

1 AN ACT concerning regulation.

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

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-15 and 2105-207 as follows:

7 (20 ILCS 2105/2105-15)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

20 (3) To pass upon the qualifications of applicants for
21 licenses, certificates, and authorities, whether by
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for

1 the respective professions, trades, and occupations, what
2 shall constitute a school, college, or university, or
3 department of a university, or other institution,
4 reputable and in good standing, and to determine the
5 reputability and good standing of a school, college, or
6 university, or department of a university, or other
7 institution, reputable and in good standing, by reference
8 to a compliance with those rules and regulations; provided,
9 that no school, college, or university, or department of a
10 university, or other institution that refuses admittance
11 to applicants solely on account of race, color, creed, sex,
12 sexual orientation, or national origin shall be considered
13 reputable and in good standing.

14 (5) To conduct hearings on proceedings to revoke,
15 suspend, refuse to renew, place on probationary status, or
16 take other disciplinary action as authorized in any
17 licensing Act administered by the Department with regard to
18 licenses, certificates, or authorities of persons
19 exercising the respective professions, trades, or
20 occupations and to revoke, suspend, refuse to renew, place
21 on probationary status, or take other disciplinary action
22 as authorized in any licensing Act administered by the
23 Department with regard to those licenses, certificates, or
24 authorities.

25 The Department shall issue a monthly disciplinary
26 report.

1 ~~The Department shall deny any license or renewal~~
2 ~~authorized by the Civil Administrative Code of Illinois to~~
3 ~~any person who has defaulted on an educational loan or~~
4 ~~scholarship provided by or guaranteed by the Illinois~~
5 ~~Student Assistance Commission or any governmental agency~~
6 ~~of this State; however, the Department may issue a license~~
7 ~~or renewal if the aforementioned persons have established a~~
8 ~~satisfactory repayment record as determined by the~~
9 ~~Illinois Student Assistance Commission or other~~
10 ~~appropriate governmental agency of this State.~~
11 ~~Additionally, beginning June 1, 1996, any license issued by~~
12 ~~the Department may be suspended or revoked if the~~
13 ~~Department, after the opportunity for a hearing under the~~
14 ~~appropriate licensing Act, finds that the licensee has~~
15 ~~failed to make satisfactory repayment to the Illinois~~
16 ~~Student Assistance Commission for a delinquent or~~
17 ~~defaulted loan. For the purposes of this Section,~~
18 ~~"satisfactory repayment record" shall be defined by rule.~~

19 The Department shall refuse to issue or renew a license
20 to, or shall suspend or revoke a license of, any person
21 who, after receiving notice, fails to comply with a
22 subpoena or warrant relating to a paternity or child
23 support proceeding. However, the Department may issue a
24 license or renewal upon compliance with the subpoena or
25 warrant.

26 The Department, without further process or hearings,

1 shall revoke, suspend, or deny any license or renewal
2 authorized by the Civil Administrative Code of Illinois to
3 a person who is certified by the Department of Healthcare
4 and Family Services (formerly Illinois Department of
5 Public Aid) as being more than 30 days delinquent in
6 complying with a child support order or who is certified by
7 a court as being in violation of the Non-Support Punishment
8 Act for more than 60 days. The Department may, however,
9 issue a license or renewal if the person has established a
10 satisfactory repayment record as determined by the
11 Department of Healthcare and Family Services (formerly
12 Illinois Department of Public Aid) or if the person is
13 determined by the court to be in compliance with the
14 Non-Support Punishment Act. The Department may implement
15 this paragraph as added by Public Act 89-6 through the use
16 of emergency rules in accordance with Section 5-45 of the
17 Illinois Administrative Procedure Act. For purposes of the
18 Illinois Administrative Procedure Act, the adoption of
19 rules to implement this paragraph shall be considered an
20 emergency and necessary for the public interest, safety,
21 and welfare.

22 (6) To transfer jurisdiction of any realty under the
23 control of the Department to any other department of the
24 State Government or to acquire or accept federal lands when
25 the transfer, acquisition, or acceptance is advantageous
26 to the State and is approved in writing by the Governor.

1 (7) To formulate rules and regulations necessary for
2 the enforcement of any Act administered by the Department.

3 (8) To exchange with the Department of Healthcare and
4 Family Services information that may be necessary for the
5 enforcement of child support orders entered pursuant to the
6 Illinois Public Aid Code, the Illinois Marriage and
7 Dissolution of Marriage Act, the Non-Support of Spouse and
8 Children Act, the Non-Support Punishment Act, the Revised
9 Uniform Reciprocal Enforcement of Support Act, the Uniform
10 Interstate Family Support Act, the Illinois Parentage Act
11 of 1984, or the Illinois Parentage Act of 2015.
12 Notwithstanding any provisions in this Code to the
13 contrary, the Department of Professional Regulation shall
14 not be liable under any federal or State law to any person
15 for any disclosure of information to the Department of
16 Healthcare and Family Services (formerly Illinois
17 Department of Public Aid) under this paragraph (8) or for
18 any other action taken in good faith to comply with the
19 requirements of this paragraph (8).

20 (8.5) To accept continuing education credit for
21 mandated reporter training on how to recognize and report
22 child abuse offered by the Department of Children and
23 Family Services and completed by any person who holds a
24 professional license issued by the Department and who is a
25 mandated reporter under the Abused and Neglected Child
26 Reporting Act. The Department shall adopt any rules

1 necessary to implement this paragraph.

2 (9) To perform other duties prescribed by law.

3 (a-5) Except in ~~cases involving default on an educational~~
4 ~~loan or scholarship provided by or guaranteed by the Illinois~~
5 ~~Student Assistance Commission or any governmental agency of~~
6 ~~this State or in~~ cases involving delinquency in complying with
7 a child support order or violation of the Non-Support
8 Punishment Act and notwithstanding anything that may appear in
9 any individual licensing Act or administrative rule, no person
10 or entity whose license, certificate, or authority has been
11 revoked as authorized in any licensing Act administered by the
12 Department may apply for restoration of that license,
13 certification, or authority until 3 years after the effective
14 date of the revocation.

15 (b) The Department may, when a fee is payable to the
16 Department for a wall certificate of registration provided by
17 the Department of Central Management Services, require that
18 portion of the payment for printing and distribution costs be
19 made directly or through the Department to the Department of
20 Central Management Services for deposit into the Paper and
21 Printing Revolving Fund. The remainder shall be deposited into
22 the General Revenue Fund.

23 (c) For the purpose of securing and preparing evidence, and
24 for the purchase of controlled substances, professional
25 services, and equipment necessary for enforcement activities,
26 recoupment of investigative costs, and other activities

1 directed at suppressing the misuse and abuse of controlled
2 substances, including those activities set forth in Sections
3 504 and 508 of the Illinois Controlled Substances Act, the
4 Director and agents appointed and authorized by the Director
5 may expend sums from the Professional Regulation Evidence Fund
6 that the Director deems necessary from the amounts appropriated
7 for that purpose. Those sums may be advanced to the agent when
8 the Director deems that procedure to be in the public interest.
9 Sums for the purchase of controlled substances, professional
10 services, and equipment necessary for enforcement activities
11 and other activities as set forth in this Section shall be
12 advanced to the agent who is to make the purchase from the
13 Professional Regulation Evidence Fund on vouchers signed by the
14 Director. The Director and those agents are authorized to
15 maintain one or more commercial checking accounts with any
16 State banking corporation or corporations organized under or
17 subject to the Illinois Banking Act for the deposit and
18 withdrawal of moneys to be used for the purposes set forth in
19 this Section; provided, that no check may be written nor any
20 withdrawal made from any such account except upon the written
21 signatures of 2 persons designated by the Director to write
22 those checks and make those withdrawals. Vouchers for those
23 expenditures must be signed by the Director. All such
24 expenditures shall be audited by the Director, and the audit
25 shall be submitted to the Department of Central Management
26 Services for approval.

1 (d) Whenever the Department is authorized or required by
2 law to consider some aspect of criminal history record
3 information for the purpose of carrying out its statutory
4 powers and responsibilities, then, upon request and payment of
5 fees in conformance with the requirements of Section 2605-400
6 of the Department of State Police Law (20 ILCS 2605/2605-400),
7 the Department of State Police is authorized to furnish,
8 pursuant to positive identification, the information contained
9 in State files that is necessary to fulfill the request.

10 (e) The provisions of this Section do not apply to private
11 business and vocational schools as defined by Section 15 of the
12 Private Business and Vocational Schools Act of 2012.

13 (f) (Blank).

14 (g) Notwithstanding anything that may appear in any
15 individual licensing statute or administrative rule, the
16 Department shall deny any license application or renewal
17 authorized under any licensing Act administered by the
18 Department to any person who has failed to file a return, or to
19 pay the tax, penalty, or interest shown in a filed return, or
20 to pay any final assessment of tax, penalty, or interest, as
21 required by any tax Act administered by the Illinois Department
22 of Revenue, until such time as the requirement of any such tax
23 Act are satisfied; however, the Department may issue a license
24 or renewal if the person has established a satisfactory
25 repayment record as determined by the Illinois Department of
26 Revenue. For the purpose of this Section, "satisfactory

1 repayment record" shall be defined by rule.

2 In addition, a complaint filed with the Department by the
3 Illinois Department of Revenue that includes a certification,
4 signed by its Director or designee, attesting to the amount of
5 the unpaid tax liability or the years for which a return was
6 not filed, or both, is prima facie evidence of the licensee's
7 failure to comply with the tax laws administered by the
8 Illinois Department of Revenue. Upon receipt of that
9 certification, the Department shall, without a hearing,
10 immediately suspend all licenses held by the licensee.
11 Enforcement of the Department's order shall be stayed for 60
12 days. The Department shall provide notice of the suspension to
13 the licensee by mailing a copy of the Department's order by
14 certified and regular mail to the licensee's last known address
15 as registered with the Department. The notice shall advise the
16 licensee that the suspension shall be effective 60 days after
17 the issuance of the Department's order unless the Department
18 receives, from the licensee, a request for a hearing before the
19 Department to dispute the matters contained in the order.

20 Any suspension imposed under this subsection (g) shall be
21 terminated by the Department upon notification from the
22 Illinois Department of Revenue that the licensee is in
23 compliance with all tax laws administered by the Illinois
24 Department of Revenue.

25 The Department may promulgate rules for the administration
26 of this subsection (g).

1 (h) The Department may grant the title "Retired", to be
2 used immediately adjacent to the title of a profession
3 regulated by the Department, to eligible retirees. For
4 individuals licensed under the Medical Practice Act of 1987,
5 the title "Retired" may be used in the profile required by the
6 Patients' Right to Know Act. The use of the title "Retired"
7 shall not constitute representation of current licensure,
8 registration, or certification. Any person without an active
9 license, registration, or certificate in a profession that
10 requires licensure, registration, or certification shall not
11 be permitted to practice that profession.

12 (i) Within 180 days after December 23, 2009 (the effective
13 date of Public Act 96-852), the Department shall promulgate
14 rules which permit a person with a criminal record, who seeks a
15 license or certificate in an occupation for which a criminal
16 record is not expressly a per se bar, to apply to the
17 Department for a non-binding, advisory opinion to be provided
18 by the Board or body with the authority to issue the license or
19 certificate as to whether his or her criminal record would bar
20 the individual from the licensure or certification sought,
21 should the individual meet all other licensure requirements
22 including, but not limited to, the successful completion of the
23 relevant examinations.

24 (Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85,
25 eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; revised
26 10-16-15.)

1 (20 ILCS 2105/2105-207)

2 Sec. 2105-207. Records of Department actions.

3 (a) Any licensee subject to a licensing Act administered by
4 the Division of Professional Regulation and who has been
5 subject to disciplinary action by the Department may file an
6 application with the Department on forms provided by the
7 Department, along with the required fee of \$200, to have the
8 records classified as confidential, not for public release and
9 considered expunged for reporting purposes if:

10 (1) the application is submitted more than 7 years
11 after the disciplinary offense or offenses occurred;

12 (2) the licensee has had no incidents of discipline
13 under the licensing Act since the disciplinary offense or
14 offenses identified in the application occurred;

15 (3) the Department has no pending investigations
16 against the licensee; and

17 (4) the licensee is not currently in a disciplinary
18 status.

19 (b) An application to make disciplinary records
20 confidential shall only be considered by the Department for an
21 offense or action relating to:

22 (1) failure to pay taxes ~~or student loans~~;

23 (2) continuing education;

24 (3) failure to renew a license on time;

25 (4) failure to obtain or renew a certificate of

1 registration or ancillary license;

2 (5) advertising; or

3 (6) any grounds for discipline removed from the
4 licensing Act.

5 (c) An application shall be submitted to and considered by
6 the Director of the Division of Professional Regulation upon
7 submission of an application and the required non-refundable
8 fee. The Department may establish additional requirements by
9 rule. The Department is not required to report the removal of
10 any disciplinary record to any national database. Nothing in
11 this Section shall prohibit the Department from using a
12 previous discipline for any regulatory purpose or from
13 releasing records of a previous discipline upon request from
14 law enforcement, or other governmental body as permitted by
15 law. Classification of records as confidential shall result in
16 removal of records of discipline from records kept pursuant to
17 Sections 2105-200 and 2105-205 of this Act.

18 (Source: P.A. 98-816, eff. 8-1-14.)

19 (20 ILCS 3310/80 rep.)

20 Section 10. The Nuclear Safety Law of 2004 is amended by
21 repealing Section 80.

22 Section 15. The School Code is amended by changing Section
23 21B-75 as follows:

1 (105 ILCS 5/21B-75)

2 Sec. 21B-75. Suspension or revocation of license.

3 (a) As used in this Section, "teacher" means any school
4 district employee regularly required to be licensed, as
5 provided in this Article, in order to teach or supervise in the
6 public schools.

7 (b) The State Superintendent of Education has the exclusive
8 authority, in accordance with this Section and any rules
9 adopted by the State Board of Education, in consultation with
10 the State Educator Preparation and Licensure Board, to initiate
11 the suspension of up to 5 calendar years or revocation of any
12 license issued pursuant to this Article for abuse or neglect of
13 a child, immorality, a condition of health detrimental to the
14 welfare of pupils, incompetency, unprofessional conduct (which
15 includes the failure to disclose on an employment application
16 any previous conviction for a sex offense, as defined in
17 Section 21B-80 of this Code, or any other offense committed in
18 any other state or against the laws of the United States that,
19 if committed in this State, would be punishable as a sex
20 offense, as defined in Section 21B-80 of this Code), the
21 neglect of any professional duty, willful failure to report an
22 instance of suspected child abuse or neglect as required by the
23 Abused and Neglected Child Reporting Act, ~~failure to establish~~
24 ~~satisfactory repayment on an educational loan guaranteed by the~~
25 ~~Illinois Student Assistance Commission,~~ or other just cause.
26 Unprofessional conduct shall include the refusal to attend or

1 participate in institutes, teachers' meetings, or professional
2 readings or to meet other reasonable requirements of the
3 regional superintendent of schools or State Superintendent of
4 Education. Unprofessional conduct also includes conduct that
5 violates the standards, ethics, or rules applicable to the
6 security, administration, monitoring, or scoring of or the
7 reporting of scores from any assessment test or examination
8 administered under Section 2-3.64a-5 of this Code or that is
9 known or intended to produce or report manipulated or
10 artificial, rather than actual, assessment or achievement
11 results or gains from the administration of those tests or
12 examinations. Unprofessional conduct shall also include
13 neglect or unnecessary delay in the making of statistical and
14 other reports required by school officers. Incompetency shall
15 include, without limitation, 2 or more school terms of service
16 for which the license holder has received an unsatisfactory
17 rating on a performance evaluation conducted pursuant to
18 Article 24A of this Code within a period of 7 school terms of
19 service. In determining whether to initiate action against one
20 or more licenses based on incompetency and the recommended
21 sanction for such action, the State Superintendent shall
22 consider factors that include without limitation all of the
23 following:

- 24 (1) Whether the unsatisfactory evaluation ratings
25 occurred prior to June 13, 2011 (the effective date of
26 Public Act 97-8).

1 (2) Whether the unsatisfactory evaluation ratings
2 occurred prior to or after the implementation date, as
3 defined in Section 24A-2.5 of this Code, of an evaluation
4 system for teachers in a school district.

5 (3) Whether the evaluator or evaluators who performed
6 an unsatisfactory evaluation met the pre-licensure and
7 training requirements set forth in Section 24A-3 of this
8 Code.

9 (4) The time between the unsatisfactory evaluation
10 ratings.

11 (5) The quality of the remediation plans associated
12 with the unsatisfactory evaluation ratings and whether the
13 license holder successfully completed the remediation
14 plans.

15 (6) Whether the unsatisfactory evaluation ratings were
16 related to the same or different assignments performed by
17 the license holder.

18 (7) Whether one or more of the unsatisfactory
19 evaluation ratings occurred in the first year of a teaching
20 or administrative assignment.

21 When initiating an action against one or more licenses, the
22 State Superintendent may seek required professional
23 development as a sanction in lieu of or in addition to
24 suspension or revocation. Any such required professional
25 development must be at the expense of the license holder, who
26 may use, if available and applicable to the requirements

1 established by administrative or court order, training,
2 coursework, or other professional development funds in
3 accordance with the terms of an applicable collective
4 bargaining agreement entered into after June 13, 2011 (the
5 effective date of Public Act 97-8), unless that agreement
6 specifically precludes use of funds for such purpose.

7 (c) The State Superintendent of Education shall, upon
8 receipt of evidence of abuse or neglect of a child, immorality,
9 a condition of health detrimental to the welfare of pupils,
10 incompetency (subject to subsection (b) of this Section),
11 unprofessional conduct, the neglect of any professional duty,
12 or other just cause, further investigate and, if and as
13 appropriate, serve written notice to the individual and afford
14 the individual opportunity for a hearing prior to suspension,
15 revocation, or other sanction; provided that the State
16 Superintendent is under no obligation to initiate such an
17 investigation if the Department of Children and Family Services
18 is investigating the same or substantially similar allegations
19 and its child protective service unit has not made its
20 determination, as required under Section 7.12 of the Abused and
21 Neglected Child Reporting Act. If the State Superintendent of
22 Education does not receive from an individual a request for a
23 hearing within 10 days after the individual receives notice,
24 the suspension, revocation, or other sanction shall
25 immediately take effect in accordance with the notice. If a
26 hearing is requested within 10 days after notice of an

1 opportunity for hearing, it shall act as a stay of proceedings
2 until the State Educator Preparation and Licensure Board issues
3 a decision. Any hearing shall take place in the educational
4 service region where the educator is or was last employed and
5 in accordance with rules adopted by the State Board of
6 Education, in consultation with the State Educator Preparation
7 and Licensure Board, and such rules shall include without
8 limitation provisions for discovery and the sharing of
9 information between parties prior to the hearing. The standard
10 of proof for any administrative hearing held pursuant to this
11 Section shall be by the preponderance of the evidence. The
12 decision of the State Educator Preparation and Licensure Board
13 is a final administrative decision and is subject to judicial
14 review by appeal of either party.

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

22 The exclusive authority of the State Superintendent of
23 Education to initiate suspension or revocation of a license
24 pursuant to this Section does not preclude a regional
25 superintendent of schools from cooperating with the State
26 Superintendent or a State's Attorney with respect to an

1 investigation of alleged misconduct.

2 (d) The State Superintendent of Education or his or her
3 designee may initiate and conduct such investigations as may be
4 reasonably necessary to establish the existence of any alleged
5 misconduct. At any stage of the investigation, the State
6 Superintendent may issue a subpoena requiring the attendance
7 and testimony of a witness, including the license holder, and
8 the production of any evidence, including files, records,
9 correspondence, or documents, relating to any matter in
10 question in the investigation. The subpoena shall require a
11 witness to appear at the State Board of Education at a
12 specified date and time and shall specify any evidence to be
13 produced. The license holder is not entitled to be present, but
14 the State Superintendent shall provide the license holder with
15 a copy of any recorded testimony prior to a hearing under this
16 Section. Such recorded testimony must not be used as evidence
17 at a hearing, unless the license holder has adequate notice of
18 the testimony and the opportunity to cross-examine the witness.
19 Failure of a license holder to comply with a duly issued,
20 investigatory subpoena may be grounds for revocation,
21 suspension, or denial of a license.

22 (e) All correspondence, documentation, and other
23 information so received by the regional superintendent of
24 schools, the State Superintendent of Education, the State Board
25 of Education, or the State Educator Preparation and Licensure
26 Board under this Section is confidential and must not be

1 disclosed to third parties, except (i) as necessary for the
2 State Superintendent of Education or his or her designee to
3 investigate and prosecute pursuant to this Article, (ii)
4 pursuant to a court order, (iii) for disclosure to the license
5 holder or his or her representative, or (iv) as otherwise
6 required in this Article and provided that any such information
7 admitted into evidence in a hearing is exempt from this
8 confidentiality and non-disclosure requirement.

