

1 AN ACT concerning regulation.

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

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

6 (5 ILCS 80/4.26)

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 Acts repealed on January 1, 2016.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8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

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

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 The Illinois Physical Therapy Act.

18 ~~The Professional Geologist Licensing Act.~~

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

21 (5 ILCS 80/4.36 new)

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 Act repealed on January 1, 2026.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

1 Act is repealed on January 1, 2026:

2 The Professional Geologist Licensing Act.

3 Section 10. The Professional Geologist Licensing Act is
4 amended by changing Sections 15, 25, 30, 35, 50, 60, 65, 75,
5 80, 90, 95, 100, 110, 120, 125, 130, 135, 145, 155, 162, 165,
6 and 170 and by adding Section 180 as follows:

7 (225 ILCS 745/15)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 15. Definitions. In this Act:

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

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

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

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

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

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

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

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

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

26 Examples of the practice of professional geology include,

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

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

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

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

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

3 (225 ILCS 745/25)

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

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

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

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

1 (225 ILCS 745/30)

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

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

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

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

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

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

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

7 (225 ILCS 745/35)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (225 ILCS 745/50)

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

3 Sec. 50. Qualifications for licensure.

4 (a) The Department may issue a license to practice as a
5 Licensed Professional Geologist to any applicant who meets the
6 following qualifications:

7 (1) The applicant has completed an application form and
8 paid the required fees.

9 (2) The applicant is of good ethical character,
10 including compliance with the Code of Professional Conduct
11 and Ethics under this Act, and has not committed any act or
12 offense in any jurisdiction that would constitute the basis
13 for disciplining a Licensed Professional Geologist under
14 this Act.

15 (3) The applicant has earned a degree in geology from
16 an accredited college or university, as established by
17 rule, with a minimum of 30 semester or 45 quarter hours of
18 course credits in geology, of which 24 semester or 36
19 quarter hours are in upper level courses. The Department
20 may, upon the recommendation of the Board, allow the
21 substitution of appropriate experience as a geologist for
22 prescribed educational requirements as established by
23 rule.

24 (4) The applicant has a documented record of a minimum
25 of 4 years of professional experience, obtained after
26 completion of the education requirements specified in this

1 Section, in geologic or directly related work,
2 demonstrating that the applicant is qualified to assume
3 responsible charge of such work upon licensure as a
4 Licensed Professional Geologist or such specialty of
5 professional geology that the Board may recommend and the
6 Department may recognize. The Department may require
7 evidence acceptable to it that up to 2 years of
8 professional experience have been gained under the
9 supervision of a person licensed under this Act or similar
10 Acts in any other state, or under the supervision of others
11 who, in the opinion of the Department, are qualified to
12 have responsible charge of geological work under this Act.

13 (5) The applicant has passed an examination authorized
14 by the Department for practice as a Licensed Professional
15 Geologist.

16 (6) The applicant has complied with all other
17 requirements of this Act and rules established for the
18 implementation of this Act.

19 (b) A license to practice as a Licensed Professional
20 Geologist shall not be denied any applicant because of the
21 applicant's race, religion, creed, national origin, political
22 beliefs or activities, age, sex, sexual orientation, or
23 physical impairment.

24 (c) The Department may establish by rule an intern process
25 to, in part, allow (1) a graduate who has earned a degree in
26 geology from an accredited college or university in accordance

1 with this Act or (2) a student in a degree program at an
2 accredited college or university who has completed the
3 necessary course requirements established in this Section to
4 request to take one or both parts of the examination required
5 by the Department without first submitting a formal application
6 to the Department for licensure as a Licensed Professional
7 Geologist. The Department may set by rule the criteria for the
8 intern process, including, but not limited to, the educational
9 requirements, exam requirements, experience requirements,
10 remediation requirements, and any fees or applications
11 required for the process. The Department may also set by rule
12 provisions concerning disciplinary guidelines and the use of
13 the title "intern" or "trainee" by a graduate or student who
14 has passed the required examination.

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

16 (225 ILCS 745/60)

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

18 Sec. 60. Seals.

19 (a) Upon licensure, each licensee shall obtain a seal of a
20 design as required by rule bearing the licensee's name, license
21 number, and the legend "Licensed Professional Geologist".

22 (b) All preliminary, draft, and final geologic reports,
23 documents, permits, affidavits, maps, boring logs, cross
24 sections, or other records offered to the public and prepared
25 or issued by or under the supervision of a Licensed

1 Professional Geologist shall include the full name, signature,
2 and license number of the licensee, and the date of license
3 expiration of the person who prepared the document or under
4 whose supervision it was prepared, and an impression of the
5 licensee's seal, in accordance with rules issued by the
6 Department.

