

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 Department of Professional Regulation Law of  
5 the Civil Administrative Code of Illinois is amended by  
6 changing Section 2105-205 as follows:

7 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

8 Sec. 2105-205. Publication of disciplinary actions. The  
9 Department shall publish on its website, at least monthly,  
10 final disciplinary actions taken by the Department against a  
11 licensee or applicant pursuant to any licensing Act  
12 administered by the Department. The specific disciplinary  
13 action and the name of the applicant or licensee shall be  
14 listed.

15 With respect to licensees and applicants under the Funeral  
16 Directors and Embalmers Licensing Code, the Illinois Roofing  
17 Industry Licensing Act, and the Barber, Cosmetology,  
18 Esthetics, Hair Braiding, and Nail Technology Act of 1985, the  
19 Department shall include formal actions, including a refusal to  
20 issue a license to a potential licensee with a positive  
21 conviction history for professions covered by the license, in  
22 its publication of disciplinary actions. The publication of  
23 disciplinary actions shall include a summary of:

1           (1) the number of potential licensees with a positive  
2           conviction history;

3           (2) the rate of refusal to issue licenses for all  
4           applicants with a positive conviction history;

5           (3) the average time elapsed since the latest  
6           conviction of potential licensees who were refused a  
7           license and of potential licensees with a positive  
8           conviction history who were issued a license;

9           (4) the number of potential licensees who had a  
10           Certificate of Relief from Disabilities, issuance of which  
11           is authorized for the license by Section 5-5-5 of the  
12           Unified Code of Corrections; and

13           (5) the number of potential licensees with a  
14           Certificate of Relief from Disabilities who were refused a  
15           license.

16           (Source: P.A. 99-227, eff. 8-3-15.)

17           Section 10. The Funeral Directors and Embalmers Licensing  
18           Code is amended by changing Section 15-75 as follows:

19           (225 ILCS 41/15-75)

20           (Section scheduled to be repealed on January 1, 2023)

21           Sec. 15-75. Violations; grounds for discipline; penalties.

22           (a) Each of the following acts is a Class A misdemeanor for  
23           the first offense, and a Class 4 felony for each subsequent  
24           offense. These penalties shall also apply to unlicensed owners

1 of funeral homes.

2 (1) Practicing the profession of funeral directing and  
3 embalming or funeral directing, or attempting to practice  
4 the profession of funeral directing and embalming or  
5 funeral directing without a license as a funeral director  
6 and embalmer or funeral director.

7 (2) Serving or attempting to serve as an intern under a  
8 licensed funeral director and embalmer without a license as  
9 a licensed funeral director and embalmer intern.

10 (3) Obtaining or attempting to obtain a license,  
11 practice or business, or any other thing of value, by fraud  
12 or misrepresentation.

13 (4) Permitting any person in one's employ, under one's  
14 control or in or under one's service to serve as a funeral  
15 director and embalmer, funeral director, or funeral  
16 director and embalmer intern when the person does not have  
17 the appropriate license.

18 (5) Failing to display a license as required by this  
19 Code.

20 (6) Giving false information or making a false oath or  
21 affidavit required by this Code.

22 (b) The Department may refuse to issue or renew, revoke,  
23 suspend, place on probation or administrative supervision,  
24 reprimand, or take other disciplinary or non-disciplinary  
25 action as the Department may deem appropriate, including  
26 imposing fines not to exceed \$10,000 for each violation, with

1 regard to any license under the Code for any one or combination  
2 of the following:

3 (1) Fraud or any misrepresentation in applying for or  
4 procuring a license under this Code or in connection with  
5 applying for renewal of a license under this Code.

6 (2) Conviction by plea of guilty or nolo contendere,  
7 finding of guilt, jury verdict, or entry of judgment or by  
8 sentencing of any crime, including, but not limited to,  
9 convictions, preceding sentences of supervision,  
10 conditional discharge, or first offender probation, under  
11 the laws of any jurisdiction of the United States: ~~(i) that~~  
12 ~~is a felony or (ii) that is a misdemeanor~~, an essential  
13 element of which is dishonesty, or that is directly related  
14 to the practice of the profession. The Department shall not  
15 deny a license to a potential licensee whose conviction  
16 history is directly related to the profession for which a  
17 license is sought if the Department has not considered  
18 mitigating factors provided in subsection (b-5) of this  
19 Section.

20 (3) Violation of the laws of this State relating to the  
21 funeral, burial or disposition of deceased human bodies or  
22 of the rules and regulations of the Department, or the  
23 Department of Public Health.

24 (4) Directly or indirectly paying or causing to be paid  
25 any sum of money or other valuable consideration for the  
26 securing of business or for obtaining authority to dispose

1 of any deceased human body.

2 (5) Professional incompetence, gross negligence,  
3 malpractice, or untrustworthiness in the practice of  
4 funeral directing and embalming or funeral directing.

5 (6) (Blank).

6 (7) Engaging in, promoting, selling, or issuing burial  
7 contracts, burial certificates, or burial insurance  
8 policies in connection with the profession as a funeral  
9 director and embalmer, funeral director, or funeral  
10 director and embalmer intern in violation of any laws of  
11 the State of Illinois.

12 (8) Refusing, without cause, to surrender the custody  
13 of a deceased human body upon the proper request of the  
14 person or persons lawfully entitled to the custody of the  
15 body.

16 (9) Taking undue advantage of a client or clients as to  
17 amount to the perpetration of fraud.

18 (10) Engaging in funeral directing and embalming or  
19 funeral directing without a license.

