



Rep. Marcus C. Evans, Jr.

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LRB099 19442 SMS 47180 a

1 AMENDMENT TO HOUSE BILL 5973

2 AMENDMENT NO. _____. Amend House Bill 5973 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of 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

1 Industry Licensing Act, the Barber, Cosmetology, Esthetics,
2 Hair Braiding, and Nail Technology Act of 1985, the Illinois
3 Public Accounting Act, and the Real Estate License Act of 2000,
4 the Department shall include formal actions, including a
5 refusal to issue a license to a potential licensee with a
6 positive conviction history for professions covered by the
7 license, in its publication of disciplinary actions. The
8 publication of disciplinary actions shall include a summary of:

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

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

13 (3) the average time elapsed since the latest
14 conviction of potential licensees who were refused a
15 license and of potential licensees with a positive
16 conviction history who were issued a license;

17 (4) the number of potential licensees who had a
18 Certificate of Relief from Disabilities, issuance of which
19 is authorized for the license by Section 5-5-5 of the
20 Unified Code of Corrections; and

21 (5) the number of potential licensees with a
22 Certificate of Relief from Disabilities who were refused a
23 license.

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

25 Section 10. The Funeral Directors and Embalmers Licensing

1 Code is amended by changing Section 15-75 as follows:

2 (225 ILCS 41/15-75)

3 (Section scheduled to be repealed on January 1, 2023)

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

5 (a) Each of the following acts is a Class A misdemeanor for
6 the first offense, and a Class 4 felony for each subsequent
7 offense. These penalties shall also apply to unlicensed owners
8 of funeral homes.

9 (1) Practicing the profession of funeral directing and
10 embalming or funeral directing, or attempting to practice
11 the profession of funeral directing and embalming or
12 funeral directing without a license as a funeral director
13 and embalmer or funeral director.

14 (2) Serving or attempting to serve as an intern under a
15 licensed funeral director and embalmer without a license as
16 a licensed funeral director and embalmer intern.

17 (3) Obtaining or attempting to obtain a license,
18 practice or business, or any other thing of value, by fraud
19 or misrepresentation.

20 (4) Permitting any person in one's employ, under one's
21 control or in or under one's service to serve as a funeral
22 director and embalmer, funeral director, or funeral
23 director and embalmer intern when the person does not have
24 the appropriate license.

25 (5) Failing to display a license as required by this

1 Code.

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

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

11 (1) Fraud or any misrepresentation in applying for or
12 procuring a license under this Code or in connection with
13 applying for renewal of a license under this Code.

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

1 Section.

2 (3) Violation of the laws of this State relating to the
3 funeral, burial or disposition of deceased human bodies or
4 of the rules and regulations of the Department, or the
5 Department of Public Health.

6 (4) Directly or indirectly paying or causing to be paid
7 any sum of money or other valuable consideration for the
8 securing of business or for obtaining authority to dispose
9 of any deceased human body.

10 (5) Professional incompetence, gross negligence,
11 malpractice, or untrustworthiness in the practice of
12 funeral directing and embalming or funeral directing.

13 (6) (Blank).

14 (7) Engaging in, promoting, selling, or issuing burial
15 contracts, burial certificates, or burial insurance
16 policies in connection with the profession as a funeral
17 director and embalmer, funeral director, or funeral
18 director and embalmer intern in violation of any laws of
19 the State of Illinois.

20 (8) Refusing, without cause, to surrender the custody
21 of a deceased human body upon the proper request of the
22 person or persons lawfully entitled to the custody of the
23 body.

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

26 (10) Engaging in funeral directing and embalming or

1 funeral directing without a license.

2 (11) Encouraging, requesting, or suggesting by a
3 licensee or some person working on his behalf and with his
4 consent for compensation that a person utilize the services
5 of a certain funeral director and embalmer, funeral
6 director, or funeral establishment unless that information
7 has been expressly requested by the person. This does not
8 prohibit general advertising or pre-need solicitation.

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

14 (13) (Blank).

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

25 (15) Making a false statement on a Certificate of Death
26 where the person making the statement knew or should have

1 known that the statement was false.

2 (16) Soliciting human bodies after death or while death
3 is imminent.

4 (17) Performing any act or practice that is a violation
5 of this Code, the rules for the administration of this
6 Code, or any federal, State or local laws, rules, or
7 regulations governing the practice of funeral directing or
8 embalming.

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

12 (19) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud or harm the public.

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

21 (21) Advertising in a false or misleading manner or
22 advertising using the name of an unlicensed person in
23 connection with any service being rendered in the practice
24 of funeral directing or funeral directing and embalming.
25 The use of any name of an unlicensed or unregistered person
26 in an advertisement so as to imply that the person will

1 perform services is considered misleading advertising.
2 Nothing in this paragraph shall prevent including the name
3 of any owner, officer or corporate director of a funeral
4 home, who is not a licensee, in any advertisement used by a
5 funeral home with which the individual is affiliated, if
6 the advertisement specifies the individual's affiliation
7 with the funeral home.

8 (22) Charging for professional services not rendered,
9 including filing false statements for the collection of
10 fees for which services are not rendered.

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

14 (24) Treating any person differently to his detriment
15 because of race, color, creed, gender, religion, or
16 national origin.

17 (25) Knowingly making any false statements, oral or
18 otherwise, of a character likely to influence, persuade or
19 induce others in the course of performing professional
20 services or activities.

21 (26) Willfully making or filing false records or
22 reports in the practice of funeral directing and embalming,
23 including, but not limited to, false records filed with
24 State agencies or departments.

25 (27) Failing to acquire continuing education required
26 under this Code.

1 (28) (Blank).

2 (29) Aiding or assisting another person in violating
3 any provision of this Code or rules adopted pursuant to
4 this Code.

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

7 (31) Discipline by another state, District of
8 Columbia, territory, foreign nation, or governmental
9 agency, if at least one of the grounds for the discipline
10 is the same or substantially equivalent to those set forth
11 in this Section.

12 (32) (Blank).

13 (33) Mental illness or disability which results in the
14 inability to practice the profession with reasonable
15 judgment, skill, or safety.

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

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

23 (36) Failing to comply with any of the following
24 required activities:

25 (A) When reasonably possible, a funeral director
26 licensee or funeral director and embalmer licensee or

1 anyone acting on his or her behalf shall obtain the
2 express authorization of the person or persons
3 responsible for making the funeral arrangements for a
4 deceased human body prior to removing a body from the
5 place of death or any place it may be or embalming or
6 attempting to embalm a deceased human body, unless
7 required by State or local law. This requirement is
8 waived whenever removal or embalming is directed by
9 local authorities who have jurisdiction. If the
10 responsibility for the handling of the remains
11 lawfully falls under the jurisdiction of a public
12 agency, then the regulations of the public agency shall
13 prevail.

