



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4214

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-207 new
410 ILCS 517/51 new

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Provides that any licensee disciplined under a licensure Act administered by the Division of Professional Regulation for an offense relating to the failure to pay taxes or student loans or relating to continuing education or advertising may file a petition with the Department on forms provided by the Department, along with the required fee of \$200, to have the records of that offense removed from public view on the Department's website if certain conditions are met. Provides that nothing shall prohibit the Department from using a previous discipline for any regulatory purpose or from releasing records of a previous discipline upon request from law enforcement, other governmental body, or the public. Provides that removal of records of a disciplinary offense from the Department's website shall not be considered a vacating or expunging of the offense from the licensee's disciplinary record. Effective immediately.

LRB098 13065 MGM 47578 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by adding
6 Section 2105-207 as follows:

7 (20 ILCS 2105/2105-207 new)

8 Sec. 2105-207. Records of Department actions.

9 (a) Any licensee subject to a licensing Act administered by
10 the Division of Professional Regulation who has been subject to
11 disciplinary action by the Department may file an application
12 with the Department on forms provided by the Department, along
13 with the required fee of \$200, to have the records classified
14 as confidential, not for public release, and considered
15 expunged for reporting purposes if:

16 (1) the application is submitted more than 7 years
17 after the disciplinary offense or offenses occurred;

18 (2) the licensee has had no incidents of discipline
19 under the licensing Act since the disciplinary offense or
20 offenses identified in the application occurred;

21 (3) the Department has no pending investigations
22 against the licensee; and

23 (4) the licensee is not currently in a disciplinary

1 status.

2 (b) An application to make disciplinary records
3 confidential shall only be considered by the Department for an
4 offense or action relating to:

5 (1) failure to pay taxes or student loans;

6 (2) continuing education;

7 (3) failure to renew a license on time;

8 (4) failure to obtain or renew a certificate of
9 registration or ancillary license;

10 (5) advertising; or

11 (6) any grounds for discipline removed from the
12 licensing Act.

13 (c) An application shall be submitted to and considered by
14 the Director of the Division of Professional Regulation upon
15 submission of an application and the required non-refundable
16 fee. The Department may establish additional requirements by
17 rule. The Department is not required to report the removal of
18 any disciplinary record to any national database. Nothing in
19 this Section shall prohibit the Department from using a
20 previous discipline for any regulatory purpose or from
21 releasing records of a previous discipline upon request from
22 law enforcement, or other governmental body as permitted by
23 law. Classification of records as confidential shall result in
24 removal of records of discipline from records kept pursuant to
25 Sections 2105-200 and 2105-205 of this Act. If the disciplinary
26 action was related to the licensee's failure to pay taxes or

1 student loans and the licensee has subsequently paid the debt
2 in full or made payments current, the Department may consider
3 the offense for expungement immediately, pursuant to
4 Department rules.

5 Section 10. The Health Care Professional Credentials Data
6 Collection Act is amended by adding Section 51 as follows:

7 (410 ILCS 517/51 new)

8 Sec. 51. Licensure records. Licensure records designated
9 confidential and considered expunged for reporting purposes by
10 the licensee under Section 2105-207 of the Department of
11 Professional Regulation Law of the Civil Administrative Code of
12 Illinois are not reportable under this Act.

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