20 (11) Encouraging, requesting, or suggesting by a  
21 licensee or some person working on his behalf and with his  
22 consent for compensation that a person utilize the services  
23 of a certain funeral director and embalmer, funeral  
24 director, or funeral establishment unless that information  
25 has been expressly requested by the person. This does not  
26 prohibit general advertising or pre-need solicitation.

1           (12) Making or causing to be made any false or  
2           misleading statements about the laws concerning the  
3           disposition of human remains, including, but not limited  
4           to, the need to embalm, the need for a casket for cremation  
5           or the need for an outer burial container.

6           (13) (Blank).

7           (14) Embalming or attempting to embalm a deceased human  
8           body without express prior authorization of the person  
9           responsible for making the funeral arrangements for the  
10          body. This does not apply to cases where embalming is  
11          directed by local authorities who have jurisdiction or when  
12          embalming is required by State or local law. A licensee may  
13          embalm without express prior authorization if a good faith  
14          effort has been made to contact family members and has been  
15          unsuccessful and the licensee has no reason to believe the  
16          family opposes embalming.

17          (15) Making a false statement on a Certificate of Death  
18          where the person making the statement knew or should have  
19          known that the statement was false.

20          (16) Soliciting human bodies after death or while death  
21          is imminent.

22          (17) Performing any act or practice that is a violation  
23          of this Code, the rules for the administration of this  
24          Code, or any federal, State or local laws, rules, or  
25          regulations governing the practice of funeral directing or  
26          embalming.

1           (18) Performing any act or practice that is a violation  
2 of Section 2 of the Consumer Fraud and Deceptive Business  
3 Practices Act.

4           (19) Engaging in dishonorable, unethical, or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud or harm the public.

7           (20) Taking possession of a dead human body without  
8 having first obtained express permission from the person  
9 holding the right to control the disposition in accordance  
10 with Section 5 of the Disposition of Remains Act or a  
11 public agency legally authorized to direct, control or  
12 permit the removal of deceased human bodies.

13           (21) Advertising in a false or misleading manner or  
14 advertising using the name of an unlicensed person in  
15 connection with any service being rendered in the practice  
16 of funeral directing or funeral directing and embalming.  
17 The use of any name of an unlicensed or unregistered person  
18 in an advertisement so as to imply that the person will  
19 perform services is considered misleading advertising.  
20 Nothing in this paragraph shall prevent including the name  
21 of any owner, officer or corporate director of a funeral  
22 home, who is not a licensee, in any advertisement used by a  
23 funeral home with which the individual is affiliated, if  
24 the advertisement specifies the individual's affiliation  
25 with the funeral home.

26           (22) Charging for professional services not rendered,

1 including filing false statements for the collection of  
2 fees for which services are not rendered.

3 (23) Failing to account for or remit any monies,  
4 documents, or personal property that belongs to others that  
5 comes into a licensee's possession.

6 (24) Treating any person differently to his detriment  
7 because of race, color, creed, gender, religion, or  
8 national origin.

9 (25) Knowingly making any false statements, oral or  
10 otherwise, of a character likely to influence, persuade or  
11 induce others in the course of performing professional  
12 services or activities.

13 (26) Willfully making or filing false records or  
14 reports in the practice of funeral directing and embalming,  
15 including, but not limited to, false records filed with  
16 State agencies or departments.

17 (27) Failing to acquire continuing education required  
18 under this Code.

19 (28) (Blank).

20 (29) Aiding or assisting another person in violating  
21 any provision of this Code or rules adopted pursuant to  
22 this Code.

23 (30) Failing within 10 days, to provide information in  
24 response to a written request made by the Department.

25 (31) Discipline by another state, District of  
26 Columbia, territory, foreign nation, or governmental



1 agency, if at least one of the grounds for the discipline  
2 is the same or substantially equivalent to those set forth  
3 in this Section.

4 (32) (Blank).

5 (33) Mental illness or disability which results in the  
6 inability to practice the profession with reasonable  
7 judgment, skill, or safety.

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

11 (35) Physical illness, including, but not limited to,  
12 deterioration through the aging process or loss of motor  
13 skill which results in a licensee's inability to practice  
14 under this Code with reasonable judgment, skill, or safety.

15 (36) Failing to comply with any of the following  
16 required activities:

17 (A) When reasonably possible, a funeral director  
18 licensee or funeral director and embalmer licensee or  
19 anyone acting on his or her behalf shall obtain the  
20 express authorization of the person or persons  
21 responsible for making the funeral arrangements for a  
22 deceased human body prior to removing a body from the  
23 place of death or any place it may be or embalming or  
24 attempting to embalm a deceased human body, unless  
25 required by State or local law. This requirement is  
26 waived whenever removal or embalming is directed by

1 local authorities who have jurisdiction. If the  
2 responsibility for the handling of the remains  
3 lawfully falls under the jurisdiction of a public  
4 agency, then the regulations of the public agency shall  
5 prevail.

6 (B) A licensee shall clearly mark the price of any  
7 casket offered for sale or the price of any service  
8 using the casket on or in the casket if the casket is  
9 displayed at the funeral establishment. If the casket  
10 is displayed at any other location, regardless of  
11 whether the licensee is in control of that location,  
12 the casket shall be clearly marked and the registrant  
13 shall use books, catalogues, brochures, or other  
14 printed display aids to show the price of each casket  
15 or service.

