Corps,
3 Air Force, or Coast Guard, or the State Militia called into the
4 service or training of the United States of America or (2) in
5 training or education under the supervision of the United
6 States preliminary to induction into the military service, may
7 have his or her license restored without paying any lapsed
8 renewal fees or restoration fee or without passing any
9 examination if, within 2 years after termination of the
10 service, training or education other than by dishonorable
11 discharge, he or she furnishes the Department with an affidavit
12 to the effect that he or she has been so engaged and that his or
13 her service, training or education has been so terminated.

14 No license of a funeral director and embalmer intern shall
15 be renewed more than twice.

16 In addition to any other requirement for renewal of a
17 license or reinstatement or restoration of an expired license,
18 as a condition for the renewal, reinstatement, or restoration
19 of a license as a licensed funeral director and embalmer, each
20 licensee shall provide evidence to the Department of completion
21 of at least 24 hours of continuing education during the 24
22 months preceding the expiration date of the license, or in the
23 case of reinstatement or restoration, within the 24 months
24 preceding the application for reinstatement or restoration.
25 The continuing education sponsors shall be approved by the
26 Board. In addition, any qualified continuing education course

1 for funeral directors and embalmers offered by a college,
2 university, the Illinois Funeral Directors Association,
3 Funeral Directors Services Association of Greater Chicago,
4 Cook County Association of Funeral Home Owners, Inc., Illinois
5 Selected Morticians Associations, Inc., Illinois Cemetery and
6 Funeral Home Association, National Funeral Directors
7 Association, Selected Independent Funeral Homes, National
8 Funeral Directors and Morticians Association, Inc.,
9 International Order of the Golden Rule, or an Illinois school
10 of mortuary science shall be accepted toward satisfaction of
11 the continuing education requirements.

12 The Department shall establish by rule a means for
13 verification of completion of the continuing education
14 required by this Section. This verification may be accomplished
15 through audits of records maintained by licensees, by requiring
16 the filing of continued education certificates with the
17 Department or a qualified organization selected by the
18 Department to maintain the records, or by other means
19 established by the Department.

20 Except as otherwise provided in this paragraph, a person
21 who is licensed as a funeral director and embalmer under this
22 Code and who has engaged in the practice of funeral directing
23 and embalming for at least 40 years shall be exempt from the
24 continuing education requirements of this Section. Licensees
25 who have not engaged in the practice of funeral directing and
26 embalming for at least 40 years by January 1, 2016 shall not

1 receive this exemption after that date. In addition, the
2 Department shall establish by rule an exemption or exception,
3 for a limited period of time, for funeral directors and
4 embalmers who, by reason of advanced age, health or other
5 extreme condition, should reasonably be excused from the
6 continuing education requirement upon the approval of the
7 Secretary. Those persons, identified above, who cannot attend
8 on-site classes, shall have the opportunity to comply by
9 completing home study courses designed for them by sponsors.

10 ~~Any funeral director and embalmer who notifies the~~
11 ~~Department in writing on forms prescribed by the Department,~~
12 ~~may elect to place his or her license on an inactive status and~~
13 ~~shall, subject to rules of the Department, be excused from~~
14 ~~payment of renewal fees and completion of continuing education~~
15 ~~requirements until he or she notifies the Department in writing~~
16 ~~of an intent to restore or reinstate the license to active~~
17 ~~status. While on inactive status, the licensee shall only be~~
18 ~~required to pay a single fee, established by the Department, to~~
19 ~~have the license placed on inactive status. Any licensee~~
20 ~~requesting restoration or reinstatement from inactive status~~
21 ~~shall notify the Department as provided by rule of the~~
22 ~~Department and pay the fee required by the Department for~~
23 ~~restoration or reinstatement of the license. Any licensee whose~~
24 ~~license is on inactive status shall not practice in the State~~
25 ~~of Illinois.~~

26 ~~Practice on a license that has lapsed or been placed in~~

1 ~~inactive status is practicing without a license and a violation~~
2 ~~of this Code.~~

3 (Source: P.A. 96-1463, eff. 1-1-11.)

4 (225 ILCS 41/10-38 new)

5 Sec. 10-38. Inactive status.

6 (a) Any funeral director and embalmer who notifies the
7 Department in writing on forms prescribed by the Department may
8 elect to place his or her license on an inactive status and
9 shall, subject to rules of the Department, be excused from
10 payment of renewal fees and completion of continuing education
11 requirements until he or she notifies the Department in writing
12 of an intent to restore or reinstate the license to active
13 status.

14 (b) While on inactive status, the licensee shall only be
15 required to pay a single fee, established by the Department, to
16 have the license placed on inactive status. Any licensee who
17 has permitted his or her license to expire or who has had his
18 or her license on inactive status may have the license restored
19 by making application to the Department, by filing proof
20 acceptable to the Department of his or her fitness to have the
21 license restored, and by paying the required fees. Proof of
22 fitness may include sworn evidence certifying to active lawful
23 practice in another jurisdiction. If the licensee has not
24 maintained an active practice in another jurisdiction
25 satisfactory to the Department, then the Department shall

1 determine by an evaluation program, established by rule, his or
2 her fitness for restoration of the license and shall establish
3 procedures and requirements for restoration.

4 (c) Any licensee whose license is on inactive status or in
5 a non-renewed status shall not engage in the practice of
6 funeral directing and embalming in the State or use the title
7 or advertise that he or she performs the services of a licensed
8 funeral director and embalmer. Any person violating this
9 Section shall be considered to be practicing without a license
10 and shall be subject to the disciplinary provisions of this
11 Code.

12 (225 ILCS 41/10-43 new)

13 Sec. 10-43. Endorsement. The Department may issue a
14 funeral director and embalmer license, without the required
15 examination, to an applicant licensed by another state,
16 territory, possession of the United States, or the District of
17 Columbia, if (i) the licensing requirements of that licensing
18 authority are, on the date of licensure, substantially equal to
19 the requirements set forth under this Code and (ii) the
20 applicant provides the Department with evidence of good
21 standing from the licensing authority of that jurisdiction. An
22 applicant under this Section shall pay all of the required
23 fees.

24 (225 ILCS 41/15-5) (from Ch. 111, par. 2825)

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

2 Sec. 15-5. Funeral Directors and Embalmers Licensing and
3 Disciplinary Board. A Funeral Directors and Embalmers
4 Licensing and Disciplinary Board is created and shall consist
5 of 7 persons, 6 of whom are licensed to practice funeral
6 directing and embalming in this State, and one who is a
7 knowledgeable public member. Each member shall be appointed by
8 the Secretary ~~of the Department~~. The persons so appointed shall
9 hold their offices for 4 years and until qualified successors
10 are appointed. All vacancies occurring shall be filled by the
11 Secretary for the unexpired portion of the term rendered
12 vacant. No member shall be eligible to serve for more than 2
13 full consecutive terms. The Secretary may remove or suspend any
14 member of the Board for cause at any time before the expiration
15 of his or her term. The Secretary shall be the sole arbiter of
16 cause ~~reasons prescribed by law for removal of State officials~~
17 ~~or for misconduct, incompetence, neglect of duty, or failing to~~
18 ~~attend 2 consecutive Board meetings. The cause for removal must~~
19 ~~be set forth in writing.~~ The Board shall annually select a
20 chairman from its membership. The members of the Board shall be
21 reimbursed for all legitimate and necessary expenses incurred
22 in attending meetings of the Board. The Board may meet as often
23 as necessary to perform its duties under this Code, and shall
24 meet at least once a year in Springfield, Illinois.

