



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4058

by Rep. Raymond Poe

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal of the Professional Geologist Licensing Act from January 1, 2016 to January 1, 2026. Amends the Professional Geologist Licensing Act. Makes changes in provisions regarding definitions, restrictions and limitations, the Board of Licensing for Professional Geologists, disciplinary actions, investigations, records of disciplinary proceedings, rehearings, hearing officer proceedings, restoration of suspended and revoked licenses, administrative review, and administrative procedure. Increases civil penalties for violations of the Act. Replaces references to the Director of Professional Regulation with references to the Secretary of Financial and Professional Regulation. Provides that all information collected by the Department of Financial and Professional Regulation in the course of examination or investigation of a licensee or applicant remain confidential. Makes other changes. Effective immediately.

LRB099 07026 HAF 27109 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, Hair Braiding, and
14 Nail Technology Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 The Illinois Physical Therapy Act.

18 ~~The Professional Geologist Licensing Act.~~

19 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
20 96-1246, eff. 1-1-11.)

21 (5 ILCS 80/4.36 new)

22 Sec. 4.36. Act repealed on January 1, 2026. The following

1 Act is repealed on January 1, 2026:

2 The Professional Geologist Licensing Act.

3 Section 10. The Professional Geologist Licensing Act is
4 amended by changing Sections 15, 25, 30, 35, 75, 80, 90, 95,
5 100, 110, 120, 125, 130, 135, 145, 155, 162, 165, and 170 and
6 by adding Section 180 as follows:

7 (225 ILCS 745/15)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 15. Definitions. In this Act:

10 "Address of record" means the designated address recorded
11 by the Department in the applicant's application file or the
12 licensee's license file, as maintained by the Department's
13 licensure maintenance unit.

14 "Board" means the Board of Licensing for Professional
15 Geologists.

16 "Department" means the Department of Financial and
17 Professional Regulation.

18 "Geologist" means an individual who, by reason of his or
19 her knowledge of geology, mathematics, and the physical and
20 life sciences, acquired by education and practical experience
21 as defined by this Act, is capable of practicing the science of
22 geology.

23 "Geology" means the science that includes the treatment of
24 the earth and its origin and history including, but not limited

1 to, (i) the investigation of the earth's crust and interior and
2 the solids and fluids, including all surface and underground
3 waters, gases, and other materials that compose the earth as
4 they may relate to geologic processes; (ii) the study of the
5 natural agents, forces, and processes that cause changes in the
6 earth; and (iii) the utilization of this knowledge of the earth
7 and its solids, fluids, and gases, and their collective
8 properties and processes, for the benefit of humankind.

9 "Person" or "individual" means a natural person.

10 "Practice of professional geology" means the performance
11 of, or the offer to perform, the services of a geologist,
12 including consultation, investigation, evaluation, planning,
13 mapping, inspection of geologic work, and other services that
14 require extensive knowledge of geologic laws, formulas,
15 principles, practice, and methods of data interpretation.

16 A person shall be construed to practice or offer to
17 practice professional geology, within the meaning and intent of
18 this Act, if that person (i) by verbal claim, sign,
19 advertisement, letterhead, card, or any other means,
20 represents himself or herself to be a Licensed Professional
21 Geologist or through the use of some title implies that he or
22 she is a Licensed Professional Geologist or is licensed under
23 this Act or (ii) holds himself or herself out as able to
24 perform or does perform services or work defined in this Act as
25 the practice of professional geology.

26 Examples of the practice of professional geology include,

1 but are not limited to, the conduct of, or responsible charge
2 for, the following types of activities: (i) mapping, sampling,
3 and analysis of earth materials, interpretation of data, and
4 the preparation of oral or written testimony regarding the
5 probable geological causes of events; (ii) planning, review,
6 and supervision of data gathering activities, interpretation
7 of geological data gathered by direct and indirect means,
8 preparation and interpretation of geological maps,
9 cross-sections, interpretive maps and reports for the purpose
10 of determining regional or site specific geological
11 conditions; (iii) the planning, review, and supervision of data
12 gathering activities and interpretation of data on regional or
13 site specific geological characteristics affecting
14 groundwater; (iv) the interpretation of geological conditions
15 on the surface of the Earth and at depth in the Earth for the
16 purpose of determining whether those conditions correspond to a
17 geologic map of the site or a legally specified geological
18 requirement for the site; and (v) the conducting of
19 environmental property audits.