16 (C) At the time funeral arrangements are made and  
17 prior to rendering the funeral services, a licensee  
18 shall furnish a written statement of services to be  
19 retained by the person or persons making the funeral  
20 arrangements, signed by both parties, that shall  
21 contain: (i) the name, address and telephone number of  
22 the funeral establishment and the date on which the  
23 arrangements were made; (ii) the price of the service  
24 selected and the services and merchandise included for  
25 that price; (iii) a clear disclosure that the person or  
26 persons making the arrangement may decline and receive

1 credit for any service or merchandise not desired and  
2 not required by law or the funeral director or the  
3 funeral director and embalmer; (iv) the supplemental  
4 items of service and merchandise requested and the  
5 price of each item; (v) the terms or method of payment  
6 agreed upon; and (vi) a statement as to any monetary  
7 advances made by the registrant on behalf of the  
8 family. The licensee shall maintain a copy of the  
9 written statement of services in its permanent  
10 records. All written statements of services are  
11 subject to inspection by the Department.

12 (D) In all instances where the place of final  
13 disposition of a deceased human body or the cremated  
14 remains of a deceased human body is a cemetery, the  
15 licensed funeral director and embalmer, or licensed  
16 funeral director, who has been engaged to provide  
17 funeral or embalming services shall remain at the  
18 cemetery and personally witness the placement of the  
19 human remains in their designated grave or the sealing  
20 of the above ground depository, crypt, or urn. The  
21 licensed funeral director or licensed funeral director  
22 and embalmer may designate a licensed funeral director  
23 and embalmer intern or representative of the funeral  
24 home to be his or her witness to the placement of the  
25 remains. If the cemetery authority, cemetery manager,  
26 or any other agent of the cemetery takes any action

1           that prevents compliance with this paragraph (D), then  
2           the funeral director and embalmer or funeral director  
3           shall provide written notice to the Department within 5  
4           business days after failing to comply. If the  
5           Department receives this notice, then the Department  
6           shall not take any disciplinary action against the  
7           funeral director and embalmer or funeral director for a  
8           violation of this paragraph (D) unless the Department  
9           finds that the cemetery authority, manager, or any  
10          other agent of the cemetery did not prevent the funeral  
11          director and embalmer or funeral director from  
12          complying with this paragraph (D) as claimed in the  
13          written notice.

14                 (E) A funeral director or funeral director and  
15          embalmer shall fully complete the portion of the  
16          Certificate of Death under the responsibility of the  
17          funeral director or funeral director and embalmer and  
18          provide all required information. In the event that any  
19          reported information subsequently changes or proves  
20          incorrect, a funeral director or funeral director and  
21          embalmer shall immediately upon learning the correct  
22          information correct the Certificate of Death.

23                 (37) A finding by the Department that the license,  
24          after having his or her license placed on probationary  
25          status or subjected to conditions or restrictions,  
26          violated the terms of the probation or failed to comply

1 with such terms or conditions.

2 (38) (Blank).

3 (39) Being named as a perpetrator in an indicated  
4 report by the Department of Children and Family Services  
5 pursuant to the Abused and Neglected Child Reporting Act  
6 and, upon proof by clear and convincing evidence, being  
7 found to have caused a child to be an abused child or  
8 neglected child as defined in the Abused and Neglected  
9 Child Reporting Act.

10 (40) Habitual or excessive use or abuse of drugs  
11 defined in law as controlled substances, alcohol, or any  
12 other substance which results in the inability to practice  
13 with reasonable judgment, skill, or safety.

14 (41) Practicing under a false or, except as provided by  
15 law, an assumed name.

16 (42) Cheating on or attempting to subvert the licensing  
17 examination administered under this Code.

18 (b-5) When issuing a license, the Department may consider  
19 an applicant's conviction or convictions but a prior conviction  
20 or convictions alone may not be the basis for refusing to issue  
21 a license unless the crime for which he or she was convicted  
22 directly relates to the occupation for which the license is  
23 sought.

24 If the conviction or convictions are used as a basis for  
25 rejection of an application, it must be in writing and  
26 specifically state the evidence presented and reasons for

1 rejection, which must be directly related to the licensed  
2 activity. The Department must consider:

3 (1) the bearing, if any, the criminal offenses or  
4 offenses for which the person was previously convicted will  
5 have on his or her fitness or ability to perform one or  
6 more such duties and responsibilities;

7 (2) the time which has elapsed since the occurrence of  
8 the criminal offense or offenses;

9 (3) the age of the person at the time of occurrence of  
10 the criminal offense or offenses;

11 (4) the seriousness of the offense or offenses; and

12 (5) any information produced by the person or produced  
13 on his or her behalf in regard to his or her rehabilitation  
14 and good conduct that creates a presumption of  
15 rehabilitation.

16 For the purpose of issuance, renewal, or restoration of a  
17 license, completion of a sentence of imprisonment or discharge  
18 from probation, conditional discharge from probation, or  
19 periodic imprisonment shall be treated as evidence of  
20 rehabilitation so that all license rights and privileges  
21 granted under this Act, under consideration for issuance, or  
22 formerly revoked or suspended because of conviction of an  
23 offense are automatically restored unless the Department finds  
24 after investigation and consideration of guidelines provided  
25 in items (1) through (5) of this subsection (b-5) that  
26 restoration is not in the public interest.

1       The Department shall not consider non-conviction records,  
2       charges that did not result in conviction, or convictions that  
3       are not directly related to the profession for which a license  
4       is sought.

5       For the purposes of preliminary hearings and investigation  
6       in licensure determinations upon disclosure of a conviction  
7       history, the Department shall develop and implement policies  
8       that consider items (1) through (5) of this subsection (b-5),  
9       with suggestions as to evidence of rehabilitation provided in  
10       the previous paragraph of this Section.