25 Four members of the Board shall constitute a quorum. A
26 quorum is required for all Board decisions.

1 The Department shall consider the recommendation of the
2 Board in the development of proposed rules under this Code.
3 Notice of any proposed rulemaking under this Code shall be
4 transmitted to the Board and the Department shall review the
5 response of the Board and any recommendations relating to that
6 rulemaking.

7 The Department shall seek the advice and recommendations of
8 the Board in connection with any rulemaking or disciplinary
9 actions relating to funeral director and embalmers and funeral
10 director and embalmer interns, including applications for
11 restoration of revoked licenses. Members of the Board shall be
12 immune from suit in any action based upon any disciplinary
13 proceedings or other activities performed in good faith as
14 members of the Board. ~~The Board shall have 60 days to respond~~
15 ~~to a Department request for advice and recommendations.~~

16 ~~The Department shall adopt all necessary and reasonable~~
17 ~~rules and regulations for the effective administration of this~~
18 ~~Code, and without limiting the foregoing, the Department shall~~
19 ~~adopt rules and regulations:~~

20 ~~(1) prescribing a method of examination of candidates;~~
21 ~~(2) defining what shall constitute a school, college,~~
22 ~~university, department of a university or other~~
23 ~~institution to determine the reputability and good~~
24 ~~standing of these institutions by reference to a compliance~~
25 ~~with the rules and regulations; however, no school,~~
26 ~~college, university, department of a university or other~~

1 ~~institution that refuses admittance to applicants, solely~~
2 ~~on account of race, color, creed, sex or national origin~~
3 ~~shall be considered reputable and in good standing;~~

4 ~~(3) establishing expiration dates and renewal periods~~
5 ~~for all licenses;~~

6 ~~(4) prescribing a method of handling complaints and~~
7 ~~conducting hearings on proceedings to take disciplinary~~
8 ~~action under this Code; and~~

9 ~~(5) providing for licensure by reciprocity.~~

10 (Source: P.A. 96-1463, eff. 1-1-11.)

11 (225 ILCS 41/15-15)

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

13 Sec. 15-15. Complaints; investigations; hearings; ~~summary~~
14 ~~suspension of license~~. The Department may investigate the
15 actions of any applicant or of any person or persons rendering
16 or offering to render services or any person holding or
17 claiming to hold a license under this Code.

18 The Department shall, before refusing to issue or renew a
19 license or seeking to discipline a licensee under Section 75
20 ~~revoking, suspending, placing on probation, reprimanding, or~~
21 ~~taking any other disciplinary action~~, at least 30 days before
22 the date set for the hearing, (i) notify the accused in writing
23 of the charges made and the time and place for the hearing on
24 the charges, (ii) direct him or her to file a written answer to
25 the charges under oath within 20 days after ~~the service on him~~

1 ~~or her of the notice,~~ and (iii) inform the applicant or
2 licensee ~~accused that,~~ failure if he or she fails to answer,
3 shall result in a default being entered ~~will be taken~~ against
4 the applicant or licensee ~~him or her or that his or her license~~
5 ~~may be suspended, revoked, or placed on probationary status, or~~
6 ~~other disciplinary action taken with regard to the license,~~
7 ~~including limiting the scope, nature, or extent of his or her~~
8 ~~practice, as the Department may consider proper.~~

9 At the time and place fixed in the notice, the Board or the
10 hearing officer appointed by the Secretary ~~Department~~ shall
11 proceed to hear the charges and the parties or their counsel
12 shall be accorded ample opportunity to present any pertinent
13 statements, testimony, evidence, and arguments. The Board or
14 hearing officer ~~Department~~ may continue the hearing from time
15 to time. In case the person, after receiving the notice, fails
16 to file an answer, his or her license may, in the discretion of
17 the Secretary, having first received the recommendation of the
18 Board ~~Department~~, be suspended, revoked, or placed on
19 probationary status, or be subject to ~~the Department may take~~
20 whatever disciplinary action the Secretary ~~it~~ considers
21 proper, including limiting the scope, nature, or extent of the
22 person's practice or the imposition of a fine, without a
23 hearing, if the act or acts charged constitute sufficient
24 grounds for that action under this Code. The written notice and
25 any notice in the subsequent proceeding may be served by
26 regular ~~personal delivery~~ or ~~by~~ certified mail to the

1 ~~licensee's address of record specified by the accused in his or~~
2 ~~her last notification with the Department.~~

3 ~~The Department has the power to subpoena and bring before~~
4 ~~it any person to take oral or written testimony and to compel~~
5 ~~the production of any books, papers, records, or other~~
6 ~~documents that the Secretary or his or her designee deems~~
7 ~~relevant or material to any investigation or hearing conducted~~
8 ~~by the Department, with the same fees and in the same manner as~~
9 ~~prescribed in civil cases. The Secretary, the designated~~
10 ~~hearing officer, and every member of the Board has the power to~~
11 ~~administer oaths to witnesses at any hearing that the~~
12 ~~Department is authorized to conduct, and any other oaths~~
13 ~~authorized in any Act or Code administered by the Department.~~

14 ~~If the Department determines that any licensee is guilty of~~
15 ~~a violation of any of the provisions of this Code, disciplinary~~
16 ~~action shall be taken against the licensee. The Department may~~
17 ~~take disciplinary action without a formal hearing subject to~~
18 ~~Section 10-70 of the Illinois Administrative Procedure Act.~~

19 ~~The Secretary may summarily suspend the license of any~~
20 ~~person licensed under this Code without a hearing,~~
21 ~~simultaneously with the institution of proceedings for a~~
22 ~~hearing provided for in this Section, if the Secretary finds~~
23 ~~that evidence in the possession of the Secretary indicates that~~
24 ~~the continuation of practice by the licensee would constitute~~
25 ~~an imminent danger to the public. In the event that the~~
26 ~~Secretary summarily suspends the license of an individual~~

1 ~~without a hearing, a hearing must be held within 30 days after~~
2 ~~the suspension has occurred and concluded as expeditiously as~~
3 ~~practical.~~

4 (Source: P.A. 96-48, eff. 7-17-09; 96-1463, eff. 1-1-11.)

5 (225 ILCS 41/15-16)

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

7 Sec. 15-16. Appointment of a hearing officer. The Secretary
8 has the authority to appoint any attorney licensed to practice
9 law in the State of Illinois to serve as the hearing officer in
10 any action for refusal to issue, restore, or renew a license or
11 to discipline a licensee. The hearing officer has full
12 authority to conduct the hearing. ~~Any Board member may attend~~
13 ~~hearings.~~

14 (Source: P.A. 96-1463, eff. 1-1-11.)