14 (B) A licensee shall clearly mark the price of any
15 casket offered for sale or the price of any service
16 using the casket on or in the casket if the casket is
17 displayed at the funeral establishment. If the casket
18 is displayed at any other location, regardless of
19 whether the licensee is in control of that location,
20 the casket shall be clearly marked and the registrant
21 shall use books, catalogues, brochures, or other
22 printed display aids to show the price of each casket
23 or service.

24 (C) At the time funeral arrangements are made and
25 prior to rendering the funeral services, a licensee
26 shall furnish a written statement of services to be

1 retained by the person or persons making the funeral
2 arrangements, signed by both parties, that shall
3 contain: (i) the name, address and telephone number of
4 the funeral establishment and the date on which the
5 arrangements were made; (ii) the price of the service
6 selected and the services and merchandise included for
7 that price; (iii) a clear disclosure that the person or
8 persons making the arrangement may decline and receive
9 credit for any service or merchandise not desired and
10 not required by law or the funeral director or the
11 funeral director and embalmer; (iv) the supplemental
12 items of service and merchandise requested and the
13 price of each item; (v) the terms or method of payment
14 agreed upon; and (vi) a statement as to any monetary
15 advances made by the registrant on behalf of the
16 family. The licensee shall maintain a copy of the
17 written statement of services in its permanent
18 records. All written statements of services are
19 subject to inspection by the Department.

20 (D) In all instances where the place of final
21 disposition of a deceased human body or the cremated
22 remains of a deceased human body is a cemetery, the
23 licensed funeral director and embalmer, or licensed
24 funeral director, who has been engaged to provide
25 funeral or embalming services shall remain at the
26 cemetery and personally witness the placement of the

1 human remains in their designated grave or the sealing
2 of the above ground depository, crypt, or urn. The
3 licensed funeral director or licensed funeral director
4 and embalmer may designate a licensed funeral director
5 and embalmer intern or representative of the funeral
6 home to be his or her witness to the placement of the
7 remains. If the cemetery authority, cemetery manager,
8 or any other agent of the cemetery takes any action
9 that prevents compliance with this paragraph (D), then
10 the funeral director and embalmer or funeral director
11 shall provide written notice to the Department within 5
12 business days after failing to comply. If the
13 Department receives this notice, then the Department
14 shall not take any disciplinary action against the
15 funeral director and embalmer or funeral director for a
16 violation of this paragraph (D) unless the Department
17 finds that the cemetery authority, manager, or any
18 other agent of the cemetery did not prevent the funeral
19 director and embalmer or funeral director from
20 complying with this paragraph (D) as claimed in the
21 written notice.

22 (E) A funeral director or funeral director and
23 embalmer shall fully complete the portion of the
24 Certificate of Death under the responsibility of the
25 funeral director or funeral director and embalmer and
26 provide all required information. In the event that any

1 reported information subsequently changes or proves
2 incorrect, a funeral director or funeral director and
3 embalmer shall immediately upon learning the correct
4 information correct the Certificate of Death.

5 (37) A finding by the Department that the license,
6 after having his or her license placed on probationary
7 status or subjected to conditions or restrictions,
8 violated the terms of the probation or failed to comply
9 with such terms or conditions.

10 (38) (Blank).

11 (39) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 pursuant to the Abused and Neglected Child Reporting Act
14 and, upon proof by clear and convincing evidence, being
15 found to have caused a child to be an abused child or
16 neglected child as defined in the Abused and Neglected
17 Child Reporting Act.

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

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

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

26 (b-5) When issuing a license, the Department may consider

1 an applicant's conviction or convictions but a prior conviction
2 or convictions alone may not be the basis for refusing to issue
3 a license unless the crime for which he or she was convicted
4 directly relates to the occupation for which the license is
5 sought.

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

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

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

17 (3) the age of the person at the time of occurrence of
18 the criminal offense or offenses;

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

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

24 For the purpose of issuance, renewal, or restoration of a
25 license, completion of a sentence of imprisonment or discharge
26 from probation, conditional discharge from probation, or

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

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

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

19 (c) The Department may refuse to issue or renew or may
20 suspend without a hearing, as provided for in the Department of
21 Professional Regulation Law of the Civil Administrative Code of
22 Illinois, the license of any person who fails to file a return,
23 to pay the tax, penalty or interest shown in a filed return, or
24 to pay any final assessment of tax, penalty or interest as
25 required by any tax Act administered by the Illinois Department
26 of Revenue, until the time as the requirements of the tax Act

1 are satisfied in accordance with subsection (g) of Section
2 2105-15 of the Department of Professional Regulation Law of the
3 Civil Administrative Code of Illinois.

4 (d) No action may be taken under this Code against a person
5 licensed under this Code unless the action is commenced within
6 5 years after the occurrence of the alleged violations. A
7 continuing violation shall be deemed to have occurred on the
8 date when the circumstances last existed that give rise to the
9 alleged violation.

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

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

22 (g) The Department shall deny a license or renewal
23 authorized by this Code to a person who has defaulted on an
24 educational loan or scholarship provided or guaranteed by the
25 Illinois Student Assistance Commission or any governmental
26 agency of this State in accordance with item (5) of subsection

1 (a) of Section 2105-15 of the Department of Professional
2 Regulation Law of the Civil Administrative Code of Illinois.

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

17 Notwithstanding the provisions of this subsection, the
18 Department may not refuse to issue a license to a potential
19 licensee who is an obligor because the obligor's child support
20 arrearage equals or exceeds the amount of child support payable
21 for 12 months. When an occupational license is issued to an
22 applicant to whom this paragraph applies, the Department shall
23 send a written notice to the obligor following the issuance of
24 a license, advising the obligor that the obligor's license may
25 be revoked or suspended unless within 30 days of the postmarked
26 date of the notice, the obligor demonstrates the inability to

1 pay and enters into a reasonable payment plan.

2 (i) A person not licensed under this Code who is an owner
3 of a funeral establishment or funeral business shall not aid,
4 abet, assist, procure, advise, employ, or contract with any
5 unlicensed person to offer funeral services or aid, abet,
6 assist, or direct any licensed person contrary to or in
7 violation of any rules or provisions of this Code. A person
8 violating this subsection shall be treated as a licensee for
9 the purposes of disciplinary action under this Section and
10 shall be subject to cease and desist orders as provided in this
11 Code, the imposition of a fine up to \$10,000 for each violation
12 and any other penalty provided by law.