9 (f) The State Superintendent of Education or a person
10 designated by him or her shall have the power to administer
11 oaths to witnesses at any hearing conducted before the State
12 Educator Preparation and Licensure Board pursuant to this
13 Section. The State Superintendent of Education or a person
14 designated by him or her is authorized to subpoena and bring
15 before the State Educator Preparation and Licensure Board any
16 person in this State and to take testimony either orally or by
17 deposition or by exhibit, with the same fees and mileage and in
18 the same manner as prescribed by law in judicial proceedings in
19 civil cases in circuit courts of this State.

20 (g) Any circuit court, upon the application of the State
21 Superintendent of Education or the license holder, may, by
22 order duly entered, require the attendance of witnesses and the
23 production of relevant books and papers as part of any
24 investigation or at any hearing the State Educator Preparation
25 and Licensure Board is authorized to conduct pursuant to this
26 Section, and the court may compel obedience to its orders by

1 proceedings for contempt.

2 (h) The State Board of Education shall receive an annual
3 line item appropriation to cover fees associated with the
4 investigation and prosecution of alleged educator misconduct
5 and hearings related thereto.

6 (Source: P.A. 97-607, eff. 8-26-11; incorporates 97-8, eff.
7 6-13-11; 97-813, eff. 7-13-12; 98-972, eff. 8-15-14.)

8 Section 20. The Illinois Insurance Code is amended by
9 changing Section 500-70 as follows:

10 (215 ILCS 5/500-70)

11 (Section scheduled to be repealed on January 1, 2017)

12 Sec. 500-70. License denial, nonrenewal, or revocation.

13 (a) The Director may place on probation, suspend, revoke,
14 or refuse to issue or renew an insurance producer's license or
15 may levy a civil penalty in accordance with this Section or
16 take any combination of actions, for any one or more of the
17 following causes:

18 (1) providing incorrect, misleading, incomplete, or
19 materially untrue information in the license application;

20 (2) violating any insurance laws, or violating any
21 rule, subpoena, or order of the Director or of another
22 state's insurance commissioner;

23 (3) obtaining or attempting to obtain a license through
24 misrepresentation or fraud;

1 (4) improperly withholding, misappropriating or
2 converting any moneys or properties received in the course
3 of doing insurance business;

4 (5) intentionally misrepresenting the terms of an
5 actual or proposed insurance contract or application for
6 insurance;

7 (6) having been convicted of a felony;

8 (7) having admitted or been found to have committed any
9 insurance unfair trade practice or fraud;

10 (8) using fraudulent, coercive, or dishonest
11 practices, or demonstrating incompetence,
12 untrustworthiness or financial irresponsibility in the
13 conduct of business in this State or elsewhere;

14 (9) having an insurance producer license, or its
15 equivalent, denied, suspended, or revoked in any other
16 state, province, district or territory;

17 (10) forging a name to an application for insurance or
18 to a document related to an insurance transaction;

19 (11) improperly using notes or any other reference
20 material to complete an examination for an insurance
21 license;

22 (12) knowingly accepting insurance business from an
23 individual who is not licensed;

24 (13) failing to comply with an administrative or court
25 order imposing a child support obligation;

26 (14) failing to pay state income tax or penalty or

1 interest or comply with any administrative or court order
2 directing payment of state income tax or failed to file a
3 return or to pay any final assessment of any tax due to the
4 Department of Revenue;

5 (15) (blank) ~~failing to make satisfactory repayment to~~
6 ~~the Illinois Student Assistance Commission for a~~
7 ~~delinquent or defaulted student loan; or~~

8 (16) failing to comply with any provision of the
9 Viatical Settlements Act of 2009.

10 (b) If the action by the Director is to nonrenew, suspend,
11 or revoke a license or to deny an application for a license,
12 the Director shall notify the applicant or licensee and advise,
13 in writing, the applicant or licensee of the reason for the
14 suspension, revocation, denial or nonrenewal of the
15 applicant's or licensee's license. The applicant or licensee
16 may make written demand upon the Director within 30 days after
17 the date of mailing for a hearing before the Director to
18 determine the reasonableness of the Director's action. The
19 hearing must be held within not fewer than 20 days nor more
20 than 30 days after the mailing of the notice of hearing and
21 shall be held pursuant to 50 Ill. Adm. Code 2402.

22 (c) The license of a business entity may be suspended,
23 revoked, or refused if the Director finds, after hearing, that
24 an individual licensee's violation was known or should have
25 been known by one or more of the partners, officers, or
26 managers acting on behalf of the partnership, corporation,

1 limited liability company, or limited liability partnership
2 and the violation was neither reported to the Director nor
3 corrective action taken.

4 (d) In addition to or instead of any applicable denial,
5 suspension, or revocation of a license, a person may, after
6 hearing, be subject to a civil penalty of up to \$10,000 for
7 each cause for denial, suspension, or revocation, however, the
8 civil penalty may total no more than \$100,000.

9 (e) The Director has the authority to enforce the
10 provisions of and impose any penalty or remedy authorized by
11 this Article against any person who is under investigation for
12 or charged with a violation of this Code or rules even if the
13 person's license or registration has been surrendered or has
14 lapsed by operation of law.

15 (f) Upon the suspension, denial, or revocation of a
16 license, the licensee or other person having possession or
17 custody of the license shall promptly deliver it to the
18 Director in person or by mail. The Director shall publish all
19 suspensions, denials, or revocations after the suspensions,
20 denials, or revocations become final in a manner designed to
21 notify interested insurance companies and other persons.

22 (g) A person whose license is revoked or whose application
23 is denied pursuant to this Section is ineligible to apply for
24 any license for 3 years after the revocation or denial. A
25 person whose license as an insurance producer has been revoked,
26 suspended, or denied may not be employed, contracted, or

1 engaged in any insurance related capacity during the time the
2 revocation, suspension, or denial is in effect.

3 (Source: P.A. 96-736, eff. 7-1-10.)

4 Section 23. The Illinois Athletic Trainers Practice Act is
5 amended by changing Section 16 as follows:

6 (225 ILCS 5/16) (from Ch. 111, par. 7616)

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

8 Sec. 16. Grounds for discipline.

9 (1) The Department may refuse to issue or renew, or may
10 revoke, suspend, place on probation, reprimand, or take other
11 disciplinary action as the Department may deem proper,
12 including fines not to exceed \$10,000 for each violation, with
13 regard to any licensee for any one or combination of the
14 following:

15 (A) Material misstatement in furnishing information to
16 the Department;

17 (B) Violations of this Act, or of the rules or
18 regulations promulgated hereunder;

19 (C) Conviction of or plea of guilty to any crime under
20 the Criminal Code of 2012 or the laws of any jurisdiction
21 of the United States that is (i) a felony, (ii) a
22 misdemeanor, an essential element of which is dishonesty,
23 or (iii) of any crime that is directly related to the
24 practice of the profession;

1 (D) Fraud or any misrepresentation in applying for or
2 procuring a license under this Act, or in connection with
3 applying for renewal of a license under this Act;

4 (E) Professional incompetence or gross negligence;

5 (F) Malpractice;

6 (G) Aiding or assisting another person, firm,
7 partnership, or corporation in violating any provision of
8 this Act or rules;

9 (H) Failing, within 60 days, to provide information in
10 response to a written request made by the Department;

11 (I) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud or harm the public;

14 (J) Habitual or excessive use or abuse of drugs defined
15 in law as controlled substances, alcohol, or any other
16 substance that results in the inability to practice with
17 reasonable judgment, skill, or safety;

18 (K) Discipline by another state, unit of government,
19 government agency, the District of Columbia, territory, or
20 foreign nation, if at least one of the grounds for the
21 discipline is the same or substantially equivalent to those
22 set forth herein;

23 (L) 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. Nothing in this subparagraph (L) affects any bona
2 fide independent contractor or employment arrangements
3 among health care professionals, health facilities, health
4 care providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this Act.
9 Nothing in this subparagraph (L) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered;

12 (M) A finding by the Department that the licensee after
13 having his or her license disciplined has violated the
14 terms of probation;

15 (N) Abandonment of an athlete;

16 (O) Willfully making or filing false records or reports
17 in his or her practice, including but not limited to false
18 records filed with State agencies or departments;

19 (P) Willfully failing to report an instance of
20 suspected child abuse or neglect as required by the Abused
21 and Neglected Child Reporting Act;

22 (Q) Physical illness, including but not limited to
23 deterioration through the aging process, or loss of motor
24 skill that results in the inability to practice the
25 profession with reasonable judgment, skill, or safety;

26 (R) Solicitation of professional services other than

1 by permitted institutional policy;

2 (S) The use of any words, abbreviations, figures or
3 letters with the intention of indicating practice as an
4 athletic trainer without a valid license as an athletic
5 trainer under this Act;

6 (T) The evaluation or treatment of ailments of human
7 beings other than by the practice of athletic training as
8 defined in this Act or the treatment of injuries of
9 athletes by a licensed athletic trainer except by the
10 referral of a physician, podiatric physician, or dentist;

11 (U) Willfully violating or knowingly assisting in the
12 violation of any law of this State relating to the use of
13 habit-forming drugs;

14 (V) Willfully violating or knowingly assisting in the
15 violation of any law of this State relating to the practice
16 of abortion;

17 (W) Continued practice by a person knowingly having an
18 infectious communicable or contagious disease;

19 (X) Being named as a perpetrator in an indicated report
20 by the Department of Children and Family Services pursuant
21 to the Abused and Neglected Child Reporting Act and upon
22 proof by clear and convincing evidence that the licensee
23 has caused a child to be an abused child or neglected child
24 as defined in the Abused and Neglected Child Reporting Act;

25 (Y) (Blank);

26 (Z) Failure to fulfill continuing education

1 requirements;

2 (AA) Allowing one's license under this Act to be used
3 by an unlicensed person in violation of this Act;

4 (BB) Practicing under a false or, except as provided by
5 law, assumed name;

6 (CC) Promotion of the sale of drugs, devices,
7 appliances, or goods provided in any manner to exploit the
8 client for the financial gain of the licensee;

9 (DD) Gross, willful, or continued overcharging for
10 professional services;

11 (EE) Mental illness or disability that results in the
12 inability to practice under this Act with reasonable
13 judgment, skill, or safety; or

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

16 All fines imposed under this Section shall be paid within
17 60 days after the effective date of the order imposing the fine
18 or in accordance with the terms set forth in the order imposing
19 the fine.

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

1 licensee.

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

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

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

11 The Department may order the examining physician or any
12 member of the multidisciplinary team to provide to the
13 Department any and all records, including business records,
14 that relate to the examination and evaluation, including any
15 supplemental testing performed. The Department may order the
16 examining physician or any member of the multidisciplinary team
17 to present testimony concerning this examination and
18 evaluation of the licensee or applicant, including testimony
19 concerning any supplemental testing or documents relating to
20 the examination and evaluation. No information, report,
21 record, or other documents in any way related to the
22 examination and evaluation shall be excluded by reason of any
23 common law or statutory privilege relating to communication
24 between the licensee or applicant and the examining physician
25 or any member of the multidisciplinary team. No authorization
26 is necessary from the licensee or applicant ordered to undergo

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

8 Failure of any individual to submit to a mental or physical
9 examination or evaluation, or both, when directed, shall result
10 in an automatic suspension without hearing, until such time as
11 the individual submits to the examination. If the Department
12 finds a licensee unable to practice because of the reasons set
13 forth in this Section, the Department shall require the
14 licensee to submit to care, counseling, or treatment by
15 physicians approved or designated by the Department as a
16 condition for continued, reinstated, or renewed licensure.

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

25 Individuals licensed under this Act who are affected under
26 this Section shall be afforded an opportunity to demonstrate to

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

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

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

24 (Source: P.A. 98-214, eff. 8-9-13; 99-469, eff. 8-26-15.)

25 Section 25. The Dietitian Nutritionist Practice Act is

1 amended by changing Section 95 as follows:

2 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

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

4 Sec. 95. Grounds for discipline.

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

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

13 (b) Violations of this Act or of rules adopted under
14 this Act.

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

24 (d) 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 (e) Professional incompetence or gross negligence.

3 (f) Malpractice.

4 (g) Aiding or assisting another person in violating any
5 provision of this Act or its rules.

6 (h) Failing to provide information within 60 days in
7 response to a written request made by the Department.

8 (i) Engaging in dishonorable, unethical or
9 unprofessional conduct of a character likely to deceive,
10 defraud, or harm the public.

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

15 (k) Discipline by another state, the District of
16 Columbia, territory, country, or governmental agency if at
17 least one of the grounds for the discipline is the same or
18 substantially equivalent to those set forth in this Act.

19 (l) Charging for professional services not rendered,
20 including filing false statements for the collection of
21 fees for which services are not rendered. Nothing in this
22 paragraph (l) affects any bona fide independent contractor
23 or employment arrangements among health care
24 professionals, health facilities, health care providers,
25 or other entities, except as otherwise prohibited by law.
26 Any employment arrangements may include provisions for

1 compensation, health insurance, pension, or other
2 employment benefits for the provision of services within
3 the scope of the licensee's practice under this Act.
4 Nothing in this paragraph (1) shall be construed to require
5 an employment arrangement to receive professional fees for
6 services rendered.

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

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

13 (o) Allowing one's license under this Act to be used by
14 an unlicensed person in violation of this Act.

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

17 (q) Gross and willful overcharging for professional
18 services.

19 (r) (Blank).

20 (s) Willfully failing to report an instance of
21 suspected child abuse or neglect as required by the Abused
22 and Neglected Child Reporting Act.

23 (t) Cheating on or attempting to subvert a licensing
24 examination administered under this Act.

25 (u) Mental illness or disability that results in the
26 inability to practice under this Act with reasonable

1 judgment, skill, or safety.

2 (v) Physical illness, including, but not limited to,
3 deterioration through the aging process or loss of motor
4 skill that results in a licensee's inability to practice
5 under this Act with reasonable judgment, skill, or safety.

6 (w) Advising an individual to discontinue, reduce,
7 increase, or otherwise alter the intake of a drug
8 prescribed by a physician licensed to practice medicine in
9 all its branches or by a prescriber as defined in Section
10 102 of the Illinois Controlled Substances Act.

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

21 (3) (Blank) ~~The Department shall deny a license or renewal~~
22 ~~authorized by this Act to a person who has defaulted on an~~
23 ~~educational loan or scholarship provided or guaranteed by the~~
24 ~~Illinois Student Assistance Commission or any governmental~~
25 ~~agency of this State in accordance with item (5) of subsection~~
26 ~~(a) of Section 2105 15 of the Civil Administrative Code of~~

1 ~~Illinois.~~

2 (4) In cases where the Department of Healthcare and Family
3 Services has previously determined a licensee or a potential
4 licensee is more than 30 days delinquent in the payment of
5 child support and has subsequently certified the delinquency to
6 the Department, the Department may refuse to issue or renew or
7 may revoke or suspend that person's license or may take other
8 disciplinary action against that person based solely upon the
9 certification of delinquency made by the Department of
10 Healthcare and Family Services in accordance with item (5) of
11 subsection (a) of Section 2105-15 of the Civil Administrative
12 Code of Illinois.

13 (5) 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, operates as an automatic suspension. The suspension shall
17 end only upon a finding by a court that the patient is no
18 longer subject to involuntary admission or judicial admission
19 and the issuance of an order so finding and discharging the
20 patient.

21 (6) In enforcing this Act, the Department, upon a showing
22 of a possible violation, may compel an individual licensed to
23 practice under this Act, or who has applied for licensure under
24 this Act, to submit to a mental or physical examination, or
25 both, as required by and at the expense of the Department. The
26 Department may order the examining physician to present

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

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

1 terms of the agreement, then the Department may file a
2 complaint to revoke, suspend, or otherwise discipline the
3 license of the individual. The Secretary may order the license
4 suspended immediately, pending a hearing by the Department.
5 Fines shall not be assessed in disciplinary actions involving
6 physical or mental illness or impairment.

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

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

21 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;
22 98-756, eff. 7-16-14.)

23 Section 30. The Environmental Health Practitioner
24 Licensing Act is amended by changing Section 35 as follows:

1 (225 ILCS 37/35)

2 (Section scheduled to be repealed on January 1, 2019)

3 Sec. 35. Grounds for discipline.

4 (a) The Department may refuse to issue or renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary action with regard to any license issued under
7 this Act as the Department may consider proper, including the
8 imposition of fines not to exceed \$5,000 for each violation,
9 for any one or combination of the following causes:

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

12 (2) Violations of this Act or its rules.

13 (3) Conviction of any felony under the laws of any U.S.
14 jurisdiction, any misdemeanor an essential element of
15 which is dishonesty, or any crime that is directly related
16 to the practice of the profession.

17 (4) Making any misrepresentation for the purpose of
18 obtaining a certificate of registration.

19 (5) Professional incompetence.

20 (6) Aiding or assisting another person in violating any
21 provision of this Act or its rules.

22 (7) Failing to provide information within 60 days in
23 response to a written request made by the Department.

24 (8) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public as defined by rules of the

1 Department.

2 (9) Habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug
4 that results in an environmental health practitioner's
5 inability to practice with reasonable judgment, skill, or
6 safety.

7 (10) Discipline by another U.S. jurisdiction or
8 foreign nation, if at least one of the grounds for a
9 discipline is the same or substantially equivalent to those
10 set forth in this Act.

11 (11) A finding by the Department that the registrant,
12 after having his or her license placed on probationary
13 status, has violated the terms of probation.

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

17 (13) Physical illness, including, but not limited to,
18 deterioration through the aging process or loss of motor
19 skills that result in the inability to practice the
20 profession with reasonable judgment, skill, or safety.

21 (14) Failure to comply with rules promulgated by the
22 Illinois Department of Public Health or other State
23 agencies related to the practice of environmental health.

24 (15) (Blank) ~~The Department shall deny any application~~
25 ~~for a license or renewal of a license under this Act,~~
26 ~~without hearing, to a person who has defaulted on an~~

~~educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal of a license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.~~

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

(17) A finding that the license has been applied for or obtained by fraudulent means.

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

(19) Gross overcharging for professional services including filing statements for collection of fees or moneys for which services are not rendered.

(b) The Department may refuse to issue or may suspend the license of any person who fails to (i) file a return, (ii) pay the tax, penalty, or interest shown in a filed return; or (iii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue until the requirements of the tax Act are satisfied.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission to a mental health facility as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension may end only upon a finding by a

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

6 (d) In enforcing this Section, the Department, upon a
7 showing of a possible violation, may compel any person licensed
8 to practice under this Act or who has applied for licensure or
9 certification pursuant to this Act to submit to a mental or
10 physical examination, or both, as required by and at the
11 expense of the Department. The examining physicians shall be
12 those specifically designated by the Department. The
13 Department may order the examining physician to present
14 testimony concerning this mental or physical examination of the
15 licensee or applicant. No information shall be excluded by
16 reason of any common law or statutory privilege relating to
17 communications between the licensee or applicant and the
18 examining physician. The person to be examined may have, at his
19 or her own expense, another physician of his or her choice
20 present during all aspects of the examination. Failure of any
21 person to submit to a mental or physical examination, when
22 directed, shall be grounds for suspension of a license until
23 the person submits to the examination if the Department finds,
24 after notice and hearing, that the refusal to submit to the
25 examination was without reasonable cause.

26 If the Department finds an individual unable to practice

1 because of the reasons set forth in this Section, the
2 Department may require that individual to submit to care,
3 counseling, or treatment by physicians approved or designated
4 by the Department, as a condition, term, or restriction for
5 continued, reinstated, or renewed licensure to practice or, in
6 lieu of care, counseling, or treatment, the Department may file
7 a complaint to immediately suspend, revoke, or otherwise
8 discipline the license of the individual.

9 Any person whose license was granted, continued,
10 reinstated, renewed, disciplined, or supervised subject to
11 such terms, conditions, or restrictions and who fails to comply
12 with such terms, conditions, or restrictions shall be referred
13 to the Director for a determination as to whether the person
14 shall have his or her license suspended immediately, pending a
15 hearing by the Department.

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

25 A person licensed under this Act and affected under this
26 Section shall be afforded an opportunity to demonstrate to the

1 Department that he or she can resume practice in compliance
2 with acceptable and prevailing standards under the provisions
3 of his or her license.

4 (Source: P.A. 92-837, eff. 8-22-02.)

5 Section 35. The Funeral Directors and Embalmers Licensing
6 Code is amended by changing Section 15-75 as follows:

7 (225 ILCS 41/15-75)

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

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

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

14 (1) Practicing the profession of funeral directing and
15 embalming or funeral directing, or attempting to practice
16 the profession of funeral directing and embalming or
17 funeral directing without a license as a funeral director
18 and embalmer or funeral director.

