



Rep. Michael J. Zalewski

Filed: 5/7/2013

09800HB0532ham001

LRB098 03349 MGM 45528 a

1 AMENDMENT TO HOUSE BILL 532

2 AMENDMENT NO. _____. Amend House Bill 532 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.24 and by adding Section 4.34 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts and Section repealed on January 1, 2014.
8 The following Acts and Section of an Act are repealed on
9 January 1, 2014:

10 ~~The Electrologist Licensing Act.~~

11 The Illinois Certified Shorthand Reporters Act of 1984.

12 The Illinois Occupational Therapy Practice Act.

13 The Illinois Public Accounting Act.

14 The Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004.

16 The Registered Surgical Assistant and Registered Surgical

1 Technologist Title Protection Act.

2 Section 2.5 of the Illinois Plumbing License Law.

3 The Veterinary Medicine and Surgery Practice Act of 2004.

4 (Source: P.A. 97-1139, eff. 12-28-12.)

5 (5 ILCS 80/4.34 new)

6 Sec. 4.34. Act repealed on January 1, 2024. The following
7 Act is repealed on January 1, 2024:

8 The Electrologist Licensing Act.

9 Section 10. The Electrologist Licensing Act is amended by
10 changing Sections 10, 25, 32, 40, 55, 60, 65, 70, 75, 85, 90,
11 95, 100, 105, 110, 115, 120, 125, 130, 135, 145, 155, and 162
12 and by adding Section 157 as follows:

13 (225 ILCS 412/10)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 10. Definitions. In this Act:

16 "Address of Record" means the designated address recorded
17 by the Department in the applicant's or licensee's application
18 file or license file as maintained by the Department's
19 licensure maintenance unit. It is the duty of the applicant or
20 licensee to inform the Department of any change of address, and
21 those changes must be made either through the Department's
22 website or by contacting the Department.

23 "Department" means the Department of Financial and

1 Professional Regulation.

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

3 "Electrologist" means an individual licensed to practice
4 electrology pursuant to the provisions of this Act.

5 "Electrology" means the practice or teaching of services
6 for permanent hair removal utilizing only solid probe electrode
7 type epilation, which may include thermolysis (shortwave, high
8 frequency), electrolysis (galvanic), or a combination of both
9 (superimposed or sequential blend).

10 "Secretary" means the Secretary of Financial and
11 Professional Regulation.

12 (Source: P.A. 92-750, eff. 1-1-03.)

13 (225 ILCS 412/25)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 25. Application. Applications for original licenses
16 shall be made to the Department in writing on forms prescribed
17 by the Department and shall be accompanied by the required fee,
18 which is not refundable. The application shall require any
19 information as, in the judgment of the Department, will enable
20 the Department to pass on the qualifications of the applicant
21 for a license. The application shall include evidence of
22 passage of an examination recognized by the Department.

23 Applicants have 3 years after the date of application to
24 complete the application process. If the process has not been
25 completed within 3 years, the application shall be denied, the

1 fee forfeited, and the applicant must reapply and meet the
2 requirements in effect at the time of reapplication.

3 (Source: P.A. 92-750, eff. 1-1-03.)

4 (225 ILCS 412/32)

5 (Section scheduled to be repealed on January 1, 2014)

6 Sec. 32. Social Security number on license application. In
7 addition to any other information required to be contained in
8 the application, every application for an original license
9 under this Act shall include the applicant's social security
10 number, which shall be retained in the agency's records
11 pertaining to the license. As soon as practical, the Department
12 shall assign a customer's identification number to each
13 applicant for a license.

14 Every application for a renewed, reinstated, ~~renewal~~ or
15 restored license shall require the applicant's customer
16 identification number.

17 (Source: P.A. 97-400, eff. 1-1-12.)

18 (225 ILCS 412/40)

19 (Section scheduled to be repealed on January 1, 2014)

20 Sec. 40. Administrative Procedure Act. The Illinois
21 Administrative Procedure Act is hereby expressly adopted and
22 incorporated in this Act as if all of the provisions of the
23 Illinois Administrative Procedure Act where included in this
24 Act, except that the provision of paragraph (d) ~~(e)~~ of Section

1 10-65 of the Illinois Administrative Procedure Act, which
2 provides that at hearings the licensee has the right to show
3 compliance with all lawful requirements for retention,
4 continuation, or renewal of the license, is specifically
5 excluded. For the purposes of this Act, the notice required
6 under Section 10-25 of the Illinois Administrative Procedure
7 Act is considered to be sufficient when mailed to the
8 licensee's address of record ~~last known address of the party~~.