13 (j) The determination by a circuit court that a licensee is
14 subject to involuntary admission or judicial admission as
15 provided in the Mental Health and Developmental Disabilities
16 Code, as amended, operates as an automatic suspension. The
17 suspension may end only upon a finding by a court that the
18 licensee is no longer subject to the involuntary admission or
19 judicial admission and issues an order so finding and
20 discharging the licensee, and upon the recommendation of the
21 Board to the Secretary that the licensee be allowed to resume
22 his or her practice.

23 (k) In enforcing this Code, the Department, upon a showing
24 of a possible violation, may compel an individual licensed to
25 practice under this Code, or who has applied for licensure
26 under this Code, to submit to a mental or physical examination,

1 or both, as required by and at the expense of the Department.
2 The Department may order the examining physician to present
3 testimony concerning the mental or physical examination of the
4 licensee or applicant. No information shall be excluded by
5 reason of any common law or statutory privilege relating to
6 communications between the licensee or applicant and the
7 examining physician. The examining physician shall be
8 specifically designated by the Department. The individual to be
9 examined may have, at his or her own expense, another physician
10 of his or her choice present during all aspects of this
11 examination. The examination shall be performed by a physician
12 licensed to practice medicine in all its branches. Failure of
13 an individual to submit to a mental or physical examination,
14 when directed, shall result in an automatic suspension without
15 hearing.

16 A person holding a license under this Code or who has
17 applied for a license under this Code who, because of a
18 physical or mental illness or disability, including, but not
19 limited to, deterioration through the aging process or loss of
20 motor skill, is unable to practice the profession with
21 reasonable judgment, skill, or safety, may be required by the
22 Department to submit to care, counseling, or treatment by
23 physicians approved or designated by the Department as a
24 condition, term, or restriction for continued, reinstated, or
25 renewed licensure to practice. Submission to care, counseling,
26 or treatment as required by the Department shall not be

1 considered discipline of a license. If the licensee refuses to
2 enter into a care, counseling, or treatment agreement or fails
3 to abide by the terms of the agreement, the Department may file
4 a complaint to revoke, suspend, or otherwise discipline the
5 license of the individual. The Secretary may order the license
6 suspended immediately, pending a hearing by the Department.
7 Fines shall not be assessed in disciplinary actions involving
8 physical or mental illness or impairment.

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

18 An individual licensed under this Code and affected under
19 this Section shall be afforded an opportunity to demonstrate to
20 the Department that he or she can resume practice in compliance
21 with acceptable and prevailing standards under the provisions
22 of his or her license.

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

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

1 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

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

3 Sec. 9.1. Grounds for disciplinary action.

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

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

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

24 (c) fraud or any misrepresentation in applying for or
25 procuring a license under this Act, or in connection with

1 applying for renewal of a license under this Act;

2 (d) professional incompetence or gross negligence in
3 the practice of roofing contracting, prima facie evidence
4 of which may be a conviction or judgment in any court of
5 competent jurisdiction against an applicant or licensee
6 relating to the practice of roofing contracting or the
7 construction of a roof or repair thereof that results in
8 leakage within 90 days after the completion of such work;

9 (e) (blank);

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

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

14 (h) engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public;

17 (i) habitual or excessive use or abuse of controlled
18 substances, as defined by the Illinois Controlled
19 Substances Act, alcohol, or any other substance that
20 results in the inability to practice with reasonable
21 judgment, skill, or safety;

22 (j) discipline by another state, unit of government, or
23 government agency, the District of Columbia, a territory,
24 or a foreign nation, if at least one of the grounds for the
25 discipline is the same or substantially equivalent to those
26 set forth in this Section;

1 (k) directly or indirectly giving to or receiving from
2 any person, firm, corporation, partnership, or association
3 any fee, commission, rebate, or other form of compensation
4 for any professional services not actually or personally
5 rendered;

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

9 (m) a finding by any court of competent jurisdiction,
10 either within or without this State, of any violation of
11 any law governing the practice of roofing contracting, if
12 the Department determines, after investigation, that such
13 person has not been sufficiently rehabilitated to warrant
14 the public trust;

15 (n) willfully making or filing false records or reports
16 in the practice of roofing contracting, including, but not
17 limited to, false records filed with the State agencies or
18 departments;

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

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

25 (q) (blank);

26 (r) (blank);

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

3 (t) physical or mental disability, including
4 deterioration through the aging process or loss of
5 abilities and skills that result in an inability to
6 practice the profession with reasonable judgment, skill,
7 or safety;

8 (u) material misstatement in furnishing information to
9 the Department or to any other State agency;

10 (v) (blank);

11 (w) advertising in any manner that is false,
12 misleading, or deceptive;

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

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

17 (z) engaging in the practice of roofing contracting, as
18 defined in this Act, with a suspended, revoked, or
19 cancelled license;

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

23 (bb) knowingly making any false statement, oral,
24 written, or otherwise, of a character likely to influence,
25 persuade, or induce others in the course of obtaining or
26 performing roofing contracting services;

1 (cc) violation of any final administrative action of
2 the Secretary;

3 (dd) allowing the use of his or her roofing license by
4 an unlicensed roofing contractor for the purposes of
5 providing roofing or waterproofing services; or

6 (ee) (blank);

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

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

11 (1.5) When issuing a license, the Department may consider
12 an applicant's conviction or convictions but a prior conviction
13 or convictions alone may not be the basis for refusing to issue
14 a license unless the crime for which he or she was convicted
15 directly relates to the occupation for which the license is
16 sought.

17 If the conviction or convictions are used as a basis for
18 rejection of an application, it must be in writing and
19 specifically state the evidence presented and reasons for
20 rejection, which must be directly related to the licensed
21 activity. The Department must consider:

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

26 (b) the time which has elapsed since the occurrence of

1 the criminal offense or offenses;

2 (c) the age of the person at the time of occurrence of
3 the criminal offense or offenses;

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

5 (e) any information produced by the person or produced
6 on his or her behalf in regard to his or her rehabilitation
7 and good conduct that creates a presumption of
8 rehabilitation.

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

20 The Department shall not consider non-conviction records,
21 charges that did not result in conviction, or convictions that
22 are not directly related to the profession for which a license
23 is sought.