20 "Licensed Professional Geologist" means an individual who
21 is licensed under this Act to engage in the practice of
22 professional geology in Illinois.

23 "Responsible charge" means the independent control and
24 direction, by use of initiative, skill, and independent
25 judgment, of geological work or the supervision of that work.

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

2 (Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

3 (225 ILCS 745/25)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 25. Restrictions and limitations. No person shall,
6 without a valid license issued by the Department (i) in any
7 manner hold himself or herself out to the public as a Licensed
8 Professional Geologist; (ii) attach the title "Licensed
9 Professional Geologist" to his or her name; or (iii) render or
10 offer to render to individuals, corporations, or public
11 agencies services constituting the practice of professional
12 geology.

13 ~~Individuals practicing geology in Illinois as of the~~
14 ~~effective date of this amendatory Act of 1997 may continue to~~
15 ~~practice as provided in this Act until the Department has~~
16 ~~adopted rules implementing this Act. To continue practicing~~
17 ~~geology after the adoption of rules, individuals shall apply~~
18 ~~for licensure within 180 days after the effective date of the~~
19 ~~rules. If an application is received during the 180-day period,~~
20 ~~the individual may continue to practice until the Department~~
21 ~~acts to grant or deny licensure. If an application is not filed~~
22 ~~within the 180-day period, the individual must cease the~~
23 ~~practice of geology at the conclusion of the 180-day period and~~
24 ~~until the Department acts to grant a license to the individual.~~

25 (Source: P.A. 96-1327, eff. 7-27-10.)

1 (225 ILCS 745/30)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 30. Powers and duties of the Department. Subject to
4 the provisions of this Act, the Department may:

5 (a) Authorize examinations to ascertain the qualifications
6 and fitness of applicants for licensing as a Licensed
7 Professional Geologist or as a Licensed Specialty Geologist, as
8 defined by the Board, and pass upon the qualifications of
9 applicants for licensure by endorsement.

10 (b) Conduct hearings on proceedings to refuse to issue or
11 renew licenses or to revoke, ~~licenses or~~ suspend, place on
12 probation, ~~or~~ reprimand, or take any other disciplinary or
13 non-disciplinary action against licenses issued persons
14 ~~licensed~~ under this Act, ~~and to refuse to issue or renew or to~~
15 ~~revoke licenses, or suspend, place on probation, or reprimand~~
16 ~~persons licensed under this Act.~~

17 (c) Formulate rules required for the administration of this
18 Act.

19 (d) Obtain written recommendations from the Board
20 regarding (i) definitions of curriculum content and approval of
21 geological curricula, standards of professional conduct, and
22 formal disciplinary actions and the formulation of rules
23 affecting these matters and (ii) when petitioned by the
24 applicant, opinions regarding the qualifications of applicants
25 for licensing.

1 (e) Maintain rosters of the names and addresses of all
2 licensees, and all persons whose licenses have been suspended,
3 revoked, ~~or denied renewal,~~ or otherwise disciplined ~~for cause~~
4 within the previous calendar year. These rosters shall be
5 available upon written request and payment of the required fee.
6 (Source: P.A. 96-1327, eff. 7-27-10.)

7 (225 ILCS 745/35)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 35. Board of Licensing for Professional Geologists;
10 members; qualifications; duties.

11 (a) The Secretary ~~Director~~ shall appoint a Board of
12 Licensing for Professional Geologists which shall serve in an
13 advisory capacity to the Secretary ~~Director~~. The Board shall be
14 composed of 8 persons, 7 of whom shall be voting members
15 appointed by the Secretary ~~Director~~, who shall give due
16 consideration to recommendations by members of the profession
17 of geology and of geology organizations within the State. In
18 addition, the State Geologist or his or her designated
19 representative, shall be an advisory, non-voting member of the
20 Board.

21 (b) Insofar as possible, the geologists appointed to serve
22 on the Board shall be generally representative of the
23 occupational and geographical distribution of geologists
24 within this State.

25 (c) Of the 7 appointed voting members of the Board, 6 shall

1 be geologists and one shall be a member of the general public
2 with no family or business connection with the practice of
3 geology.