11       (c) The Department may refuse to issue or renew or may  
12       suspend without a hearing, as provided for in the Department of  
13       Professional Regulation Law of the Civil Administrative Code of  
14       Illinois, the license of any person who fails to file a return,  
15       to pay the tax, penalty or interest shown in a filed return, or  
16       to pay any final assessment of tax, penalty or interest as  
17       required by any tax Act administered by the Illinois Department  
18       of Revenue, until the time as the requirements of the tax Act  
19       are satisfied in accordance with subsection (g) of Section  
20       2105-15 of the Department of Professional Regulation Law of the  
21       Civil Administrative Code of Illinois.

22       (d) No action may be taken under this Code against a person  
23       licensed under this Code unless the action is commenced within  
24       5 years after the occurrence of the alleged violations. A  
25       continuing violation shall be deemed to have occurred on the  
26       date when the circumstances last existed that give rise to the

1 alleged violation.

2 (e) Nothing in this Section shall be construed or enforced  
3 to give a funeral director and embalmer, or his or her  
4 designees, authority over the operation of a cemetery or over  
5 cemetery employees. Nothing in this Section shall be construed  
6 or enforced to impose duties or penalties on cemeteries with  
7 respect to the timing of the placement of human remains in  
8 their designated grave or the sealing of the above ground  
9 depository, crypt, or urn due to patron safety, the allocation  
10 of cemetery staffing, liability insurance, a collective  
11 bargaining agreement, or other such reasons.

12 (f) All fines imposed under this Section shall be paid 60  
13 days after the effective date of the order imposing the fine.

14 (g) The Department shall deny a license or renewal  
15 authorized by this Code to a person who has defaulted on an  
16 educational loan or scholarship provided or guaranteed by the  
17 Illinois Student Assistance Commission or any governmental  
18 agency of this State in accordance with item (5) of subsection  
19 (a) of Section 2105-15 of the Department of Professional  
20 Regulation Law of the Civil Administrative Code of Illinois.

21 (h) In cases where the Department of Healthcare and Family  
22 Services has previously determined a licensee ~~or a potential~~  
23 ~~licensee~~ is more than 30 days delinquent in the payment of  
24 child support and has subsequently certified the delinquency to  
25 the Department, the Department may refuse to ~~issue or~~ renew or  
26 may revoke or suspend that person's license or may take other



1 disciplinary action against that person based solely upon the  
2 certification of delinquency made by the Department of  
3 Healthcare and Family Services in accordance with item (5) of  
4 subsection (a) of Section 2105-15 of the Department of  
5 Professional Regulation Law of the Civil Administrative Code of  
6 Illinois unless, upon notification, the licensee demonstrates  
7 an inability to pay and agrees to enter into a reasonable  
8 payment plan.

9 Notwithstanding the provisions of this subsection, the  
10 Department may not refuse to issue a license to a potential  
11 licensee who is an obligor because the obligor's child support  
12 arrearage equals or exceeds the amount of child support payable  
13 for 12 months. When an occupational license is issued to an  
14 applicant to whom this paragraph applies, the Department shall  
15 send a written notice to the obligor following the issuance of  
16 a license, advising the obligor that the obligor's license may  
17 be revoked or suspended unless within 30 days of the postmarked  
18 date of the notice, the obligor demonstrates the inability to  
19 pay and enters into a reasonable payment plan.

20 (i) A person not licensed under this Code who is an owner  
21 of a funeral establishment or funeral business shall not aid,  
22 abet, assist, procure, advise, employ, or contract with any  
23 unlicensed person to offer funeral services or aid, abet,  
24 assist, or direct any licensed person contrary to or in  
25 violation of any rules or provisions of this Code. A person  
26 violating this subsection shall be treated as a licensee for

1 the purposes of disciplinary action under this Section and  
2 shall be subject to cease and desist orders as provided in this  
3 Code, the imposition of a fine up to \$10,000 for each violation  
4 and any other penalty provided by law.

5 (j) The determination by a circuit court that a licensee is  
6 subject to involuntary admission or judicial admission as  
7 provided in the Mental Health and Developmental Disabilities  
8 Code, as amended, operates as an automatic suspension. The  
9 suspension may end only upon a finding by a court that the  
10 licensee is no longer subject to the involuntary admission or  
11 judicial admission and issues an order so finding and  
12 discharging the licensee, and upon the recommendation of the  
13 Board to the Secretary that the licensee be allowed to resume  
14 his or her practice.

15 (k) In enforcing this Code, the Department, upon a showing  
16 of a possible violation, may compel an individual licensed to  
17 practice under this Code, or who has applied for licensure  
18 under this Code, to submit to a mental or physical examination,  
19 or both, as required by and at the expense of the Department.  
20 The Department may order the examining physician to present  
21 testimony concerning the mental or physical examination of the  
22 licensee or applicant. No information shall be excluded by  
23 reason of any common law or statutory privilege relating to  
24 communications between the licensee or applicant and the  
25 examining physician. The examining physician shall be  
26 specifically designated by the Department. The individual to be

1 examined may have, at his or her own expense, another physician  
2 of his or her choice present during all aspects of this  
3 examination. The examination shall be performed by a physician  
4 licensed to practice medicine in all its branches. Failure of  
5 an individual to submit to a mental or physical examination,  
6 when directed, shall result in an automatic suspension without  
7 hearing.