24 For the purposes of preliminary hearings and investigation
25 in licensure determinations upon disclosure of a conviction
26 history, the Department shall develop and implement policies

1 that consider items (a) through (e) of this subsection (1.5)
2 with suggestions as to evidence of rehabilitation provided in
3 the previous paragraph of this Section.

4 (2) The determination by a circuit court that a license
5 holder is subject to involuntary admission or judicial
6 admission, as provided in the Mental Health and Developmental
7 Disabilities Code, operates as an automatic suspension. Such
8 suspension will end only upon a finding by a court that the
9 patient is no longer subject to involuntary admission or
10 judicial admission, an order by the court so finding and
11 discharging the patient, and the recommendation of the Board to
12 the Director that the license holder be allowed to resume his
13 or her practice.

14 (3) The Department may refuse to issue or take disciplinary
15 action concerning the license of any person who fails to file a
16 return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay any final assessment of tax, penalty, or
18 interest as required by any tax Act administered by the
19 Department of Revenue, until such time as the requirements of
20 any such tax Act are satisfied as determined by the Department
21 of Revenue.

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

1 sexual offender evaluation, at the expense of the Department.
2 The Department shall specifically designate the examining
3 physician licensed to practice medicine in all of its branches
4 or, if applicable, the multidisciplinary team involved in
5 providing the mental or physical examination and evaluation.
6 The multidisciplinary team shall be led by a physician licensed
7 to practice medicine in all of its branches and may consist of
8 one or more or a combination of physicians licensed to practice
9 medicine in all of its branches, licensed chiropractic
10 physicians, licensed clinical psychologists, licensed clinical
11 social workers, licensed clinical professional counselors, and
12 other professional and administrative staff. Any examining
13 physician or member of the multidisciplinary team may require
14 any person ordered to submit to an examination and evaluation
15 pursuant to this Section to submit to any additional
16 supplemental testing deemed necessary to complete any
17 examination or evaluation process, including, but not limited
18 to, blood testing, urinalysis, psychological testing, or
19 neuropsychological testing.

20 (5) The Department may order the examining physician or any
21 member of the multidisciplinary team to provide to the
22 Department any and all records, including business records,
23 that relate to the examination and evaluation, including any
24 supplemental testing performed. The Department may order the
25 examining physician or any member of the multidisciplinary team
26 to present testimony concerning this examination and

1 evaluation of the licensee or applicant, including testimony
2 concerning any supplemental testing or documents relating to
3 the examination and evaluation. No information, report,
4 record, or other documents in any way related to the
5 examination and evaluation shall be excluded by reason of any
6 common law or statutory privilege relating to communication
7 between the licensee or applicant and the examining physician
8 or any member of the multidisciplinary team. No authorization
9 is necessary from the licensee or applicant ordered to undergo
10 an evaluation and examination for the examining physician or
11 any member of the multidisciplinary team to provide
12 information, reports, records, or other documents or to provide
13 any testimony regarding the examination and evaluation. The
14 individual to be examined may have, at his or her own expense,
15 another physician of his or her choice present during all
16 aspects of the examination.

17 (6) Failure of any individual to submit to mental or
18 physical examination or evaluation, or both, when directed,
19 shall result in an automatic suspension without hearing until
20 such time as the individual submits to the examination. If the
21 Department finds a licensee unable to practice because of the
22 reasons set forth in this Section, the Department shall require
23 the licensee to submit to care, counseling, or treatment by
24 physicians approved or designated by the Department as a
25 condition for continued, reinstated, or renewed licensure.

26 (7) When the Secretary immediately suspends a license under

1 this Section, a hearing upon such person's license must be
2 convened by the Department within 15 days after the suspension
3 and completed without appreciable delay. The Department shall
4 have the authority to review the licensee's record of treatment
5 and counseling regarding the impairment to the extent permitted
6 by applicable federal statutes and regulations safeguarding
7 the confidentiality of medical records.

8 (8) Licensees affected under this Section shall be afforded
9 an opportunity to demonstrate to the Department that they can
10 resume practice in compliance with acceptable and prevailing
11 standards under the provisions of their license.

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

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

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

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

19 The changes to this Act made by this amendatory Act of 1997
20 apply only to disciplinary actions relating to events occurring
21 after the effective date of this amendatory Act of 1997.

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

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

1 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

5 (1) The Department may refuse to issue or renew, and may
6 suspend, revoke, place on probation, reprimand or take any
7 other disciplinary or non-disciplinary action as the
8 Department may deem proper, including civil penalties not to
9 exceed \$500 for each violation, with regard to any license for
10 any one, or any combination, of the following causes:

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

21 b. Conviction of any of the violations listed in
22 Section 4-20.

23 c. Material misstatement in furnishing information to
24 the Department.

25 d. Making any misrepresentation for the purpose of

1 obtaining a license or violating any provision of this Act
2 or its rules.

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

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

7 g. Discipline by another state, territory, or country
8 if at least one of the grounds for the discipline is the
9 same as or substantially equivalent to those set forth in
10 this Act.

11 h. Practice in the barber, nail technology, esthetics,
12 hair braiding, or cosmetology profession, or an attempt to
13 practice in those professions, by fraudulent
14 misrepresentation.

15 i. Gross malpractice or gross incompetency.

16 j. Continued practice by a person knowingly having an
17 infectious or contagious disease.

18 k. Solicitation of professional services by using
19 false or misleading advertising.

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

23 m. Directly or indirectly giving to or receiving from
24 any person, firm, corporation, partnership or association
25 any fee, commission, rebate, or other form of compensation
26 for any professional services not actually or personally

1 rendered.

2 n. Violating any of the provisions of this Act or rules
3 adopted pursuant to this Act.

4 o. Willfully making or filing false records or reports
5 relating to a licensee's practice, including but not
6 limited to, false records filed with State agencies or
7 departments.

8 p. Habitual or excessive use or addiction to alcohol,
9 narcotics, stimulants, or any other chemical agent or drug
10 that results in the inability to practice with reasonable
11 judgment, skill or safety.

12 q. Engaging in dishonorable, unethical or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public as may be defined by rules of
15 the Department, or violating the rules of professional
16 conduct which may be adopted by the Department.

17 r. Permitting any person to use for any unlawful or
18 fraudulent purpose one's diploma or license or certificate
19 of registration as a cosmetologist, nail technician,
20 esthetician, hair braider, or barber or cosmetology, nail
21 technology, esthetics, hair braiding, or barber teacher or
22 salon or shop or cosmetology clinic teacher.