15 (225 ILCS 41/15-18 new)

16 Sec. 15-18. Temporary suspension. The Secretary may
17 temporarily suspend the license of a licensee without a
18 hearing, simultaneously with the institution of proceedings
19 for a hearing provided in Section 15-15 of this Code, if the
20 Secretary finds that the public interest, safety, or welfare
21 requires such emergency action. In the event that the Secretary
22 temporarily suspends a license without a hearing before the
23 Board or a duly appointed hearing officer, a hearing shall be
24 held within 30 days after the suspension has occurred. The

1 suspended licensee may seek a continuance of the hearing,
2 during which time the suspension shall remain in effect. The
3 proceeding shall be concluded without appreciable delay. If the
4 Department does not hold a hearing within 30 days after the
5 date of the suspension, then the licensee's license shall be
6 automatically reinstated.

7 (225 ILCS 41/15-19 new)

8 Sec. 15-19. Consent to Administrative Supervision order.
9 In appropriate cases, the Department may resolve a complaint
10 against a licensee through the issuance of a Consent to
11 Administrative Supervision order. A licensee subject to a
12 Consent to Administrative Supervision order shall be
13 considered by the Department as an active licensee in good
14 standing. This order shall not be reported or considered by the
15 Department to be a discipline of the licensee. The records
16 regarding an investigation and a Consent to Administrative
17 Supervision order shall be considered confidential and shall
18 not be released by the Department except as mandated by law. A
19 complainant shall be notified if his or her complaint has been
20 resolved by a Consent to Administrative Supervision order.

21 (225 ILCS 41/15-20)

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

23 Sec. 15-20. Transcript; record of proceedings. The
24 Department, at its expense, shall preserve a record of all

1 proceedings at the formal hearing of any case. The notice of
2 hearing, complaint and all other documents in the nature of
3 pleadings and written motions filed in the proceedings, the
4 transcript of testimony, the report of the Board or hearing
5 officer, and the orders of the Department shall be the record
6 of the proceedings. ~~The Department shall furnish a transcript~~
7 ~~of the record to any person interested in the hearing upon~~
8 ~~payment of the actual cost of making the transcript.~~

9 (Source: P.A. 96-1463, eff. 1-1-11.)

10 (225 ILCS 41/15-21)

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

12 Sec. 15-21. Findings and recommendations. At the
13 conclusion of the hearing, the Board or hearing officer shall
14 present to the Secretary a written report of its findings of
15 fact, conclusions of law, and recommendations. The report shall
16 contain a finding of whether or not the accused person violated
17 this Code or its rules or failed to comply with the conditions
18 required in this Code or its rules. The Board shall specify the
19 nature of any violations or failure to comply and shall make
20 its recommendations to the Secretary. In making
21 recommendations for any disciplinary action, the Board may take
22 into consideration all facts and circumstances bearing upon the
23 reasonableness of the conduct of the accused and the potential
24 for future harm to the public, including, but not limited to,
25 previous discipline of the accused by the Department, intent,

1 degree of harm to the public and likelihood of harm in the
2 future, any restitution made by the accused, and whether the
3 incident or incidents contained in the complaint appear to be
4 isolated or represent a continuing pattern of conduct. In
5 making its recommendations for discipline, the Board shall
6 endeavor to ensure that the severity of the discipline
7 recommended is reasonably related to the severity of the
8 violation.

9 The report of findings of fact, conclusions of law, and
10 recommendation of the Board or hearing officer shall be the
11 basis for the Secretary's ~~Department's~~ order refusing to issue,
12 restore, or renew a license, or otherwise disciplining a
13 licensee. If the Secretary disagrees with the recommendations
14 of the Board or hearing officer, the Secretary may issue an
15 order in contravention of the Board or hearing officer's
16 recommendations. The finding is not admissible in evidence
17 against the person in a criminal prosecution brought for a
18 violation of this Code, but the hearing and finding are not a
19 bar to a criminal prosecution brought for a violation of this
20 Code.

21 (Source: P.A. 96-1463, eff. 1-1-11.)

22 (225 ILCS 41/15-22)

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

24 Sec. 15-22. Rehearing. At the conclusion of the hearing, a
25 copy of the Board or hearing officer's report shall be served

1 upon the applicant or licensee by the Department, either
2 personally or as provided in this Code for the service of a
3 notice of hearing. Within 20 calendar days after service, the
4 applicant or licensee may present to the Department a motion in
5 writing for a rehearing, which shall specify the particular
6 grounds for rehearing. The Department may respond to the motion
7 for rehearing within 20 calendar days after its service on the
8 Department. If no motion for rehearing is filed, then upon the
9 expiration of the time specified for filing such a motion, or
10 if a motion for rehearing is denied, then upon denial, the
11 Secretary may enter an order in accordance with the
12 recommendations of the Board or hearing officer. If the
13 applicant or licensee orders from the reporting service and
14 pays for a transcript of the record within the time for filing
15 a motion for rehearing, the 20-day period within which a motion
16 may be filed shall commence upon the delivery of the transcript
17 to the applicant or licensee.

18 If the Secretary believes that substantial justice has not
19 been done in the revocation, suspension, or refusal to issue,
20 restore, or renew a license, or other discipline of an
21 applicant or licensee, he or she may order a rehearing by the
22 same or other hearing officers ~~examiners~~.

23 (Source: P.A. 96-1463, eff. 1-1-11.)

24 (225 ILCS 41/15-25)

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

1 Sec. 15-25. Subpoenas; oaths; attendance of witnesses
2 ~~Court order; contempt.~~

3 (a) The Department may subpoena and bring before it any
4 person to take the oral or written testimony or compel the
5 production of any books, papers, records, or any other
6 documents that the Secretary or his or her designee deems
7 relevant or material to any investigation or hearing conducted
8 by the Department with the same fees and mileage and in the
9 same manner as prescribed in civil cases in the courts of this
10 State.

11 (b) The Secretary, the hearing officer, any member of the
12 Board, or a certified shorthand court reporter may administer
13 oaths at any hearing that the Department conducts.
14 Notwithstanding any other statute or Department rule to the
15 contrary, all requests for testimony, production of documents,
16 or records shall be in accordance with this Code.

17 (c) Any circuit court, upon application of the applicant,
18 licensee or the Department, may, by order duly entered, require
19 the attendance and testimony of witnesses and the production of
20 relevant documents, files, books, records, and papers in
21 connection with any hearing or investigation. The before the
22 Department in any hearing relating to the refusal, suspension
23 or revocation of a license. Upon refusal or neglect to obey the
24 order of the court, the court may compel compliance with its
25 order by proceedings for contempt of court.

26 (Source: P.A. 87-966.)

1 (225 ILCS 41/15-40)

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

3 Sec. 15-40. Certification of record; receipt. The
4 Department shall not be required to certify any record to the
5 court, to file an answer in court, or otherwise to appear in
6 any court in a judicial review proceeding unless and until the
7 Department has received from the plaintiff payment of the costs
8 of furnishing and certifying the record, which costs shall be
9 determined by the Department. Exhibits shall be certified
10 without cost. Failure on the part of the Plaintiff to file a
11 receipt in court is ~~shall be~~ grounds for dismissal of the
12 action.