8 A person holding a license under this Code or who has  
9 applied for a license under this Code who, because of a  
10 physical or mental illness or disability, including, but not  
11 limited to, deterioration through the aging process or loss of  
12 motor skill, is unable to practice the profession with  
13 reasonable judgment, skill, or safety, may be required by the  
14 Department to submit to care, counseling, or treatment by  
15 physicians approved or designated by the Department as a  
16 condition, term, or restriction for continued, reinstated, or  
17 renewed licensure to practice. Submission to care, counseling,  
18 or treatment as required by the Department shall not be  
19 considered discipline of a license. If the licensee refuses to  
20 enter into a care, counseling, or treatment agreement or fails  
21 to abide by the terms of the agreement, the Department may file  
22 a complaint to revoke, suspend, or otherwise discipline the  
23 license of the individual. The Secretary may order the license  
24 suspended immediately, pending a hearing by the Department.  
25 Fines shall not be assessed in disciplinary actions involving  
26 physical or mental illness or impairment.

1           In instances in which the Secretary immediately suspends a  
2 person's license under this Section, a hearing on that person's  
3 license must be convened by the Department within 15 days after  
4 the suspension and completed without appreciable delay. The  
5 Department shall have the authority to review the subject  
6 individual's record of treatment and counseling regarding the  
7 impairment to the extent permitted by applicable federal  
8 statutes and regulations safeguarding the confidentiality of  
9 medical records.

10           An individual licensed under this Code and affected under  
11 this Section shall be afforded an opportunity to demonstrate to  
12 the Department that he or she can resume practice in compliance  
13 with acceptable and prevailing standards under the provisions  
14 of his or her license.

15           (Source: P.A. 97-1130, eff. 8-28-12; 98-756, eff. 7-16-14.)

16           Section 15. The Illinois Roofing Industry Licensing Act is  
17 amended by changing Section 9.1 as follows:

18           (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

19           (Section scheduled to be repealed on January 1, 2026)

20           Sec. 9.1. Grounds for disciplinary action.

21           (1) The Department may refuse to issue or to renew, or may  
22 revoke, suspend, place on probation, reprimand or take other  
23 disciplinary or non-disciplinary action as the Department may  
24 deem proper, including fines not to exceed \$10,000 for each

1 violation, with regard to any license for any one or  
2 combination of the following:

3 (a) violation of this Act or its rules;

4 (b) a conviction or plea of guilty or nolo contendere,  
5 finding of guilt, jury verdict, or entry of judgment or  
6 sentencing of any crime, including, but not limited to,  
7 convictions, preceding sentences of supervision,  
8 conditional discharge, or first offender probation, under  
9 the laws of any jurisdiction of the United States that is  
10 ~~(i) a felony or (ii) a misdemeanor~~, an essential element of  
11 which is dishonesty or that is directly related to the  
12 practice of the profession; the Department shall not deny a  
13 license to a potential licensee whose conviction history is  
14 directly related to the profession for which a license is  
15 sought if the Department has not considered mitigating  
16 factors provided in subsection (1.5) of this Section;

17 (c) fraud or any misrepresentation in applying for or  
18 procuring a license under this Act, or in connection with  
19 applying for renewal of a license under this Act;

20 (d) professional incompetence or gross negligence in  
21 the practice of roofing contracting, prima facie evidence  
22 of which may be a conviction or judgment in any court of  
23 competent jurisdiction against an applicant or licensee  
24 relating to the practice of roofing contracting or the  
25 construction of a roof or repair thereof that results in  
26 leakage within 90 days after the completion of such work;

1 (e) (blank);

2 (f) aiding or assisting another person in violating any  
3 provision of this Act or rules;

4 (g) failing, within 60 days, to provide information in  
5 response to a written request made by the Department;

6 (h) engaging in dishonorable, unethical, or  
7 unprofessional conduct of a character likely to deceive,  
8 defraud, or harm the public;

9 (i) habitual or excessive use or abuse of controlled  
10 substances, as defined by the Illinois Controlled  
11 Substances Act, alcohol, or any other substance that  
12 results in the inability to practice with reasonable  
13 judgment, skill, or safety;

14 (j) discipline by another state, unit of government, or  
15 government agency, the District of Columbia, a territory,  
16 or a foreign nation, if at least one of the grounds for the  
17 discipline is the same or substantially equivalent to those  
18 set forth in this Section;

19 (k) directly or indirectly giving to or receiving from  
20 any person, firm, corporation, partnership, or association  
21 any fee, commission, rebate, or other form of compensation  
22 for any professional services not actually or personally  
23 rendered;

24 (l) a finding by the Department that the licensee,  
25 after having his or her license disciplined, has violated  
26 the terms of the discipline;

1           (m) a finding by any court of competent jurisdiction,  
2           either within or without this State, of any violation of  
3           any law governing the practice of roofing contracting, if  
4           the Department determines, after investigation, that such  
5           person has not been sufficiently rehabilitated to warrant  
6           the public trust;

7           (n) willfully making or filing false records or reports  
8           in the practice of roofing contracting, including, but not  
9           limited to, false records filed with the State agencies or  
10          departments;

11          (o) practicing, attempting to practice, or advertising  
12          under a name other than the full name as shown on the  
13          license or any other legally authorized name;

14          (p) gross and willful overcharging for professional  
15          services including filing false statements for collection  
16          of fees or monies for which services are not rendered;

17          (q) (blank);

18          (r) (blank);

19          (s) failure to continue to meet the requirements of  
20          this Act shall be deemed a violation;

21          (t) physical or mental disability, including  
22          deterioration through the aging process or loss of  
23          abilities and skills that result in an inability to  
24          practice the profession with reasonable judgment, skill,  
25          or safety;