23 s. Being named as a perpetrator in an indicated report
24 by the Department of Children and Family Services under the
25 Abused and Neglected Child Reporting Act and upon proof by
26 clear and convincing evidence that the licensee has caused

1 a child to be an abused child or neglected child as defined
2 in the Abused and Neglected Child Reporting Act.

3 t. Operating a salon or shop without a valid
4 registration.

5 u. Failure to complete required continuing education
6 hours.

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

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

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

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

24 (c) the age of the person at the time of occurrence of
25 the criminal offense or offenses;

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

1 (e) any information produced by the person or produced
2 on his or her behalf in regard to his or her rehabilitation
3 and good conduct that creates a presumption of
4 rehabilitation.

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

16 The Department shall not consider non-conviction records,
17 charges that did not result in conviction, or convictions that
18 are not directly related to the profession for which a license
19 is sought.

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

26 (2) In rendering an order, the Secretary shall take into

1 consideration the facts and circumstances involving the type of
2 acts or omissions in paragraph (1) of this Section including,
3 but not limited to:

4 (a) the extent to which public confidence in the
5 cosmetology, nail technology, esthetics, hair braiding, or
6 barbering profession was, might have been, or may be,
7 injured;

8 (b) the degree of trust and dependence among the
9 involved parties;

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

12 (d) the intent or mental state of the licensee at the
13 time of the acts or omissions.

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

19 (4) The Department shall refuse to issue or renew or
20 suspend without hearing the license or certificate of
21 registration of any person who fails to file a return, or to
22 pay the tax, penalty or interest shown in a filed return, or to
23 pay any final assessment of tax, penalty or interest, as
24 required by any tax Act administered by the Illinois Department
25 of Revenue, until such time as the requirements of any such tax
26 Act are satisfied as determined by the Department of Revenue.

1 (5) The Department shall deny without hearing any
2 application for a license or renewal of a license under this
3 Act by a person who has defaulted on an educational loan
4 guaranteed by the Illinois Student Assistance Commission;
5 however, the Department may issue or renew a license if the
6 person in default has established a satisfactory repayment
7 record as determined by the Illinois Student Assistance
8 Commission.

9 (6) All fines imposed under this Section shall be paid
10 within 60 days after the effective date of the order imposing
11 the fine or in accordance with the terms set forth in the order
12 imposing the fine.

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

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

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

13 Section 25. The Illinois Public Accounting Act is amended
14 by changing Section 20.01 as follows:

15 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 20.01. Grounds for discipline; license or
18 registration.

19 (a) The Department may refuse to issue or renew, or may
20 revoke, suspend, or reprimand any registration or registrant,
21 any license or licensee, place a licensee or registrant on
22 probation for a period of time subject to any conditions the
23 Department may specify including requiring the licensee or
24 registrant to attend continuing education courses or to work

1 under the supervision of another licensee or registrant, impose
2 a fine not to exceed \$10,000 for each violation, restrict the
3 authorized scope of practice, require a licensee or registrant
4 to undergo a peer review program, assess costs as provided for
5 under Section 20.4, or take other disciplinary or
6 non-disciplinary action for any one or more of the following:

7 (1) Violation of any provision of this Act or rule
8 adopted by the Department under this Act or violation of
9 professional standards.

10 (2) Dishonesty, fraud, or deceit in obtaining,
11 reinstating, or restoring a license or registration.

12 (3) Cancellation, revocation, suspension, denial of
13 licensure or registration, or refusal to renew a license or
14 privileges under Section 5.2 for disciplinary reasons in
15 any other U.S. jurisdiction, unit of government, or
16 government agency for any cause.

17 (4) Failure, on the part of a licensee under Section 13
18 or registrant under Section 16, to maintain compliance with
19 the requirements for issuance or renewal of a license or
20 registration or to report changes to the Department.

21 (5) Revocation or suspension of the right to practice
22 by or before any state or federal regulatory authority or
23 by the Public Company Accounting Oversight Board.

24 (6) Dishonesty, fraud, deceit, or gross negligence in
25 the performance of services as a licensee or registrant or
26 individual granted privileges under Section 5.2.

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

14 (8) Performance of any fraudulent act while holding a
15 license or privilege issued under this Act or prior law.

16 (9) Practicing on a revoked, suspended, or inactive
17 license or registration.

18 (10) Making or filing a report or record that the
19 registrant or licensee knows to be false, willfully failing
20 to file a report or record required by State or federal
21 law, willfully impeding or obstructing the filing or
22 inducing another person to impede or obstruct only those
23 that are signed in the capacity of a licensed CPA or a
24 registered CPA.

25 (11) Aiding or assisting another person in violating
26 any provision of this Act or rules promulgated hereunder.

1 (12) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public.

4 (13) Habitual or excessive use or abuse of drugs,
5 alcohol, narcotics, stimulants, or any other substance
6 that results in the inability to practice with reasonable
7 skill, judgment, or safety.

8 (14) Directly or indirectly giving to or receiving from
9 any person, firm, corporation, partnership, or association
10 any fee, commission, rebate, or other form of compensation
11 for any professional service not actually rendered.

12 (15) Physical illness, including, but not limited to,
13 deterioration through the aging process or loss of motor
14 skill that results in the licensee or registrant's
15 inability to practice under this Act with reasonable
16 judgment, skill, or safety.

17 (16) Solicitation of professional services by using
18 false or misleading advertising.

19 (17) Any conduct reflecting adversely upon the
20 licensee's fitness to perform services while a licensee or
21 individual granted privileges under Section 5.2.

22 (18) Practicing or attempting to practice under a name
23 other than the full name as shown on the license or
24 registration or any other legally authorized name.

25 (19) A finding by the Department that a licensee or
26 registrant has not complied with a provision of any lawful

1 order issued by the Department.

2 (20) Making a false statement to the Department
3 regarding compliance with continuing professional
4 education or peer review requirements.

5 (21) Failing to make a substantive response to a
6 request for information by the Department within 30 days of
7 the request.

8 (a-5) When issuing a license, the Department may consider
9 an applicant's conviction or convictions but a prior conviction
10 or convictions alone may not be the basis for refusing to issue
11 a license unless the crime for which he or she was convicted
12 directly relates to the occupation for which the license is
13 sought.

14 If the conviction or convictions are used as a basis for
15 rejection of an application, it must be in writing and
16 specifically state the evidence presented and reasons for
17 rejection, which must be directly related to the licensed
18 activity. The Department must consider:

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

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

25 (3) the age of the person at the time of occurrence of
26 the criminal offense or offenses;

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

2 (5) any information produced by the person or produced
3 on his or her behalf in regard to his or her rehabilitation
4 and good conduct that creates a presumption of
5 rehabilitation.