19 (2) Serving or attempting to serve as an intern under a
20 licensed funeral director and embalmer without a license as
21 a licensed funeral director and embalmer intern.

22 (3) Obtaining or attempting to obtain a license,
23 practice or business, or any other thing of value, by fraud
24 or misrepresentation.

1 (4) Permitting any person in one's employ, under one's
2 control or in or under one's service to serve as a funeral
3 director and embalmer, funeral director, or funeral
4 director and embalmer intern when the person does not have
5 the appropriate license.

6 (5) Failing to display a license as required by this
7 Code.

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

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

17 (1) Fraud or any misrepresentation in applying for or
18 procuring a license under this Code or in connection with
19 applying for renewal of a license under this Code.

20 (2) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing of any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under
25 the laws of any jurisdiction of the United States: (i) that
26 is a felony or (ii) that is a misdemeanor, an essential

1 element of which is dishonesty, or that is directly related
2 to the practice of the profession.

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

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

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

14 (6) (Blank).

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

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

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

1 (10) Engaging in funeral directing and embalming or
2 funeral directing without a license.

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

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

15 (13) (Blank).

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

26 (15) Making a false statement on a Certificate of Death

1 where the person making the statement knew or should have
2 known that the statement was false.

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

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

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

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

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

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

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

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

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

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

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

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

26 (27) Failing to acquire continuing education required

1 under this Code.

2 (28) (Blank).

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

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

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

13 (32) (Blank).

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

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

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

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

26 (A) When reasonably possible, a funeral director

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

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

25 (C) At the time funeral arrangements are made and
26 prior to rendering the funeral services, a licensee

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

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

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

23 (E) A funeral director or funeral director and
24 embalmer shall fully complete the portion of the
25 Certificate of Death under the responsibility of the
26 funeral director or funeral director and embalmer and

1 provide all required information. In the event that any
2 reported information subsequently changes or proves
3 incorrect, a funeral director or funeral director and
4 embalmer shall immediately upon learning the correct
5 information correct the Certificate of Death.

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

11 (38) (Blank).

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

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

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

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

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

12 (d) No action may be taken under this Code against a person
13 licensed under this Code unless the action is commenced within
14 5 years after the occurrence of the alleged violations. A
15 continuing violation shall be deemed to have occurred on the
16 date when the circumstances last existed that give rise to the
17 alleged violation.

18 (e) Nothing in this Section shall be construed or enforced
19 to give a funeral director and embalmer, or his or her
20 designees, authority over the operation of a cemetery or over
21 cemetery employees. Nothing in this Section shall be construed
22 or enforced to impose duties or penalties on cemeteries with
23 respect to the timing of the placement of human remains in
24 their designated grave or the sealing of the above ground
25 depository, crypt, or urn due to patron safety, the allocation
26 of cemetery staffing, liability insurance, a collective

1 bargaining agreement, or other such reasons.

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

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

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

23 (i) A person not licensed under this Code who is an owner
24 of a funeral establishment or funeral business shall not aid,
25 abet, assist, procure, advise, employ, or contract with any
26 unlicensed person to offer funeral services or aid, abet,

1 assist, or direct any licensed person contrary to or in
2 violation of any rules or provisions of this Code. A person
3 violating this subsection shall be treated as a licensee for
4 the purposes of disciplinary action under this Section and
5 shall be subject to cease and desist orders as provided in this
6 Code, the imposition of a fine up to \$10,000 for each violation
7 and any other penalty provided by law.

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

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

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

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

1 suspended immediately, pending a hearing by the Department.
2 Fines shall not be assessed in disciplinary actions involving
3 physical or mental illness or impairment.

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

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

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

19 Section 40. The Marriage and Family Therapy Licensing Act
20 is amended by changing Section 85 as follows:

21 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 85. Refusal, revocation, or suspension.

24 (a) The Department may refuse to issue or renew, or may

1 revoke a license, or may suspend, place on probation, fine, or
2 take any disciplinary or non-disciplinary action as the
3 Department may deem proper, including fines not to exceed
4 \$10,000 for each violation, with regard to any licensee for any
5 one or combination of the following causes:

6 (1) Material misstatement in furnishing information to
7 the Department.

8 (2) Violations of this Act or its rules.

9 (3) Conviction of or entry of a plea of guilty or nolo
10 contendere to any crime that is a felony under the laws of
11 the United States or any state or territory thereof or a
12 misdemeanor of which an essential element is dishonesty or
13 that is directly related to the practice of the profession.

14 (4) Making any misrepresentation for the purpose of
15 obtaining a license or violating any provision of this Act
16 or its rules.

17 (5) Professional incompetence.

18 (6) Gross negligence.

19 (7) Aiding or assisting another person in violating any
20 provision of this Act or its rules.

21 (8) Failing, within 30 days, to provide information in
22 response to a written request made by the Department.

23 (9) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud or harm the public as defined by the rules of the
26 Department, or violating the rules of professional conduct

1 adopted by the Board and published by the Department.

2 (10) Habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug
4 that results in the inability to practice with reasonable
5 judgment, skill, or safety.

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

10 (12) Directly or indirectly giving to or receiving from
11 any person, firm, corporation, partnership, or association
12 any fee, commission, rebate, or other form of compensation
13 for any professional services not actually or personally
14 rendered. Nothing in this paragraph (12) affects any bona
15 fide independent contractor or employment arrangements
16 among health care professionals, health facilities, health
17 care providers, or other entities, except as otherwise
18 prohibited by law. Any employment arrangements may include
19 provisions for compensation, health insurance, pension, or
20 other employment benefits for the provision of services
21 within the scope of the licensee's practice under this Act.
22 Nothing in this paragraph (12) shall be construed to
23 require an employment arrangement to receive professional
24 fees for services rendered.

25 (13) A finding by the Department that the licensee,
26 after having his or her license placed on probationary

1 status, has violated the terms of probation.

2 (14) Abandonment of a patient without cause.

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

7 (16) Wilfully failing to report an instance of
8 suspected child abuse or neglect as required by the Abused
9 and Neglected Child Reporting Act.

10 (17) Being named as a perpetrator in an indicated
11 report by the Department of Children and Family Services
12 under the Abused and Neglected Child Reporting Act and upon
13 proof by clear and convincing evidence that the licensee
14 has caused a child to be an abused child or neglected child
15 as defined in the Abused and Neglected Child Reporting Act.

16 (18) Physical illness or mental illness or impairment,
17 including, but not limited to, deterioration through the
18 aging process or loss of motor skill that results in the
19 inability to practice the profession with reasonable
20 judgment, skill, or safety.

21 (19) Solicitation of professional services by using
22 false or misleading advertising.

23 (20) A finding that licensure has been applied for or
24 obtained by fraudulent means.

25 (21) Practicing or attempting to practice under a name
26 other than the full name as shown on the license or any

1 other legally authorized name.

2 (22) Gross overcharging for professional services
3 including filing statements for collection of fees or
4 moneys for which services are not rendered.

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

12 (c) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission, as
14 provided in the Mental Health and Developmental Disabilities
15 Code, operates as an automatic suspension. The suspension will
16 terminate only upon a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission
18 and the issuance of an order so finding and discharging the
19 patient, and upon the recommendation of the Board to the
20 Secretary that the licensee be allowed to resume his or her
21 practice as a licensed marriage and family therapist or an
22 associate marriage and family therapist.

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

1 Act administered by the Illinois Department of Revenue, until
2 the time the requirements of the tax Act are satisfied.

3 (e) In enforcing this Section, the Department or Board upon
4 a showing of a possible violation may compel an individual
5 licensed to practice under this Act, or who has applied for
6 licensure under this Act, to submit to a mental or physical
7 examination, or both, as required by and at the expense of the
8 Department. The Department or Board may order the examining
9 physician to present testimony concerning the mental or
10 physical examination of the licensee or applicant. No
11 information shall be excluded by reason of any common law or
12 statutory privilege relating to communications between the
13 licensee or applicant and the examining physician. The
14 examining physicians shall be specifically designated by the
15 Board or Department. The individual to be examined may have, at
16 his or her own expense, another physician of his or her choice
17 present during all aspects of this examination. Failure of an
18 individual to submit to a mental or physical examination, when
19 directed, shall be grounds for suspension of his or her license
20 until the individual submits to the examination if the
21 Department finds, after notice and hearing, that the refusal to
22 submit to the examination was without reasonable cause.

23 If the Department or Board finds an individual unable to
24 practice because of the reasons set forth in this Section, the
25 Department or Board may require that individual to submit to
26 care, counseling, or treatment by physicians approved or

1 designated by the Department or Board, as a condition, term, or
2 restriction for continued, reinstated, or renewed licensure to
3 practice; or, in lieu of care, counseling, or treatment, the
4 Department may file, or the Board may recommend to the
5 Department to file, a complaint to immediately suspend, revoke,
6 or otherwise discipline the license of the individual. An
7 individual whose license was granted, continued, reinstated,
8 renewed, disciplined or supervised subject to such terms,
9 conditions, or restrictions, and who fails to comply with such
10 terms, conditions, or restrictions, shall be referred to the
11 Secretary for a determination as to whether the individual
12 shall have his or her license suspended immediately, pending a
13 hearing by the Department.

14 In instances in which the Secretary immediately suspends a
15 person's license under this Section, a hearing on that person's
16 license must be convened by the Department within 30 days after
17 the suspension and completed without appreciable delay. The
18 Department and Board shall have the authority to review the
19 subject individual's record of treatment and counseling
20 regarding the impairment to the extent permitted by applicable
21 federal statutes and regulations safeguarding the
22 confidentiality of medical records.

23 An individual licensed under this Act and affected under
24 this Section shall be afforded an opportunity to demonstrate to
25 the Department or Board that he or she can resume practice in
26 compliance with acceptable and prevailing standards under the

1 provisions of his or her license.

2 (Source: P.A. 95-703, eff. 12-31-07; 96-1482, eff. 11-29-10.)

3 Section 45. The Massage Licensing Act is amended by
4 changing Section 45 as follows:

5 (225 ILCS 57/45)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 45. Grounds for discipline.

8 (a) The Department may refuse to issue or renew, or may
9 revoke, suspend, place on probation, reprimand, or take other
10 disciplinary or non-disciplinary action, as the Department
11 considers appropriate, including the imposition of fines not to
12 exceed \$10,000 for each violation, with regard to any license
13 or licensee for any one or more of the following:

14 (1) violations of this Act or of the rules adopted
15 under this Act;

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

1 (3) professional incompetence;

2 (4) advertising in a false, deceptive, or misleading
3 manner;

4 (5) aiding, abetting, assisting, procuring, advising,
5 employing, or contracting with any unlicensed person to
6 practice massage contrary to any rules or provisions of
7 this Act;

8 (6) engaging in immoral conduct in the commission of
9 any act, such as sexual abuse, sexual misconduct, or sexual
10 exploitation, related to the licensee's practice;

11 (7) engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public;

14 (8) practicing or offering to practice beyond the scope
15 permitted by law or accepting and performing professional
16 responsibilities which the licensee knows or has reason to
17 know that he or she is not competent to perform;

18 (9) knowingly delegating professional responsibilities
19 to a person unqualified by training, experience, or
20 licensure to perform;

21 (10) failing to provide information in response to a
22 written request made by the Department within 60 days;

23 (11) having a habitual or excessive use of or addiction
24 to alcohol, narcotics, stimulants, or any other chemical
25 agent or drug which results in the inability to practice
26 with reasonable judgment, skill, or safety;

1 (12) having a pattern of practice or other behavior
2 that demonstrates incapacity or incompetence to practice
3 under this Act;

4 (13) discipline by another state, District of
5 Columbia, territory, or foreign nation, if at least one of
6 the grounds for the discipline is the same or substantially
7 equivalent to those set forth in this Section;

8 (14) a finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation;

11 (15) willfully making or filing false records or
12 reports in his or her practice, including, but not limited
13 to, false records filed with State agencies or departments;

14 (16) making a material misstatement in furnishing
15 information to the Department or otherwise making
16 misleading, deceptive, untrue, or fraudulent
17 representations in violation of this Act or otherwise in
18 the practice of the profession;

19 (17) fraud or misrepresentation in applying for or
20 procuring a license under this Act or in connection with
21 applying for renewal of a license under this Act;

22 (18) inability to practice the profession with
23 reasonable judgment, skill, or safety as a result of
24 physical illness, including, but not limited to,
25 deterioration through the aging process, loss of motor
26 skill, or a mental illness or disability;

1 (19) charging for professional services not rendered,
2 including filing false statements for the collection of
3 fees for which services are not rendered;

4 (20) practicing under a false or, except as provided by
5 law, an assumed name; or

6 (21) cheating on or attempting to subvert the licensing
7 examination administered under this Act.

8 All fines shall be paid within 60 days of the effective
9 date of the order imposing the fine.

10 (b) A person not licensed under this Act and engaged in the
11 business of offering massage therapy services through others,
12 shall not aid, abet, assist, procure, advise, employ, or
13 contract with any unlicensed person to practice massage therapy
14 contrary to any rules or provisions of this Act. A person
15 violating this subsection (b) shall be treated as a licensee
16 for the purposes of disciplinary action under this Section and
17 shall be subject to cease and desist orders as provided in
18 Section 90 of this Act.

19 (c) The Department shall revoke any license issued under
20 this Act of any person who is convicted of prostitution, rape,
21 sexual misconduct, or any crime that subjects the licensee to
22 compliance with the requirements of the Sex Offender
23 Registration Act and any such conviction shall operate as a
24 permanent bar in the State of Illinois to practice as a massage
25 therapist.

26 (d) The Department may refuse to issue or may suspend the

1 license of any person who fails to file a tax return, to pay
2 the tax, penalty, or interest shown in a filed tax return, or
3 to pay any final assessment of tax, penalty, or interest, as
4 required by any tax Act administered by the Illinois Department
5 of Revenue, until such time as the requirements of the tax Act
6 are satisfied in accordance with subsection (g) of Section
7 2105-15 of the Civil Administrative Code of Illinois.

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

15 (f) In cases where the Department of Healthcare and Family
16 Services has previously determined that a licensee or a
17 potential licensee is more than 30 days delinquent in the
18 payment of child support and has subsequently certified the
19 delinquency to the Department, the Department may refuse to
20 issue or renew or may revoke or suspend that person's license
21 or may take other disciplinary action against that person based
22 solely upon the certification of delinquency made by the
23 Department of Healthcare and Family Services in accordance with
24 item (5) of subsection (a) of Section 2105-15 of the Civil
25 Administrative Code of Illinois.

26 (g) The determination by a circuit court that a licensee is

1 subject to involuntary admission or judicial admission, as
2 provided in the Mental Health and Developmental Disabilities
3 Code, operates as an automatic suspension. The suspension will
4 end only upon a finding by a court that the patient is no
5 longer subject to involuntary admission or judicial admission
6 and the issuance of a court order so finding and discharging
7 the patient.

8 (h) In enforcing this Act, the Department or Board, upon a
9 showing of a possible violation, may compel an individual
10 licensed to practice under this Act, or who has applied for
11 licensure under this Act, to submit to a mental or physical
12 examination, or both, as required by and at the expense of the
13 Department. The Department or Board may order the examining
14 physician to present testimony concerning the mental or
15 physical examination of the licensee or applicant. No
16 information shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician. The
19 examining physicians shall be specifically designated by the
20 Board or Department. The individual to be examined may have, at
21 his or her own expense, another physician of his or her choice
22 present during all aspects of this examination. The examination
23 shall be performed by a physician licensed to practice medicine
24 in all its branches. Failure of an individual to submit to a
25 mental or physical examination, when directed, shall result in
26 an automatic suspension without hearing.

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

20 In instances in which the Secretary immediately suspends a
21 person's license under this Section, a hearing on that person's
22 license must be convened by the Department within 15 days after
23 the suspension and completed without appreciable delay. The
24 Department and Board shall have the authority to review the
25 subject individual's record of treatment and counseling
26 regarding the impairment to the extent permitted by applicable

1 federal statutes and regulations safeguarding the
2 confidentiality of medical records.

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

8 (Source: P.A. 97-514, eff. 8-23-11; 98-756, eff. 7-16-14.)

9 Section 50. The Naprapathic Practice Act is amended by
10 changing Section 110 as follows:

11 (225 ILCS 63/110)

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

13 Sec. 110. Grounds for disciplinary action; refusal,
14 revocation, suspension.

15 (a) The Department may refuse to issue or to renew, or may
16 revoke, suspend, place on probation, reprimand or take other
17 disciplinary or non-disciplinary action as the Department may
18 deem appropriate, including imposing fines not to exceed
19 \$10,000 for each violation, with regard to any licensee or
20 license for any one or combination of the following causes:

21 (1) Violations of this Act or of rules adopted under
22 this Act.

23 (2) Material misstatement in furnishing information to
24 the Department.

1 (3) Conviction by plea of guilty or nolo contendere,
2 finding of guilt, jury verdict, or entry of judgment, or by
3 sentencing of any crime, including, but not limited to,
4 convictions, preceding sentences of supervision,
5 conditional discharge, or first offender probation, under
6 the laws of any jurisdiction of the United States: (i) that
7 is a felony or (ii) that is a misdemeanor, an essential
8 element of which is dishonesty, or that is directly related
9 to the practice of the profession.

10 (4) Fraud or any misrepresentation in applying for or
11 procuring a license under this Act or in connection with
12 applying for renewal of a license under this Act.

13 (5) Professional incompetence or gross negligence.

14 (6) Malpractice.

15 (7) Aiding or assisting another person in violating any
16 provision of this Act or its rules.

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

19 (9) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public.

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

26 (11) Discipline by another U.S. jurisdiction or

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

4 (12) Directly or indirectly giving to or receiving from
5 any person, firm, corporation, partnership, or association
6 any fee, commission, rebate, or other form of compensation
7 for any professional services not actually or personally
8 rendered. This shall not be deemed to include rent or other
9 remunerations paid to an individual, partnership, or
10 corporation by a naprapath for the lease, rental, or use of
11 space, owned or controlled by the individual, partnership,
12 corporation, or association. Nothing in this paragraph
13 (12) affects any bona fide independent contractor or
14 employment arrangements among health care professionals,
15 health facilities, health care providers, or other
16 entities, except as otherwise prohibited by law. Any
17 employment arrangements may include provisions for
18 compensation, health insurance, pension, or other
19 employment benefits for the provision of services within
20 the scope of the licensee's practice under this Act.
21 Nothing in this paragraph (12) shall be construed to
22 require an employment arrangement to receive professional
23 fees for services rendered.

24 (13) Using the title "Doctor" or its abbreviation
25 without further clarifying that title or abbreviation with
26 the word "naprapath" or "naprapathy" or the designation

1 "D.N."

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

5 (15) Abandonment of a patient without cause.

6 (16) Willfully making or filing false records or
7 reports relating to a licensee's practice, including but
8 not limited to, false records filed with State agencies or
9 departments.

10 (17) Willfully failing to report an instance of
11 suspected child abuse or neglect as required by the Abused
12 and Neglected Child Reporting Act.

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

18 (19) Solicitation of professional services by means
19 other than permitted advertising.

20 (20) Failure to provide a patient with a copy of his or
21 her record upon the written request of the patient.

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

24 (22) Allowing one's license under this Act to be used
25 by an unlicensed person in violation of this Act.

26 (23) (Blank).

1 (24) Being named as a perpetrator in an indicated
2 report by the Department of Children and Family Services
3 under the Abused and Neglected Child Reporting Act and upon
4 proof by clear and convincing evidence that the licensee
5 has caused a child to be an abused child or a neglected
6 child as defined in the Abused and Neglected Child
7 Reporting Act.

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

10 (26) Immoral conduct in the commission of any act, such
11 as sexual abuse, sexual misconduct, or sexual
12 exploitation, related to the licensee's practice.

13 (27) Maintaining a professional relationship with any
14 person, firm, or corporation when the naprapath knows, or
15 should know, that the person, firm, or corporation is
16 violating this Act.

17 (28) Promotion of the sale of food supplements,
18 devices, appliances, or goods provided for a client or
19 patient in such manner as to exploit the patient or client
20 for financial gain of the licensee.

21 (29) Having treated ailments of human beings other than
22 by the practice of naprapathy as defined in this Act, or
23 having treated ailments of human beings as a licensed
24 naprapath independent of a documented referral or
25 documented current and relevant diagnosis from a
26 physician, dentist, or podiatric physician, or having

1 failed to notify the physician, dentist, or podiatric
2 physician who established a documented current and
3 relevant diagnosis that the patient is receiving
4 naprapathic treatment pursuant to that diagnosis.

5 (30) Use by a registered naprapath of the word
6 "infirmery", "hospital", "school", "university", in
7 English or any other language, in connection with the place
8 where naprapathy may be practiced or demonstrated.