9 (Source: P.A. 92-750, eff. 1-1-03.)

10 (225 ILCS 412/55)

11 (Section scheduled to be repealed on January 1, 2014)

12 Sec. 55. Endorsement. Pursuant to the rules of the
13 Department, upon payment of the required fee, an applicant who
14 has been licensed in another state that has substantially the
15 same requirements as those required for licensure under the
16 provisions of this Act may be granted a license as an
17 electrologist.

18 Applicants for licensure by endorsement have 3 years after
19 the date of application to complete the application process. If
20 the process has not been completed within 3 years, the
21 application shall be denied, the fee forfeited, and the
22 applicant must reapply and meet the requirements in effect at
23 the time of reapplication.

24 (Source: P.A. 92-750, eff. 1-1-03.)

1 (225 ILCS 412/60)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 60. Renewal, ~~armed service duty~~. The expiration date
4 and renewal period for each license issued under this Act shall
5 be set by rule. Renewal shall be conditioned on paying the
6 required fee and meeting other requirements as may be
7 established by rule. All renewal applicants shall provide proof
8 of having met the continuing education requirements in
9 accordance with rules established by the Department, approved
10 ~~by the Department~~ consisting of the equivalent of 30 hours of
11 continuing education every 24 months. The continuing education
12 requirement may be waived in part or in whole for such good
13 cause, including but not limited to illness or hardship, as may
14 be determined by rule.

15 ~~Any electrologist who has permitted a license to expire or~~
16 ~~who has a license on inactive status may have the license~~
17 ~~restored by submitting an application to the Department, filing~~
18 ~~proof acceptable to the Department of fitness to have the~~
19 ~~license restored, and paying the required fees. Proof of~~
20 ~~fitness may include sworn evidence certifying to active lawful~~
21 ~~practice in another jurisdiction.~~

22 ~~The Department shall determine, by an evaluation process~~
23 ~~established by rule, a person's fitness for restoration of a~~
24 ~~license and shall establish procedures and requirements for~~
25 ~~restoration.~~

26 ~~Any electrologist whose license expired while (i) on active~~

1 ~~duty with the Armed Forces of the United States, or the State~~
2 ~~Militia called into service or training, or (ii) in training or~~
3 ~~education under the supervision of the United States~~
4 ~~preliminary to induction into the military service, may have~~
5 ~~the license restored without paying any lapsed renewal fees if,~~
6 ~~within 2 years after honorable termination of service, training~~
7 ~~or education, the licensee furnishes the Department with~~
8 ~~satisfactory evidence to the effect that the licensee has been~~
9 ~~so engaged and that the service, training, or education has~~
10 ~~been so terminated.~~

11 (Source: P.A. 92-750, eff. 1-1-03.)

12 (225 ILCS 412/65)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 65. Inactive status; restoration.

15 (a) Any electrologist who notifies the Department in
16 writing on forms prescribed by the Department may elect to
17 place a license on inactive status and shall, subject to rules
18 of the Department, be excused from payment of renewal fees
19 until the Department is notified in writing of the intention to
20 restore the license.

21 (b) Any electrologist who has permitted a license to expire
22 or who has a license on inactive status may have the license
23 restored by submitting an application to the Department, filing
24 proof acceptable to the Department of fitness to have the
25 license restored, and paying the required fees. Proof of

1 fitness may include sworn evidence certifying to active lawful
2 practice in another jurisdiction. The Department shall
3 determine, by an evaluation process established by rule, a
4 person's fitness for restoration of a license and shall
5 establish procedures and requirements for restoration.

6 (c) Any electrologist whose license expired while (i) on
7 active duty with the Armed Forces of the United States or the
8 State Militia called into service or training, or (ii) in
9 training or education under the supervision of the United
10 States preliminary to induction into the military service, may
11 have the license restored without paying any lapsed renewal
12 fees if, within 2 years after honorable termination of service,
13 training, or education, the licensee furnishes the Department
14 with satisfactory evidence that the licensee has been so
15 engaged and that the service, training, or education has been
16 so terminated.

17 (d) An electrologist requesting restoration from inactive
18 status shall be required to pay the current renewal fee and
19 shall be required to follow procedures to restore the license
20 as provided in ~~this Section~~ ~~Section 60 of this Act.~~

21 (e) An electrologist whose license is on inactive or
22 non-renewed status shall not practice in the State of Illinois.

