



Rep. Jack D. Franks

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09800HB0283ham001

LRB098 03074 MGM 42541 a

1 AMENDMENT TO HOUSE BILL 283

2 AMENDMENT NO. _____. Amend House Bill 283 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 adding Sections 2105-130 and 2105-135 as follows:

7 (20 ILCS 2105/2105-130 new)

8 Sec. 2105-130. Determination of disciplinary sanctions.

9 Upon a finding by the Department that a person has committed a
10 violation of any licensing Act administered by the Department
11 with regard to licenses, certificates, or authorities of
12 persons exercising the respective professions, trades, or
13 occupations, the Department may revoke, suspend, refuse to
14 renew, place on probationary status, fine, or take any other
15 disciplinary action as authorized in any licensing Act
16 administered by the Department with regard to those licenses,

1 certificates, or authorities. When making a determination of
2 the appropriate disciplinary sanction to be imposed, the
3 Department shall consider, but is not limited to, the following
4 factors in aggravation:

5 (1) the seriousness of the offenses;

6 (2) the presence of multiple offenses;

7 (3) prior disciplinary history, including actions
8 taken by other agencies in this State or by other States or
9 jurisdictions, hospitals, health care facilities,
10 residency programs, employers, insurance providers, or any
11 of the armed forces of the United States or any state;

12 (4) the impact of the offenses on any injured party;

13 (5) the vulnerability of any injured party, including,
14 but not limited to, consideration of the injured party's
15 age, disability, or mental illness;

16 (6) the motive for the offenses;

17 (7) the lack of contrition for the offenses;

18 (8) financial gain as a result of committing the
19 offenses; and

20 (9) the lack of cooperation with the Department or
21 other investigative authorities.

22 When making a determination of the appropriate
23 disciplinary sanction to be imposed, the Department shall
24 consider, but is not limited to, the following factors in
25 mitigation:

26 (1) the lack of prior disciplinary action by the

1 Department or by other agencies in this State or by other
2 states or jurisdictions, hospitals, health care
3 facilities, residency programs, employers, insurance
4 providers, or any of the armed forces of the United States
5 or any state;

6 (2) contrition for the offenses;

7 (3) cooperation with the Department or other
8 investigative authorities;

9 (4) restitution to injured parties;

10 (5) whether the misconduct was self-reported; and

11 (6) any voluntary remedial actions taken.

12 (20 ILCS 2105/2105-135 new)

13 Sec. 2105-135. Judicial review.

14 (a) All final administrative decisions of the Department
15 are subject to judicial review under the Administrative Review
16 Law. The term "administrative decision" has the same meaning as
17 in Section 3-101 of the Code of Civil Procedure.

18 (b) Proceedings for judicial review shall be commenced in
19 the circuit court of the county in which the party applying for
20 review resides, but if the party is not a resident of Illinois,
21 the venue shall be in Sangamon County.

22 (c) In every action to review any final administrative
23 decision, the factual findings and conclusions of the
24 Department are deemed prima facie true and correct. The court
25 shall determine whether those findings are contrary to the

1 manifest weight of the evidence. Notwithstanding any other
2 provision in the Administrative Review Law or the Illinois
3 Administrative Procedure Act to the contrary, judicial review
4 of any sanction imposed in a final administrative decision by
5 the Department for violation of any licensing Act administered
6 by the Department may include consideration of sanctions
7 imposed in previous disciplinary actions against other
8 licensees. However, that consideration by a reviewing court may
9 only be one factor in any review and shall not be dispositive
10 of any appeal of the sanction imposed by the Department."