4 (d) Each of the ~~first~~ appointed geologist members of the
5 Board shall ~~have at least 10 years of active geological~~
6 ~~experience and shall possess the education and experience~~
7 ~~required for licensure. Each subsequently appointed geologist~~
8 ~~member of the Board shall~~ be a Licensed Professional Geologist
9 licensed under this Act with at least 10 years of experience.

10 (e) Voting members shall be appointed to 4-year terms.
11 Partial terms of over 2 years in length shall be considered
12 full terms. ~~Of the initial appointments, the Director shall~~
13 ~~appoint 3 voting members for a term of 4 years, 2 voting~~
14 ~~members for a term of 3 years, and 2 voting members for a term~~
15 ~~of 2 years. Thereafter, voting members shall be appointed for~~
16 ~~4 year terms. Terms shall commence on the 3rd Monday in~~
17 ~~January.~~

18 (f) Members shall hold office until the expiration of their
19 terms or until their successors have been appointed and have
20 qualified.

21 (g) No voting member of the Board shall serve more than 2
22 consecutive full terms.

23 (h) Vacancies in the membership of the Board shall be
24 filled by appointment for the remainder of the unexpired term.

25 (i) The Secretary ~~Director~~ may remove or suspend any
26 appointed member of the Board for cause at any time before the

1 expiration of his or her term. The Secretary shall be the sole
2 arbiter of cause.

3 (j) The Board shall annually elect one of its members as
4 chairperson and one of its members as vice-chair.

5 (k) The members of the Board shall be reimbursed for all
6 legitimate and necessary expenses authorized by the Department
7 incurred in attending the meetings of the Board.

8 (l) The Board may make recommendations to the Secretary
9 ~~Director~~ to establish the examinations and their method of
10 grading.

11 (m) The Board may submit written recommendations to the
12 Secretary ~~Director~~ concerning formulation of rules and a Code
13 of Professional Conduct and Ethics. The Board may recommend or
14 endorse revisions and amendments to the Code and to the rules
15 from time to time.

16 (n) The Board may make recommendations on matters relating
17 to continuing education of Licensed Professional Geologists,
18 including the number of hours necessary for license renewal,
19 waivers for those unable to meet that requirement, and
20 acceptable course content. These recommendations shall not
21 impose an undue burden on the Department or an unreasonable
22 restriction on those seeking a license renewal.

23 (o) Four voting Board members constitutes a quorum. A
24 quorum is required for all Board decisions.

25 (Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

1 (225 ILCS 745/75)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 75. Returned checks; fines. Any person who delivers a
4 check or other payment to the Department that is returned to
5 the Department unpaid by the financial institution upon which
6 it is drawn shall pay to the Department, in addition to the
7 amount already owed to the Department, a fine of \$50. The fines
8 imposed by this Section are in addition to any other discipline
9 provided under this Act for unlicensed practice or practice on
10 a nonrenewed license. The Department shall notify the person
11 that payment of fees and fines shall be paid to the Department
12 by certified check or money order within 30 calendar days of
13 the notification. If, after the expiration of 30 calendar days
14 from the date of the notification, the person has failed to
15 submit the necessary remittance, the Department shall
16 automatically terminate the license or deny the application,
17 without hearing. If, after termination or denial, the person
18 seeks a license to practice as a Licensed Professional
19 Geologist, he or she shall apply to the Department for
20 restoration or issuance of the license and pay all fees and
21 fines due to the Department. The Department may establish a fee
22 for the processing of an application for restoration of a
23 license to pay all expenses of processing this application. The
24 Secretary ~~Director~~ may waive the fines due under this Section
25 in individual cases where the Secretary ~~Director~~ finds that the
26 fines would be unreasonable or unnecessarily burdensome.

1 (Source: P.A. 96-1327, eff. 7-27-10.)

2 (225 ILCS 745/80)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 80. Disciplinary actions.

5 (a) The Department may refuse to issue or renew, or may
6 revoke, suspend, place on probation, reprimand, or take other
7 disciplinary or non-disciplinary action as the Department may
8 deem appropriate, including fines not to exceed \$10,000 ~~\$5,000~~
9 for each violation, with regard to any license for any one or
10 combination of the following:

11 (1) Material misstatement in furnishing information to
12 the Department.

13 (2) Violations of this Act, or of the rules promulgated
14 under this Act.