23 A licensee who engages in practice with an inactive or
24 non-renewed ~~a lapsed license or a license on inactive status~~
25 shall be considered to be practicing without a license, which
26 shall be grounds for discipline under Section 75 of this Act.

1 (Source: P.A. 92-750, eff. 1-1-03.)

2 (225 ILCS 412/70)

3 (Section scheduled to be repealed on January 1, 2014)

4 Sec. 70. Fees; returned checks.

5 (a) The Department shall provide by rule for a schedule of
6 fees for the administration and enforcement of this Act,
7 including but not limited to original licensure, renewal, and
8 restoration. The fees shall be nonrefundable.

9 (b) All fees collected under this Act shall be deposited
10 into the General Professions Dedicated Fund and shall be
11 appropriated to the Department for the ordinary and contingent
12 expenses of the Department in the administration of this Act.

13 (c) A person who delivers a check or other payment to the
14 Department that is returned to the Department unpaid by the
15 financial institution upon which it is drawn shall pay to the
16 Department, in addition to the amount already owed to the
17 Department, a fine of \$50. The fines imposed by this Section
18 are in addition to any other discipline provided under this Act
19 for unlicensed practice or practice on a nonrenewed license.
20 The Department shall notify the person that fees and fines
21 shall be paid to the Department by certified check or money
22 order within 30 calendar days of the notification. If, after
23 the expiration of 30 days from the date of the notification,
24 the person has failed to submit the necessary remittance, the
25 Department shall automatically terminate the license or deny

1 the application without a hearing. If the person seeks a
2 license after termination or denial, he or she shall apply to
3 the Department for restoration or issuance of the license and
4 pay all fees and fines due to the Department. The Department
5 may establish a fee for the processing of an application for
6 restoration of a license to defray the expenses of processing
7 the application. The Secretary ~~Director~~ may waive the fines due
8 under this Section in individual cases if the Secretary
9 ~~Director~~ finds that the fines would be unreasonable or
10 unnecessarily burdensome.

11 (Source: P.A. 92-750, eff. 1-1-03.)

12 (225 ILCS 412/75)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 75. Grounds for discipline.

15 (a) The Department may refuse to issue or renew and may
16 revoke or suspend a license under this Act, and may place on
17 probation, ~~censure,~~ reprimand, or take other disciplinary or
18 non-disciplinary action with regard to any licensee under this
19 Act, as the Department may consider appropriate ~~proper,~~
20 including imposing ~~the issuance of~~ fines not to exceed \$10,000
21 \$5,000 for each violation and assess costs as provided for
22 under Section 95 of this Act, for one or any combination of the
23 following causes:

24 (1) Material misstatement in furnishing information to
25 the Department.

1 (2) Violation of this Act or ~~its~~ rules adopted under
2 this Act.

3 (3) Conviction by plea of guilty or nolo contendere,
4 finding of guilt, jury verdict, or entry of judgment or
5 sentencing, including, but not limited to, convictions,
6 preceding sentences of supervision, conditional discharge,
7 or first offender probation, under the laws of any
8 jurisdiction of the United States that is (i) a felony or
9 (ii) a misdemeanor, an essential element of which is
10 dishonesty, or that is directly related to the practice of
11 electrology ~~of any felony under the laws of any U.S.~~
12 ~~jurisdiction, any misdemeanor an essential element of~~
13 ~~which is dishonesty, or any crime that is directly related~~
14 ~~to the practice of the profession.~~

15 (4) Fraud or ~~Making any~~ misrepresentation in applying
16 for or procuring a license under this Act, or in connection
17 with applying for renewal of a license under this Act ~~for~~
18 ~~the purpose of obtaining a license.~~

19 (5) Aiding or assisting another person in violating any
20 provision of this Act or its rules.

21 (6) Failing to provide information within 60 days in
22 response to a written request made by the Department.

23 (7) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (8) Habitual or excessive use or abuse of drugs defined

1 in law as controlled substances, ~~addiction to~~ alcohol,
2 ~~narcotics, stimulants,~~ or any other substance ~~chemical~~
3 ~~agent or drug~~ that results in an electrologist's inability
4 to practice with reasonable judgment ~~judgement,~~ skill, or
5 safety.