9 (31) Continuance of a naprapath in the employ of any
10 person, firm, or corporation, or as an assistant to any
11 naprapath or naprapaths, directly or indirectly, after his
12 or her employer or superior has been found guilty of
13 violating or has been enjoined from violating the laws of
14 the State of Illinois relating to the practice of
15 naprapathy when the employer or superior persists in that
16 violation.

17 (32) The performance of naprapathic service in
18 conjunction with a scheme or plan with another person,
19 firm, or corporation known to be advertising in a manner
20 contrary to this Act or otherwise violating the laws of the
21 State of Illinois concerning the practice of naprapathy.

22 (33) Failure to provide satisfactory proof of having
23 participated in approved continuing education programs as
24 determined by and approved by the Secretary. Exceptions for
25 extreme hardships are to be defined by the rules of the
26 Department.

1 (34) (Blank).

2 (35) Gross or willful overcharging for professional
3 services.

4 (36) (Blank).

5 All fines imposed under this Section shall be paid within
6 60 days after the effective date of the order imposing the
7 fine.

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

19 (c) (Blank) ~~The Department shall deny a license or renewal~~
20 ~~authorized by this Act to a person who has defaulted on an~~
21 ~~educational loan or scholarship provided or guaranteed by the~~
22 ~~Illinois Student Assistance Commission or any governmental~~
23 ~~agency of this State in accordance with item (5) of subsection~~
24 ~~(a) of Section 2105-15 of the Department of Professional~~
25 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

26 (d) In cases where the Department of Healthcare and Family

1 Services has previously determined a licensee or a potential
2 licensee is more than 30 days delinquent in the payment of
3 child support and has subsequently certified the delinquency to
4 the Department, the Department may refuse to issue or renew or
5 may revoke or suspend that person's license or may take other
6 disciplinary action against that person based solely upon the
7 certification of delinquency made by the Department of
8 Healthcare and Family Services in accordance with item (5) of
9 subsection (a) of Section 2105-15 of the Department of
10 Professional Regulation Law of the Civil Administrative Code of
11 Illinois.

12 (e) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission, as
14 provided in the Mental Health and Developmental Disabilities
15 Code, operates as an automatic suspension. The suspension shall
16 end only upon a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission
18 and the issuance of an order so finding and discharging the
19 patient.

20 (f) In enforcing this Act, the Department, upon a showing
21 of a possible violation, may compel an individual licensed to
22 practice under this Act, or who has applied for licensure under
23 this Act, to submit to a mental or physical examination and
24 evaluation, or both, which may include a substance abuse or
25 sexual offender evaluation, as required by and at the expense
26 of the Department. The Department shall specifically designate

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

18 The Department may order the examining physician or any
19 member of the multidisciplinary team to provide to the
20 Department any and all records including business records that
21 relate to the examination and evaluation, including any
22 supplemental testing performed. The Department may order the
23 examining physician or any member of the multidisciplinary team
24 to present testimony concerning the examination and evaluation
25 of the licensee or applicant, including testimony concerning
26 any supplemental testing or documents in any way related to the

1 examination and evaluation. No information, report, record, or
2 other documents in any way related to the examination and
3 evaluation shall be excluded by reason of any common law or
4 statutory privilege relating to communications between the
5 licensee or applicant and the examining physician or any member
6 of the multidisciplinary team. No authorization is necessary
7 from the licensee or applicant ordered to undergo an evaluation
8 and examination for the examining physician or any member of
9 the multidisciplinary team to provide information, reports,
10 records, or other documents or to provide any testimony
11 regarding the examination and evaluation. The individual to be
12 examined may have, at his or her own expense, another physician
13 of his or her choice present during all aspects of this
14 examination. Failure of an individual to submit to a mental or
15 physical examination and evaluation, or both, when directed,
16 shall result in an automatic suspension without hearing, until
17 such time as the individual submits to the examination.

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

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

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

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

25 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13;
26 98-463, eff. 8-16-13.)

1 Section 55. The Illinois Occupational Therapy Practice Act
2 is amended by changing Section 19 as follows:

3 (225 ILCS 75/19) (from Ch. 111, par. 3719)

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

5 Sec. 19. Grounds for discipline.

6 (a) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand or take other
8 disciplinary or non-disciplinary action as the Department may
9 deem proper, including imposing fines not to exceed \$10,000 for
10 each violation and the assessment of costs as provided under
11 Section 19.3 of this Act, with regard to any license for any
12 one or combination of the following:

13 (1) Material misstatement in furnishing information to
14 the Department;

15 (2) Violations of this Act, or of the rules promulgated
16 thereunder;

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

1 practice of the profession;

2 (4) Fraud or any misrepresentation in applying for or
3 procuring a license under this Act, or in connection with
4 applying for renewal of a license under this Act;

5 (5) Professional incompetence;

6 (6) Aiding or assisting another person, firm,
7 partnership or corporation in violating any provision of
8 this Act or rules;

9 (7) Failing, within 60 days, to provide information in
10 response to a written request made by the Department;

11 (8) Engaging in dishonorable, unethical or
12 unprofessional conduct of a character likely to deceive,
13 defraud or harm the public;

14 (9) Habitual or excessive use or abuse of drugs defined
15 in law as controlled substances, alcohol, or any other
16 substance that results in the inability to practice with
17 reasonable judgment, skill, or safety;

18 (10) Discipline by another state, unit of government,
19 government agency, the District of Columbia, a territory,
20 or foreign nation, if at least one of the grounds for the
21 discipline is the same or substantially equivalent to those
22 set forth herein;

23 (11) 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 professional services not actually or personally

1 rendered. Nothing in this paragraph (11) affects any bona
2 fide independent contractor or employment arrangements
3 among health care professionals, health facilities, health
4 care providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this Act.
9 Nothing in this paragraph (11) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered;

12 (12) A finding by the Department that the license
13 holder, after having his license disciplined, has violated
14 the terms of the discipline;

15 (13) Wilfully making or filing false records or reports
16 in the practice of occupational therapy, including but not
17 limited to false records filed with the State agencies or
18 departments;

19 (14) Physical illness, including but not limited to,
20 deterioration through the aging process, or loss of motor
21 skill which results in the inability to practice under this
22 Act with reasonable judgment, skill, or safety;

23 (15) Solicitation of professional services other than
24 by permitted advertising;

25 (16) Allowing one's license under this Act to be used
26 by an unlicensed person in violation of this Act;

1 (17) Practicing under a false or, except as provided by
2 law, assumed name;

3 (18) Professional incompetence or gross negligence;

4 (19) Malpractice;

5 (20) Promotion of the sale of drugs, devices,
6 appliances, or goods provided for a patient in any manner
7 to exploit the client for financial gain of the licensee;

8 (21) Gross, willful, or continued overcharging for
9 professional services;

10 (22) Mental illness or disability that results in the
11 inability to practice under this Act with reasonable
12 judgment, skill, or safety;

13 (23) Violating the Health Care Worker Self-Referral
14 Act;

15 (24) Having treated patients other than by the practice
16 of occupational therapy as defined in this Act, or having
17 treated patients as a licensed occupational therapist
18 independent of a referral from a physician, advanced
19 practice nurse or physician assistant in accordance with
20 Section 3.1, dentist, podiatric physician, or optometrist,
21 or having failed to notify the physician, advanced practice
22 nurse, physician assistant, dentist, podiatric physician,
23 or optometrist who established a diagnosis that the patient
24 is receiving occupational therapy pursuant to that
25 diagnosis;

26 (25) Cheating on or attempting to subvert the licensing

1 examination administered under this Act; and

2 (26) Charging for professional services not rendered,
3 including filing false statements for the collection of
4 fees for which services are not rendered.

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

9 (b) The determination by a circuit court that a license
10 holder is subject to involuntary admission or judicial
11 admission as provided in the Mental Health and Developmental
12 Disabilities Code, as now or hereafter amended, operates as an
13 automatic suspension. Such suspension will end only upon a
14 finding by a court that the patient is no longer subject to
15 involuntary admission or judicial admission and an order by the
16 court so finding and discharging the patient. In any case where
17 a license is suspended under this provision, the licensee shall
18 file a petition for restoration and shall include evidence
19 acceptable to the Department that the licensee can resume
20 practice in compliance with acceptable and prevailing
21 standards of their profession.

22 (c) The Department may refuse to issue or may suspend
23 without hearing, as provided for in the Code of Civil
24 Procedure, the license of any person who fails to file a
25 return, to pay the tax, penalty, or interest shown in a filed
26 return, or to pay any final assessment of tax, penalty, or

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

7 (d) In enforcing this Section, the Department, upon a
8 showing of a possible violation, may compel any individual who
9 is licensed under this Act or any individual who has applied
10 for licensure to submit to a mental or physical examination or
11 evaluation, or both, which may include a substance abuse or
12 sexual offender evaluation, at the expense of the Department.
13 The Department shall specifically designate the examining
14 physician licensed to practice medicine in all of its branches
15 or, if applicable, the multidisciplinary team involved in
16 providing the mental or physical examination and evaluation.
17 The multidisciplinary team shall be led by a physician licensed
18 to practice medicine in all of its branches and may consist of
19 one or more or a combination of physicians licensed to practice
20 medicine in all of its branches, licensed chiropractic
21 physicians, licensed clinical psychologists, licensed clinical
22 social workers, licensed clinical professional counselors, and
23 other professional and administrative staff. Any examining
24 physician or member of the multidisciplinary team may require
25 any person ordered to submit to an examination and evaluation
26 pursuant to this Section to submit to any additional

1 supplemental testing deemed necessary to complete any
2 examination or evaluation process, including, but not limited
3 to, blood testing, urinalysis, psychological testing, or
4 neuropsychological testing.

5 The Department may order the examining physician or any
6 member of the multidisciplinary team to provide to the
7 Department any and all records, including business records,
8 that relate to the examination and evaluation, including any
9 supplemental testing performed. The Department may order the
10 examining physician or any member of the multidisciplinary team
11 to present testimony concerning this examination and
12 evaluation of the licensee or applicant, including testimony
13 concerning any supplemental testing or documents relating to
14 the examination and evaluation. No information, report,
15 record, or other documents in any way related to the
16 examination and evaluation shall be excluded by reason of any
17 common law or statutory privilege relating to communication
18 between the licensee or applicant and the examining physician
19 or any member of the multidisciplinary team. No authorization
20 is necessary from the licensee or applicant ordered to undergo
21 an evaluation and examination for the examining physician or
22 any member of the multidisciplinary team to provide
23 information, reports, records, or other documents or to provide
24 any testimony regarding the examination and evaluation. The
25 individual to be examined may have, at his or her own expense,
26 another physician of his or her choice present during all

1 aspects of the examination.

2 Failure of any individual to submit to mental or physical
3 examination or evaluation, or both, when directed, shall result
4 in an automatic suspension without hearing, until such time as
5 the individual submits to the examination. If the Department
6 finds a licensee unable to practice because of the reasons set
7 forth in this Section, the Department shall require the
8 licensee to submit to care, counseling, or treatment by
9 physicians approved or designated by the Department as a
10 condition for continued, reinstated, or renewed licensure.

11 When the Secretary immediately suspends a license under
12 this Section, a hearing upon such person's license must be
13 convened by the Department within 15 days after the suspension
14 and completed without appreciable delay. The Department shall
15 have the authority to review the licensee's record of treatment
16 and counseling regarding the impairment to the extent permitted
17 by applicable federal statutes and regulations safeguarding
18 the confidentiality of medical records.

19 Individuals licensed under this Act that are affected under
20 this Section, shall be afforded an opportunity to demonstrate
21 to the Department that they can resume practice in compliance
22 with acceptable and prevailing standards under the provisions
23 of their license.

24 (e) (Blank) ~~The Department shall deny a license or renewal~~
25 ~~authorized by this Act to a person who has defaulted on an~~
26 ~~educational loan or scholarship provided or guaranteed by the~~

~~Illinois Student Assistance Commission or any governmental agency of this State in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.~~

(f) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13; 98-756, eff. 7-16-14.)

Section 60. The Orthotics, Prosthetics, and Pedorthics Practice Act is amended by changing Section 90 as follows:

(225 ILCS 84/90)

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

Sec. 90. Grounds for discipline.

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

8 (1) Making a material misstatement in furnishing
9 information to the Department or the Board.

10 (2) Violations of or negligent or intentional
11 disregard of this Act or its rules.

12 (3) Conviction of, or entry of a plea of guilty or nolo
13 contendere to any crime that is a felony under the laws of
14 the United States or any state or territory thereof or that
15 is a misdemeanor of which an essential element is
16 dishonesty, or any crime that is directly related to the
17 practice of the profession.

18 (4) Making a misrepresentation for the purpose of
19 obtaining a license.

20 (5) A pattern of practice or other behavior that
21 demonstrates incapacity or incompetence to practice under
22 this Act.

23 (6) Gross negligence under this Act.

24 (7) Aiding or assisting another person in violating a
25 provision of this Act or its rules.

26 (8) Failing to provide information within 60 days in

1 response to a written request made by the Department.

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

5 (10) Inability to practice with reasonable judgment,
6 skill, or safety as a result of habitual or excessive use
7 or addiction to alcohol, narcotics, stimulants, or any
8 other chemical agent or drug.

9 (11) Discipline by another state or territory of the
10 United States, the federal government, or foreign nation,
11 if at least one of the grounds for the discipline is the
12 same or substantially equivalent to one set forth in this
13 Section.

14 (12) Directly or indirectly giving to or receiving from
15 a person, firm, corporation, partnership, or association a
16 fee, commission, rebate, or other form of compensation for
17 professional services not actually or personally rendered.
18 Nothing in this paragraph (12) affects any bona fide
19 independent contractor or employment arrangements among
20 health care professionals, health facilities, health care
21 providers, or other entities, except as otherwise
22 prohibited by law. Any employment arrangements may include
23 provisions for compensation, health insurance, pension, or
24 other employment benefits for the provision of services
25 within the scope of the licensee's practice under this Act.
26 Nothing in this paragraph (12) shall be construed to

1 require an employment arrangement to receive professional
2 fees for services rendered.

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

6 (14) Abandonment of a patient or client.

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

10 (16) Willfully failing to report an instance of
11 suspected child abuse or neglect as required by the Abused
12 and Neglected Child Reporting Act.

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

18 (18) Solicitation of professional services using false
19 or misleading advertising.

20 (b) In enforcing this Section, the Department or Board upon
21 a showing of a possible violation, may compel a licensee or
22 applicant to submit to a mental or physical examination, or
23 both, as required by and at the expense of the Department. The
24 Department or Board may order the examining physician to
25 present testimony concerning the mental or physical
26 examination of the licensee or applicant. No information shall

1 be excluded by reason of any common law or statutory privilege
2 relating to communications between the licensee or applicant
3 and the examining physician. The examining physicians shall be
4 specifically designated by the Board or Department. The
5 individual to be examined may have, at his or her own expense,
6 another physician of his or her choice present during all
7 aspects of this examination. Failure of an individual to submit
8 to a mental or physical examination, when directed, shall be
9 grounds for the immediate suspension of his or her license
10 until the individual submits to the examination if the
11 Department finds that the refusal to submit to the examination
12 was without reasonable cause as defined by rule.

13 In instances in which the Secretary immediately suspends a
14 person's license for his or her failure to submit to a mental
15 or physical examination, when directed, a hearing on that
16 person's license must be convened by the Department within 15
17 days after the suspension and completed without appreciable
18 delay.

19 In instances in which the Secretary otherwise suspends a
20 person's license pursuant to the results of a compelled mental
21 or physical examination, a hearing on that person's license
22 must be convened by the Department within 15 days after the
23 suspension and completed without appreciable delay. The
24 Department and Board shall have the authority to review the
25 subject individual's record of treatment and counseling
26 regarding the impairment to the extent permitted by applicable

1 federal statutes and regulations safeguarding the
2 confidentiality of medical records.

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

8 (c) (Blank) ~~The Department shall deny a license or renewal~~
9 ~~authorized by this Act to a person who has defaulted on an~~
10 ~~educational loan or scholarship provided or guaranteed by the~~
11 ~~Illinois Student Assistance Commission or any governmental~~
12 ~~agency of this State in accordance with subsection (a) (5) of~~
13 ~~Section 2105-15 of the Department of Professional Regulation~~
14 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
15 ~~2105/2105-15).~~

16 (d) In cases where the Department of Healthcare and Family
17 Services (formerly Department of Public Aid) has previously
18 determined that a licensee or a potential licensee is more than
19 30 days delinquent in the payment of child support and has
20 subsequently certified the delinquency to the Department, the
21 Department may refuse to issue or renew or may revoke or
22 suspend that person's license or may take other disciplinary
23 action against that person based solely upon the certification
24 of delinquency made by the Department of Healthcare and Family
25 Services in accordance with subsection (a) (5) of Section
26 2105-15 of the Department of Professional Regulation Law of the

1 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

2 (e) The Department may refuse to issue or renew a license,
3 or may revoke or suspend a license, for failure to file a
4 return, to pay the tax, penalty, or interest shown in a filed
5 return, or to pay any final assessment of tax, penalty, or
6 interest as required by any tax Act administered by the
7 Department of Revenue, until such time as the requirements of
8 the tax Act are satisfied in accordance with subsection (g) of
9 Section 2105-15 of the Department of Professional Regulation
10 Law of the Civil Administrative Code of Illinois (20 ILCS
11 2105/2105-15).

12 (Source: P.A. 98-756, eff. 7-16-14.)

13 Section 65. The Professional Counselor and Clinical
14 Professional Counselor Licensing and Practice Act is amended by
15 changing Section 80 as follows:

16 (225 ILCS 107/80)

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

18 Sec. 80. Grounds for discipline.

19 (a) The Department may refuse to issue, renew, or may
20 revoke, suspend, place on probation, reprimand, or take other
21 disciplinary or non-disciplinary action as the Department
22 deems appropriate, including the issuance of fines not to
23 exceed \$10,000 for each violation, with regard to any license
24 for any one or more of the following:

1 (1) Material misstatement in furnishing information to
2 the Department or to any other State agency.

3 (2) Violations or negligent or intentional disregard
4 of this Act or rules adopted under this Act.

5 (3) Conviction by plea of guilty or nolo contendere,
6 finding of guilt, jury verdict, or entry of judgment or by
7 sentencing of any crime, including, but not limited to,
8 convictions, preceding sentences of supervision,
9 conditional discharge, or first offender probation, under
10 the laws of any jurisdiction of the United States: (i) that
11 is a felony or (ii) that is a misdemeanor, an essential
12 element of which is dishonesty, or that is directly related
13 to the practice of the profession.

14 (4) Fraud or any misrepresentation in applying for or
15 procuring a license under this Act or in connection with
16 applying for renewal of a license under this Act.

17 (5) Professional incompetence or gross negligence in
18 the rendering of professional counseling or clinical
19 professional counseling services.

20 (6) Malpractice.

21 (7) Aiding or assisting another person in violating any
22 provision of this Act or any rules.

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

25 (9) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public and violating the rules of
2 professional conduct adopted by the Department.

3 (10) Habitual or excessive use or abuse of drugs as
4 defined in law as controlled substances, alcohol, or any
5 other substance which results in inability to practice with
6 reasonable skill, judgment, or safety.

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

12 (12) Directly or indirectly giving to or receiving from
13 any person, firm, corporation, partnership, or association
14 any fee, commission, rebate or other form of compensation
15 for any professional service not actually rendered.
16 Nothing in this paragraph (12) affects any bona fide
17 independent contractor or employment arrangements among
18 health care professionals, health facilities, health care
19 providers, or other entities, except as otherwise
20 prohibited by law. Any employment arrangements may include
21 provisions for compensation, health insurance, pension, or
22 other employment benefits for the provision of services
23 within the scope of the licensee's practice under this Act.
24 Nothing in this paragraph (12) shall be construed to
25 require an employment arrangement to receive professional
26 fees for services rendered.

1 (13) A finding by the Board that the licensee, after
2 having the license placed on probationary status, has
3 violated the terms of probation.

4 (14) Abandonment of a client.

5 (15) Willfully filing false reports relating to a
6 licensee's practice, including but not limited to false
7 records filed with federal or State agencies or
8 departments.

9 (16) Willfully failing to report an instance of
10 suspected child abuse or neglect as required by the Abused
11 and Neglected Child Reporting Act and in matters pertaining
12 to suspected abuse, neglect, financial exploitation, or
13 self-neglect of adults with disabilities and older adults
14 as set forth in the Adult Protective Services Act.

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

22 (18) Physical or mental illness or disability,
23 including, but not limited to, deterioration through the
24 aging process or loss of abilities and skills which results
25 in the inability to practice the profession with reasonable
26 judgment, skill, or safety.

1 (19) Solicitation of professional services by using
2 false or misleading advertising.

3 (20) Allowing one's license under this Act to be used
4 by an unlicensed person in violation of this Act.

5 (21) A finding that licensure has been applied for or
6 obtained by fraudulent means.