26          (u) material misstatement in furnishing information to

1 the Department or to any other State agency;

2 (v) (blank);

3 (w) advertising in any manner that is false,  
4 misleading, or deceptive;

5 (x) taking undue advantage of a customer, which results  
6 in the perpetration of a fraud;

7 (y) performing any act or practice that is a violation  
8 of the Consumer Fraud and Deceptive Business Practices Act;

9 (z) engaging in the practice of roofing contracting, as  
10 defined in this Act, with a suspended, revoked, or  
11 cancelled license;

12 (aa) treating any person differently to the person's  
13 detriment because of race, color, creed, gender, age,  
14 religion, or national origin;

15 (bb) knowingly making any false statement, oral,  
16 written, or otherwise, of a character likely to influence,  
17 persuade, or induce others in the course of obtaining or  
18 performing roofing contracting services;

19 (cc) violation of any final administrative action of  
20 the Secretary;

21 (dd) allowing the use of his or her roofing license by  
22 an unlicensed roofing contractor for the purposes of  
23 providing roofing or waterproofing services; or

24 (ee) (blank);

25 (ff) cheating or attempting to subvert a licensing  
26 examination administered under this Act; or



1 (gg) use of a license to permit or enable an unlicensed  
2 person to provide roofing contractor services.

3 (1.5) When issuing a license, the Department may consider  
4 an applicant's conviction or convictions but a prior conviction  
5 or convictions alone may not be the basis for refusing to issue  
6 a license unless the crime for which he or she was convicted  
7 directly relates to the occupation for which the license is  
8 sought.

9 If the conviction or convictions are used as a basis for  
10 rejection of an application, it must be in writing and  
11 specifically state the evidence presented and reasons for  
12 rejection, which must be directly related to the licensed  
13 activity. The Department must consider:

14 (a) the bearing, if any, the criminal offenses or  
15 offenses for which the person was previously convicted will  
16 have on his or her fitness or ability to perform one or  
17 more such duties and responsibilities;

18 (b) the time which has elapsed since the occurrence of  
19 the criminal offense or offenses;

20 (c) the age of the person at the time of occurrence of  
21 the criminal offense or offenses;

22 (d) the seriousness of the offense or offenses; and

23 (e) any information produced by the person or produced  
24 on his or her behalf in regard to his or her rehabilitation  
25 and good conduct that creates a presumption of  
26 rehabilitation.

1       For the purpose of issuance, renewal, or restoration of a  
2 license, completion of a sentence of imprisonment or discharge  
3 from probation, conditional discharge from probation, or  
4 periodic imprisonment shall be treated as evidence of  
5 rehabilitation so that all license rights and privileges  
6 granted under this Act, under consideration for issuance, or  
7 formerly revoked or suspended because of conviction of an  
8 offense are automatically restored unless the Department finds  
9 after investigation and consideration of guidelines provided  
10 in items (a) through (e) of this subsection (1.5) that  
11 restoration is not in the public interest.

12       The Department shall not consider non-conviction records,  
13 charges that did not result in conviction, or convictions that  
14 are not directly related to the profession for which a license  
15 is sought.

16       For the purposes of preliminary hearings and investigation  
17 in licensure determinations upon disclosure of a conviction  
18 history, the Department shall develop and implement policies  
19 that consider items (a) through (e) of this subsection (1.5)  
20 with suggestions as to evidence of rehabilitation provided in  
21 the previous paragraph of this Section.

22       (2) The determination by a circuit court that a license  
23 holder is subject to involuntary admission or judicial  
24 admission, as provided in the Mental Health and Developmental  
25 Disabilities Code, operates as an automatic suspension. Such  
26 suspension will end only upon a finding by a court that the

1 patient is no longer subject to involuntary admission or  
2 judicial admission, an order by the court so finding and  
3 discharging the patient, and the recommendation of the Board to  
4 the Director that the license holder be allowed to resume his  
5 or her practice.

6 (3) The Department may refuse to issue or take disciplinary  
7 action concerning the license of any person who fails to file a  
8 return, to pay the tax, penalty, or interest shown in a filed  
9 return, or to pay any final assessment of tax, penalty, or  
10 interest as required by any tax Act administered by the  
11 Department of Revenue, until such time as the requirements of  
12 any such tax Act are satisfied as determined by the Department  
13 of Revenue.

14 (4) In enforcing this Section, the Department, upon a  
15 showing of a possible violation, may compel any individual who  
16 is licensed under this Act or any individual who has applied  
17 for licensure to submit to a mental or physical examination or  
18 evaluation, or both, which may include a substance abuse or  
19 sexual offender evaluation, at the expense of the Department.  
20 The Department shall specifically designate the examining  
21 physician licensed to practice medicine in all of its branches  
22 or, if applicable, the multidisciplinary team involved in  
23 providing the mental or physical examination and evaluation.  
24 The multidisciplinary team shall be led by a physician licensed  
25 to practice medicine in all of its branches and may consist of  
26 one or more or a combination of physicians licensed to practice

1 medicine in all of its branches, licensed chiropractic  
2 physicians, licensed clinical psychologists, licensed clinical  
3 social workers, licensed clinical professional counselors, and  
4 other professional and administrative staff. Any examining  
5 physician or member of the multidisciplinary team may require  
6 any person ordered to submit to an examination and evaluation  
7 pursuant to this Section to submit to any additional  
8 supplemental testing deemed necessary to complete any  
9 examination or evaluation process, including, but not limited  
10 to, blood testing, urinalysis, psychological testing, or  
11 neuropsychological testing.