6 (9) Discipline by another governmental agency, unit of
7 government, U.S. jurisdiction, or foreign nation if at
8 least one of the grounds for discipline is the same as or
9 substantially equivalent to any of those set forth in this
10 Act.

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

1 (11) A finding by the Department that the licensee,
2 after having his or her license placed on probationary
3 status, has violated the terms of probation.

4 (12) Abandonment of a patient.

5 (13) Willfully making or filing false records or
6 reports in the licensee's practice, including, but not
7 limited to, false records filed with State agencies or
8 departments.

9 (14) Mental or physical ~~Physical~~ illness or
10 disability, including, but not limited to, deterioration
11 through the aging process or loss of motor skill that
12 results in the inability to practice the profession with
13 reasonable judgment, skill, or safety.

14 (15) Negligence ~~Gross negligence~~ in his or her practice
15 under this Act.

16 (16) Use of fraud, deception, or any unlawful means in
17 applying for and securing a license as an electrologist.

18 (17) Immoral conduct in the commission of any act, such
19 as sexual abuse, sexual misconduct, or sexual
20 exploitation, related to the licensee's practice.

21 (18) Failure to comply with standards of sterilization
22 and sanitation as defined in the rules of the Department.

23 (19) Charging for professional services not rendered,
24 including filing false statements for the collection of
25 fees for which services are not rendered.

26 (20) Allowing one's license under this Act to be used

1 by an unlicensed person in violation of this Act.

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

11 (c) The determination by a circuit court that a licensee is
12 subject to involuntary admission or judicial admission as
13 provided in the Mental Health and Developmental Disabilities
14 Code operates as an automatic suspension. The suspension will
15 end only upon a finding by a court that the patient is no
16 longer subject to involuntary admission or judicial admission,
17 the issuance of an order so finding and discharging the
18 patient, and the filing of a petition for restoration
19 demonstrating fitness to practice ~~the recommendation of the~~
20 ~~Committee to the Director that the licensee be allowed to~~
21 ~~resume his or her practice.~~

22 (d) In enforcing this Section, the Department, upon a
23 showing of a possible violation, may compel any individual who
24 is licensed to practice under this Act or any individual who
25 has applied for licensure to submit to a mental or physical
26 examination and evaluation, or both, that may include a

1 substance abuse or sexual offender evaluation, at the expense
2 of the Department. The Department shall specifically designate
3 the examining physician licensed to practice medicine in all of
4 its branches or, if applicable, the multidisciplinary team
5 involved in providing the mental or physical examination and
6 evaluation, or both. The multidisciplinary team shall be led by
7 a physician licensed to practice medicine in all of its
8 branches and may consist of one or more or a combination of
9 physicians licensed to practice medicine in all of its
10 branches, licensed chiropractic physicians, licensed clinical
11 psychologists, licensed clinical social workers, licensed
12 clinical professional counselors, and other professional and
13 administrative staff. Any examining physician or member of the
14 multidisciplinary team may require any person ordered to submit
15 to an examination and evaluation pursuant to this Section to
16 submit to any additional supplemental testing deemed necessary
17 to complete any examination or evaluation process, including,
18 but not limited to, blood testing, urinalysis, psychological
19 testing, or neuropsychological testing ~~person licensed to~~
20 ~~practice under this Act or who has applied for licensure or~~
21 ~~certification pursuant to this Act to submit to a mental or~~
22 ~~physical examination, or both, as required by and at the~~
23 ~~expense of the Department. The examining physicians shall be~~
24 ~~those specifically designated by the Department. The~~
25 ~~Department may order the examining physician to present~~
26 ~~testimony concerning this mental or physical examination of the~~

1 ~~licensee or applicant. No information shall be excluded by~~
2 ~~reason of any common law or statutory privilege relating to~~
3 ~~communications between the licensee or applicant and the~~
4 ~~examining physician. The person to be examined may have, at his~~
5 ~~or her own expense, another physician of his or her choice~~
6 ~~present during all aspects of the examination. Failure of any~~
7 ~~person to submit to a mental or physical examination, when~~
8 ~~directed, shall be grounds for suspension of a license until~~
9 ~~the person submits to the examination if the Department finds,~~
10 ~~after notice and hearing, that the refusal to submit to the~~
11 ~~examination was without reasonable cause.~~