7 (c) The Licensed Professional Geologist who has contract
8 responsibility shall seal a cover sheet of the professional
9 work products and those individual portions of the professional
10 work products for which the Licensed Professional Geologist is
11 legally and professionally responsible. A Licensed
12 Professional Geologist practicing as the support professional
13 shall seal those individual portions of professional work
14 products for which that Licensed Professional Geologist is
15 legally and professionally responsible.

16 (d) The use of a Licensed Professional Geologist's ~~licensed~~
17 ~~professional geologist's~~ seal on professional work products
18 constitutes a representation that the work prepared by or under
19 the personal supervision of that Licensed Professional
20 Geologist has been prepared and administered in accordance with
21 the standards of reasonable professional skill and diligence.

22 (e) It is unlawful to affix one's seal to professional work
23 products if doing so ~~it~~ masks the true identity of the person
24 who actually exercised direction, supervision, and responsible
25 charge of the preparation of that work. A Licensed Professional
26 Geologist who signs and seals professional work products is not

1 responsible for damage caused by subsequent changes to or uses
2 of those professional work products, if the subsequent changes
3 or uses, including changes or uses made by State or local
4 government agencies, are not authorized or approved by the
5 Licensed Professional Geologist who originally signed and
6 sealed the professional work products.

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

8 (225 ILCS 745/65)

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

10 Sec. 65. Expiration and renewal of license. The expiration
11 date and renewal period for each license shall be set by rule.
12 A Licensed Professional Geologist whose license has expired may
13 reinstate his or her license or enrollment at any time within 5
14 years after the expiration thereof, by making a renewal
15 application and by paying the required fee. However, any
16 Licensed Professional Geologist whose license expired while he
17 or she was (i) on active duty with the Armed Forces of the
18 United States or called into service or training by the State
19 militia or (ii) in training or education under the supervision
20 of the United States preliminary to induction into the military
21 service, may have his or her Licensed Professional Geologist
22 license renewed, reinstated, or restored without paying any
23 lapsed renewal fees if within 2 years after termination of the
24 service, training, or education the Licensed Professional
25 Geologist furnishes to the Department ~~with~~ satisfactory

1 evidence of the service, training, or education and that it has
2 been terminated under honorable conditions.

3 Any ~~professional geologist whose~~ Licensed Professional
4 Geologist whose license has expired for more than 5 years may
5 have it restored by making application to the Department,
6 paying the required fee, and filing acceptable proof of fitness
7 to have the license restored. The proof may include sworn
8 evidence certifying active practice in another jurisdiction.
9 If the geologist has not practiced for 5 years or more, the
10 Board shall determine by an evaluation program established by
11 rule, whether that individual is fit to resume active status as
12 a Licensed Professional Geologist. The Board may require the
13 geologist to complete a period of evaluated professional
14 experience and may require successful completion of an
15 examination.

16 The Department may refuse to issue or may suspend the
17 license of any person who fails to file a tax return, or to pay
18 the tax, penalty, or interest shown in a filed return, or to
19 pay any final assessment of tax, penalty, or interest, as
20 required by any tax Act administered by the Illinois Department
21 of Revenue, until such time as the requirements of any such tax
22 Act are satisfied.

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

24 (225 ILCS 745/75)

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

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

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

1 (225 ILCS 745/80)

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

3 Sec. 80. Disciplinary actions.

4 (a) The Department may refuse to issue or 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 appropriate, including fines not to exceed \$10,000 ~~\$5,000~~
8 for each violation, with regard to any license for any one or
9 combination of the following:

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

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

14 (3) 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. ~~Conviction of any crime~~
23 ~~under the laws of the United States or any state or~~
24 ~~territory of the United States that is a felony or that is~~
25 ~~a misdemeanor, an essential element of which is dishonesty,~~
26 ~~or of any crime that is directly related to the practice of~~

1 ~~the profession.~~

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

6 (5) Professional incompetence.

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

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

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

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

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

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

24 (12) Directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership, or association
26 any fee, commission, rebate or other form of compensation

1 for professional services not actually or personally
2 rendered.

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

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

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

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

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

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

24 (19) Conviction by any court of competent
25 jurisdiction, either within or outside this State, of any
26 violation of any law governing the practice of professional

1 geology, if the Department determines, after
2 investigation, that the person has not been sufficiently
3 rehabilitated to warrant the public trust.

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

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

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

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

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

25 All fines imposed under this Section shall be paid within
26 60 days after the effective date of the order imposing the fine

1 or in accordance with the terms set forth in the order imposing
2 the fine.