15 (3) Conviction by plea of guilty or nolo contendere,
16 finding of guilt, jury verdict, or entry of judgment or by
17 sentencing of any crime, including, but not limited to,
18 convictions, preceding sentences of supervision,
19 conditional discharge, or first offender probation, under
20 the laws of any jurisdiction of the United States: (i) that
21 is a felony or (ii) that is a misdemeanor, an essential
22 element of which is dishonesty, or that is directly related
23 to the practice of the profession. Conviction of any crime
24 under the laws of the United States or any state or
25 territory of the United States that is a felony or that is

1 ~~a misdemeanor, an essential element of which is dishonesty,~~
2 ~~or of any crime that is directly related to the practice of~~
3 ~~the profession.~~

4 (4) Making any misrepresentation for the purpose of
5 obtaining licensure or violating any provision of this Act
6 or the rules promulgated under this Act pertaining to
7 advertising.

8 (5) Professional incompetence.

9 (6) Malpractice. ~~Gross malpractice.~~

10 (7) Aiding or assisting another person in violating any
11 provision of this Act or rules promulgated under this Act.

12 (8) Failing, within 60 days, to provide information in
13 response to a written request made by the Department.

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

17 (10) Habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants, or any other chemical agent or drug
19 that results in the inability to practice with reasonable
20 judgment, skill, or safety.

21 (11) Discipline by another state, the District of
22 Columbia, a territory of the United States, or a foreign
23 nation, if at least one of the grounds for the discipline
24 is the same or substantially equivalent to those set forth
25 in this Section.

26 (12) Directly or indirectly giving to or receiving from

1 any person, firm, corporation, partnership, or association
2 any fee, commission, rebate or other form of compensation
3 for professional services not actually or personally
4 rendered.

5 (13) A finding by the Department that the licensee,
6 after having his or her license placed on probationary
7 status, has violated the terms of probation.

8 (14) Willfully making or filing false records or
9 reports in his or her practice, including but not limited
10 to, false records filed with State agencies or departments.

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

15 (16) Solicitation of professional services other than
16 permitted advertising.

17 (17) Conviction of or cash compromise of a charge or
18 violation of the Illinois Controlled Substances Act
19 regulating narcotics.

20 (18) Failure to (i) file a tax return, (ii) pay the
21 tax, penalty, or interest shown in a filed return, or (iii)
22 pay any final assessment of tax, penalty, or interest, as
23 required by any tax Act administered by the Illinois
24 Department of Revenue, until the requirements of that tax
25 Act are satisfied.

26 (19) Conviction by any court of competent

1 jurisdiction, either within or outside this State, of any
2 violation of any law governing the practice of professional
3 geology, if the Department determines, after
4 investigation, that the person has not been sufficiently
5 rehabilitated to warrant the public trust.

6 (20) Gross, willful, or continued overcharging for
7 professional services, including filing false statements
8 for collection of fees for which services are not rendered.

9 (21) Practicing under a false or, except as provided by
10 law, an assumed name.

11 (22) Fraud or misrepresentation in applying for, or
12 procuring, a license to practice as a Licensed Professional
13 Geologist under this Act or in connection with applying for
14 renewal of a license under this Act.

15 (23) Cheating on or attempting to subvert the licensing
16 examination administered under this Act.

17 (24) Practicing under a false or, except as provided by
18 law, an assumed name.

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

1 Secretary ~~Director~~ that the licensee be allowed to resume his
2 or her practice.

3 All fines imposed under this Section shall be paid within
4 60 days after the effective date of the order imposing the fine
5 or in accordance with the terms set forth in the order imposing
6 the fine.

7 (Source: P.A. 96-1327, eff. 7-27-10.)

8 (225 ILCS 745/90)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 90. Investigations; notice and hearing. The
11 Department may investigate the actions of any applicant or of
12 any person or persons rendering or offering to render
13 geological services or any person holding or claiming to hold a
14 license as a Licensed Professional Geologist. The Department
15 shall, before revoking, suspending, placing on probation,
16 reprimanding, or taking any other disciplinary action under
17 Section 80 of this Act, at least 30 days before the date set
18 for the hearing, (i) notify the accused in writing of the
19 charges made and the time and place for the hearing on the
20 charges, (ii) direct him or her to file a written answer to the
21 charges with the Board under oath within 20 days after the
22 service on him or her of the notice, and (iii) notify ~~inform~~
23 the accused that, if he or she fails to answer, default will be
24 taken against him or her, and ~~or~~ that his or her license may be
25 suspended, revoked, placed on probationary status, or other