12 (5) 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 or applicant, including testimony  
20 concerning any supplemental testing or documents relating to  
21 the examination and evaluation. No information, report,  
22 record, or other documents in any way related to the  
23 examination and evaluation shall be excluded by reason of any  
24 common law or statutory privilege relating to communication  
25 between the licensee or applicant and the examining physician  
26 or any member of the multidisciplinary team. No authorization

1 is necessary from the licensee or applicant ordered to undergo  
2 an evaluation and examination for the examining physician or  
3 any member of the multidisciplinary team to provide  
4 information, reports, records, or other documents or to provide  
5 any testimony regarding the examination and evaluation. The  
6 individual to be examined may have, at his or her own expense,  
7 another physician of his or her choice present during all  
8 aspects of the examination.

9 (6) Failure of any individual to submit to mental or  
10 physical examination or evaluation, or both, when directed,  
11 shall result in an automatic suspension without hearing until  
12 such 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.

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

26 (8) Licensees affected under this Section shall be afforded

1 an opportunity to demonstrate to the Department that they can  
2 resume practice in compliance with acceptable and prevailing  
3 standards under the provisions of their license.

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

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

26 Notwithstanding the provisions of this subsection, the

1 Department may not refuse to issue a license to a potential  
2 licensee who is an obligor because the obligor's child support  
3 arrearage equals or exceeds the amount of child support payable  
4 for 12 months. When an occupational license is issued to an  
5 applicant to whom this paragraph applies, the Department shall  
6 send a written notice to the obligor following the issuance of  
7 a license, advising the obligor that the obligor's license may  
8 be revoked or suspended unless within 30 days of the postmarked  
9 date of the notice, the obligor demonstrates the inability to  
10 pay and enters into a reasonable payment plan.

11 The changes to this Act made by this amendatory Act of 1997  
12 apply only to disciplinary actions relating to events occurring  
13 after the effective date of this amendatory Act of 1997.

14 (Source: P.A. 99-469, eff. 8-26-15.)

15 Section 20. The Barber, Cosmetology, Esthetics, Hair  
16 Braiding, and Nail Technology Act of 1985 is amended by  
17 changing Section 4-7 as follows:

18 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 4-7. Refusal, suspension and revocation of licenses;  
21 causes; disciplinary action.

22 (1) The Department may refuse to issue or renew, and may  
23 suspend, revoke, place on probation, reprimand or take any  
24 other disciplinary or non-disciplinary action as the

1 Department may deem proper, including civil penalties not to  
2 exceed \$500 for each violation, with regard to any license for  
3 any one, or any combination, of the following causes:

4 a. Conviction of any crime under the laws of the United  
5 States or any state or territory thereof that is ~~(i)~~ a  
6 felony, ~~(ii) a misdemeanor,~~ an essential element of which  
7 is dishonesty, or that ~~(iii) a crime which~~ is directly  
8 related to the practice of the profession. The Department  
9 shall not deny a license to a potential licensee whose  
10 conviction history is directly related to the profession  
11 for which a license is sought if the Department has not  
12 considered mitigating factors provided in subsection (1.5)  
13 of this Section.

14 b. Conviction of any of the violations listed in  
15 Section 4-20.

16 c. Material misstatement in furnishing information to  
17 the Department.

18 d. Making any misrepresentation for the purpose of  
19 obtaining a license or violating any provision of this Act  
20 or its rules.

21 e. Aiding or assisting another person in violating any  
22 provision of this Act or its rules.

23 f. Failing, within 60 days, to provide information in  
24 response to a written request made by the Department.

25 g. Discipline by another state, territory, or country  
26 if at least one of the grounds for the discipline is the



1 same as or substantially equivalent to those set forth in  
2 this Act.

3 h. Practice in the barber, nail technology, esthetics,  
4 hair braiding, or cosmetology profession, or an attempt to  
5 practice in those professions, by fraudulent  
6 misrepresentation.

7 i. Gross malpractice or gross incompetency.

8 j. Continued practice by a person knowingly having an  
9 infectious or contagious disease.

10 k. Solicitation of professional services by using  
11 false or misleading advertising.

12 l. A finding by the Department that the licensee, after  
13 having his or her license placed on probationary status,  
14 has violated the terms of probation.

15 m. Directly or indirectly giving to or receiving from  
16 any person, firm, corporation, partnership or association  
17 any fee, commission, rebate, or other form of compensation  
18 for any professional services not actually or personally  
19 rendered.

20 n. Violating any of the provisions of this Act or rules  
21 adopted pursuant to this Act.

22 o. Willfully making or filing false records or reports  
23 relating to a licensee's practice, including but not  
24 limited to, false records filed with State agencies or  
25 departments.

26 p. Habitual or excessive use or addiction to alcohol,

1           narcotics, stimulants, or any other chemical agent or drug  
2           that results in the inability to practice with reasonable  
3           judgment, skill or safety.

4           q.     Engaging in dishonorable, unethical or  
5           unprofessional conduct of a character likely to deceive,  
6           defraud, or harm the public as may be defined by rules of  
7           the Department, or violating the rules of professional  
8           conduct which may be adopted by the Department.

9           r.     Permitting any person to use for any unlawful or  
10          fraudulent purpose one's diploma or license or certificate  
11          of registration as a cosmetologist, nail technician,  
12          esthetician, hair braider, or barber or cosmetology, nail  
13          technology, esthetics, hair braiding, or barber teacher or  
14          salon or shop or cosmetology clinic teacher.