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

17 The Department shall not consider non-conviction records,
18 charges that did not result in conviction, or convictions that
19 are not directly related to the profession for which a license
20 is sought.

21 For the purposes of preliminary hearings and investigation
22 in licensure determinations upon disclosure of a conviction
23 history, the Department shall develop and implement policies
24 that consider items (1) through (5) of this subsection (a-5)
25 with suggestions as to evidence of rehabilitation provided in
26 the previous paragraph of this Section.

1 (b) (Blank).

2 (b-5) All fines or costs imposed under this Section shall
3 be paid within 60 days after the effective date of the order
4 imposing the fine or costs or in accordance with the terms set
5 forth in the order imposing the fine or cost.

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

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

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

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

16 (e) The Department shall deny any application for a
17 license, registration, or renewal, without hearing, to any
18 person who has defaulted on an educational loan guaranteed by
19 the Illinois Student Assistance Commission; however, the
20 Department may issue a license, registration, or renewal if the
21 person in default has established a satisfactory repayment
22 record as determined by the Illinois Student Assistance
23 Commission.

24 (f) The determination by a court that a licensee or
25 registrant is subject to involuntary admission or judicial
26 admission as provided in the Mental Health and Developmental

1 Disabilities Code will result in the automatic suspension of
2 his or her license or registration. The licensee or registrant
3 shall be responsible for notifying the Department of the
4 determination by the court that the licensee or registrant is
5 subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code. The suspension shall end only upon a finding by a court
8 that the patient is no longer subject to involuntary admission
9 or judicial admission, the issuance of an order so finding and
10 discharging the patient, and the filing of a petition for
11 restoration demonstrating fitness to practice.

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

1 licensed clinical social workers, licensed clinical
2 professional counselors, and other professional and
3 administrative staff. Any examining physician or member of the
4 multidisciplinary team may require any person ordered to submit
5 to an examination and evaluation under this Section to submit
6 to any additional supplemental testing deemed necessary to
7 complete any examination or evaluation process, including, but
8 not limited to, blood testing, urinalysis, psychological
9 testing, or neuropsychological testing. The Department may
10 order the examining physician or any member of the
11 multidisciplinary team to provide to the Department any and all
12 records, including business records, that relate to the
13 examination and evaluation, including any supplemental testing
14 performed. The Department may order the examining physician or
15 any member of the multidisciplinary team to present testimony
16 concerning this examination and evaluation of the licensee,
17 registrant, or applicant, including testimony concerning any
18 supplemental testing or documents relating to the examination
19 and evaluation. No information, report, record, or other
20 documents in any way related to the examination and evaluation
21 shall be excluded by reason of any common law or statutory
22 privilege relating to communication between the licensee,
23 registrant, or applicant and the examining physician or any
24 member of the multidisciplinary team. No authorization is
25 necessary from the individual ordered to undergo an evaluation
26 and examination for the examining physician or any member of

1 the multidisciplinary team to provide information, reports,
2 records, or other documents or to provide any testimony
3 regarding the examination and evaluation.

4 The individual to be examined may have, at his or her own
5 expense, another physician of his or her choice present during
6 all aspects of the examination. Failure of any individual to
7 submit to mental or physical examination and evaluation, or
8 both, when directed, shall result in an automatic suspension,
9 without hearing, until such time as the individual submits to
10 the examination. If the Department finds a licensee,
11 registrant, or applicant unable to practice because of the
12 reasons set forth in this Section, the Department shall require
13 such licensee, registrant, or applicant to submit to care,
14 counseling, or treatment by physicians approved or designated
15 by the Department, as a condition for continued, reinstated, or
16 renewed licensure to practice.

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

26 Individuals licensed or registered under this Act,

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

5 (Source: P.A. 98-254, eff. 8-9-13.)

6 Section 30. The Real Estate License Act of 2000 is amended
7 by changing Section 20-20 as follows:

8 (225 ILCS 454/20-20)

9 (Section scheduled to be repealed on January 1, 2020)

10 Sec. 20-20. Grounds for discipline.

11 (a) The Department may refuse to issue or renew a license,
12 may place on probation, suspend, or revoke any license,
13 reprimand, or take any other disciplinary or non-disciplinary
14 action as the Department may deem proper and impose a fine not
15 to exceed \$25,000 upon any licensee or applicant under this Act
16 or any person who holds himself or herself out as an applicant
17 or licensee or against a licensee in handling his or her own
18 property, whether held by deed, option, or otherwise, for any
19 one or any combination of the following causes:

20 (1) Fraud or misrepresentation in applying for, or
21 procuring, a license under this Act or in connection with
22 applying for renewal of a license under this Act.

23 (2) The conviction of or plea of guilty or plea of nolo
24 contendere to a felony or misdemeanor in this State or any

1 other jurisdiction; ~~or the entry of an administrative~~
2 ~~sanction by a government agency in this State or any other~~
3 ~~jurisdiction. Action taken under this paragraph (2) for a~~
4 ~~misdemeanor or an administrative sanction is limited to a~~
5 ~~misdemeanor or administrative sanction~~ that has as an
6 essential element dishonesty or fraud or involves larceny,
7 embezzlement, or obtaining money, property, or credit by
8 false pretenses or by means of a confidence game. The
9 Department shall not deny a license to a potential licensee
10 whose conviction history is directly related to the
11 profession for which a license is sought if the Department
12 has not considered mitigating factors provided in Section
13 5-25 of this Act.

14 (3) Inability to practice the profession with
15 reasonable judgment, skill, or safety as a result of a
16 physical illness, including, but not limited to,
17 deterioration through the aging process or loss of motor
18 skill, or a mental illness or disability.

19 (4) Practice under this Act as a licensee in a retail
20 sales establishment from an office, desk, or space that is
21 not separated from the main retail business by a separate
22 and distinct area within the establishment.

23 (5) Having been disciplined by another state, the
24 District of Columbia, a territory, a foreign nation, or a
25 governmental agency authorized to impose discipline if at
26 least one of the grounds for that discipline is the same as

1 or the equivalent of one of the grounds for which a
2 licensee may be disciplined under this Act. A certified
3 copy of the record of the action by the other state or
4 jurisdiction shall be prima facie evidence thereof.

5 (6) Engaging in the practice of real estate brokerage
6 without a license or after the licensee's license was
7 expired or while the license was inoperative.