1 disciplinary action taken with regard to the license, including
2 limiting the scope, nature, or extent of his or her practice,
3 as the Department may consider proper. At the time and place
4 fixed in the notice, the Board shall proceed to hear the
5 charges and the parties or their counsel shall be accorded
6 ample opportunity to present any pertinent statements,
7 testimony, evidence, and arguments. The Board may continue the
8 hearing from time to time. In case the person, after receiving
9 the notice, fails to file an answer, his or her license may, in
10 the discretion of the Department, be suspended, revoked, placed
11 on probationary status, or subject to any other disciplinary
12 action the Department considers proper ~~may take whatever~~
13 ~~disciplinary action considered proper~~, including limiting the
14 scope, nature, or extent of the person's practice or the
15 imposition of a fine, without a hearing, if the act or acts
16 charged constitute sufficient grounds for that action under
17 this Act. The written notice may be served by personal delivery
18 or by certified mail to the licensee's address of record.
19 ~~specified by the accused in his or her last notification with~~
20 ~~the Department.~~

21 (Source: P.A. 96-1327, eff. 7-27-10.)

22 (225 ILCS 745/95)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 95. Record of proceedings; transcript. The
25 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, all other documents in the nature of
3 pleadings, written motions filed in the proceedings, the
4 transcripts of testimony, the report of the hearing officer and
5 the Board, and orders of the Department shall be in the record
6 of the proceeding. ~~The Department shall furnish a transcript of~~
7 ~~such record to any person interested in such hearing upon~~
8 ~~payment of the fee required under Section 2105 115 of the~~
9 ~~Department of Professional Regulation Law (20 ILCS~~
10 ~~2105/2105 115).~~

11 (Source: P.A. 91-239, eff. 1-1-00.)

12 (225 ILCS 745/100)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 100. Subpoenas; depositions; oaths. The Department
15 has the power to subpoena and to bring before it any person and
16 to take testimony either orally or by deposition, or both, with
17 the same fees and mileage and in the same manner as prescribed
18 in civil cases in the courts of this State.

19 The Secretary ~~Director~~, the designated hearing officer,
20 and every member of the Board has the power to administer oaths
21 to witnesses at any hearing that the Department is authorized
22 to conduct, and any other oaths authorized in any Act
23 administered by the Department.

24 (Source: P.A. 89-366, eff. 7-1-96.)

1 (225 ILCS 745/110)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 110. Findings and recommendations. At the conclusion
4 of the hearing, the Board shall present to the Secretary
5 ~~Director~~ a written report of its findings of fact, conclusions
6 of law, and recommendations. The report shall contain a finding
7 whether or not the accused person violated this Act or its
8 rules or failed to comply with the conditions required in this
9 Act or its rules. The Board shall specify the nature of any
10 violations or failure to comply and shall make its
11 recommendations to the Secretary ~~Director~~. In making
12 recommendations for any disciplinary actions, the Board may
13 take into consideration all facts and circumstances bearing
14 upon the reasonableness of the conduct of the accused and the
15 potential for future harm to the public, including but not
16 limited to previous discipline of the accused by the
17 Department, intent, degree of harm to the public and likelihood
18 of harm in the future, any restitution made by the accused, and
19 whether the incident or incidents contained in the complaint
20 appear to be isolated or represent a continuing pattern of
21 conduct. In making its recommendations for discipline, the
22 Board shall endeavor to ensure that the severity of the
23 discipline recommended is reasonably related to the severity of
24 the violation.

25 The report of findings of fact, conclusions of law, and
26 recommendation of the Board shall be the basis for the

1 Department's order refusing to issue, restore, or renew a
2 person's license to practice as a Licensed Professional
3 Geologist, or otherwise disciplining a licensee. If the
4 Secretary ~~Director~~ disagrees with the recommendations of the
5 Board, the Secretary ~~Director~~ may issue an order in
6 contravention of the Board recommendations. The Secretary
7 ~~Director~~ shall provide a written report to the Board on any
8 disagreement and shall specify the reasons for the action in
9 the final order. The finding is not admissible in evidence
10 against the person in a criminal prosecution brought for a
11 violation of this Act, but the hearing and finding are not a
12 bar to a criminal prosecution brought for a violation of this
13 Act.

14 (Source: P.A. 96-1327, eff. 7-27-10.)