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

4 (225 ILCS 745/90)

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

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

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

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

18 (225 ILCS 745/95)

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

20 Sec. 95. Record of proceedings; transcript. The
21 Department, at its expense, shall preserve a record of all
22 proceedings at the formal hearing of any case. The notice of
23 hearing, complaint, all other documents in the nature of
24 pleadings, written motions filed in the proceedings, the
25 transcripts of testimony, the report of the hearing officer and

1 the Board, and orders of the Department shall be in the record
2 of the proceeding. ~~The Department shall furnish a transcript of~~
3 ~~such record to any person interested in such hearing upon~~
4 ~~payment of the fee required under Section 2105-115 of the~~
5 ~~Department of Professional Regulation Law (20 ILCS~~
6 ~~2105/2105-115).~~

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

8 (225 ILCS 745/100)

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

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

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

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

21 (225 ILCS 745/110)

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

23 Sec. 110. Findings and recommendations. At the conclusion
24 of the hearing, the Board shall present to the Secretary

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

21 The report of findings of fact, conclusions of law, and
22 recommendation of the Board shall be the basis for the
23 Department's order refusing to issue, restore, or renew a
24 person's license to practice as a Licensed Professional
25 Geologist, or otherwise disciplining a licensee. If the
26 Secretary ~~Director~~ disagrees with the recommendations of the

1 Board, the Secretary ~~Director~~ may issue an order in
2 contravention of the Board recommendations. The Secretary
3 ~~Director~~ shall provide a written report to the Board on any
4 disagreement and shall specify the reasons for the action in
5 the final order. The finding is not admissible in evidence
6 against the person in a criminal prosecution brought for a
7 violation of this Act, but the hearing and finding are not a
8 bar to a criminal prosecution brought for a violation of this
9 Act.

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

11 (225 ILCS 745/120)

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

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

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

20 (225 ILCS 745/125)

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

22 Sec. 125. Appointment of a hearing officer. The Secretary
23 ~~Director~~ has the authority to appoint any attorney licensed to
24 practice law in the State of Illinois to serve as the hearing

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

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

21 (225 ILCS 745/130)

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

23 Sec. 130. Order or certified copy; prima facie proof. An
24 order or certified copy thereof, over the seal of the
25 Department and purporting to be signed by the Secretary

1 ~~Director~~, is prima facie proof that:

2 (a) the signature is the genuine signature of the

3 Secretary ~~Director~~;

4 (b) the Secretary ~~Director~~ is duly appointed and
5 qualified; and

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

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

8 (225 ILCS 745/135)

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

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

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

19 (225 ILCS 745/145)

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

21 Sec. 145. Summary suspension of a license. The Secretary
22 ~~Director~~ may summarily suspend the license of a Licensed
23 Professional Geologist without a hearing, simultaneously with
24 the institution of proceedings for a hearing provided for in

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

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

10 (225 ILCS 745/155)

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

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

18 Proceedings for judicial review shall be commenced in the
19 circuit court of the county in which the party applying for
20 review resides, but, if the party is not a resident of this
21 State, the venue shall be in Sangamon County.

22 The Department shall not be required to certify any record
23 to the court, to file an answer in court, or to otherwise
24 appear in any court in a judicial review proceeding unless and
25 until the Department has received from the plaintiff payment of

1 ~~the costs of furnishing and certifying the record, there is~~
2 ~~filed in the court, with the complaint, a receipt from the~~
3 ~~Department acknowledging payment of the costs of furnishing and~~
4 ~~certifying the record,~~ which costs shall be determined by the
5 Department. Failure on the part of the plaintiff to file the
6 receipt in court is grounds for dismissal of the action.

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

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

15 (225 ILCS 745/162)

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

17 Sec. 162. Civil penalties.

18 (a) In addition to any other penalty provided by law, any
19 person who violates this Act shall forfeit and pay a civil
20 penalty to the Department in an amount not to exceed \$10,000
21 ~~\$5,000~~ for each offense as determined by the Department. The
22 civil penalty shall be assessed by the Department after a
23 hearing is held in accordance with the provisions of this Act
24 regarding the provision of a hearing for the discipline of a
25 licensee.

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

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

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

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

11 (225 ILCS 745/165)

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

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

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

18 (225 ILCS 745/170)

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

20 Sec. 170. Illinois Administrative Procedure Act;
21 application. The Illinois Administrative Procedure Act is
22 expressly adopted and incorporated in this Act as if all of the
23 provisions of that Act were included in this Act, except that
24 the provision of paragraph (d) of Section 10-65 of the Illinois

1 Administrative Procedure Act, which provides that at hearings
2 the registrant or licensee has the right to show compliance
3 with all lawful requirements for retention or continuation or
4 renewal of the license, is specifically excluded. For the
5 purpose of this Act, the notice required under Section 10-25 of
6 the Illinois Administrative Procedure Act is considered
7 sufficient when mailed to the ~~last known~~ address of record a
8 party.

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

10 (225 ILCS 745/180 new)

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

1 Department against a licensee or applicant shall be a public
2 record, except as otherwise prohibited by law.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.