

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 Sections 2105-130 and 2105-135 as follows:

7 (20 ILCS 2105/2105-130 new)

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

9 (a) Following disciplinary proceedings as authorized in
10 any licensing Act administered by the Department, upon a
11 finding by the Department that a person has committed a
12 violation of the licensing Act with regard to licenses,
13 certificates, or authorities of persons exercising the
14 respective professions, trades, or occupations, the Department
15 may revoke, suspend, refuse to renew, place on probationary
16 status, fine, or take any other disciplinary action as
17 authorized in the licensing Act with regard to those licenses,
18 certificates, or authorities. When making a determination of
19 the appropriate disciplinary sanction to be imposed, the
20 Department shall consider only evidence contained in the
21 record. The Department shall consider any aggravating or
22 mitigating factors contained in the record when determining the
23 appropriate disciplinary sanction to be imposed.

1 (b) When making a determination of the appropriate
2 disciplinary sanction to be imposed, the Department shall
3 consider, but is not limited to, the following aggravating
4 factors contained in the record:

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, by other states or
9 jurisdictions, hospitals, health care facilities,
10 residency programs, employers, or professional liability
11 insurance companies or by any of the armed forces of the
12 United States or any state;

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

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

17 (6) the motive for the offenses;

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

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

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

23 (c) When making a determination of the appropriate
24 disciplinary sanction to be imposed, the Department shall
25 consider, but is not limited to, the following mitigating
26 factors contained in the record:

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

7 (2) contrition for the offenses;

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

10 (4) restitution to injured parties;

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

12 (6) any voluntary remedial actions taken.

13 (20 ILCS 2105/2105-135 new)

14 Sec. 2105-135. Qualification for licensure or
15 registration; good moral character. The practice of
16 professions licensed or registered by the Department is hereby
17 declared to affect the public health, safety, and welfare and
18 to be subject to regulation and control in the public interest.
19 It is further declared to be a matter of public interest and
20 concern that persons who are licensed or registered to engage
21 in any of the professions licensed or registered by the
22 Department are of good moral character, which shall be a
23 continuing requirement of licensure or registration so as to
24 merit and receive the confidence and trust of the public. Upon
25 a finding by the Department that a person has committed a

1 violation of the disciplinary grounds of any licensing Act
2 administered by the Department with regard to licenses,
3 certificates, or authorities of persons exercising the
4 respective professions, trades, or occupations, the Department
5 is authorized to revoke, suspend, refuse to renew, place on
6 probationary status, fine, or take any other disciplinary
7 action it deems warranted against any licensee or registrant
8 whose conduct violates the continuing requirement of good moral
9 character.