13 (Source: P.A. 96-1463, eff. 1-1-11.)

14 (225 ILCS 41/15-41)

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

16 Sec. 15-41. Order or certified copy; prima facie proof. An
17 order or certified copy thereof, over the seal of the
18 Department and purporting to be signed by the Secretary, is
19 prima facie proof that:

20 (1) the signature is the genuine signature of the
21 Secretary; and

22 (2) the Secretary is duly appointed and qualified. ~~and~~

23 ~~(3) the hearing officer is qualified to act.~~

24 (Source: P.A. 96-1463, eff. 1-1-11.)

1 (225 ILCS 41/15-45)

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

3 Sec. 15-45. Practice without license; injunction; cease
4 and desist order; civil penalties.

5 (a) The practice of funeral directing and embalming or
6 funeral directing by any person who has not been issued a
7 license by the Department, whose license has been suspended or
8 revoked, or whose license has not been renewed is hereby
9 declared to be inimical to the public welfare and to constitute
10 a public nuisance. The Secretary may, in the name of the People
11 of the State of Illinois through the Attorney General of the
12 State of Illinois, or the State's Attorney of any county in
13 which the violation is alleged to have occurred in the State of
14 Illinois, apply for an injunction in the circuit court to
15 enjoin any person who has not been issued a license or whose
16 license has been suspended or revoked, or whose license has not
17 been renewed, from practicing funeral directing and embalming
18 or funeral directing. Upon the filing of a verified complaint
19 in court, the court, if satisfied by affidavit or otherwise
20 that the person is or has been practicing funeral directing and
21 embalming or funeral directing without having been issued a
22 license or after his or her license has been suspended,
23 revoked, or not renewed, may issue a temporary restraining
24 order or preliminary injunction, without notice or bond,
25 enjoining the defendant from further practicing funeral

1 directing and embalming or funeral directing. A copy of the
2 verified complaint shall be served upon the defendant and the
3 proceedings shall thereafter be conducted as in other civil
4 cases. If it is established that the defendant has been or is
5 practicing funeral directing and embalming or funeral
6 directing without having been issued a license or has been or
7 is practicing funeral directing and embalming or funeral
8 directing after his or her license has been suspended, revoked,
9 or not renewed, the court may enter a judgment perpetually
10 enjoining the defendant from further practicing funeral
11 directing and embalming or funeral directing. In case of
12 violation of any injunction entered under this Section, the
13 court may summarily try and punish the offender for contempt of
14 court. Any injunction proceeding shall be in addition to, and
15 not in lieu of, all penalties and other remedies in this Code.

16 (b) Whenever, in the opinion of the Department, any person
17 or other entity violates any provision of this Code, the
18 Department may issue a notice to show cause why an order to
19 cease and desist should not be entered against that person or
20 other entity. The rule shall clearly set forth the grounds
21 relied upon by the Department and shall provide a period of 7
22 days from the date of the rule to file an answer to the
23 satisfaction of the Department. Failure to answer to the
24 satisfaction of the Department shall cause an order to cease
25 and desist to be issued immediately.

26 (c) (Blank).

1 (Source: P.A. 96-1463, eff. 1-1-11; 97-333, eff. 8-12-11.)

2 (225 ILCS 41/15-46)

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

4 Sec. 15-46. Civil penalties; civil action.

5 (a) In addition to any other penalty provided by law, any
6 person, sole proprietorship, professional service corporation,
7 limited liability company, partnership, or other entity that
8 violates Section 1-15 or 1-20 of this Code shall forfeit and
9 pay to the General Professions Dedicated Fund a civil penalty
10 in an amount determined by the Department not to exceed \$10,000
11 for each violation. The penalty shall be assessed in
12 proceedings as provided in Sections 15-10 through 15-41 of this
13 Code.

14 (b) In addition to the other penalties and remedies
15 provided in this Code, the Department may bring a civil action
16 in the county in which the funeral establishment is located
17 against a licensee or any other person to enjoin any violation
18 or threatened violation of this Code.

19 (c) Unless the amount of the penalty is paid within 60 days
20 after the order becomes final, the order shall constitute a
21 judgment ~~judgement~~ and shall be filed and execution issued
22 thereon in the same manner as the judgment ~~judgement~~ of a court
23 of record.

24 (Source: P.A. 96-1463, eff. 1-1-11.)

1 (225 ILCS 41/15-50)

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

3 Sec. 15-50. Practice by corporation, limited liability
4 company, partnership, or association. No corporation, limited
5 liability company, partnership or association of individuals,
6 as such, shall be issued a license as a licensed funeral
7 director and embalmer or licensed funeral director, nor shall
8 any corporation, limited liability company, partnership, firm
9 or association of individuals, or any individual connected
10 therewith, publicly advertise any corporation, partnership, or
11 association of individuals as being licensed funeral directors
12 and embalmers or licensed funeral directors. Nevertheless,
13 nothing in this Act shall restrict funeral director licensees
14 or funeral director and embalmer licensees from forming
15 professional service corporations under the Professional
16 Service Corporation Act or from having these corporations
17 registered for the practice of funeral directing.

18 No funeral director licensee or funeral director and
19 embalmer licensee, and no partnership or association of those
20 licensees, formed since July 1, 1935, shall engage in the
21 practice of funeral directing and embalming or funeral
22 directing under a trade name or partnership or firm name unless
23 in the use and advertising of the trade name, partnership or
24 firm name there is published in connection with the advertising
25 the name of the owner or owners as the owner or owners.

26 (Source: P.A. 96-863, eff. 3-1-10.)

1 (225 ILCS 41/15-65)

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

3 Sec. 15-65. Fees. The Department shall provide by rule for
4 a schedule of fees for the administration and enforcement of
5 this Code, including but not limited to, original licensure,
6 renewal, and restoration. The fees shall be nonrefundable.

7 All fees, fines, and penalties collected under this Code
8 shall be deposited into the General Professions Dedicated Fund
9 and shall be appropriated to the Department for the ordinary
10 and contingent expenses of the Department in the administration
11 of this Code.

12 (Source: P.A. 96-1463, eff. 1-1-11.)

13 (225 ILCS 41/15-70)

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

15 Sec. 15-70. Returned checks; fines. Any person who delivers
16 a check or other payment to the Department that is returned to
17 the Department unpaid by the financial institution upon which
18 it is drawn shall pay to the Department, in addition to the
19 amount already owed to the Department, a fine of \$50. The fines
20 imposed by this Section are in addition to any other discipline
21 provided under this Code for unlicensed practice or practice on
22 a nonrenewed license. The Department shall notify the person
23 that payment of fees and fines shall be paid to the Department
24 by certified check or money order within 30 calendar days of

1 the notification. If, after the expiration of 30 days from the
2 date of the notification, the person has failed to submit the
3 necessary remittance, the Department shall automatically
4 terminate the license ~~or certificate~~ or deny the application,
5 without hearing. If, after termination or denial, the person
6 seeks a license ~~or certificate~~, he or she shall apply to the
7 Department for restoration or issuance of the license ~~or~~
8 ~~certificate~~ and pay all fees and fines due to the Department.
9 The Department may establish a fee for the processing of an
10 application for restoration of a license ~~or certificate~~ to pay
11 all expenses of processing this application. The Secretary may
12 waive the fines due under this Section in individual cases
13 where the Secretary finds that the fines would be unreasonable
14 or unnecessarily burdensome.