8 (7) Cheating on or attempting to subvert the Real
9 Estate License Exam or continuing education exam.

10 (8) Aiding or abetting an applicant to subvert or cheat
11 on the Real Estate License Exam or continuing education
12 exam administered pursuant to this Act.

13 (9) Advertising that is inaccurate, misleading, or
14 contrary to the provisions of the Act.

15 (10) Making any substantial misrepresentation or
16 untruthful advertising.

17 (11) Making any false promises of a character likely to
18 influence, persuade, or induce.

19 (12) Pursuing a continued and flagrant course of
20 misrepresentation or the making of false promises through
21 licensees, employees, agents, advertising, or otherwise.

22 (13) Any misleading or untruthful advertising, or
23 using any trade name or insignia of membership in any real
24 estate organization of which the licensee is not a member.

25 (14) Acting for more than one party in a transaction
26 without providing written notice to all parties for whom

1 the licensee acts.

2 (15) Representing or attempting to represent a broker
3 other than the sponsoring broker.

4 (16) Failure to account for or to remit any moneys or
5 documents coming into his or her possession that belong to
6 others.

7 (17) Failure to maintain and deposit in a special
8 account, separate and apart from personal and other
9 business accounts, all escrow moneys belonging to others
10 entrusted to a licensee while acting as a broker, escrow
11 agent, or temporary custodian of the funds of others or
12 failure to maintain all escrow moneys on deposit in the
13 account until the transactions are consummated or
14 terminated, except to the extent that the moneys, or any
15 part thereof, shall be:

16 (A) disbursed prior to the consummation or
17 termination (i) in accordance with the written
18 direction of the principals to the transaction or their
19 duly authorized agents, (ii) in accordance with
20 directions providing for the release, payment, or
21 distribution of escrow moneys contained in any written
22 contract signed by the principals to the transaction or
23 their duly authorized agents, or (iii) pursuant to an
24 order of a court of competent jurisdiction; or

25 (B) deemed abandoned and transferred to the Office
26 of the State Treasurer to be handled as unclaimed

1 property pursuant to the Uniform Disposition of
2 Unclaimed Property Act. Escrow moneys may be deemed
3 abandoned under this subparagraph (B) only: (i) in the
4 absence of disbursement under subparagraph (A); (ii)
5 in the absence of notice of the filing of any claim in
6 a court of competent jurisdiction; and (iii) if 6
7 months have elapsed after the receipt of a written
8 demand for the escrow moneys from one of the principals
9 to the transaction or the principal's duly authorized
10 agent.

11 The account shall be noninterest bearing, unless the
12 character of the deposit is such that payment of interest
13 thereon is otherwise required by law or unless the
14 principals to the transaction specifically require, in
15 writing, that the deposit be placed in an interest bearing
16 account.

17 (18) Failure to make available to the Department all
18 escrow records and related documents maintained in
19 connection with the practice of real estate within 24 hours
20 of a request for those documents by Department personnel.

21 (19) Failing to furnish copies upon request of
22 documents relating to a real estate transaction to a party
23 who has executed that document.

24 (20) Failure of a sponsoring broker to timely provide
25 information, sponsor cards, or termination of licenses to
26 the Department.

1 (21) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public.

4 (22) Commingling the money or property of others with
5 his or her own money or property.

6 (23) Employing any person on a purely temporary or
7 single deal basis as a means of evading the law regarding
8 payment of commission to nonlicensees on some contemplated
9 transactions.

10 (24) Permitting the use of his or her license as a
11 broker to enable a leasing agent or unlicensed person to
12 operate a real estate business without actual
13 participation therein and control thereof by the broker.

14 (25) Any other conduct, whether of the same or a
15 different character from that specified in this Section,
16 that constitutes dishonest dealing.

17 (26) Displaying a "for rent" or "for sale" sign on any
18 property without the written consent of an owner or his or
19 her duly authorized agent or advertising by any means that
20 any property is for sale or for rent without the written
21 consent of the owner or his or her authorized agent.

22 (27) Failing to provide information requested by the
23 Department, or otherwise respond to that request, within 30
24 days of the request.

25 (28) Advertising by means of a blind advertisement,
26 except as otherwise permitted in Section 10-30 of this Act.

1 (29) Offering guaranteed sales plans, as defined in
2 clause (A) of this subdivision (29), except to the extent
3 hereinafter set forth:

4 (A) A "guaranteed sales plan" is any real estate
5 purchase or sales plan whereby a licensee enters into a
6 conditional or unconditional written contract with a
7 seller, prior to entering into a brokerage agreement
8 with the seller, by the terms of which a licensee
9 agrees to purchase a property of the seller within a
10 specified period of time at a specific price in the
11 event the property is not sold in accordance with the
12 terms of a brokerage agreement to be entered into
13 between the sponsoring broker and the seller.

14 (B) A licensee offering a guaranteed sales plan
15 shall provide the details and conditions of the plan in
16 writing to the party to whom the plan is offered.

17 (C) A licensee offering a guaranteed sales plan
18 shall provide to the party to whom the plan is offered
19 evidence of sufficient financial resources to satisfy
20 the commitment to purchase undertaken by the broker in
21 the plan.

22 (D) Any licensee offering a guaranteed sales plan
23 shall undertake to market the property of the seller
24 subject to the plan in the same manner in which the
25 broker would market any other property, unless the
26 agreement with the seller provides otherwise.

1 (E) The licensee cannot purchase seller's property
2 until the brokerage agreement has ended according to
3 its terms or is otherwise terminated.

4 (F) Any licensee who fails to perform on a
5 guaranteed sales plan in strict accordance with its
6 terms shall be subject to all the penalties provided in
7 this Act for violations thereof and, in addition, shall
8 be subject to a civil fine payable to the party injured
9 by the default in an amount of up to \$25,000.

10 (30) Influencing or attempting to influence, by any
11 words or acts, a prospective seller, purchaser, occupant,
12 landlord, or tenant of real estate, in connection with
13 viewing, buying, or leasing real estate, so as to promote
14 or tend to promote the continuance or maintenance of
15 racially and religiously segregated housing or so as to
16 retard, obstruct, or discourage racially integrated
17 housing on or in any street, block, neighborhood, or
18 community.

19 (31) Engaging in any act that constitutes a violation
20 of any provision of Article 3 of the Illinois Human Rights
21 Act, whether or not a complaint has been filed with or
22 adjudicated by the Human Rights Commission.