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

9 (23) Gross and willful overcharging for professional
10 services including filing statements for collection of
11 fees or monies for which services are not rendered.

12 (24) Rendering professional counseling or clinical
13 professional counseling services without a license or
14 practicing outside the scope of a license.

15 (25) Clinical supervisors failing to adequately and
16 responsibly monitor supervisees.

17 All fines imposed under this Section shall be paid within
18 60 days after the effective date of the order imposing the
19 fine.

20 (b) ~~(Blank) The Department shall deny, without hearing, any~~
21 ~~application or renewal for a license under this Act to any~~
22 ~~person who has defaulted on an educational loan guaranteed by~~
23 ~~the Illinois State Assistance Commission or any governmental~~
24 ~~agency of this State in accordance with item (5) of subsection~~
25 ~~(a) of Section 2105-15 of the Department of Professional~~
26 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

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

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

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

1 result in an automatic suspension of his or her license. The
2 suspension will end upon a finding by a court that the licensee
3 is no longer subject to involuntary admission or judicial
4 admission, the issuance of an order so finding and discharging
5 the patient, and the recommendation of the Board to the
6 Secretary that the licensee be allowed to resume professional
7 practice.

8 (c-5) In enforcing this Act, the Department, upon a showing
9 of a possible violation, may compel an individual licensed to
10 practice under this Act, or who has applied for licensure under
11 this Act, to submit to a mental or physical examination, or
12 both, as required by and at the expense of the Department. The
13 Department may order the examining physician to present
14 testimony concerning the mental or physical examination of the
15 licensee or applicant. No information shall be excluded by
16 reason of any common law or statutory privilege relating to
17 communications between the licensee or applicant and the
18 examining physician. The examining physicians shall be
19 specifically designated by the Department. The individual to be
20 examined may have, at his or her own expense, another physician
21 of his or her choice present during all aspects of this
22 examination. The examination shall be performed by a physician
23 licensed to practice medicine in all its branches. Failure of
24 an individual to submit to a mental or physical examination,
25 when directed, shall result in an automatic suspension without
26 hearing.

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

20 In instances in which the Secretary immediately suspends a
21 person's license under this Section, a hearing on that person's
22 license must be convened by the Department within 15 days after
23 the suspension and completed without appreciable delay. The
24 Department shall have the authority to review the subject
25 individual's record of treatment and counseling regarding the
26 impairment to the extent permitted by applicable federal

1 statutes and regulations safeguarding the confidentiality of
2 medical records.

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

8 (d) (Blank).

9 (Source: P.A. 97-706, eff. 6-25-12; 98-49, eff. 7-1-13.)

10 Section 70. The Sex Offender Evaluation and Treatment
11 Provider Act is amended by changing Section 75 as follows:

12 (225 ILCS 109/75)

13 Sec. 75. Refusal, revocation, or suspension.

14 (a) The Department may refuse to issue or renew, or may
15 revoke, suspend, place on probation, reprimand, or take other
16 disciplinary or nondisciplinary action, as the Department
17 considers appropriate, including the imposition of fines not to
18 exceed \$10,000 for each violation, with regard to any license
19 or licensee for any one or more of the following:

20 (1) violations of this Act or of the rules adopted
21 under this Act;

22 (2) discipline by the Department under other state law
23 and rules which the licensee is subject to;

24 (3) conviction by plea of guilty or nolo contendere,

1 finding of guilt, jury verdict, or entry of judgment or by
2 sentencing for any crime, including, but not limited to,
3 convictions, preceding sentences of supervision,
4 conditional discharge, or first offender probation, under
5 the laws of any jurisdiction of the United States: (i) that
6 is a felony; or (ii) that is a misdemeanor, an essential
7 element of which is dishonesty, or that is directly related
8 to the practice of the profession;

9 (4) professional incompetence;

10 (5) advertising in a false, deceptive, or misleading
11 manner;

12 (6) aiding, abetting, assisting, procuring, advising,
13 employing, or contracting with any unlicensed person to
14 provide sex offender evaluation or treatment services
15 contrary to any rules or provisions of this Act;

16 (7) engaging in immoral conduct in the commission of
17 any act, such as sexual abuse, sexual misconduct, or sexual
18 exploitation, related to the licensee's practice;

19 (8) engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public;

22 (9) practicing or offering to practice beyond the scope
23 permitted by law or accepting and performing professional
24 responsibilities which the licensee knows or has reason to
25 know that he or she is not competent to perform;

26 (10) knowingly delegating professional

1 responsibilities to a person unqualified by training,
2 experience, or licensure to perform;

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

5 (12) having a habitual or excessive use of or addiction
6 to alcohol, narcotics, stimulants, or any other chemical
7 agent or drug which results in the inability to practice
8 with reasonable judgment, skill, or safety;

9 (13) having a pattern of practice or other behavior
10 that demonstrates incapacity or incompetence to practice
11 under this Act;

12 (14) discipline by another state, District of
13 Columbia, territory, or foreign nation, if at least one of
14 the grounds for the discipline is the same or substantially
15 equivalent to those set forth in this Section;

16 (15) a finding by the Department that the licensee,
17 after having his or her license placed on probationary
18 status, has violated the terms of probation;

19 (16) willfully making or filing false records or
20 reports in his or her practice, including, but not limited
21 to, false records filed with State agencies or departments;

22 (17) making a material misstatement in furnishing
23 information to the Department or otherwise making
24 misleading, deceptive, untrue, or fraudulent
25 representations in violation of this Act or otherwise in
26 the practice of the profession;

1 (18) fraud or misrepresentation in applying for or
2 procuring a license under this Act or in connection with
3 applying for renewal of a license under this Act;

4 (19) inability to practice the profession with
5 reasonable judgment, skill, or safety as a result of
6 physical illness, including, but not limited to,
7 deterioration through the aging process, loss of motor
8 skill, or a mental illness or disability;

9 (20) charging for professional services not rendered,
10 including filing false statements for the collection of
11 fees for which services are not rendered; or

12 (21) practicing under a false or, except as provided by
13 law, an assumed name.

14 All fines shall be paid within 60 days of the effective
15 date of the order imposing the fine.

16 (b) The Department may refuse to issue or may suspend the
17 license of any person who fails to file a tax return, to pay
18 the tax, penalty, or interest shown in a filed tax return, or
19 to 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 the tax Act
22 are satisfied in accordance with subsection (g) of Section
23 2105-15 of the Civil Administrative Code of Illinois.

24 (c) (Blank) ~~The Department shall deny a license or renewal~~
25 ~~authorized by this Act to a person who has defaulted on an~~
26 ~~educational loan or scholarship provided or guaranteed by the~~

1 ~~Illinois Student Assistance Commission or any governmental~~
2 ~~agency of this State in accordance with item (5) of subsection~~
3 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
4 ~~Illinois.~~

5 (d) In cases where the Department of Healthcare and Family
6 Services has previously determined that a licensee or a
7 potential licensee is more than 30 days delinquent in the
8 payment of child support and has subsequently certified the
9 delinquency to the Department, the Department may refuse to
10 issue or renew or may revoke or suspend that person's license
11 or may take other disciplinary action against that person based
12 solely upon the certification of delinquency made by the
13 Department of Healthcare and Family Services in accordance with
14 item (5) of subsection (a) of Section 2105-15 of the Civil
15 Administrative Code of Illinois.

16 (e) The determination by a circuit court that a licensee is
17 subject to involuntary admission or judicial admission, as
18 provided in the Mental Health and Developmental Disabilities
19 Code, operates as an automatic suspension. The suspension will
20 end only upon a finding by a court that the patient is no
21 longer subject to involuntary admission or judicial admission
22 and the issuance of a court order so finding and discharging
23 the patient.

24 (f) In enforcing this Act, the Department or Board, upon a
25 showing of a possible violation, may compel an individual
26 licensed to practice under this Act, or who has applied for

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

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

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

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

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

24 (Source: P.A. 97-1098, eff. 7-1-13; 98-756, eff. 7-16-14.)

25 Section 75. The Illinois Speech-Language Pathology and

1 Audiology Practice Act is amended by changing Section 16 as
2 follows:

3 (225 ILCS 110/16) (from Ch. 111, par. 7916)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 16. Refusal, revocation or suspension of licenses.

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

12 (a) Fraud in procuring the license.

13 (b) (Blank).

14 (c) Willful or repeated violations of the rules of the
15 Department of Public Health.

16 (d) Division of fees or agreeing to split or divide the
17 fees received for speech-language pathology or audiology
18 services with any person for referring an individual, or
19 assisting in the care or treatment of an individual,
20 without the knowledge of the individual or his or her legal
21 representative. Nothing in this paragraph (d) affects any
22 bona fide independent contractor or employment
23 arrangements among health care professionals, health
24 facilities, health care providers, or other entities,
25 except as otherwise prohibited by law. Any employment

1 arrangements may include provisions for compensation,
2 health insurance, pension, or other employment benefits
3 for the provision of services within the scope of the
4 licensee's practice under this Act. Nothing in this
5 paragraph (d) shall be construed to require an employment
6 arrangement to receive professional fees for services
7 rendered.

8 (e) Employing, procuring, inducing, aiding or abetting
9 a person not licensed as a speech-language pathologist or
10 audiologist to engage in the unauthorized practice of
11 speech-language pathology or audiology.

12 (e-5) Employing, procuring, inducing, aiding, or
13 abetting a person not licensed as a speech-language
14 pathology assistant to perform the functions and duties of
15 a speech-language pathology assistant.

16 (f) Making any misrepresentations or false promises,
17 directly or indirectly, to influence, persuade or induce
18 patronage.

19 (g) Professional connection or association with, or
20 lending his or her name to another for the illegal practice
21 of speech-language pathology or audiology by another, or
22 professional connection or association with any person,
23 firm or corporation holding itself out in any manner
24 contrary to this Act.

25 (h) Obtaining or seeking to obtain checks, money, or
26 any other things of value by false or fraudulent

1 representations, including but not limited to, engaging in
2 such fraudulent practice to defraud the medical assistance
3 program of the Department of Healthcare and Family Services
4 (formerly Department of Public Aid).

5 (i) Practicing under a name other than his or her own.

6 (j) Improper, unprofessional or dishonorable conduct
7 of a character likely to deceive, defraud or harm the
8 public.

9 (k) Conviction of or entry of a plea of guilty or nolo
10 contendere to any crime that is a felony under the laws of
11 the United States or any state or territory thereof, or
12 that is a misdemeanor of which an essential element is
13 dishonesty, or that is directly related to the practice of
14 the profession.

15 (l) Permitting a person under his or her supervision to
16 perform any function not authorized by this Act.

17 (m) A violation of any provision of this Act or rules
18 promulgated thereunder.

19 (n) Discipline by another state, the District of
20 Columbia, territory, or foreign nation of a license to
21 practice speech-language pathology or audiology or a
22 license to practice as a speech-language pathology
23 assistant in its jurisdiction if at least one of the
24 grounds for that discipline is the same as or the
25 equivalent of one of the grounds for discipline set forth
26 herein.

1 (o) Willfully failing to report an instance of
2 suspected child abuse or neglect as required by the Abused
3 and Neglected Child Reporting Act.

4 (p) Gross or repeated malpractice.

5 (q) Willfully making or filing false records or reports
6 in his or her practice as a speech-language pathologist,
7 speech-language pathology assistant, or audiologist,
8 including, but not limited to, false records to support
9 claims against the public assistance program of the
10 Department of Healthcare and Family Services (formerly
11 Illinois Department of Public Aid).

12 (r) Professional incompetence as manifested by poor
13 standards of care or mental incompetence as declared by a
14 court of competent jurisdiction.

15 (s) Repeated irregularities in billing a third party
16 for services rendered to an individual. For purposes of
17 this Section, "irregularities in billing" shall include:

18 (i) reporting excessive charges for the purpose of
19 obtaining a total payment in excess of that usually
20 received by the speech-language pathologist,
21 speech-language pathology assistant, or audiologist
22 for the services rendered;

23 (ii) reporting charges for services not rendered;

24 or

25 (iii) incorrectly reporting services rendered for
26 the purpose of obtaining payment not earned.

1 (t) (Blank).

2 (u) Violation of the Health Care Worker Self-Referral
3 Act.

4 (v) Inability to practice with reasonable judgment,
5 skill, or safety as a result of habitual or excessive use
6 of or addiction to alcohol, narcotics, or stimulants or any
7 other chemical agent or drug or as a result of physical
8 illness, including, but not limited to, deterioration
9 through the aging process or loss of motor skill, mental
10 illness, or disability.

11 (w) Violation of the Hearing Instrument Consumer
12 Protection Act.

13 (x) Failure by a speech-language pathology assistant
14 and supervising speech-language pathologist to comply with
15 the supervision requirements set forth in Section 8.8.

16 (y) Wilfully exceeding the scope of duties customarily
17 undertaken by speech-language pathology assistants set
18 forth in Section 8.7 that results in, or may result in,
19 harm to the public.

20 (2) (Blank) ~~The Department shall deny a license or renewal~~
21 ~~authorized by this Act to any person who has defaulted on an~~
22 ~~educational loan guaranteed by the Illinois State Scholarship~~
23 ~~Commission; however, the Department may issue a license or~~
24 ~~renewal if the aforementioned persons have established a~~
25 ~~satisfactory repayment record as determined by the Illinois~~
26 ~~State Scholarship Commission.~~

1 (3) The entry of an order by a circuit court establishing
2 that any person holding a license under this Act is subject to
3 involuntary admission or judicial admission as provided for in
4 the Mental Health and Developmental Disabilities Code,
5 operates as an automatic suspension of that license. That
6 person may have his or her license restored only upon the
7 determination by a circuit court that the patient is no longer
8 subject to involuntary admission or judicial admission and the
9 issuance of an order so finding and discharging the patient,
10 and upon the Board's recommendation to the Department that the
11 license be restored. Where the circumstances so indicate, the
12 Board may recommend to the Department that it require an
13 examination prior to restoring any license automatically
14 suspended under this subsection.

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

22 (5) In enforcing this Section, the Board upon a showing of
23 a possible violation may compel an individual licensed to
24 practice under this Act, or who has applied for licensure
25 pursuant to this Act, to submit to a mental or physical
26 examination, or both, as required by and at the expense of the

1 Department. The examining physicians or clinical psychologists
2 shall be those specifically designated by the Board. The
3 individual to be examined may have, at his or her own expense,
4 another physician or clinical psychologist of his or her choice
5 present during all aspects of this examination. Failure of any
6 individual to submit to a mental or physical examination, when
7 directed, shall be grounds for suspension of his or her license
8 until the individual submits to the examination if the Board
9 finds, after notice and hearing, that the refusal to submit to
10 the examination was without reasonable cause.

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

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

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

15 (Source: P.A. 95-331, eff. 8-21-07; 95-465, eff. 8-27-07;
16 96-1482, eff. 11-29-10.)

17 Section 80. The Veterinary Medicine and Surgery Practice
18 Act of 2004 is amended by changing Section 25 as follows:

19 (225 ILCS 115/25) (from Ch. 111, par. 7025)

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

21 Sec. 25. Disciplinary actions.

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

1 deem appropriate, including imposing fines not to exceed
2 \$10,000 for each violation and the assessment of costs as
3 provided for in Section 25.3 of this Act, with regard to any
4 license or certificate for any one or combination of the
5 following:

6 A. Material misstatement in furnishing information to
7 the Department.

8 B. Violations of this Act, or of the rules adopted
9 pursuant to this Act.

10 C. Conviction by plea of guilty or nolo contendere,
11 finding of guilt, jury verdict, or entry of judgment or by
12 sentencing of any crime, including, but not limited to,
13 convictions, preceding sentences of supervision,
14 conditional discharge, or first offender probation, under
15 the laws of any jurisdiction of the United States that is
16 (i) a felony or (ii) a misdemeanor, an essential element of
17 which is dishonesty, or that is directly related to the
18 practice of the profession.

19 D. Fraud or any misrepresentation in applying for or
20 procuring a license under this Act or in connection with
21 applying for renewal of a license under this Act.

22 E. Professional incompetence.

23 F. Malpractice.

24 G. Aiding or assisting another person in violating any
25 provision of this Act or rules.

26 H. Failing, within 60 days, to provide information in

1 response to a written request made by the Department.

2 I. Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 J. Habitual or excessive use or abuse of drugs defined
6 in law as controlled substances, alcohol, or any other
7 substance that results in the inability to practice with
8 reasonable judgment, skill, or safety.

9 K. Discipline by another state, unit of government,
10 government agency, District of Columbia, territory, or
11 foreign nation, if at least one of the grounds for the
12 discipline is the same or substantially equivalent to those
13 set forth herein.

14 L. Charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered.

17 M. A finding by the Board that the licensee or
18 certificate holder, after having his license or
19 certificate placed on probationary status, has violated
20 the terms of probation.

21 N. Willfully making or filing false records or reports
22 in his practice, including but not limited to false records
23 filed with State agencies or departments.

24 O. Physical illness, including but not limited to,
25 deterioration through the aging process, or loss of motor
26 skill which results in the inability to practice under this

1 Act with reasonable judgment, skill, or safety.

2 P. Solicitation of professional services other than
3 permitted advertising.

4 Q. Allowing one's license under this Act to be used by
5 an unlicensed person in violation of this Act.

6 R. Conviction of or cash compromise of a charge or
7 violation of the Harrison Act or the Illinois Controlled
8 Substances Act, regulating narcotics.

9 S. Fraud or dishonesty in applying, treating, or
10 reporting on tuberculin or other biological tests.

11 T. Failing to report, as required by law, or making
12 false report of any contagious or infectious diseases.

13 U. Fraudulent use or misuse of any health certificate,
14 shipping certificate, brand inspection certificate, or
15 other blank forms used in practice that might lead to the
16 dissemination of disease or the transportation of diseased
17 animals dead or alive; or dilatory methods, willful
18 neglect, or misrepresentation in the inspection of milk,
19 meat, poultry, and the by-products thereof.

20 V. Conviction on a charge of cruelty to animals.

21 W. Failure to keep one's premises and all equipment
22 therein in a clean and sanitary condition.

23 X. Failure to provide satisfactory proof of having
24 participated in approved continuing education programs.

25 Y. Mental illness or disability that results in the
26 inability to practice under this Act with reasonable

1 judgment, skill, or safety.

2 Z. Conviction by any court of competent jurisdiction,
3 either within or outside this State, of any violation of
4 any law governing the practice of veterinary medicine, if
5 the Department determines, after investigation, that the
6 person has not been sufficiently rehabilitated to warrant
7 the public trust.

8 AA. Promotion of the sale of drugs, devices,
9 appliances, or goods provided for a patient in any manner
10 to exploit the client for financial gain of the
11 veterinarian.

12 BB. Gross, willful, or continued overcharging for
13 professional services.

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

16 DD. Violating state or federal laws or regulations
17 relating to controlled substances or legend drugs.

18 EE. Cheating on or attempting to subvert the licensing
19 examination administered under this Act.

20 FF. Using, prescribing, or selling a prescription drug
21 or the extra-label use of a prescription drug by any means
22 in the absence of a valid veterinarian-client-patient
23 relationship.

24 GG. Failing to report a case of suspected aggravated
25 cruelty, torture, or animal fighting pursuant to Section
26 3.07 or 4.01 of the Humane Care for Animals Act or Section

1 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
2 Code of 2012.

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

7 2. The determination by a circuit court that a licensee or
8 certificate holder is subject to involuntary admission or
9 judicial admission as provided in the Mental Health and
10 Developmental Disabilities Code operates as an automatic
11 suspension. The suspension will end only upon a finding by a
12 court that the patient is no longer subject to involuntary
13 admission or judicial admission and issues an order so finding
14 and discharging the patient. In any case where a license is
15 suspended under this provision, the licensee shall file a
16 petition for restoration and shall include evidence acceptable
17 to the Department that the licensee can resume practice in
18 compliance with acceptable and prevailing standards of his or
19 her profession.

20 3. All proceedings to suspend, revoke, place on
21 probationary status, or take any other disciplinary action as
22 the Department may deem proper, with regard to a license or
23 certificate on any of the foregoing grounds, must be commenced
24 within 5 years after receipt by the Department of a complaint
25 alleging the commission of or notice of the conviction order
26 for any of the acts described in this Section. Except for

1 proceedings brought for violations of items (CC), (DD), or
2 (EE), no action shall be commenced more than 5 years after the
3 date of the incident or act alleged to have violated this
4 Section. In the event of the settlement of any claim or cause
5 of action in favor of the claimant or the reduction to final
6 judgment of any civil action in favor of the plaintiff, the
7 claim, cause of action, or civil action being grounded on the
8 allegation that a person licensed or certified under this Act
9 was negligent in providing care, the Department shall have an
10 additional period of one year from the date of the settlement
11 or final judgment in which to investigate and begin formal
12 disciplinary proceedings under Section 25.2 of this Act, except
13 as otherwise provided by law. The time during which the holder
14 of the license or certificate was outside the State of Illinois
15 shall not be included within any period of time limiting the
16 commencement of disciplinary action by the Department.