15 (225 ILCS 745/120)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 120. Secretary ~~Director~~; rehearing. Whenever the
18 Secretary ~~Director~~ believes that justice has not been done in
19 the revocation, suspension, or refusal to issue, restore, or
20 renew a person's license to practice as a Licensed Professional
21 Geologist, or other discipline of an applicant or licensee, he
22 or she may order a rehearing by the same or other examiners.

23 (Source: P.A. 96-1327, eff. 7-27-10.)

24 (225 ILCS 745/125)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 125. Appointment of a hearing officer. The Secretary
3 ~~Director~~ has the authority to appoint any attorney licensed to
4 practice law in the State of Illinois to serve as the hearing
5 officer in any action for refusal to issue, restore, or renew a
6 person's license to practice as a Licensed Professional
7 Geologist or to discipline a licensee. The hearing officer has
8 full authority to conduct the hearing. Members ~~At least one~~
9 ~~member~~ of the Board may ~~shall~~ attend each hearing. The hearing
10 officer shall report his or her findings of fact, conclusions
11 of law, and recommendations to the Board and the Secretary
12 ~~Director~~. The Board shall have 60 calendar days from receipt of
13 the report to review the report of the hearing officer and
14 present its findings of fact, conclusions of law, and
15 recommendations to the Secretary ~~Director~~. If the Board does
16 not present its report within the 60-day period, the Secretary
17 ~~Director~~ may issue an order based on the report of the hearing
18 officer. If the Secretary ~~Director~~ disagrees with the
19 recommendation of the Board or of the hearing officer, the
20 Secretary ~~Director~~ may issue an order in contravention of the
21 recommendation. The Secretary ~~Director~~ shall promptly provide
22 a written report to the Board on any deviation, and shall
23 specify the reasons for the action in the final order.

24 (Source: P.A. 96-1327, eff. 7-27-10.)

25 (225 ILCS 745/130)

1 (Section scheduled to be repealed on January 1, 2016)

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

6 (a) the signature is the genuine signature of the
7 Secretary Director;

8 (b) the Secretary Director is duly appointed and
9 qualified; and

10 (c) the Board and its members are qualified to act.

11 (Source: P.A. 89-366, eff. 7-1-96.)

12 (225 ILCS 745/135)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 135. Restoration of suspended or revoked license. At
15 any time after the successful completion of a term of
16 indefinite probation, suspension, or revocation of a
17 ~~suspension or revocation of a person's~~ license to practice as a
18 Licensed Professional Geologist, the Department may restore it
19 to the licensee, upon the written recommendation of the Board,
20 unless after an investigation and a hearing the Board
21 determines that restoration is not in the public interest.

22 (Source: P.A. 96-1327, eff. 7-27-10.)

23 (225 ILCS 745/145)

24 (Section scheduled to be repealed on January 1, 2016)

1 Sec. 145. Summary suspension of a license. The Secretary
2 ~~Director~~ may summarily suspend the license of a Licensed
3 Professional Geologist without a hearing, simultaneously with
4 the institution of proceedings for a hearing provided for in
5 Section 90 of this Act, if the Secretary ~~Director~~ finds that
6 evidence in the Secretary's ~~Director's~~ possession indicates
7 that the continuation of practice by a Licensed Professional
8 Geologist would constitute an imminent danger to the public. In
9 the event that the Secretary ~~Director~~ summarily suspends the
10 license of a Licensed Professional Geologist without a hearing,
11 a hearing must be commenced within 30 days after the suspension
12 has occurred and concluded as expeditiously as practical.

13 (Source: P.A. 96-1327, eff. 7-27-10.)

14 (225 ILCS 745/155)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 155. Administrative review; certifications
17 ~~Certifications~~ of record; costs. All final administrative
18 decisions of the Department are subject to judicial review
19 pursuant to the Administrative Review Law and its rules. The
20 term "administrative decision" is defined as in Section 3-101
21 of the Code of Civil Procedure.

22 Proceedings for judicial review shall be commenced in the
23 circuit court of the county in which the party applying for
24 review resides, but, if the party is not a resident of this
25 State, the venue shall be in Sangamon County.