12 The Department may order the examining physician or any
13 member of the multidisciplinary team to provide to the
14 Department any and all records, including business records,
15 that relate to the examination and evaluation, including any
16 supplemental testing performed. The Department may order the
17 examining physician or any member of the multidisciplinary team
18 to present testimony concerning this examination and
19 evaluation of the licensee, permit holder, or applicant,
20 including testimony concerning any supplemental testing or
21 documents relating to the examination and evaluation. No
22 information, report, record, or other documents in any way
23 related to the examination and evaluation shall be excluded by
24 reason of any common law or statutory privilege relating to
25 communication between the licensee or applicant and the
26 examining physician or any member of the multidisciplinary

1 team. No authorization is necessary from the licensee or
2 applicant ordered to undergo an evaluation and examination for
3 the examining physician or any member of the multidisciplinary
4 team to provide information, reports, records, or other
5 documents or to provide any testimony regarding the examination
6 and evaluation. The individual to be examined may have, at his
7 or her own expense, another physician of his or her choice
8 present during all aspects of the examination.

9 Failure of any individual to submit to mental or physical
10 examination and evaluation, or both, when directed, shall
11 result in an automatic suspension without hearing, until such
12 time as the individual submits to the examination. If the
13 Department finds a licensee unable to practice because of the
14 reasons set forth in this Section, the Department shall require
15 the licensee to submit to care, counseling, or treatment by
16 physicians approved or designated by the Department as a
17 condition for continued, reinstated, or renewed licensure to
18 practice.

19 When the Secretary immediately suspends a license under
20 this Section, a hearing upon the person's license must be
21 convened by the Department within 15 days after the suspension
22 and completed without appreciable delay. The Department shall
23 have the authority to review the licensee's record of treatment
24 and counseling regarding the impairment to the extent permitted
25 by applicable federal statutes and regulations safeguarding
26 the confidentiality of medical records.

1 Individuals licensed under this Act affected under this
2 Section shall be afforded an opportunity to demonstrate to the
3 Department that they can resume practice in compliance with
4 acceptable and prevailing standards under the provisions of
5 their license.

6 (e) The Department shall deny a license or renewal
7 authorized by this Act to a person who has defaulted on an
8 educational loan or scholarship provided or guaranteed by the
9 Illinois Student Assistance Commission or any governmental
10 agency of this State in accordance with item (5) of subsection
11 (a) of Section 2105-15 of the Department of Professional
12 Regulation Law of the Civil Administrative Code of Illinois.

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

25 (g) All fines or costs imposed under this Section shall be
26 paid within 60 days after the effective date of the order

1 imposing the fine or costs or in accordance with the terms set
2 forth in the order imposing the fine.

3 ~~If the Department finds an individual unable to practice~~
4 ~~because of the reasons set forth in this Section, the~~
5 ~~Department may require that individual to submit to care,~~
6 ~~counseling, or treatment by physicians approved or designated~~
7 ~~by the Department, as a condition, term, or restriction for~~
8 ~~continued, reinstated, or renewed licensure to practice; or, in~~
9 ~~lieu of care, counseling, or treatment, the Department may file~~
10 ~~a complaint to immediately suspend, revoke, or otherwise~~
11 ~~discipline the license of the individual.~~

12 ~~Any person whose license was granted, continued,~~
13 ~~reinstated, renewed, disciplined or supervised subject to such~~
14 ~~terms, conditions or restrictions, and who fails to comply with~~
15 ~~such terms, conditions or restrictions, shall be referred to~~
16 ~~the Director for a determination as to whether the person shall~~
17 ~~have his or her license suspended immediately, pending a~~
18 ~~hearing by the Department.~~

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

1 ~~medical records.~~

2 ~~A person licensed under this Act and affected under this~~
3 ~~Section shall be afforded an opportunity to demonstrate to the~~
4 ~~Department that he or she can resume practice in compliance~~
5 ~~with acceptable and prevailing standards under the provisions~~
6 ~~of his or her license.~~

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

8 (225 ILCS 412/85)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 85. Violations; injunctions.

11 (a) If any person violates any provision of this Act, the
12 Secretary ~~Director~~ may, in the name of the People of the State
13 of Illinois through the Attorney General of the State of
14 Illinois or the State's Attorney of any county in which the
15 violation is alleged to have occurred ~~action is brought,~~
16 petition for an order enjoining the violation or for an order
17 enforcing compliance with this Act. Upon the filing of a
18 verified petition in court, the court may issue a temporary
19 restraining order, without notice or bond, and may
20 preliminarily and permanently enjoin the violation. If it is
21 established that the person has violated or is violating the
22 injunction, the Court may punish the offender for contempt of
23 court. Proceedings under this Section shall be in addition to,
24 and not in lieu of, all other remedies and penalties provided
25 by this Act.