15 (Source: P.A. 96-1463, eff. 1-1-11.)

16 (225 ILCS 41/15-75)

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

18 Sec. 15-75. Violations; grounds for discipline; penalties.

19 (a) Each of the following acts is a Class A misdemeanor for
20 the first offense, and a Class 4 felony for each subsequent
21 offense. These penalties shall also apply to unlicensed owners
22 of funeral homes.

23 (1) Practicing the profession of funeral directing and
24 embalming or funeral directing, or attempting to practice
25 the profession of funeral directing and embalming or

1 funeral directing without a license as a funeral director
2 and embalmer or funeral director.

3 (2) Serving or attempting to serve as an intern under a
4 licensed funeral director and embalmer ~~or attempting to~~
5 ~~serve as an intern under a licensed funeral director and~~
6 ~~embalmer~~ without a license as a licensed funeral director
7 and embalmer intern.

8 (3) Obtaining or attempting to obtain a license,
9 practice or business, or any other thing of value, by fraud
10 or misrepresentation.

11 (4) Permitting any person in one's employ, under one's
12 control or in or under one's service to serve as a funeral
13 director and embalmer, funeral director, or funeral
14 director and embalmer intern when the person does not have
15 the appropriate license.

16 (5) Failing to display a license as required by this
17 Code.

18 (6) Giving false information or making a false oath or
19 affidavit required by this Code.

20 (b) The Department may refuse to issue or renew, ~~a license~~
21 ~~or may~~ revoke, suspend, place on probation or administrative
22 supervision, reprimand, or take other disciplinary or
23 non-disciplinary action as the Department may deem
24 appropriate, including imposing fines not to exceed \$10,000 for
25 each violation, with regard to any license under the Code for
26 any one or combination of the following:

1 (1) Fraud or any misrepresentation in applying for or
2 procuring a license under this Code or in connection with
3 applying for renewal of a license under this Code ~~Obtaining~~
4 ~~or attempting to obtain a license by fraud or~~
5 ~~misrepresentation.~~

6 (2) Conviction by plea of guilty or nolo contendere,
7 finding of guilt, jury verdict, or entry of judgment or by
8 sentencing of any crime, including, but not limited to,
9 convictions, preceding sentences of supervision,
10 conditional discharge, or first offender probation, under
11 the laws of any jurisdiction of the United States: (i) that
12 is a felony or (ii) that is a misdemeanor, an essential
13 element of which is dishonesty, or that is directly related
14 to the practice of the profession ~~Conviction in this State~~
15 ~~or another state of any crime that is a felony or~~
16 ~~misdemeanor under the laws of this State or conviction of a~~
17 ~~felony or misdemeanor in a federal court.~~

18 (3) Violation of the laws of this State relating to the
19 funeral, burial or disposition ~~disposal~~ of deceased human
20 bodies or of the rules and regulations of the Department,
21 or the Department of Public Health.

22 (4) Directly or indirectly paying or causing to be paid
23 any sum of money or other valuable consideration for the
24 securing of business or for obtaining authority to dispose
25 of any deceased human body.

26 (5) Professional incompetence, gross negligence,

1 malpractice, or untrustworthiness in the practice of
2 funeral directing and embalming or funeral directing.

3 (6) (Blank). ~~False or misleading advertising as a~~
4 ~~funeral director and embalmer or funeral director, or~~
5 ~~advertising or using the name of a person other than the~~
6 ~~holder of a license in connection with any service being~~
7 ~~rendered in the practice of funeral directing and embalming~~
8 ~~or funeral directing. Nothing in this paragraph shall~~
9 ~~prevent including the name of any owner, officer or~~
10 ~~corporate director of a funeral business who is not a~~
11 ~~licensee in any advertisement used by a funeral home with~~
12 ~~which the individual is affiliated if the advertisement~~
13 ~~specifies the individual's affiliation with the funeral~~
14 ~~home.~~

15 (7) Engaging in, promoting, selling, or issuing burial
16 contracts, burial certificates, or burial insurance
17 policies in connection with the profession as a funeral
18 director and embalmer, funeral director, or funeral
19 director and embalmer intern in violation of any laws of
20 the State of Illinois.

21 (8) Refusing, without cause, to surrender the custody
22 of a deceased human body upon the proper request of the
23 person or persons lawfully entitled to the custody of the
24 body.

25 (9) Taking undue advantage of a client or clients as to
26 amount to the perpetration of fraud.

1 (10) Engaging in funeral directing and embalming or
2 funeral directing without a license.

3 (11) Encouraging, requesting, or suggesting by a
4 licensee or some person working on his behalf and with his
5 consent for compensation that a person utilize the services
6 of a certain funeral director and embalmer, funeral
7 director, or funeral establishment unless that information
8 has been expressly requested by the person. This does not
9 prohibit general advertising or pre-need solicitation.

10 (12) Making or causing to be made any false or
11 misleading statements about the laws concerning the
12 disposition ~~disposal~~ of human remains, including, but not
13 limited to, the need to embalm, the need for a casket for
14 cremation or the need for an outer burial container.

15 (13) (Blank).

16 (14) Embalming or attempting to embalm a deceased human
17 body without express prior authorization of the person
18 responsible for making the funeral arrangements for the
19 body. This does not apply to cases where embalming is
20 directed by local authorities who have jurisdiction or when
21 embalming is required by State or local law. A licensee may
22 embalm without express prior authorization if a good faith
23 effort has been made to contact family members and has been
24 unsuccessful and the licensee has no reason to believe the
25 family opposes embalming.

26 (15) Making a false statement on a Certificate of Death

1 where the person making the statement knew or should have
2 known that the statement was false.

3 (16) Soliciting human bodies after death or while death
4 is imminent.

5 (17) Performing any act or practice that is a violation
6 of this Code, the rules for the administration of this
7 Code, or any federal, State or local laws, rules, or
8 regulations governing the practice of funeral directing or
9 embalming.

10 (18) Performing any act or practice that is a violation
11 of Section 2 of the Consumer Fraud and Deceptive Business
12 Practices Act.

13 (19) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud or harm the public.

16 (20) Taking possession of a dead human body without
17 having first obtained express permission from the person
18 holding the right to control the disposition in accordance
19 with Section 5 of the Disposition of Remains Act ~~next of~~
20 ~~kin~~ or a public agency legally authorized to direct,
21 control or permit the removal of deceased human bodies.

22 (21) Advertising in a false or misleading manner or
23 advertising using the name of an unlicensed person in
24 connection with any service being rendered in the practice
25 of funeral directing or funeral directing and embalming.
26 The use of any name of an unlicensed or unregistered person

1 in an advertisement so as to imply that the person will
2 perform services is considered misleading advertising.
3 Nothing in this paragraph shall prevent including the name
4 of any owner, officer or corporate director of a funeral
5 home, who is not a licensee, in any advertisement used by a
6 funeral home with which the individual is affiliated, if
7 the advertisement specifies the individual's affiliation
8 with the funeral home.