15          s.     Being named as a perpetrator in an indicated report  
16          by the Department of Children and Family Services under the  
17          Abused and Neglected Child Reporting Act and upon proof by  
18          clear and convincing evidence that the licensee has caused  
19          a child to be an abused child or neglected child as defined  
20          in the Abused and Neglected Child Reporting Act.

21          t.     Operating a salon or shop without a valid  
22          registration.

23          u.     Failure to complete required continuing education  
24          hours.

25          (1.5) When issuing a license, the Department may consider  
26          an applicant's conviction or convictions but a prior conviction

1 or convictions alone may not be the basis for refusing to issue  
2 a license unless the crime for which he or she was convicted  
3 directly relates to the occupation for which the license is  
4 sought.

5 If the conviction or convictions are used as a basis for  
6 rejection of an application, it must be in writing and  
7 specifically state the evidence presented and reasons for  
8 rejection, which must be directly related to the licensed  
9 activity. The Department must consider:

10 (a) the bearing, if any, the criminal offenses or  
11 offenses for which the person was previously convicted will  
12 have on his or her fitness or ability to perform one or  
13 more such duties and responsibilities;

14 (b) the time which has elapsed since the occurrence of  
15 the criminal offense or offenses;

16 (c) the age of the person at the time of occurrence of  
17 the criminal offense or offenses;

18 (d) the seriousness of the offense or offenses; and

19 (e) any information produced by the person or produced  
20 on his or her behalf in regard to his or her rehabilitation  
21 and good conduct that creates a presumption of  
22 rehabilitation.

23 For the purpose of issuance, renewal, or restoration of a  
24 license, completion of a sentence of imprisonment or discharge  
25 from probation, conditional discharge from probation, or  
26 periodic imprisonment shall be treated as evidence of

1 rehabilitation so that all license rights and privileges  
2 granted under this Act, under consideration for issuance, or  
3 formerly revoked or suspended because of conviction of an  
4 offense are automatically restored unless the Department finds  
5 after investigation and consideration of guidelines provided  
6 in items (a) through (e) of this subsection (1.5) that  
7 restoration is not in the public interest.

8 The Department shall not consider non-conviction records,  
9 charges that did not result in conviction, or convictions that  
10 are not directly related to the profession for which a license  
11 is sought.

12 For the purposes of preliminary hearings and investigation  
13 in licensure determinations upon disclosure of a conviction  
14 history, the Department shall develop and implement policies  
15 that consider items (a) through (e) of this subsection (1.5)  
16 with suggestions as to evidence of rehabilitation provided in  
17 the previous paragraph of this Section.

18 (2) In rendering an order, the Secretary shall take into  
19 consideration the facts and circumstances involving the type of  
20 acts or omissions in paragraph (1) of this Section including,  
21 but not limited to:

22 (a) the extent to which public confidence in the  
23 cosmetology, nail technology, esthetics, hair braiding, or  
24 barbering profession was, might have been, or may be,  
25 injured;

26 (b) the degree of trust and dependence among the

1           involved parties;

2           (c) the character and degree of harm which did result  
3           or might have resulted;

4           (d) the intent or mental state of the licensee at the  
5           time of the acts or omissions.

6           (3) The Department may reissue the license or registration  
7           upon certification by the Board that the disciplined licensee  
8           or registrant has complied with all of the terms and conditions  
9           set forth in the final order or has been sufficiently  
10          rehabilitated to warrant the public trust.

11          (4) The Department shall refuse to issue or renew or  
12          suspend without hearing the license or certificate of  
13          registration of any person who fails to file a return, or to  
14          pay the tax, penalty or interest shown in a filed return, or to  
15          pay any final assessment of tax, penalty or interest, as  
16          required by any tax Act administered by the Illinois Department  
17          of Revenue, until such time as the requirements of any such tax  
18          Act are satisfied as determined by the Department of Revenue.

19          (5) The Department shall deny without hearing any  
20          application for a license or renewal of a license under this  
21          Act by a person who has defaulted on an educational loan  
22          guaranteed by the Illinois Student Assistance Commission;  
23          however, the Department may issue or renew a license if the  
24          person in default has established a satisfactory repayment  
25          record as determined by the Illinois Student Assistance  
26          Commission.

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

5           (7) In cases where the Department of Healthcare and Family  
6 Services (formerly Department of Public Aid) has previously  
7 determined that a licensee is more than 30 days delinquent in  
8 the payment of child support and has subsequently certified the  
9 delinquency to the Department, the Department may refuse to  
10 renew or may revoke or suspend that person's license or may  
11 take other disciplinary or non-disciplinary action against  
12 that person based upon the certification of delinquency made by  
13 the Department of Healthcare and Family Services in accordance  
14 with item (5) of subsection (a) of Section 2105-15 of the  
15 Department of Professional Law of the Civil Administrative Code  
16 of Illinois unless, upon notification, the licensee  
17 demonstrates an inability to pay and agrees to enter into a  
18 reasonable payment plan.

19           Notwithstanding the provisions of this subsection (7), the  
20 Department may not refuse to issue a license to a potential  
21 licensee who is an obligor because the obligor's child support  
22 arrearage equals or exceeds the amount of child support payable  
23 for 12 months. When an occupational license is issued to an  
24 applicant to whom this paragraph applies, the Department shall  
25 send a written notice to the obligor following the issuance of  
26 a license, advising the obligor that the obligor's license may

1 be revoked or suspended unless within 30 days of the postmarked  
2 date of the notice, the obligor demonstrates the inability to  
3 pay and enters into a reasonable payment plan.

4 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)