1 (b) If a person practices as an electrologist or holds
2 himself or herself out as an electrologist without being
3 licensed under the provisions of this Act, then any licensed
4 electrologist, any interested party, or any person injured
5 thereby may, in addition to the Secretary ~~Director~~, petition
6 for relief as provided in subsection (a) of this Section.

7 (c) Whenever, in the opinion of the Department, a person
8 violates any provision of this Act, the Department may issue a
9 rule to show cause why an order to cease and desist should not
10 be entered against that person. The rule shall clearly set
11 forth the grounds relied upon by the Department and shall
12 provide a period of 7 days after the date of the rule to file an
13 answer to the satisfaction of the Department. Failure to answer
14 to the satisfaction of the Department shall cause an order to
15 cease and desist to be issued immediately.

16 (Source: P.A. 92-750, eff. 1-1-03.)

17 (225 ILCS 412/90)

18 (Section scheduled to be repealed on January 1, 2014)

19 Sec. 90. Investigations; notice and hearing.

20 (a) The Department may investigate the actions of an
21 applicant or a person holding or claiming to hold a license.

22 (b) Before refusing to issue or renew a license or take any
23 disciplinary or non-disciplinary action against ~~disciplining~~ a
24 licensed electrologist pursuant to Section 75 of this Act, the
25 Department shall notify in writing the applicant or the

1 licensee of the nature of the charges and that a hearing will
2 be held on the date designated, which shall be at least 30 days
3 after the date of the notice. The Department shall direct the
4 applicant or licensee to file a written answer to the
5 Department under oath within 20 days after the service of the
6 notice and inform the applicant or licensee that failure to
7 file an answer will result in default being taken against the
8 applicant or licensee and that the license may be suspended,
9 revoked, placed on probationary status, or other disciplinary
10 or non-disciplinary action may be taken, including limiting the
11 scope, nature, or extent of business as the Secretary ~~Director~~
12 may deem proper. Written notice may be served by ~~personal~~
13 ~~delivery or~~ certified or registered mail sent to the licensee's
14 address of record ~~respondent at the most recent address on~~
15 ~~record with the Department.~~

16 If the applicant or licensee fails to file an answer after
17 receiving notice, the license may, in the discretion of the
18 Department, be suspended, revoked, or placed on probationary
19 status, or the Department may take whatever disciplinary action
20 considered ~~it deems~~ proper including limiting the scope,
21 nature, or extent of the person's practice or the imposition of
22 a fine ~~imposing a civil penalty~~, without a hearing if the act
23 or acts charged constitute sufficient grounds ~~ground~~ for such
24 action under this Act.

25 At the time and place fixed in the notice, the Department
26 shall proceed to hear the charges, and the parties or their

1 counsel shall be accorded ample opportunity to present any
2 pertinent ~~such~~ statements, testimony, evidence, and argument
3 ~~as may be pertinent to the charges or to their defense~~. The
4 Department may continue a hearing from time to time.

5 (Source: P.A. 92-750, eff. 1-1-03.)

6 (225 ILCS 412/95)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 95. Record of proceedings ~~Stenographer; transcript~~.

9 The Department, at its expense, shall preserve a record of all
10 proceedings at the formal hearing of any case ~~involving the~~
11 ~~refusal to issue or renew a license or the discipline of a~~
12 ~~licensed electrologist~~. Any licensee who is found to have
13 violated this Act or who fails to appear for a hearing to
14 refuse to issue, restore, or renew a license or to discipline a
15 licensee may be required by the Department to pay for the costs
16 of the proceeding. These costs are limited to costs for court
17 reporters, transcripts, and witness attendance and mileage
18 fees. All costs imposed under this Section shall be paid within
19 60 days after the effective date of the order imposing the
20 fine. The notice of hearing, complaint, and all other documents
21 ~~in the nature of pleadings, written motions filed in the~~
22 ~~proceedings, the transcript of testimony, the report of the~~
23 ~~hearing officer, and the order of the Department shall be the~~
24 ~~record of the proceeding.~~

25 (Source: P.A. 92-750, eff. 1-1-03.)