9 (22) Charging for professional services not rendered,
10 including filing false statements for the collection of
11 fees for which services are not rendered ~~Directly or~~
12 ~~indirectly receiving compensation for any professional~~
13 ~~services not actually performed.~~

14 (23) Failing to account for or remit any monies,
15 documents, or personal property that belongs to others that
16 comes into a licensee's possession.

17 (24) Treating any person differently to his detriment
18 because of race, color, creed, gender, religion, or
19 national origin.

20 (25) Knowingly making any false statements, oral or
21 otherwise, of a character likely to influence, persuade or
22 induce others in the course of performing professional
23 services or activities.

24 (26) Willfully ~~Knowingly~~ making or filing false
25 records or reports in the practice of funeral directing and
26 embalming, including, but not limited to, false records

1 filed with State agencies or departments.

2 (27) Failing to acquire continuing education required
3 under this Code.

4 (28) (Blank). ~~Violations of this Code or of the rules~~
5 ~~adopted pursuant to this Code.~~

6 (29) Aiding or assisting another person in violating
7 any provision of this Code or rules adopted pursuant to
8 this Code.

9 (30) Failing within 10 days, to provide information in
10 response to a written request made by the Department.

11 (31) Discipline by another state, District of
12 Columbia, territory, ~~or~~ foreign nation, or governmental
13 agency, if at least one of the grounds for the discipline
14 is the same or substantially equivalent to those set forth
15 in this Section.

16 (32) (Blank). ~~Directly or indirectly giving to or~~
17 ~~receiving from any person, firm, corporation, partnership,~~
18 ~~or association any fee, commission, rebate, or other form~~
19 ~~of compensation for professional services not actually or~~
20 ~~personally rendered.~~

21 (33) Mental illness or disability which results in the
22 inability ~~Inability~~ to practice the profession with
23 reasonable judgment, skill, or safety.

24 (34) Gross, willful, or continued overcharging for
25 professional services, including filing false statements
26 for collection of fees for which services are not rendered.

1 (35) Physical illness, including, but not limited to,
2 deterioration through the aging process or loss of motor
3 skill which results in a licensee's inability to practice
4 under this Code with reasonable judgment, skill, or safety
5 ~~A pattern of practice or other behavior that demonstrates~~
6 ~~incapacity or incompetence to practice under this Code.~~

7 (36) Failing to comply with any of the following
8 required activities:

9 (A) When reasonably possible, a funeral director
10 licensee or funeral director and embalmer licensee or
11 anyone acting on his or her behalf shall obtain the
12 express authorization of the person or persons
13 responsible for making the funeral arrangements for a
14 deceased human body prior to removing a body from the
15 place of death or any place it may be or embalming or
16 attempting to embalm a deceased human body, unless
17 required by State or local law. This requirement is
18 waived whenever removal or embalming is directed by
19 local authorities who have jurisdiction. If the
20 responsibility for the handling of the remains
21 lawfully falls under the jurisdiction of a public
22 agency, then the regulations of the public agency shall
23 prevail.

24 (B) A licensee shall clearly mark the price of any
25 casket offered for sale or the price of any service
26 using the casket on or in the casket if the casket is

1 displayed at the funeral establishment. If the casket
2 is displayed at any other location, regardless of
3 whether the licensee is in control of that location,
4 the casket shall be clearly marked and the registrant
5 shall use books, catalogues, brochures, or other
6 printed display aids to show the price of each casket
7 or service.

8 (C) At the time funeral arrangements are made and
9 prior to rendering the funeral services, a licensee
10 shall furnish a written statement of services to be
11 retained by the person or persons making the funeral
12 arrangements, signed by both parties, that shall
13 contain: (i) the name, address and telephone number of
14 the funeral establishment and the date on which the
15 arrangements were made; (ii) the price of the service
16 selected and the services and merchandise included for
17 that price; (iii) a clear disclosure that the person or
18 persons making the arrangement may decline and receive
19 credit for any service or merchandise not desired and
20 not required by law or the funeral director or the
21 funeral director and embalmer; (iv) the supplemental
22 items of service and merchandise requested and the
23 price of each item; (v) the terms or method of payment
24 agreed upon; and (vi) a statement as to any monetary
25 advances made by the registrant on behalf of the
26 family. The licensee shall maintain a copy of the

1 written statement of services in its permanent
2 records. All written statements of services are
3 subject to inspection by the Department.

4 (D) In all instances where the place of final
5 disposition of a deceased human body or the cremated
6 remains of a deceased human body is a cemetery, the
7 licensed funeral director and embalmer, or licensed
8 funeral director, who has been engaged to provide
9 funeral or embalming services shall remain at the
10 cemetery and personally witness the placement of the
11 human remains in their designated grave or the sealing
12 of the above ground depository, crypt, or urn. The
13 licensed funeral director or licensed funeral director
14 and embalmer may designate a licensed funeral director
15 and embalmer intern or representative of the funeral
16 home to be his or her witness to the placement of the
17 remains. If the cemetery authority, cemetery manager,
18 or any other agent of the cemetery takes any action
19 that prevents compliance with this paragraph (D), then
20 the funeral director and embalmer or funeral director
21 shall provide written notice to the Department within 5
22 business days after failing to comply. If the
23 Department receives this notice, then the Department
24 shall not take any disciplinary action against the
25 funeral director and embalmer or funeral director for a
26 violation of this paragraph (D) unless the Department

1 finds that the cemetery authority, manager, or any
2 other agent of the cemetery did not prevent the funeral
3 director and embalmer or funeral director from
4 complying with this paragraph (D) as claimed in the
5 written notice.

6 (E) A funeral director or funeral director and
7 embalmer shall fully complete the portion of the
8 Certificate of Death under the responsibility of the
9 funeral director or funeral director and embalmer and
10 provide all required information. In the event that any
11 reported information subsequently changes or proves
12 incorrect, a funeral director or funeral director and
13 embalmer shall immediately upon learning the correct
14 information correct the Certificate of Death.

15 (37) A finding by the Department that the license,
16 after having his or her license placed on probationary
17 status or subjected to conditions or restrictions,
18 violated the terms of the probation or failed to comply
19 with such terms or conditions.

20 (38) (Blank). ~~Violation of any final administrative~~
21 ~~action of the Secretary.~~

22 (39) Being named as a perpetrator in an indicated
23 report by the Department of Children and Family Services
24 pursuant to the Abused and Neglected Child Reporting Act
25 and, upon proof by clear and convincing evidence, being
26 found to have caused a child to be an abused child or

1 neglected child as defined in the Abused and Neglected
2 Child Reporting Act.

3 (40) Habitual or excessive use or abuse of drugs
4 defined in law as controlled substances, alcohol, or any
5 other substance which results in the inability to practice
6 with reasonable judgment, skill, or safety.

7 (41) Practicing under a false or, except as provided by
8 law, an assumed name.