17 4. The Department may refuse to issue or may suspend
18 without hearing, as provided for in the Illinois Code of Civil
19 Procedure, the license of any person who fails to file a
20 return, to pay the tax, penalty, or interest shown in a filed
21 return, or to pay any final assessment of tax, penalty, or
22 interest as required by any tax Act administered by the
23 Illinois Department of Revenue, until such time as the
24 requirements of any such tax Act are satisfied in accordance
25 with subsection (g) of Section 2105-15 of the Civil
26 Administrative Code of Illinois.

1 5. In enforcing this Section, the Department, upon a
2 showing of a possible violation, may compel any individual who
3 is registered under this Act or any individual who has applied
4 for registration to submit to a mental or physical examination
5 or evaluation, or both, which may include a substance abuse or
6 sexual offender evaluation, at the expense of the Department.
7 The Department shall specifically designate the examining
8 physician licensed to practice medicine in all of its branches
9 or, if applicable, the multidisciplinary team involved in
10 providing the mental or physical examination and evaluation.
11 The multidisciplinary team shall be led by a physician licensed
12 to practice medicine in all of its branches and may consist of
13 one or more or a combination of physicians licensed to practice
14 medicine in all of its branches, licensed chiropractic
15 physicians, licensed clinical psychologists, licensed clinical
16 social workers, licensed clinical professional counselors, and
17 other professional and administrative staff. Any examining
18 physician or member of the multidisciplinary team may require
19 any person ordered to submit to an examination and evaluation
20 pursuant to this Section to submit to any additional
21 supplemental testing deemed necessary to complete any
22 examination or evaluation process, including, but not limited
23 to, blood testing, urinalysis, psychological testing, or
24 neuropsychological testing.

25 The Department may order the examining physician or any
26 member of the multidisciplinary team to provide to the

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

22 Failure of any individual to submit to mental or physical
23 examination or evaluation, or both, when directed, shall result
24 in an automatic suspension without hearing, until such time as
25 the individual submits to the examination. If the Department
26 finds a registrant unable to practice because of the reasons

1 set forth in this Section, the Department shall require such
2 registrant to submit to care, counseling, or treatment by
3 physicians approved or designated by the Department as a
4 condition for continued, reinstated, or renewed registration.

5 In instances in which the Secretary immediately suspends a
6 registration under this Section, a hearing upon such person's
7 registration must be convened by the Department within 15 days
8 after such suspension and completed without appreciable delay.
9 The Department shall have the authority to review the
10 registrant's record of treatment and counseling regarding the
11 impairment to the extent permitted by applicable federal
12 statutes and regulations safeguarding the confidentiality of
13 medical records.

14 Individuals registered under this Act who are affected
15 under this Section, shall be afforded an opportunity to
16 demonstrate to the Department that they can resume practice in
17 compliance with acceptable and prevailing standards under the
18 provisions of their registration.

19 6. (Blank). ~~The Department shall deny a license or renewal~~
20 ~~authorized by this Act to a person who has defaulted on an~~
21 ~~educational loan or scholarship provided or guaranteed by the~~
22 ~~Illinois Student Assistance Commission or any governmental~~
23 ~~agency of this State in accordance with paragraph (5) of~~
24 ~~subsection (a) of Section 2105-15 of the Civil Administrative~~
25 ~~Code of Illinois.~~

26 7. In cases where the Department of Healthcare and Family

1 Services has previously determined a licensee or a potential
2 licensee is more than 30 days delinquent in the payment of
3 child support and has subsequently certified the delinquency to
4 the Department, the Department may refuse to issue or renew or
5 may revoke or suspend that person's license or may take other
6 disciplinary action against that person based solely upon the
7 certification of delinquency made by the Department of
8 Healthcare and Family Services in accordance with paragraph (5)
9 of subsection (a) of Section 2105-15 of the Civil
10 Administrative Code of Illinois.

11 (Source: P.A. 98-339, eff. 12-31-13; 99-78, eff. 7-20-15.)

12 Section 85. The Registered Surgical Assistant and
13 Registered Surgical Technologist Title Protection Act is
14 amended by changing Section 75 as follows:

15 (225 ILCS 130/75)

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

17 Sec. 75. Grounds for disciplinary action.

18 (a) The Department may refuse to issue, renew, or restore a
19 registration, may revoke or suspend a registration, or may
20 place on probation, reprimand, or take other disciplinary or
21 non-disciplinary action with regard to a person registered
22 under this Act, including but not limited to the imposition of
23 fines not to exceed \$10,000 for each violation and the
24 assessment of costs as provided for in Section 90, for any one

1 or combination of the following causes:

2 (1) Making a material misstatement in furnishing
3 information to the Department.

4 (2) Violating a provision of this Act or rules adopted
5 under this Act.

6 (3) Conviction by plea of guilty or nolo contendere,
7 finding of guilt, jury verdict, or entry of judgment or by
8 sentencing of any crime, including, but not limited to,
9 convictions, preceding sentences of supervision,
10 conditional discharge, or first offender probation, under
11 the laws of any jurisdiction of the United States that is
12 (i) a felony or (ii) a misdemeanor, an essential element of
13 which is dishonesty, or that is directly related to the
14 practice of the profession.

15 (4) Fraud or misrepresentation in applying for,
16 renewing, restoring, reinstating, or procuring a
17 registration under this Act.

18 (5) Aiding or assisting another person in violating a
19 provision of this Act or its rules.

20 (6) Failing to provide information within 60 days in
21 response to a written request made by the Department.

22 (7) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public, as defined by rule of the
25 Department.

26 (8) Discipline by another United States jurisdiction,

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

5 (9) Directly or indirectly giving to or receiving from
6 a person, firm, corporation, partnership, or association a
7 fee, commission, rebate, or other form of compensation for
8 professional services not actually or personally rendered.
9 Nothing in this paragraph (9) affects any bona fide
10 independent contractor or employment arrangements among
11 health care professionals, health facilities, health care
12 providers, or other entities, except as otherwise
13 prohibited by law. Any employment arrangements may include
14 provisions for compensation, health insurance, pension, or
15 other employment benefits for the provision of services
16 within the scope of the registrant's practice under this
17 Act. Nothing in this paragraph (9) shall be construed to
18 require an employment arrangement to receive professional
19 fees for services rendered.

20 (10) A finding by the Department that the registrant,
21 after having his or her registration placed on probationary
22 status, has violated the terms of probation.

23 (11) Willfully making or filing false records or
24 reports in his or her practice, including but not limited
25 to false records or reports filed with State agencies.

26 (12) Willfully making or signing a false statement,

1 certificate, or affidavit to induce payment.

2 (13) Willfully failing to report an instance of
3 suspected child abuse or neglect as required under the
4 Abused and Neglected Child Reporting Act.

5 (14) Being named as a perpetrator in an indicated
6 report by the Department of Children and Family Services
7 under the Abused and Neglected Child Reporting Act and upon
8 proof by clear and convincing evidence that the registrant
9 has caused a child to be an abused child or neglected child
10 as defined in the Abused and Neglected Child Reporting Act.

11 (15) (Blank).

12 (16) Failure to report to the Department (A) any
13 adverse final action taken against the registrant by
14 another registering or licensing jurisdiction, government
15 agency, law enforcement agency, or any court or (B)
16 liability for conduct that would constitute grounds for
17 action as set forth in this Section.

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

22 (18) Physical or mental illness, including but not
23 limited to deterioration through the aging process or loss
24 of motor skills, which results in the inability to practice
25 the profession for which he or she is registered with
26 reasonable judgment, skill, or safety.

1 (19) Gross malpractice.

2 (20) Immoral conduct in the commission of an act
3 related to the registrant's practice, including but not
4 limited to sexual abuse, sexual misconduct, or sexual
5 exploitation.

6 (21) Violation of the Health Care Worker Self-Referral
7 Act.

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

17 (c) The determination by a circuit court that a registrant
18 is subject to involuntary admission or judicial admission as
19 provided in the Mental Health and Developmental Disabilities
20 Code operates as an automatic suspension. The suspension will
21 end only upon (1) a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission,
23 (2) issuance of an order so finding and discharging the
24 patient, and (3) filing of a petition for restoration
25 demonstrating fitness to practice.

26 (d) (Blank) ~~The Department shall deny a registration or~~

1 ~~renewal authorized by this Act to a person who has defaulted on~~
2 ~~an educational loan or scholarship provided or guaranteed by~~
3 ~~the Illinois Student Assistance Commission or any governmental~~
4 ~~agency of this State in accordance with paragraph (5) of~~
5 ~~subsection (a) of Section 2105-15 of the Department of~~
6 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

7 (e) In cases where the Department of Healthcare and Family
8 Services has previously determined a registrant or a potential
9 registrant is more than 30 days delinquent in the payment of
10 child support and has subsequently certified the delinquency to
11 the Department, the Department may refuse to issue or renew or
12 may revoke or suspend that person's registration or may take
13 other disciplinary action against that person based solely upon
14 the certification of delinquency made by the Department of
15 Healthcare and Family Services in accordance with paragraph (5)
16 of subsection (a) of Section 2105-15 of the Department of
17 Professional Regulation Law of the Civil Administrative Code of
18 Illinois.

19 (f) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel any individual
21 registered under this Act or any individual who has applied for
22 registration to submit to a mental or physical examination and
23 evaluation, or both, that may include a substance abuse or
24 sexual offender evaluation, at the expense of the Department.
25 The Department shall specifically designate the examining
26 physician licensed to practice medicine in all of its branches

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

17 The Department may order the examining physician or any
18 member of the multidisciplinary team to provide to the
19 Department any and all records, including business records,
20 that relate to the examination and evaluation, including any
21 supplemental testing performed. The Department may order the
22 examining physician or any member of the multidisciplinary team
23 to present testimony concerning this examination and
24 evaluation of the registrant or applicant, including testimony
25 concerning any supplemental testing or documents relating to
26 the examination and evaluation. No information, report,

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

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

23 When the Secretary immediately suspends a registration
24 under this Section, a hearing upon such person's registration
25 must be convened by the Department within 15 days after such
26 suspension and completed without appreciable delay. The

1 Department shall have the authority to review the registrant's
2 record of treatment and counseling regarding the impairment to
3 the extent permitted by applicable federal statutes and
4 regulations safeguarding the confidentiality of medical
5 records.

6 Individuals registered under this Act and affected under
7 this Section shall be afforded an opportunity to demonstrate to
8 the Department that they can resume practice in compliance with
9 acceptable and prevailing standards under the provisions of
10 their registration.

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

15 (Source: P.A. 98-364, eff. 12-31-13.)

16 Section 90. The Genetic Counselor Licensing Act is amended
17 by changing Section 95 as follows:

18 (225 ILCS 135/95)

19 (Section scheduled to be repealed on January 1, 2025)

20 Sec. 95. Grounds for discipline.

21 (a) The Department may refuse to issue, renew, or may
22 revoke, suspend, place on probation, reprimand, or take other
23 disciplinary or non-disciplinary action as the Department
24 deems appropriate, including the issuance of fines not to

1 exceed \$10,000 for each violation, with regard to any license
2 for any one or more of the following:

3 (1) Material misstatement in furnishing information to
4 the Department or to any other State agency.

5 (2) Violations or negligent or intentional disregard
6 of this Act, or any of its rules.

7 (3) Conviction by plea of guilty or nolo contendere,
8 finding of guilt, jury verdict, or entry of judgment or
9 sentencing, including, but not limited to, convictions,
10 preceding sentences of supervision, conditional discharge,
11 or first offender probation, under the laws of any
12 jurisdiction of the United States: (i) that is a felony or
13 (ii) that is a misdemeanor, an essential element of which
14 is dishonesty, or that is directly related to the practice
15 of genetic counseling.

16 (4) Making any misrepresentation for the purpose of
17 obtaining a license, or violating any provision of this Act
18 or its rules.

19 (5) Negligence in the rendering of genetic counseling
20 services.

21 (6) Failure to provide genetic testing results and any
22 requested information to a referring physician licensed to
23 practice medicine in all its branches, advanced practice
24 nurse, or physician assistant.

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

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

3 (9) Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public and violating the rules of
6 professional conduct adopted by the Department.

7 (10) Failing to maintain the confidentiality of any
8 information received from a client, unless otherwise
9 authorized or required by law.

10 (10.5) Failure to maintain client records of services
11 provided and provide copies to clients upon request.

12 (11) Exploiting a client for personal advantage,
13 profit, or interest.

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

18 (13) Discipline by another governmental agency or unit
19 of government, by any jurisdiction of the United States, or
20 by a foreign nation, if at least one of the grounds for the
21 discipline is the same or substantially equivalent to those
22 set forth in this Section.

23 (14) 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 service not actually rendered.

1 Nothing in this paragraph (14) affects any bona fide
2 independent contractor or employment arrangements among
3 health care professionals, health facilities, health care
4 providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this Act.
9 Nothing in this paragraph (14) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered.

12 (15) A finding by the Department that the licensee,
13 after having the license placed on probationary status has
14 violated the terms of probation.

15 (16) Failing to refer a client to other health care
16 professionals when the licensee is unable or unwilling to
17 adequately support or serve the client.

18 (17) Willfully filing false reports relating to a
19 licensee's practice, including but not limited to false
20 records filed with federal or State agencies or
21 departments.

22 (18) Willfully failing to report an instance of
23 suspected child abuse or neglect as required by the Abused
24 and Neglected Child Reporting Act.

25 (19) Being named as a perpetrator in an indicated
26 report by the Department of Children and Family Services

1 pursuant to the Abused and Neglected Child Reporting Act,
2 and upon proof by clear and convincing evidence that the
3 licensee has caused a child to be an abused child or
4 neglected child as defined in the Abused and Neglected
5 Child Reporting Act.

6 (20) Physical or mental disability, including
7 deterioration through the aging process or loss of
8 abilities and skills which results in the inability to
9 practice the profession with reasonable judgment, skill,
10 or safety.

11 (21) Solicitation of professional services by using
12 false or misleading advertising.

13 (22) Failure to file a return, or to pay the tax,
14 penalty of interest shown in a filed return, or to pay any
15 final assessment of tax, penalty or interest, as required
16 by any tax Act administered by the Illinois Department of
17 Revenue or any successor agency or the Internal Revenue
18 Service or any successor agency.

19 (23) Fraud or making any misrepresentation in applying
20 for or procuring a license under this Act or in connection
21 with applying for renewal of a license under this Act.

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

25 (25) Gross overcharging for professional services,
26 including filing statements for collection of fees or

1 monies for which services are not rendered.

2 (26) Providing genetic counseling services to
3 individuals, couples, groups, or families without a
4 referral from either a physician licensed to practice
5 medicine in all its branches, a licensed advanced practice
6 nurse, or a licensed physician assistant.

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

10 (28) Allowing one's license under this Act to be used
11 by an unlicensed person in violation of this Act.

12 (b) (Blank). ~~The Department shall deny, without hearing,~~
13 ~~any application or renewal for a license under this Act to any~~
14 ~~person who has defaulted on an educational loan guaranteed by~~
15 ~~the Illinois State Assistance Commission; however, the~~
16 ~~Department may issue a license or renewal if the person in~~
17 ~~default has established a satisfactory repayment record as~~
18 ~~determined by the Illinois Student Assistance Commission.~~

19 (c) The determination by a court that a licensee is subject
20 to involuntary admission or judicial admission as provided in
21 the Mental Health and Developmental Disabilities Code will
22 result in an automatic suspension of his or her license. The
23 suspension will end upon a finding by a court that the licensee
24 is no longer subject to involuntary admission or judicial
25 admission, the issuance of an order so finding and discharging
26 the patient, and the determination of the Secretary that the

1 licensee be allowed to resume professional practice.

2 (d) The Department may refuse to issue or renew or may
3 suspend without hearing the license of any person who fails to
4 file a return, to pay the tax penalty or interest shown in a
5 filed return, or to pay any final assessment of the tax,
6 penalty, or interest as required by any Act regarding the
7 payment of taxes administered by the Illinois Department of
8 Revenue until the requirements of the Act are satisfied in
9 accordance with subsection (g) of Section 2105-15 of the Civil
10 Administrative Code of Illinois.

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

23 (f) All fines or costs imposed under this Section shall be
24 paid within 60 days after the effective date of the order
25 imposing the fine or costs or in accordance with the terms set
26 forth in the order imposing the fine.

1 (Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15.)

2 Section 95. The Illinois Architecture Practice Act of 1989
3 is amended by changing Section 22 as follows:

4 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

6 Sec. 22. Refusal, suspension and revocation of licenses;
7 causes.

8 (a) The Department may, singularly or in combination,
9 refuse to issue, renew or restore, or may suspend, revoke,
10 place on probation, or take other disciplinary or
11 non-disciplinary action as deemed appropriate, including, but
12 not limited to, the imposition of fines not to exceed \$10,000
13 for each violation, as the Department may deem proper, with
14 regard to a license for any one or combination of the following
15 causes:

16 (1) material misstatement in furnishing information to
17 the Department;

18 (2) negligence, incompetence or misconduct in the
19 practice of architecture;

20 (3) failure to comply with any of the provisions of
21 this Act or any of the rules;

22 (4) making any misrepresentation for the purpose of
23 obtaining licensure;

24 (5) purposefully making false statements or signing

1 false statements, certificates or affidavits to induce
2 payment;

3 (6) conviction of or plea of guilty or nolo contendere
4 to any crime that is a felony under the laws of the United
5 States or any state or territory thereof or that is a
6 misdemeanor, an essential element of which is dishonesty,
7 or any crime that is directly related to the practice of
8 the profession of architecture;

9 (7) aiding or assisting another person in violating any
10 provision of this Act or its rules;

11 (8) signing, affixing the architect's seal or
12 permitting the architect's seal to be affixed to any
13 technical submission not prepared by the architect or under
14 that architect's responsible control;

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

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

22 (11) making a statement of compliance pursuant to the
23 Environmental Barriers Act that technical submissions
24 prepared by the architect or prepared under the architect's
25 responsible control for construction or alteration of an
26 occupancy required to be in compliance with the

1 Environmental Barriers Act are in compliance with the
2 Environmental Barriers Act when such technical submissions
3 are not in compliance;

4 (12) a finding by the Board that an applicant or
5 registrant has failed to pay a fine imposed by the
6 Department or a registrant, whose license has been placed
7 on probationary status, has violated the terms of
8 probation;

9 (13) discipline by another state, territory, foreign
10 country, the District of Columbia, the United States
11 government, or any other governmental agency, if at least
12 one of the grounds for discipline is the same or
13 substantially equivalent to those set forth herein;

14 (14) failure to provide information in response to a
15 written request made by the Department within 30 days after
16 the receipt of such written request;

17 (15) physical illness, including, but not limited to,
18 deterioration through the aging process or loss of motor
19 skill, mental illness, or disability which results in the
20 inability to practice the profession with reasonable
21 judgment, skill, and safety, including without limitation
22 deterioration through the aging process, mental illness,
23 or disability.

24 (a-5) In enforcing this Section, the Department or Board,
25 upon a showing of a possible violation, may order a licensee or
26 applicant to submit to a mental or physical examination, or

1 both, at the expense of the Department. The Department or Board
2 may order the examining physician to present testimony
3 concerning his or her examination of the licensee or applicant.
4 No information shall be excluded by reason of any common law or
5 statutory privilege relating to communications between the
6 licensee or applicant and the examining physician. The
7 examining physicians shall be specifically designated by the
8 Board or Department. The licensee or applicant may have, at his
9 or her own expense, another physician of his or her choice
10 present during all aspects of the examination. Failure of a
11 licensee or applicant to submit to any such examination when
12 directed, without reasonable cause as defined by rule, shall be
13 grounds for either the immediate suspension of his or her
14 license or immediate denial of his or her application.

15 If the Secretary immediately suspends the license of a
16 licensee for his or her failure to submit to a mental or
17 physical examination when directed, a hearing must be convened
18 by the Department within 15 days after the suspension and
19 completed without appreciable delay.

20 If the Secretary otherwise suspends a license pursuant to
21 the results of the licensee's mental or physical examination, a
22 hearing must be convened by the Department within 15 days after
23 the suspension and completed without appreciable delay. The
24 Department and Board shall have the authority to review the
25 licensee's record of treatment and counseling regarding the
26 relevant impairment or impairments to the extent permitted by

1 applicable federal statutes and regulations safeguarding the
2 confidentiality of medical records.

3 Any licensee suspended under this subsection (a-5) shall be
4 afforded an opportunity to demonstrate to the Department or
5 Board that he or she can resume practice in compliance with the
6 acceptable and prevailing standards under the provisions of his
7 or her license.