1 (225 ILCS 412/100)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 100. Required testimony. Upon application of the
4 Department or its designee, or of the person against whom
5 proceedings pursuant to Section 75 of this Act are pending, any
6 circuit court may ~~enter an order requiring~~ the attendance and
7 testimony of witnesses ~~and their testimony,~~ and the production
8 of relevant documents, paper, files, books, and records in
9 connection with any hearing or investigation. The court may
10 compel obedience to its order by proceedings for contempt.

11 (Source: P.A. 92-750, eff. 1-1-03.)

12 (225 ILCS 412/105)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 105. Subpoena power; oaths. The Department may ~~has~~
15 ~~power to~~ subpoena and bring before it any person in this State
16 and ~~to~~ take the oral or written testimony or compel the
17 production of any books, papers, records, or any other
18 documents that the Secretary or his or her designee deems
19 relevant or material to any investigation or hearing conducted
20 by the Department ~~either orally, by deposition, or both,~~ with
21 the same fees and mileage and in the same manner as prescribed
22 by law in judicial proceedings in civil cases in circuit courts
23 of this State.

24 The Secretary, the shorthand court reporter, ~~Director~~ and

1 hearing officers may administer oaths ~~to witnesses~~ at any
2 hearing that the Department conducts ~~is authorized to conduct~~
3 ~~under this Act and any other oaths required or authorized to be~~
4 ~~administered by the Department.~~ Notwithstanding any other
5 statute or Department rule to the contrary, all requests for
6 testimony, production of documents, or records shall be in
7 accordance with this Act.

8 (Source: P.A. 92-750, eff. 1-1-03.)

9 (225 ILCS 412/110)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 110. Findings and recommendations. At the conclusion
12 of the hearing, the hearing officer shall present to the
13 Secretary ~~Director~~ a written report of its findings of fact,
14 conclusions of law, and recommendations. The report shall
15 contain a finding of whether or not the accused applicant or
16 licensee violated this Act or failed to comply with the
17 conditions required in this Act. The hearing officer shall
18 specify the nature of the violation or failure to comply, and
19 shall make its recommendations to the Secretary ~~Director~~.

20 The report of the findings and recommendations of the
21 hearing officer shall be the basis for the Department's order
22 for refusing to issue, restore, or renew a license, or
23 otherwise disciplining a licensee if ~~of refusal or for the~~
24 ~~granting of licensure unless~~ the Secretary ~~Director~~ determines
25 that the hearing officer's report is contrary to the manifest

1 weight of the evidence, in which case the Secretary ~~Director~~
2 may issue an order in contravention of the hearing officer's
3 report. The finding is not admissible in evidence against the
4 applicant or licensee in a criminal prosecution brought for the
5 violation of this Act, but the hearing and finding are not a
6 bar to a criminal prosecution brought for the violation of this
7 Act.

8 (Source: P.A. 92-750, eff. 1-1-03.)

9 (225 ILCS 412/115)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 115. Hearing officer. The Secretary ~~Director~~ has the
12 authority to appoint an attorney duly licensed to practice law
13 in this State to serve as the hearing officer in an action for
14 refusal to issue or renew a license or for the discipline of a
15 licensed electrologist. The hearing officer shall have full
16 authority to conduct the hearing. The hearing officer shall
17 report his or her findings and recommendations to the Secretary
18 ~~Director~~.

19 (Source: P.A. 92-750, eff. 1-1-03.)

20 (225 ILCS 412/120)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 120. Motion for rehearing. In any case involving the
23 refusal to issue or renew a license, or the discipline of a
24 licensee, a copy of the hearing officer's report shall be

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

15 (Source: P.A. 92-750, eff. 1-1-03.)

16 (225 ILCS 412/125)

17 (Section scheduled to be repealed on January 1, 2014)

18 Sec. 125. Order for rehearing ~~Rehearing on order of~~
19 ~~Director~~. Whenever the Secretary ~~Director~~ is not satisfied that
20 substantial justice has been done in the revocation,
21 suspension, or refusal to issue or renew a license, the
22 Secretary ~~Director~~ may order a rehearing.

23 (Source: P.A. 92-750, eff. 1-1-03.)

24 (225 ILCS 412/130)

1 (Section scheduled to be repealed on January 1, 2014)

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

6 (1) that the signature is the genuine signature of the
7 Secretary ~~Director~~; and

8 (2) that the Secretary ~~Director~~ is duly appointed and
9 qualified.

10 ~~This proof may be rebutted.~~

11 (Source: P.A. 92-750, eff. 1-1-03.)