1 The Department shall not be required to certify any record
2 to the court, to file an answer in court, or to otherwise
3 appear in any court in a judicial review proceeding unless and
4 until the Department has received from the plaintiff payment of
5 the costs of furnishing and certifying the record, ~~there is~~
6 ~~filed in the court, with the complaint, a receipt from the~~
7 ~~Department acknowledging payment of the costs of furnishing and~~
8 ~~certifying the record,~~ which costs shall be determined by the
9 Department. Failure on the part of the plaintiff to file the
10 receipt in court is grounds for dismissal of the action.

11 During the pendency and hearing of any and all judicial
12 proceedings incident to the disciplinary action, the sanctions
13 imposed upon the accused by the Department specified in the
14 Department's final administrative decision shall, as a matter
15 of public policy, remain in full force and effect in order to
16 protect the public pending final resolution of any of the
17 proceedings.

18 (Source: P.A. 89-366, eff. 7-1-96.)

19 (225 ILCS 745/162)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 162. Civil penalties.

22 (a) In addition to any other penalty provided by law, any
23 person who violates this Act shall forfeit and pay a civil
24 penalty to the Department in an amount not to exceed \$10,000
25 ~~\$5,000~~ for each offense as determined by the Department. The

1 civil penalty shall be assessed by the Department after a
2 hearing is held in accordance with the provisions of this Act
3 regarding the provision of a hearing for the discipline of a
4 licensee.

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

7 (c) The civil penalty shall be paid within 60 days after
8 the effective date of the order imposing the civil penalty. The
9 order shall constitute a judgment and may be filed and
10 execution had thereon in the same manner as any judgment from
11 any court of record.

12 (d) All moneys collected under this Section shall be
13 deposited into the General Professions Dedicated Fund.

14 (Source: P.A. 89-366, eff. 7-1-96.)

15 (225 ILCS 745/165)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 165. Consent order. At any point in the proceedings as
18 provided in Sections 85 through 130 and Section 150, both
19 parties may agree to a negotiated consent order. The consent
20 order shall be final upon signature of the Secretary ~~Director~~.

21 (Source: P.A. 89-366, eff. 7-1-96.)

22 (225 ILCS 745/170)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 170. Illinois Administrative Procedure Act;

1 application. The Illinois Administrative Procedure Act is
2 expressly adopted and incorporated in this Act as if all of the
3 provisions of that Act were included in this Act, except that
4 the provision of paragraph (d) of Section 10-65 of the Illinois
5 Administrative Procedure Act, which provides that at hearings
6 the registrant or licensee has the right to show compliance
7 with all lawful requirements for retention or continuation or
8 renewal of the license, is specifically excluded. For the
9 purpose of this Act, the notice required under Section 10-25 of
10 the Illinois Administrative Procedure Act is considered
11 sufficient when mailed to the ~~last known~~ address of record a
12 party.

13 (Source: P.A. 89-366, eff. 7-1-96; 90-655, eff. 7-30-98.)

14 (225 ILCS 745/180 new)

15 Sec. 180. Confidentiality. All information collected by
16 the Department in the course of an examination or investigation
17 of a licensee or applicant, including, but not limited to, any
18 complaint against a licensee filed with the Department and
19 information collected to investigate any such complaint, shall
20 be maintained for the confidential use of the Department and
21 shall not be disclosed. The Department shall not disclose the
22 information to anyone other than law enforcement officials,
23 regulatory agencies that have an appropriate regulatory
24 interest as determined by the Secretary, or a party presenting
25 a lawful subpoena to the Department. Information and documents

1 disclosed to a federal, State, county, or local law enforcement
2 agency shall not be disclosed by the agency for any purpose to
3 any other agency or person. A formal complaint filed against a
4 licensee by the Department or any order issued by the
5 Department against a licensee or applicant shall be a public
6 record, except as otherwise prohibited by law.

7 Section 99. Effective date. This Act takes effect
8 immediately.

1 INDEX

2 Statutes amended in order of appearance

- 3 5 ILCS 80/4.26
- 4 5 ILCS 80/4.36 new
- 5 225 ILCS 745/15
- 6 225 ILCS 745/25
- 7 225 ILCS 745/30
- 8 225 ILCS 745/35
- 9 225 ILCS 745/75
- 10 225 ILCS 745/80
- 11 225 ILCS 745/90
- 12 225 ILCS 745/95
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- 20 225 ILCS 745/155
- 21 225 ILCS 745/162
- 22 225 ILCS 745/165
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- 24 225 ILCS 745/180 new