8 (b) The determination by a circuit court that a licensee is
9 subject to involuntary admission or judicial admission, as
10 provided in the Mental Health and Developmental Disabilities
11 Code, operates as an automatic suspension. Such suspension will
12 end only upon a finding by a court that the patient is no
13 longer subject to involuntary admission or judicial admission,
14 the issuance of an order so finding and discharging the
15 patient, and the recommendation of the Board to the Secretary
16 that the licensee be allowed to resume practice.

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

24 (d) In cases where the Department of Healthcare and Family
25 Services (formerly the Department of Public Aid) has previously
26 determined that a licensee or a potential licensee is more than

1 30 days delinquent in the payment of child support and has
2 subsequently certified the delinquency to the Department, the
3 Department shall refuse to issue or renew or shall revoke or
4 suspend that person's license or shall take other disciplinary
5 action against that person based solely upon the certification
6 of delinquency made by the Department of Healthcare and Family
7 Services in accordance with subdivision (a)(5) of Section
8 2105-15 of the Department of Professional Regulation Law of the
9 Civil Administrative Code of Illinois.

10 (e) The Department shall deny a license or renewal
11 authorized by this Act to a person who has failed to file a
12 return, to pay the tax, penalty, or interest shown in a filed
13 return, or to pay any final assessment of tax, penalty, or
14 interest as required by any tax Act administered by the
15 Department of Revenue, until such time as the requirements of
16 the tax Act are satisfied in accordance with subsection (g) of
17 Section 2105-15 of the Department of Professional Regulation
18 Law of the Civil Administrative Code of Illinois.

19 (f) Persons who assist the Department as consultants or
20 expert witnesses in the investigation or prosecution of alleged
21 violations of the Act, licensure matters, restoration
22 proceedings, or criminal prosecutions, shall not be liable for
23 damages in any civil action or proceeding as a result of such
24 assistance, except upon proof of actual malice. The attorney
25 general shall defend such persons in any such action or
26 proceeding.

1 (Source: P.A. 98-756, eff. 7-16-14.)

2 Section 100. The Interior Design Title Act is amended by
3 changing Section 13 as follows:

4 (225 ILCS 310/13) (from Ch. 111, par. 8213)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 13. Refusal, revocation or suspension of
7 registration. The Department may refuse to issue, renew, or
8 restore or may revoke, suspend, place on probation, reprimand
9 or take other disciplinary action as the Department may deem
10 proper, including fines not to exceed \$5,000 for each
11 violation, with regard to any registration for any one or
12 combination of the following causes:

13 (a) Fraud in procuring the certificate of
14 registration.

15 (b) Habitual intoxication or addiction to the use of
16 drugs.

17 (c) Making any misrepresentations or false promises,
18 directly or indirectly, to influence, persuade, or induce
19 patronage.

20 (d) Professional connection or association with, or
21 lending his or her name, to another for illegal use of the
22 title "registered interior designer", or professional
23 connection or association with any person, firm, or
24 corporation holding itself out in any manner contrary to

1 this Act.

2 (e) Obtaining or seeking to obtain checks, money, or
3 any other items of value by false or fraudulent
4 representations.

5 (f) Use of the title under a name other than his or her
6 own.

7 (g) Improper, unprofessional, or dishonorable conduct
8 of a character likely to deceive, defraud, or harm the
9 public.

10 (h) Conviction in this or another state, or federal
11 court, of any crime which is a felony, if the Department
12 determines, after investigation, that such person has not
13 been sufficiently rehabilitated to warrant the public
14 trust.

15 (i) A violation of any provision of this Act or its
16 rules.

17 (j) Revocation by another state, the District of
18 Columbia, territory, or foreign nation of an interior
19 design or residential interior design registration if at
20 least one of the grounds for that revocation is the same as
21 or the equivalent of one of the grounds for revocation set
22 forth in this Act.

23 (k) Mental incompetence as declared by a court of
24 competent jurisdiction.

25 (l) Being named as a perpetrator in an indicated report
26 by the Department of Children and Family Services pursuant

1 to the Abused and Neglected Child Reporting Act, and upon
2 proof by clear and convincing evidence that the registrant
3 has caused a child to be an abused child or neglected child
4 as defined in the Abused and Neglected Child Reporting Act.

5 ~~The Department shall deny a registration or renewal~~
6 ~~authorized by this Act to any person who has defaulted on an~~
7 ~~educational loan guaranteed by the Illinois Student Assistance~~
8 ~~Commission; however, the Department may issue a certificate of~~
9 ~~registration or renewal if such person has established a~~
10 ~~satisfactory repayment record as determined by the Illinois~~
11 ~~Student Assistance Commission.~~

12 The Department may refuse to issue or may suspend the
13 registration of any person who fails to file a return, or to
14 pay the tax, penalty, or interest showing in a filed return, or
15 to pay any final assessment of tax, penalty, or interest, as
16 required by any tax Act administered by the Illinois Department
17 of Revenue, until such time as the requirements of any such tax
18 Act are satisfied.

19 The entry of a decree by any circuit court establishing
20 that any person holding a certificate of registration under
21 this Act is a person subject to involuntary admission under the
22 Mental Health and Developmental Disabilities Code shall
23 operate as a suspension of that registration. That person may
24 resume using the title "registered interior designer" only upon
25 a finding by the Board that he or she has been determined to be
26 no longer subject to involuntary admission by the court and

1 upon the Board's recommendation to the Director that he or she
2 be permitted to resume using the title "registered interior
3 designer".

4 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

5 Section 105. The Professional Engineering Practice Act of
6 1989 is amended by changing Section 24 as follows:

7 (225 ILCS 325/24) (from Ch. 111, par. 5224)

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

9 Sec. 24. Rules of professional conduct; disciplinary or
10 administrative action.

11 (a) The Department shall adopt rules setting standards of
12 professional conduct and establish appropriate penalties for
13 the breach of such rules.

14 (a-1) The Department may, singularly or in combination,
15 refuse to issue, renew, or restore a license or may revoke,
16 suspend, place on probation, reprimand, or take other
17 disciplinary or non-disciplinary action with regard to a person
18 licensed under this Act, including but not limited to, the
19 imposition of a fine not to exceed \$10,000 per violation upon
20 any person, corporation, partnership, or professional design
21 firm licensed or registered under this Act, for any one or
22 combination of the following causes:

23 (1) Material misstatement in furnishing information to
24 the Department.

1 (2) Violations of this Act or any of its rules.

2 (3) Conviction of or entry of a plea of guilty or nolo
3 contendere to any crime that is a felony under the laws of
4 the United States or any state or territory thereof, or
5 that is a misdemeanor, an essential element of which is
6 dishonesty, or any crime that is directly related to the
7 practice of engineering.

8 (4) Making any misrepresentation for the purpose of
9 obtaining, renewing, or restoring a license or violating
10 any provision of this Act or the rules promulgated under
11 this Act pertaining to advertising.

12 (5) Willfully making or signing a false statement,
13 certificate, or affidavit to induce payment.

14 (6) Negligence, incompetence or misconduct in the
15 practice of professional engineering as a licensed
16 professional engineer or in working as an engineer intern.

17 (7) Aiding or assisting another person in violating any
18 provision of this Act or its rules.

19 (8) Failing to provide information in response to a
20 written request made by the Department within 30 days after
21 receipt of such written request.

22 (9) Engaging in dishonorable, unethical or
23 unprofessional conduct of a character likely to deceive,
24 defraud or harm the public.

25 (10) Inability to practice the profession with
26 reasonable judgment, skill, or safety as a result of a

1 physical illness, including, but not limited to,
2 deterioration through the aging process or loss of motor
3 skill, or mental illness or disability.

4 (11) Discipline by the United States Government,
5 another state, District of Columbia, territory, foreign
6 nation or government agency, if at least one of the grounds
7 for the discipline is the same or substantially equivalent
8 to those set forth in this Act.

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

14 (13) A finding by the Department that an applicant or
15 registrant has failed to pay a fine imposed by the
16 Department, a registrant whose license has been placed on
17 probationary status has violated the terms of probation, or
18 a registrant has practiced on an expired, inactive,
19 suspended, or revoked license.

20 (14) Signing, affixing the professional engineer's
21 seal or permitting the professional engineer's seal to be
22 affixed to any technical submissions not prepared as
23 required by Section 14 or completely reviewed by the
24 professional engineer or under the professional engineer's
25 direct supervision.

26 (15) Inability to practice the profession with

1 reasonable judgment, skill or safety as a result of
2 habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug.

4 (16) The making of a statement pursuant to the
5 Environmental Barriers Act that a plan for construction or
6 alteration of a public facility or for construction of a
7 multi-story housing unit is in compliance with the
8 Environmental Barriers Act when such plan is not in
9 compliance.

10 (17) (Blank).

11 (a-2) The Department shall deny a license or renewal
12 authorized by this Act to a person who has failed to file a
13 return, to pay the tax, penalty, or interest shown in a filed
14 return, or to pay any final assessment of tax, penalty, or
15 interest as required by any tax Act administered by the
16 Department of Revenue, until such time as the requirements of
17 the tax Act are satisfied in accordance with subsection (g) of
18 Section 2105-15 of the Department of Professional Regulation
19 Law of the Civil Administrative Code of Illinois (20 ILCS
20 2105/2105-15).

21 (a-3) (Blank) ~~The Department shall deny a license or~~
22 ~~renewal authorized by this Act to a person who has defaulted on~~
23 ~~an educational loan or scholarship provided or guaranteed by~~
24 ~~the Illinois Student Assistance Commission or any governmental~~
25 ~~agency of this State in accordance with subdivision (a) (5) of~~
26 ~~Section 2105 15 of the Department of Professional Regulation~~

1 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
2 ~~2105/2105-15).~~

3 (a-4) In cases where the Department of Healthcare and
4 Family Services (formerly the Department of Public Aid) has
5 previously determined that a licensee or a potential licensee
6 is more than 30 days delinquent in the payment of child support
7 and has subsequently certified the delinquency to the
8 Department, the Department shall refuse to issue or renew or
9 shall revoke or suspend that person's license or shall take
10 other disciplinary action against that person based solely upon
11 the certification of delinquency made by the Department of
12 Healthcare and Family Services in accordance with subdivision
13 (a) (5) of Section 2105-15 of the Department of Professional
14 Regulation Law of the Civil Administrative Code of Illinois (20
15 ILCS 2105/2105-15).

16 (a-5) In enforcing this Section, the Department or Board,
17 upon a showing of a possible violation, may order a licensee or
18 applicant to submit to a mental or physical examination, or
19 both, at the expense of the Department. The Department or Board
20 may order the examining physician to present testimony
21 concerning his or her examination of the licensee or applicant.
22 No information shall be excluded by reason of any common law or
23 statutory privilege relating to communications between the
24 licensee or applicant and the examining physician. The
25 examining physicians shall be specifically designated by the
26 Board or Department. The licensee or applicant may have, at his

1 or her own expense, another physician of his or her choice
2 present during all aspects of the examination. Failure of a
3 licensee or applicant to submit to any such examination when
4 directed, without reasonable cause as defined by rule, shall be
5 grounds for either the immediate suspension of his or her
6 license or immediate denial of his or her application.

7 If the Secretary immediately suspends the license of a
8 licensee for his or her failure to submit to a mental or
9 physical examination when directed, a hearing must be convened
10 by the Department within 15 days after the suspension and
11 completed without appreciable delay.

12 If the Secretary otherwise suspends a license pursuant to
13 the results of the licensee's mental or physical examination, a
14 hearing must be convened by the Department within 15 days after
15 the suspension and completed without appreciable delay. The
16 Department and Board shall have the authority to review the
17 licensee's record of treatment and counseling regarding the
18 relevant impairment or impairments to the extent permitted by
19 applicable federal statutes and regulations safeguarding the
20 confidentiality of medical records.

21 Any licensee suspended under this subsection (a-5) shall be
22 afforded an opportunity to demonstrate to the Department or
23 Board that he or she can resume practice in compliance with the
24 acceptable and prevailing standards under the provisions of his
25 or her license.

26 (b) The determination by a circuit court that a registrant

1 is subject to involuntary admission or judicial admission as
2 provided in the Mental Health and Developmental Disabilities
3 Code, as now or hereafter amended, operates as an automatic
4 suspension. Such suspension will end only upon a finding by a
5 court that the patient is no longer subject to involuntary
6 admission or judicial admission, the issuance of an order so
7 finding and discharging the patient, and the recommendation of
8 the Board to the Director that the registrant be allowed to
9 resume practice.

10 (Source: P.A. 98-756, eff. 7-16-14.)

11 Section 110. The Illinois Professional Land Surveyor Act of
12 1989 is amended by changing Section 27 as follows:

13 (225 ILCS 330/27) (from Ch. 111, par. 3277)

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

15 Sec. 27. Grounds for disciplinary action.

16 (a) The Department may refuse to issue or renew a license,
17 or may place on probation or administrative supervision,
18 suspend, or revoke any license, or may reprimand or take any
19 disciplinary or non-disciplinary action as the Department may
20 deem proper, including the imposition of fines not to exceed
21 \$10,000 per violation, upon any person, corporation,
22 partnership, or professional land surveying firm licensed or
23 registered under this Act for any of the following reasons:

24 (1) material misstatement in furnishing information to

1 the Department;

2 (2) violation, including, but not limited to, neglect
3 or intentional disregard, of this Act, or its rules;

4 (3) conviction of, or entry of a plea of guilty or nolo
5 contendere to, any crime that is a felony under the laws of
6 the United States or any state or territory thereof or that
7 is a misdemeanor of which an essential element is
8 dishonesty, or any crime that is directly related to the
9 practice of the profession;

10 (4) making any misrepresentation for the purpose of
11 obtaining a license, or in applying for restoration or
12 renewal, or the practice of any fraud or deceit in taking
13 any examination to qualify for licensure under this Act;

14 (5) purposefully making false statements or signing
15 false statements, certificates, or affidavits to induce
16 payment;

17 (6) proof of carelessness, incompetence, negligence,
18 or misconduct in practicing land surveying;

19 (7) aiding or assisting another person in violating any
20 provision of this Act or its rules;

21 (8) failing to provide information in response to a
22 written request made by the Department within 30 days after
23 receipt of such written request;

24 (9) engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public;

1 (10) inability to practice with reasonable judgment,
2 skill, or safety as a result of habitual or excessive use
3 of, or addiction to, alcohol, narcotics, stimulants or any
4 other chemical agent or drug;

5 (11) discipline by the United States government,
6 another state, District of Columbia, territory, foreign
7 nation or government agency if at least one of the grounds
8 for the discipline is the same or substantially equivalent
9 to those set forth in this Act;

10 (12) directly or indirectly giving to or receiving from
11 any person, firm, corporation, partnership, or association
12 any fee, commission, rebate, or other form of compensation
13 for any professional services not actually or personally
14 rendered;

15 (12.5) issuing a map or plat of survey where the fee
16 for professional services is contingent on a real estate
17 transaction closing;

18 (13) a finding by the Department that an applicant or
19 licensee has failed to pay a fine imposed by the Department
20 or a licensee whose license has been placed on probationary
21 status has violated the terms of probation;

22 (14) practicing on an expired, inactive, suspended, or
23 revoked license;

24 (15) signing, affixing the Professional Land
25 Surveyor's seal or permitting the Professional Land
26 Surveyor's seal to be affixed to any map or plat of survey

1 not prepared by the Professional Land Surveyor or under the
2 Professional Land Surveyor's direct supervision and
3 control;

4 (16) inability to practice the profession with
5 reasonable judgment, skill, or safety as a result of
6 physical illness, including, but not limited to,
7 deterioration through the aging process or loss of motor
8 skill or a mental illness or disability;

9 (17) (blank); or

10 (18) failure to adequately supervise or control land
11 surveying operations being performed by subordinates.

12 (a-5) In enforcing this Section, the Department or Board,
13 upon a showing of a possible violation, may compel a person
14 licensed to practice under this Act, or who has applied for
15 licensure or certification pursuant to this Act, to submit to a
16 mental or physical examination, or both, as required by and at
17 the expense of the Department. The Department or Board may
18 order the examining physician to present testimony concerning
19 the mental or physical examination of the licensee or
20 applicant. No information shall be excluded by reason of any
21 common law or statutory privilege relating to communications
22 between the licensee or applicant and the examining physician.
23 The examining physicians shall be specifically designated by
24 the Board or Department. The individual to be examined may
25 have, at his or her own expense, another physician of his or
26 her choice present during all aspects of the examination.

1 Failure of an individual to submit to a mental or physical
2 examination when directed shall be grounds for the immediate
3 suspension of his or her license until the individual submits
4 to the examination if the Department finds that the refusal to
5 submit to the examination was without reasonable cause as
6 defined by rule.

7 If the Secretary immediately suspends the license of a
8 licensee for his or her failure to submit to a mental or
9 physical examination when directed, a hearing must be convened
10 by the Department within 15 days after the suspension and
11 completed without appreciable delay.

12 If the Secretary otherwise suspends a person's license
13 pursuant to the results of a compelled mental or physical
14 examination, a hearing on that person's license must be
15 convened by the Department within 15 days after the suspension
16 and completed without appreciable delay. The Department and
17 Board shall have the authority to review the subject
18 individual's record of treatment and counseling regarding
19 impairment to the extent permitted by applicable federal
20 statutes and regulations safeguarding the confidentiality of
21 medical records.

22 Any licensee suspended under this subsection (a-5) shall be
23 afforded an opportunity to demonstrate to the Department or
24 Board that he or she can resume practice in compliance with the
25 acceptable and prevailing standards under the provisions of his
26 or her license.

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

11 (c) (Blank) ~~The Department shall deny a license or renewal~~
12 ~~authorized by this Act to a person who has defaulted on an~~
13 ~~educational loan or scholarship provided or guaranteed by the~~
14 ~~Illinois Student Assistance Commission or any governmental~~
15 ~~agency of this State in accordance with subdivision (a) (5) of~~
16 ~~Section 2105-15 of the Department of Professional Regulation~~
17 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
18 ~~2105/2105-15).~~

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

1 of delinquency made by the Department of Healthcare and Family
2 Services in accordance with subdivision (a)(5) of Section
3 2105-15 of the Department of Professional Regulation Law of the
4 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

5 (e) The Department shall refuse to issue or renew or shall
6 revoke or suspend a person's license or shall take other
7 disciplinary action against that person for his or her failure
8 to file a return, to pay the tax, penalty, or interest shown in
9 a filed return, or to pay any final assessment of tax, penalty,
10 or interest as required by any tax Act administered by the
11 Department of Revenue, until such time as the requirements of
12 the tax Act are satisfied in accordance with subsection (g) of
13 Section 2105-15 of the Department of Professional Regulation
14 Law of the Civil Administrative Code of Illinois (20 ILCS
15 2105/2105-15).

16 (Source: P.A. 98-756, eff. 7-16-14.)

17 Section 113. The Illinois Roofing Industry Licensing Act is
18 amended by changing Section 9.1 as follows:

19 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

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

21 Sec. 9.1. Grounds for disciplinary action.

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

1 deem proper, including fines not to exceed \$10,000 for each
2 violation, with regard to any license for any one or
3 combination of the following:

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

5 (b) conviction or plea of guilty or nolo contendere,
6 finding of guilt, jury verdict, or entry of judgment or
7 sentencing of any crime, including, but not limited to,
8 convictions, preceding sentences of supervision,
9 conditional discharge, or first offender probation, under
10 the laws of any jurisdiction of the United States that is
11 (i) a felony or (ii) a misdemeanor, an essential element of
12 which is dishonesty or that is directly related to the
13 practice of the profession;

14 (c) fraud or any misrepresentation in applying for or
15 procuring a license under this Act, or in connection with
16 applying for renewal of a license under this Act;

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

24 (e) (blank);

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

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

3 (h) engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public;

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

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

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

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

24 (m) a finding by any court of competent jurisdiction,
25 either within or without this State, of any violation of
26 any law governing the practice of roofing contracting, if

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

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

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

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

14 (q) (blank);

15 (r) (blank);

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

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

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

25 (v) (blank);

26 (w) advertising in any manner that is false,

1 misleading, or deceptive;

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

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

6 (z) engaging in the practice of roofing contracting, as
7 defined in this Act, with a suspended, revoked, or
8 cancelled license;

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

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

16 (cc) violation of any final administrative action of
17 the Secretary;

18 (dd) allowing the use of his or her roofing license by
19 an unlicensed roofing contractor for the purposes of
20 providing roofing or waterproofing services; or

21 (ee) (blank);

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

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

26 (2) The determination by a circuit court that a license

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

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

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

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

16 (5) The Department may order the examining physician or any
17 member of the multidisciplinary team to provide to the
18 Department any and all records, including business records,
19 that relate to the examination and evaluation, including any
20 supplemental testing performed. The Department may order the
21 examining physician or any member of the multidisciplinary team
22 to present testimony concerning this examination and
23 evaluation of the licensee or applicant, including testimony
24 concerning any supplemental testing or documents relating to
25 the examination and evaluation. No information, report,
26 record, or other documents in any way related to the

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

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

22 (7) When the Secretary immediately suspends a license under
23 this Section, a hearing upon such person's license must be
24 convened by the Department within 15 days after the suspension
25 and completed without appreciable delay. The Department shall
26 have the authority to review the licensee's record of treatment

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

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

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

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

1 Illinois.

2 The changes to this Act made by this amendatory Act of 1997
3 apply only to disciplinary actions relating to events occurring
4 after the effective date of this amendatory Act of 1997.