12 (225 ILCS 412/135)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 135. Restoration of license from discipline ~~License~~
15 ~~restoration~~. At any time after the successful completion of a
16 term of indefinite probation, suspension, or revocation of a
17 license, the Department may restore the license to active
18 status, unless, after an investigation and a hearing, the
19 Secretary determines that restoration is not in the public
20 interest. No person whose license has been revoked as
21 authorized in this Act may apply for restoration of that
22 license until such time as provided for in the Civil
23 Administrative Code of Illinois. ~~At any time after the~~
24 ~~suspension or revocation of a license the Department may~~
25 ~~restore it to the accused person, unless after an investigation~~

1 ~~and a hearing the Department determines that restoration is not~~
2 ~~in the public interest.~~

3 (Source: P.A. 92-750, eff. 1-1-03.)

4 (225 ILCS 412/145)

5 (Section scheduled to be repealed on January 1, 2014)

6 Sec. 145. Summary ~~Temporary~~ suspension. The Secretary
7 ~~Director~~ may summarily ~~temporarily~~ suspend the license of an
8 electrologist without a hearing, simultaneously with the
9 institution of proceedings for a hearing under Section 90 of
10 this Act, if the Secretary ~~Director~~ finds that the evidence ~~in~~
11 ~~his or her possession~~ indicates that continuation in practice
12 would constitute an imminent danger to the public. In the event
13 that the Secretary summarily ~~Director temporarily~~ suspends a
14 license without a hearing, a hearing by the Department shall
15 ~~must~~ be held within 30 days after the suspension has occurred,
16 and shall be concluded as expeditiously as possible ~~concluded~~
17 ~~without appreciable delay.~~

18 (Source: P.A. 92-750, eff. 1-1-03.)

19 (225 ILCS 412/155)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 155. Certification of record. The Department shall not
22 be required to certify any record to the court, file any answer
23 in court, or otherwise appear in any court in a judicial review
24 proceeding unless and until the Department has received from

1 ~~the plaintiff there is filed in the court, with the complaint,~~
2 ~~a receipt from the Department acknowledging~~ payment of the
3 costs of furnishing and certifying the record, which costs
4 shall be determined by the Department. Failure on the part of
5 the plaintiff to file a receipt in court is grounds for
6 dismissal of the action.

7 (Source: P.A. 92-750, eff. 1-1-03.)

8 (225 ILCS 412/157 new)

9 Sec. 157. Confidentiality. All information collected by
10 the Department in the course of an examination or investigation
11 of a licensee or applicant, including, but not limited to, any
12 complaint against a licensee filed with the Department and
13 information collected to investigate any such complaint, shall
14 be maintained for the confidential use of the Department and
15 shall not be disclosed. The Department shall not disclose the
16 information to anyone other than law enforcement officials,
17 regulatory agencies that have an appropriate regulatory
18 interest as determined by the Secretary, or a party presenting
19 a lawful subpoena to the Department. Information and documents
20 disclosed to a federal, State, county, or local law enforcement
21 agency shall not be disclosed by the agency for any purpose to
22 any other agency or person. A formal complaint filed against a
23 licensee or registrant by the Department or any order issued by
24 the Department against a licensee, registrant, or applicant
25 shall be a public record, except as otherwise prohibited by

1 law.

2 (225 ILCS 412/162)

3 (Section scheduled to be repealed on January 1, 2014)

4 Sec. 162. Unlicensed practice; violation; civil penalty.

5 (a) Any person who practices, offers to practice, attempts
6 to practice, or holds oneself out to practice electrology
7 without being licensed under this Act shall, in addition to any
8 other penalty provided by law, pay a civil penalty to the
9 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each
10 offense as determined by the Department. The civil penalty
11 shall be assessed by the Department after a hearing is held in
12 accordance with the provisions set forth in this Act ~~regarding~~
13 ~~the provision of a hearing for the discipline of a licensee.~~

14 (b) The Department has the authority and power to
15 investigate any and all unlicensed activity.

16 (c) The civil penalty shall be paid within 60 days after
17 the effective date of the order imposing the civil penalty. The
18 order shall constitute a judgment and may be filed and
19 execution had thereon in the same manner as any judgment from
20 any court of record.

21 (Source: P.A. 92-750, eff. 1-1-03.)

22 (225 ILCS 412/33 rep.)

23 Section 15. The Electrologist Licensing Act is amended by
24 repealing Section 33.

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