23 (32) Inducing any party to a contract of sale or lease
24 or brokerage agreement to break the contract of sale or
25 lease or brokerage agreement for the purpose of
26 substituting, in lieu thereof, a new contract for sale or

1 lease or brokerage agreement with a third party.

2 (33) Negotiating a sale, exchange, or lease of real
3 estate directly with any person if the licensee knows that
4 the person has an exclusive brokerage agreement with
5 another broker, unless specifically authorized by that
6 broker.

7 (34) When a licensee is also an attorney, acting as the
8 attorney for either the buyer or the seller in the same
9 transaction in which the licensee is acting or has acted as
10 a managing broker or broker.

11 (35) Advertising or offering merchandise or services
12 as free if any conditions or obligations necessary for
13 receiving the merchandise or services are not disclosed in
14 the same advertisement or offer. These conditions or
15 obligations include without limitation the requirement
16 that the recipient attend a promotional activity or visit a
17 real estate site. As used in this subdivision (35), "free"
18 includes terms such as "award", "prize", "no charge", "free
19 of charge", "without charge", and similar words or phrases
20 that reasonably lead a person to believe that he or she may
21 receive or has been selected to receive something of value,
22 without any conditions or obligations on the part of the
23 recipient.

24 (36) Disregarding or violating any provision of the
25 Land Sales Registration Act of 1989, the Illinois Real
26 Estate Time-Share Act, or the published rules promulgated

1 by the Department to enforce those Acts.

2 (37) Violating the terms of a disciplinary order issued
3 by the Department.

4 (38) Paying or failing to disclose compensation in
5 violation of Article 10 of this Act.

6 (39) Requiring a party to a transaction who is not a
7 client of the licensee to allow the licensee to retain a
8 portion of the escrow moneys for payment of the licensee's
9 commission or expenses as a condition for release of the
10 escrow moneys to that party.

11 (40) Disregarding or violating any provision of this
12 Act or the published rules promulgated by the Department to
13 enforce this Act or aiding or abetting any individual,
14 partnership, registered limited liability partnership,
15 limited liability company, or corporation in disregarding
16 any provision of this Act or the published rules
17 promulgated by the Department to enforce this Act.

18 (41) Failing to provide the minimum services required
19 by Section 15-75 of this Act when acting under an exclusive
20 brokerage agreement.

21 (42) Habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or drug
23 that results in a managing broker, broker, or leasing
24 agent's inability to practice with reasonable skill or
25 safety.

26 (43) Enabling, aiding, or abetting an auctioneer, as

1 defined in the Auction License Act, to conduct a real
2 estate auction in a manner that is in violation of this
3 Act.

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

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

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

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

21 (3) the age of the person at the time of occurrence of
22 the criminal offense or offenses;

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

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

1 rehabilitation.

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

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

17 For the purposes of preliminary hearings and investigation
18 in licensure determinations upon disclosure of a conviction
19 history, the Department shall develop and implement policies
20 that consider items (1) through (5) of this subsection (a-5)
21 with suggestions as to evidence of rehabilitation provided in
22 the previous paragraph of this Section.

23 (b) The Department may refuse to issue or renew or may
24 suspend the license of any person who fails to file a return,
25 pay the tax, penalty or interest shown in a filed return, or
26 pay any final assessment of tax, penalty, or interest, as

1 required by any tax Act administered by the Department of
2 Revenue, until such time as the requirements of that tax Act
3 are satisfied in accordance with subsection (g) of Section
4 2105-15 of the Civil Administrative Code of Illinois.

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

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

25 Notwithstanding the provisions of this subsection, the
26 Department may not refuse to issue a license to a potential

1 licensee who is an obligor because the obligor's child support
2 arrearage equals or exceeds the amount of child support payable
3 for 12 months. When an occupational license is issued to an
4 applicant to whom this paragraph applies, the Department shall
5 send a written notice to the obligor following the issuance of
6 a license, advising the obligor that the obligor's license may
7 be revoked or suspended unless within 30 days of the postmarked
8 date of the notice, the obligor demonstrates the inability to
9 pay and enters into a reasonable payment plan.

10 (e) In enforcing this Section, the Department or Board upon
11 a showing of a possible violation may compel an individual
12 licensed to practice under this Act, or who has applied for
13 licensure under this Act, to submit to a mental or physical
14 examination, or both, as required by and at the expense of the
15 Department. The Department or Board may order the examining
16 physician to present testimony concerning the mental or
17 physical examination of the licensee or applicant. No
18 information shall be excluded by reason of any common law or
19 statutory privilege relating to communications between the
20 licensee or applicant and the examining physician. The
21 examining physicians shall be specifically designated by the
22 Board or Department. The individual to be examined may have, at
23 his or her own expense, another physician of his or her choice
24 present during all aspects of this examination. Failure of an
25 individual to submit to a mental or physical examination, when
26 directed, shall be grounds for suspension of his or her license

1 until the individual submits to the examination if the
2 Department finds, after notice and hearing, that the refusal to
3 submit to the examination was without reasonable cause.

4 If the Department or Board finds an individual unable to
5 practice because of the reasons set forth in this Section, the
6 Department or Board may require that individual to submit to
7 care, counseling, or treatment by physicians approved or
8 designated by the Department or Board, as a condition, term, or
9 restriction for continued, reinstated, or renewed licensure to
10 practice; or, in lieu of care, counseling, or treatment, the
11 Department may file, or the Board may recommend to the
12 Department to file, a complaint to immediately suspend, revoke,
13 or otherwise discipline the license of the individual. An
14 individual whose license was granted, continued, reinstated,
15 renewed, disciplined or supervised subject to such terms,
16 conditions, or restrictions, and who fails to comply with such
17 terms, conditions, or restrictions, shall be referred to the
18 Secretary for a determination as to whether the individual
19 shall have his or her license suspended immediately, pending a
20 hearing by the Department.

21 In instances in which the Secretary immediately suspends a
22 person's license under this Section, a hearing on that person's
23 license must be convened by the Department within 30 days after
24 the suspension and completed without appreciable delay. The
25 Department and Board shall have the authority to review the
26 subject individual's record of treatment and counseling

1 regarding the impairment to the extent permitted by applicable
2 federal statutes and regulations safeguarding the
3 confidentiality of medical records.

4 An individual licensed under this Act and affected under
5 this Section shall be afforded an opportunity to demonstrate to
6 the Department or Board that he or she can resume practice in
7 compliance with acceptable and prevailing standards under the
8 provisions of his or her license.

9 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;
10 99-227, eff. 8-3-15.)".