9 (42) Cheating on or attempting to subvert the licensing
10 examination administered under this Code.

11 (c) The Department may refuse to issue or renew, or may
12 suspend without a hearing, as provided for in the Department of
13 Professional Regulation Law of the Civil Administrative Code of
14 Illinois, the license of any person who fails to file a return,
15 to pay the tax, penalty or interest shown in a filed return, or
16 to pay any final assessment of tax, penalty or interest as
17 required by any tax Act administered by the Illinois Department
18 of Revenue, until the time as the requirements of the tax Act
19 are satisfied in accordance with subsection (g) of Section
20 2105-15 of the Department of Professional Regulation Law of the
21 Civil Administrative Code of Illinois.

22 (d) No action may be taken under this Code against a person
23 licensed under this Code unless the action is commenced within
24 5 years after the occurrence of the alleged violations. A
25 continuing violation shall be deemed to have occurred on the
26 date when the circumstances last existed that give rise to the

1 alleged violation.

2 (e) Nothing in this Section shall be construed or enforced
3 to give a funeral director and embalmer, or his or her
4 designees, authority over the operation of a cemetery or over
5 cemetery employees. Nothing in this Section shall be construed
6 or enforced to impose duties or penalties on cemeteries with
7 respect to the timing of the placement of human remains in
8 their designated grave or the sealing of the above ground
9 depository, crypt, or urn due to patron safety, the allocation
10 of cemetery staffing, liability insurance, a collective
11 bargaining agreement, or other such reasons.

12 (f) All fines imposed under this Section shall be paid 60
13 days after the effective date of the order imposing the fine.

14 (g) The Department shall deny a license or renewal
15 authorized by this Code to a person who has defaulted on an
16 educational loan or scholarship provided or guaranteed by the
17 Illinois Student Assistance Commission or any governmental
18 agency of this State in accordance with item (5) of subsection
19 (g) of Section 2105-15 of the Department of Professional
20 Regulation Law of the Civil Administrative Code of Illinois.

21 (h) In cases where the Department of Healthcare and Family
22 Services has previously determined a licensee or a potential
23 licensee is more than 30 days delinquent in the payment of
24 child support and has subsequently certified the delinquency to
25 the Department, the Department may refuse to issue or renew or
26 may revoke or suspend that person's license or may take other

1 disciplinary action against that person based solely upon the
2 certification of delinquency made by the Department of
3 Healthcare and Family Services in accordance with item (5) of
4 subsection (g) of Section 1205-15 of the Department of
5 Professional Regulation Law of the Civil Administrative Code of
6 Illinois.

7 (i) A person not licensed under this Code who is an owner
8 of a funeral establishment or funeral business shall not aid,
9 abet, assist, procure, advise, employ, or contract with any
10 unlicensed person to offer funeral services or aid, abet,
11 assist, or direct any licensed person contrary to or in
12 violation of any rules or provisions of this Code. A person
13 violating this subsection shall be treated as a licensee for
14 the purposes of disciplinary action under this Section and
15 shall be subject to cease and desist orders as provided in this
16 Code, the imposition of a fine up to \$10,000 for each violation
17 and any other penalty provided by law.

18 (j) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission as
20 provided in the Mental Health and Developmental Disabilities
21 Code, as amended, operates as an automatic suspension. The
22 suspension may end only upon a finding by a court that the
23 licensee is no longer subject to the involuntary admission or
24 judicial admission and issues an order so finding and
25 discharging the licensee, and upon the recommendation of the
26 Board to the Secretary that the licensee be allowed to resume

1 his or her practice.

2 (k) In enforcing this Code, the Department, upon a showing
3 of a possible violation, may compel an individual licensed to
4 practice under this Code, or who has applied for licensure
5 under this Code, to submit to a mental or physical examination,
6 or both, as required by and at the expense of the Department.
7 The Department may order the examining physician to present
8 testimony concerning the mental or physical examination of the
9 licensee or applicant. No information shall be excluded by
10 reason of any common law or statutory privilege relating to
11 communications between the licensee or applicant and the
12 examining physician. The examining physician shall be
13 specifically designated by the Department. The individual to be
14 examined may have, at his or her own expense, another physician
15 of his or her choice present during all aspects of this
16 examination. The examination shall be performed by a physician
17 licensed to practice medicine in all its branches. Failure of
18 an individual to submit to a mental or physical examination,
19 when directed, shall result in an automatic suspension without
20 hearing.

21 A person holding a license under this Code or who has
22 applied for a license under this Code who, because of a
23 physical or mental illness or disability, including, but not
24 limited to, deterioration through the aging process or loss of
25 motor skill, is unable to practice the profession with
26 reasonable judgment, skill, or safety, may be required by the

1 Department to submit to care, counseling, or treatment by
2 physicians approved or designated by the Department as a
3 condition, term, or restriction for continued, reinstated, or
4 renewed licensure to practice. Submission to care, counseling,
5 or treatment as required by the Department shall not be
6 considered discipline of a license. If the licensee refuses to
7 enter into a care, counseling, or treatment agreement or fails
8 to abide by the terms of the agreement, the Department may file
9 a complaint to revoke, suspend, or otherwise discipline the
10 license of the individual. The Secretary may order the license
11 suspended immediately, pending a hearing by the Department.
12 Fines shall not be assessed in disciplinary actions involving
13 physical or mental illness or impairment.

14 In instances in which the Secretary immediately suspends a
15 person's license under this Section, a hearing on that person's
16 license must be convened by the Department within 15 days after
17 the suspension and completed without appreciable delay. The
18 Department shall have the authority to review the subject
19 individual's record of treatment and counseling regarding the
20 impairment to the extent permitted by applicable federal
21 statutes and regulations safeguarding the confidentiality of
22 medical records.

23 An individual licensed under this Code and affected under
24 this Section shall be afforded an opportunity to demonstrate to
25 the Department that he or she can resume practice in compliance
26 with acceptable and prevailing standards under the provisions

1 of his or her license.

2 (Source: P.A. 96-863, eff. 3-1-10; 96-1463, eff. 1-1-11.)

3 (225 ILCS 41/15-76)

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

5 Sec. 15-76. Vehicle traffic control. A funeral director
6 licensee or funeral director and embalmer licensee planning an
7 ~~a~~ interment, inurnment, or entombment at a cemetery shall use
8 his or her ~~its~~ reasonable best efforts to ensure that funeral
9 processions entering and exiting the cemetery grounds do not
10 obstruct traffic on any street for a period in excess of 10
11 minutes, except where such funeral procession is continuously
12 moving or cannot be moved by reason of circumstances over which
13 the licensee ~~cemetery authority~~ has no reasonable control. The
14 ~~funeral director licensee or funeral director and embalmer~~
15 licensee arranging funeral processions to the cemetery shall
16 use his or her ~~its~~ reasonable best efforts to ~~help~~ prevent
17 multiple funeral processions from arriving at the cemetery
18 simultaneously. Notwithstanding any provision of this Code Act
19 to the contrary, any ~~funeral director licensee or funeral~~
20 ~~director and embalmer~~ licensee who violates the provisions of
21 this Section shall be guilty of a business offense and receive
22 ~~punishable by~~ a fine of not more than \$500 for each offense.

23 (Source: P.A. 96-863, eff. 3-1-10.)

24 (225 ILCS 41/15-77)

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

2 Sec. 15-77. Method of payment, receipt. No licensee shall
3 require payment for any goods or services by cash only.
4 Licensees ~~Each licensee subject to this Section~~ shall permit
5 payment by at least one other option, including, but not
6 limited to, personal check, cashier's check, money order, or
7 credit or debit card. In addition to the statement of services,
8 the licensee shall provide a receipt to the consumer upon
9 payment in part or in full, ~~whatever the case may be.~~

10 (Source: P.A. 96-1463, eff. 1-1-11.)

11 (225 ILCS 41/15-80)

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

13 Sec. 15-80. Statement of place of practice; roster. Each
14 applicant for a funeral director and embalmer's license shall
15 with his or her application submit a statement of the place of
16 practice, ownership, names and license numbers of all funeral
17 directors and embalmers and funeral directors associated with
18 the applicant.

19 The Department shall maintain a roster of names and
20 addresses of all persons who hold valid licenses and all
21 persons whose licenses have been suspended or revoked within
22 the previous year. This roster shall be available upon request
23 and payment of the required fee. ~~The Department shall keep a~~
24 ~~record, which shall be open to public inspection at all~~
25 ~~reasonable times, of its proceedings relating to the issuance,~~

1 ~~refusal, renewal, suspension and revocation of licenses. This~~
2 ~~record shall also contain the name, known place of practice and~~
3 ~~residence, and the date and number of the license of every~~
4 ~~licensed funeral director and embalmer, licensed funeral~~
5 ~~director, and licensed funeral director and embalmer intern in~~
6 ~~this State.~~

7 ~~The Department shall publish an annual list of the names~~
8 ~~and addresses of all licensees registered by it under the~~
9 ~~provisions of this Code, and of all persons whose licenses have~~
10 ~~been suspended or revoked within the past year, together with~~
11 ~~other information relative to the enforcement of the provisions~~
12 ~~of this Code as it may deem of interest to the public. One list~~
13 ~~shall be mailed to each local registrar of vital statistics~~
14 ~~upon request by the registrar. Lists shall also be mailed by~~
15 ~~the Department to any person in the State upon request.~~

16 (Source: P.A. 93-268, eff. 1-1-04.)

17 (225 ILCS 41/15-85)

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

19 Sec. 15-85. Duties of public institution; regulation by
20 local government. No provision of this Code shall apply to, or
21 in any way interfere with, the duties of any officer of any
22 public institution; nor with the duties of any officer of a
23 medical college, county medical society, anatomical
24 association, college of embalming, or any other recognized
25 person carrying out the laws of the State of Illinois

1 prescribing the conditions under which indigent dead human
2 bodies are held subject for scientific or anatomical study; nor
3 with the customs or rites of any religious sect in the funeral
4 and burial of their dead.

5 (Source: P.A. 96-1463, eff. 1-1-11.)

6 (225 ILCS 41/15-91)

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

8 Sec. 15-91. Denial of license. If the Department determines
9 that an application for licensure should be denied pursuant to
10 Section 15-75, then the applicant shall be sent a notice of
11 intent to deny license ~~or exemption from licensure~~ and the
12 applicant shall be given the opportunity to request, within 20
13 days of the notice, a hearing on the denial. If the applicant
14 requests a hearing, then the Secretary shall schedule a hearing
15 within 30 days after the request for a hearing, unless
16 otherwise agreed to by the parties. The Secretary shall have
17 the authority to appoint an attorney duly licensed to practice
18 law in the State of Illinois to serve as the hearing officer.
19 The hearing officer shall have full authority to conduct the
20 hearing. The hearing shall be held at the time and place
21 designated by the Secretary. The Secretary shall have the
22 authority to prescribe rules for the administration of this
23 Section.

24 (Source: P.A. 96-1463, eff. 1-1-11.)

1 (225 ILCS 41/15-115 new)

2 Sec. 15-115. Confidentiality. All information collected
3 by the Department in the course of an examination or
4 investigation of a licensee or applicant, including, but not
5 limited to, any complaint against a licensee filed with the
6 Department and information collected to investigate any such
7 complaint, shall be maintained for the confidential use of the
8 Department and shall not be disclosed. The Department shall not
9 disclose the information to anyone other than law enforcement
10 officials, regulatory agencies that have an appropriate
11 regulatory interest as determined by the Secretary, or a party
12 presenting a lawful subpoena to the Department. Information and
13 documents disclosed to a federal, State, county, or local law
14 enforcement agency shall not be disclosed by the agency for any
15 purpose to any other agency or person. A formal complaint filed
16 against a licensee by the Department or any order issued by the
17 Department against a licensee or applicant shall be a public
18 record, except as otherwise prohibited by law.

19 (225 ILCS 41/20-15)

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

21 Sec. 20-15. Home rule. The regulation and licensing
22 provided for in this Code are exclusive powers and functions of
23 the State. A home rule unit may not regulate or license funeral
24 directors, funeral director and embalmers, ~~customer service~~
25 ~~employees,~~ or any activities relating to the services of

1 funeral directing and embalming. This Section is a denial and
2 limitation of home rule powers and functions under subsection
3 (h) of Section 6 of Article VII of the Illinois Constitution.
4 (Source: P.A. 96-1463, eff. 1-1-11.)

5 (225 ILCS 41/10-40 rep.)

6 (225 ILCS 41/15-71 rep.)

7 (225 ILCS 41/15-110 rep.)

8 Section 10. The Funeral Directors and Embalmers Licensing
9 Code is amended by repealing Sections 10-40, 15-71, and 15-110.

10 Section 15. The Cemetery Oversight Act is amended by
11 changing Section 25-75 as follows:

12 (225 ILCS 411/25-75)

13 (Section scheduled to be repealed on January 1, 2021)

14 Sec. 25-75. Cemetery Relief Fund.

15 (a) A special income-earning fund is hereby created in the
16 State treasury, known as the Cemetery Relief Fund.

17 (b) Beginning on July 1, 2011, and occurring on an annual
18 basis every year thereafter, three percent of the moneys in the
19 Cemetery Oversight Licensing and Disciplinary Fund shall be
20 transferred ~~deposited~~ into the Cemetery Relief Fund.

21 (c) All monies transferred ~~deposited~~ into the fund together
22 with all accumulated undistributed income thereon shall be held
23 as a special fund in the State treasury. The fund shall be used

1 solely for the purpose of providing grants to units of local
2 government and not-for-profit organizations, including, but
3 not limited to, not-for-profit cemetery authorities, to clean
4 up cemeteries that have been abandoned, neglected, or are
5 otherwise in need of additional care.

6 (d) The grant program shall be administered by the
7 Department.

8 (e) In the event there is a structural surplus in the
9 Cemetery Oversight Licensing and Disciplinary Fund, the
10 Department may expend moneys out of the Cemetery Oversight
11 Licensing and Disciplinary Fund for the purposes described in
12 subsection (c) of this Section.

13 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.