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

6 Section 115. The Structural Engineering Practice Act of
7 1989 is amended by changing Section 20 as follows:

8 (225 ILCS 340/20) (from Ch. 111, par. 6620)

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

10 Sec. 20. Refusal; revocation; suspension.

11 (a) The Department may refuse to issue or renew, or may
12 revoke a license, or may suspend, place on probation, fine, or
13 take any disciplinary or non-disciplinary action as the
14 Department may deem proper, including a fine not to exceed
15 \$10,000 for each violation, with regard to any licensee for any
16 one or combination of the following reasons:

17 (1) Material misstatement in furnishing information to
18 the Department;

19 (2) Negligence, incompetence or misconduct in the
20 practice of structural engineering;

21 (3) Making any misrepresentation for the purpose of
22 obtaining licensure;

23 (4) The affixing of a licensed structural engineer's
24 seal to any plans, specifications or drawings which have

1 not been prepared by or under the immediate personal
2 supervision of that licensed structural engineer or
3 reviewed as provided in this Act;

4 (5) Conviction of, or entry of a plea of guilty or nolo
5 contendere to, any crime that is a felony under the laws of
6 the United States or of any state or territory thereof, or
7 that is a misdemeanor an essential element of which is
8 dishonesty, or any crime that is directly related to the
9 practice of the profession;

10 (6) Making a statement of compliance pursuant to the
11 Environmental Barriers Act, as now or hereafter amended,
12 that a plan for construction or alteration of a public
13 facility or for construction of a multi-story housing unit
14 is in compliance with the Environmental Barriers Act when
15 such plan is not in compliance;

16 (7) Failure to comply with any of the provisions of
17 this Act or its rules;

18 (8) Aiding or assisting another person in violating any
19 provision of this Act or its rules;

20 (9) Engaging in dishonorable, unethical or
21 unprofessional conduct of a character likely to deceive,
22 defraud or harm the public, as defined by rule;

23 (10) Habitual or excessive use or addiction to alcohol,
24 narcotics, stimulants, or any other chemical agent or drug
25 that results in the inability to practice with reasonable
26 judgment, skill, or safety;

1 (11) Failure of an applicant or licensee to pay a fine
2 imposed by the Department or a licensee whose license has
3 been placed on probationary status has violated the terms
4 of probation;

5 (12) Discipline by another state, territory, foreign
6 country, the District of Columbia, the United States
7 government, or any other governmental agency, if at least
8 one of the grounds for discipline is the same or
9 substantially equivalent to those set forth in this
10 Section;

11 (13) Failure to provide information in response to a
12 written request made by the Department within 30 days after
13 the receipt of such written request; or

14 (14) Physical illness, including but not limited to,
15 deterioration through the aging process or loss of motor
16 skill, mental illness, or disability which results in the
17 inability to practice the profession of structural
18 engineering with reasonable judgment, skill, or safety.

19 (a-5) In enforcing this Section, the Department or Board,
20 upon a showing of a possible violation, may order a licensee or
21 applicant to submit to a mental or physical examination, or
22 both, at the expense of the Department. The Department or Board
23 may order the examining physician to present testimony
24 concerning his or her examination of the licensee or applicant.
25 No information shall be excluded by reason of any common law or
26 statutory privilege relating to communications between the

1 licensee or applicant and the examining physician. The
2 examining physicians shall be specifically designated by the
3 Board or Department. The licensee or applicant may have, at his
4 or her own expense, another physician of his or her choice
5 present during all aspects of the examination. Failure of a
6 licensee or applicant to submit to any such examination when
7 directed, without reasonable cause as defined by rule, shall be
8 grounds for either the immediate suspension of his or her
9 license or immediate denial of his or her application.

10 If the Secretary immediately suspends the license of a
11 licensee for his or her failure to submit to a mental or
12 physical examination when directed, a hearing must be convened
13 by the Department within 15 days after the suspension and
14 completed without appreciable delay.

15 If the Secretary otherwise suspends a license pursuant to
16 the results of the licensee's mental or physical examination, a
17 hearing must be convened by the Department within 15 days after
18 the suspension and completed without appreciable delay. The
19 Department and Board shall have the authority to review the
20 licensee's record of treatment and counseling regarding the
21 relevant impairment or impairments to the extent permitted by
22 applicable federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 Any licensee suspended under this subsection (a-5) shall be
25 afforded an opportunity to demonstrate to the Department or
26 Board that he or she can resume practice in compliance with the

1 acceptable and prevailing standards under the provisions of his
2 or her license.

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

12 (c) (Blank) ~~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 subdivision (a) (5) of~~
17 ~~Section 2105 15 of the Department of Professional Regulation~~
18 ~~Law of the Civil Administrative Code of Illinois.~~

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

1 of delinquency made by the Department of Healthcare and Family
2 Services in accordance with subdivision (a)(5) of Section
3 2105-15 of the Department of Professional Regulation Law of the
4 Civil Administrative Code of Illinois.

5 (e) The Department shall deny a license or renewal
6 authorized by this Act to a person who has failed to file a
7 return, to pay the tax, penalty, or interest shown in a filed
8 return, or to pay any final assessment of tax, penalty, or
9 interest as required by any tax Act administered by the
10 Department of Revenue, until such time as the requirements of
11 the tax Act are satisfied in accordance with subsection (g) of
12 Section 2105-15 of the Department of Professional Regulation
13 Law of the Civil Administrative Code of Illinois.

14 (f) Persons who assist the Department as consultants or
15 expert witnesses in the investigation or prosecution of alleged
16 violations of the Act, licensure matters, restoration
17 proceedings, or criminal prosecutions, are not liable for
18 damages in any civil action or proceeding as a result of such
19 assistance, except upon proof of actual malice. The Attorney
20 General of the State of Illinois shall defend such persons in
21 any such action or proceeding.

22 (Source: P.A. 98-756, eff. 7-16-14.)

23 Section 120. The Auction License Act is amended by changing
24 Section 20-20 as follows:

1 (225 ILCS 407/20-20)

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

3 Sec. 20-20. Termination without hearing for failure to pay
4 taxes or ~~7~~ child support, ~~or a student loan~~. The Department may
5 terminate or otherwise discipline any license issued under this
6 Act without hearing if the appropriate administering agency
7 provides adequate information and proof that the licensee has:

8 (1) failed to file a return, to pay the tax, penalty,
9 or interest shown in a filed return, or to pay any final
10 assessment of tax, penalty, or interest, as required by any
11 tax act administered by the Illinois Department of Revenue
12 until the requirements of the tax act are satisfied;

13 (2) failed to pay any court ordered child support as
14 determined by a court order or by referral from the
15 Department of Healthcare and Family Services (formerly
16 Illinois Department of Public Aid); or

17 (3) (blank) ~~failed to repay any student loan or~~
18 ~~assistance as determined by the Illinois Student~~
19 ~~Assistance Commission.~~

20 If a license is terminated or otherwise disciplined
21 pursuant to this Section, the licensee may request a hearing as
22 provided by this Act within 30 days of notice of termination or
23 discipline.

24 (Source: P.A. 95-331, eff. 8-21-07; 95-572, eff. 6-1-08.)

25 Section 125. The Barber, Cosmetology, Esthetics, Hair

1 Braiding, and Nail Technology Act of 1985 is amended by
2 changing Section 4-7 as follows:

3 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

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

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

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

13 a. Conviction of any crime under the laws of the United
14 States or any state or territory thereof that is (i) a
15 felony, (ii) a misdemeanor, an essential element of which
16 is dishonesty, or (iii) a crime which is related to the
17 practice of the profession.

18 b. Conviction of any of the violations listed in
19 Section 4-20.

20 c. Material misstatement in furnishing information to
21 the Department.

22 d. Making any misrepresentation for the purpose of
23 obtaining a license or violating any provision of this Act
24 or its rules.

25 e. Aiding or assisting another person in violating any

1 provision of this Act or its rules.

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

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

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

12 i. Gross malpractice or gross incompetency.

13 j. Continued practice by a person knowingly having an
14 infectious or contagious disease.

15 k. Solicitation of professional services by using
16 false or misleading advertising.

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

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

25 n. Violating any of the provisions of this Act or rules
26 adopted pursuant to this Act.

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

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

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

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

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

26 t. Operating a salon or shop without a valid

1 registration.

2 u. Failure to complete required continuing education
3 hours.

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

8 (a) the extent to which public confidence in the
9 cosmetology, nail technology, esthetics, hair braiding, or
10 barbering profession was, might have been, or may be,
11 injured;

12 (b) the degree of trust and dependence among the
13 involved parties;

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

16 (d) the intent or mental state of the licensee at the
17 time of the acts or omissions.

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

23 (4) The Department shall refuse to issue or renew or
24 suspend without hearing the license or certificate of
25 registration of any person who fails to file a return, or to
26 pay the tax, penalty or interest shown in a filed return, or to

1 pay any final assessment of tax, penalty or interest, as
2 required by any tax Act administered by the Illinois Department
3 of Revenue, until such time as the requirements of any such tax
4 Act are satisfied as determined by the Department of Revenue.

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

13 (6) All fines imposed under this Section shall be paid
14 within 60 days after the effective date of the order imposing
15 the fine or in accordance with the terms set forth in the order
16 imposing the fine.

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

18 Section 130. The Electrologist Licensing Act is amended by
19 changing Section 75 as follows:

20 (225 ILCS 412/75)

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

22 Sec. 75. Grounds for discipline.

23 (a) The Department may refuse to issue or renew and may
24 revoke or suspend a license under this Act, and may place on

1 probation, reprimand, or take other disciplinary or
2 non-disciplinary action with regard to any licensee under this
3 Act, as the Department may consider appropriate, including
4 imposing fines not to exceed \$10,000 for each violation and
5 assess costs as provided for under Section 95 of this Act, for
6 one or any combination of the following causes:

7 (1) Material misstatement in furnishing information to
8 the Department.

9 (2) Violation of this Act or rules adopted under this
10 Act.

11 (3) Conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or
13 sentencing, including, but not limited to, convictions,
14 preceding sentences of supervision, conditional discharge,
15 or first offender probation, under the laws of any
16 jurisdiction of the United States that is (i) a felony or
17 (ii) a misdemeanor, an essential element of which is
18 dishonesty, or that is directly related to the practice of
19 electrology.

20 (4) 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 (5) Aiding or assisting another person in violating any
24 provision of this Act or its rules.

25 (6) Failing to provide information within 60 days in
26 response to a written request made by the Department.

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

4 (8) Habitual or excessive use or abuse of drugs defined
5 in law as controlled substances, alcohol, or any other
6 substance that results in an electrologist's inability to
7 practice with reasonable judgment, skill, or safety.

8 (9) Discipline by another governmental agency, unit of
9 government, U.S. jurisdiction, or foreign nation if at
10 least one of the grounds for discipline is the same as or
11 substantially equivalent to any of those set forth in this
12 Act.

13 (10) Directly or indirectly giving to or receiving from
14 any person, firm, corporation, partnership, or association
15 any fee, commission, rebate, or other form of compensation
16 for any professional services not actually or personally
17 rendered. Nothing in this paragraph (10) affects any bona
18 fide independent contractor or employment arrangements
19 among health care professionals, health facilities, health
20 care providers, or other entities, except as otherwise
21 prohibited by law. Any employment arrangements with health
22 care providers may include provisions for compensation,
23 health insurance, pension, or other employment benefits
24 for the provision of services within the scope of the
25 licensee's practice under this Act. Nothing in this
26 paragraph (10) shall be construed to require an employment

1 arrangement to receive professional fees for services
2 rendered.

3 (11) 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 (12) Abandonment of a patient.

7 (13) Willfully making or filing false records or
8 reports in the licensee's practice, including, but not
9 limited to, false records filed with State agencies or
10 departments.

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

16 (15) Negligence in his or her practice under this Act.

17 (16) Use of fraud, deception, or any unlawful means in
18 applying for and securing a license as an electrologist.

19 (17) Immoral conduct in the commission of any act, such
20 as sexual abuse, sexual misconduct, or sexual
21 exploitation, related to the licensee's practice.

22 (18) Failure to comply with standards of sterilization
23 and sanitation as defined in the rules of the Department.

24 (19) Charging for professional services not rendered,
25 including filing false statements for the collection of
26 fees for which services are not rendered.

1 (20) Allowing one's license under this Act to be used
2 by an unlicensed person in violation of this Act.

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

12 (c) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission as
14 provided in the Mental Health and Developmental Disabilities
15 Code operates as an automatic suspension. The suspension will
16 end only upon a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission,
18 the issuance of an order so finding and discharging the
19 patient, and the filing of a petition for restoration
20 demonstrating fitness to practice.

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

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

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

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

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

26 When the Secretary immediately suspends a license under

1 this Section, a hearing upon the 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 Individuals licensed under this Act affected under this
9 Section shall be afforded an opportunity to demonstrate to the
10 Department that they can resume practice in compliance with
11 acceptable and prevailing standards under the provisions of
12 their license.

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

20 (f) 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 item (5) of
3 subsection (a) of Section 2105-15 of the Department of
4 Professional Regulation Law of the Civil Administrative Code of
5 Illinois.

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

10 (Source: P.A. 98-363, eff. 8-16-13.)

11 Section 135. The Illinois Certified Shorthand Reporters
12 Act of 1984 is amended by changing Section 23 as follows:

13 (225 ILCS 415/23) (from Ch. 111, par. 6223)

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

15 Sec. 23. Grounds for disciplinary action.

16 (a) The Department may refuse to issue or renew, or may
17 revoke, suspend, place on probation, reprimand or take other
18 disciplinary or non-disciplinary action as the Department may
19 deem appropriate, including imposing fines not to exceed
20 \$10,000 for each violation and the assessment of costs as
21 provided for in Section 23.3 of this Act, with regard to any
22 license for any one or combination of the following:

23 (1) Material misstatement in furnishing information to
24 the Department;

1 (2) Violations of this Act, or of the rules promulgated
2 thereunder;

3 (3) Conviction by plea of guilty or nolo contendere,
4 finding of guilt, jury verdict, or entry of judgment or by
5 sentencing of any crime, including, but not limited to,
6 convictions, preceding sentences of supervision,
7 conditional discharge, or first offender probation under
8 the laws of any jurisdiction of the United States: (i) that
9 is a felony or (ii) that is a misdemeanor, an essential
10 element of which is dishonesty, or that is directly related
11 to the practice of the profession;

12 (4) Fraud or any misrepresentation in applying for or
13 procuring a license under this Act or in connection with
14 applying for renewal of a license under this Act;

15 (5) Professional incompetence;

16 (6) Aiding or assisting another person, firm,
17 partnership or corporation in violating any provision of
18 this Act or rules;

19 (7) Failing, within 60 days, to provide information in
20 response to a written request made by the Department;

21 (8) Engaging in dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud or harm the public;

24 (9) Habitual or excessive use or abuse of drugs defined
25 in law as controlled substances, alcohol, or any other
26 substances that results in the inability to practice with

1 reasonable judgment, skill, or safety;

2 (10) Discipline by another state, unit of government,
3 government agency, the District of Columbia, a territory,
4 or foreign nation, if at least one of the grounds for the
5 discipline is the same or substantially equivalent to those
6 set forth herein;

7 (11) Charging for professional services not rendered,
8 including filing false statements for the collection of
9 fees for which services were not rendered, or giving,
10 directly or indirectly, any gift or anything of value to
11 attorneys or their staff or any other persons or entities
12 associated with any litigation, that exceeds \$100 total per
13 year; for the purposes of this Section, pro bono services,
14 as defined by State law, are permissible in any amount;

15 (12) A finding by the Board that the certificate
16 holder, after having his certificate placed on
17 probationary status, has violated the terms of probation;

18 (13) Willfully making or filing false records or
19 reports in the practice of shorthand reporting, including
20 but not limited to false records filed with State agencies
21 or departments;

22 (14) Physical illness, including but not limited to,
23 deterioration through the aging process, or loss of motor
24 skill which results in the inability to practice under this
25 Act with reasonable judgment, skill or safety;

26 (15) Solicitation of professional services other than

1 by permitted advertising;

2 (16) Willful failure to take full and accurate
3 stenographic notes of any proceeding;

4 (17) Willful alteration of any stenographic notes
5 taken at any proceeding;

6 (18) Willful failure to accurately transcribe verbatim
7 any stenographic notes taken at any proceeding;

8 (19) Willful alteration of a transcript of
9 stenographic notes taken at any proceeding;

10 (20) Affixing one's signature to any transcript of his
11 stenographic notes or certifying to its correctness unless
12 the transcript has been prepared by him or under his
13 immediate supervision;

14 (21) Willful failure to systematically retain
15 stenographic notes or transcripts on paper or any
16 electronic media for 10 years from the date that the notes
17 or transcripts were taken;

18 (22) Failure to deliver transcripts in a timely manner
19 or in accordance with contractual agreements;

20 (23) Establishing contingent fees as a basis of
21 compensation;

22 (24) Mental illness or disability that results in the
23 inability to practice under this Act with reasonable
24 judgment, skill, or safety;

25 (25) Practicing under a false or assumed name, except
26 as provided by law;

1 (26) Cheating on or attempting to subvert the licensing
2 examination administered under this Act;

3 (27) Allowing one's license under this Act to be used
4 by an unlicensed person in violation of this Act.

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

9 (b) The determination by a circuit court that a certificate
10 holder is subject to involuntary admission or judicial
11 admission as provided in the Mental Health and Developmental
12 Disabilities Code, operates as an automatic suspension. Such
13 suspension will end only upon a finding by a court that the
14 patient is no longer subject to involuntary admission or
15 judicial admission, an order by the court so finding and
16 discharging the patient. In any case where a license is
17 suspended under this Section, the licensee may file a petition
18 for restoration and shall include evidence acceptable to the
19 Department that the licensee can resume practice in compliance
20 with acceptable and prevailing standards of the profession.

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

1 disciplinary action against that person based solely upon the
2 certification of delinquency made by the Department of
3 Healthcare and Family Services in accordance with item (5) of
4 subsection (a) of Section 2105-15 of the Civil Administrative
5 Code of Illinois.

6 (d) In enforcing this Section, the Department, upon a
7 showing of a possible violation, may compel any individual who
8 is certified under this Act or any individual who has applied
9 for certification under this Act to submit to a mental or
10 physical examination and evaluation, or both, which may include
11 a substance abuse or sexual offender evaluation, at the expense
12 of the Department. The Department shall specifically designate
13 the examining physician licensed to practice medicine in all of
14 its branches or, if applicable, the multidisciplinary team
15 involved in providing the mental or physical examination and
16 evaluation, or both. The multidisciplinary team shall be led by
17 a physician licensed to practice medicine in all of its
18 branches and may consist of one or more or a combination of
19 physicians licensed to practice medicine in all of its
20 branches, licensed chiropractic physicians, licensed clinical
21 psychologists, licensed clinical social workers, licensed
22 clinical professional counselors, and other professional and
23 administrative staff. Any examining physician or member of the
24 multidisciplinary team may require any person ordered to submit
25 to an examination and evaluation pursuant to this Section to
26 submit to any additional supplemental testing deemed necessary

1 to complete any examination or evaluation process, including,
2 but not limited to, blood testing, urinalysis, psychological
3 testing, or neuropsychological testing.

4 The Department may order the examining physician or any
5 member of the multidisciplinary team to provide to the
6 Department any and all records, including business records,
7 that relate to the examination and evaluation, including any
8 supplemental testing performed. The Department may order the
9 examining physician or any member of the multidisciplinary team
10 to present testimony concerning this examination and
11 evaluation of the certified shorthand reporter or applicant,
12 including testimony concerning any supplemental testing or
13 documents relating to the examination and evaluation. No
14 information, report, record, or other documents in any way
15 related to the examination and evaluation shall be excluded by
16 reason of any common law or statutory privilege relating to
17 communication between the licensee or applicant and the
18 examining physician or any member of the multidisciplinary
19 team. No authorization is necessary from the certified
20 shorthand reporter or applicant ordered to undergo an
21 evaluation and examination for the examining physician or any
22 member of the multidisciplinary team to provide information,
23 reports, records, or other documents or to provide any
24 testimony regarding the examination and evaluation. The
25 individual to be examined may have, at his or her own expense,
26 another physician of his or her choice present during all

1 aspects of the examination.

2 Failure of any individual to submit to mental or physical
3 examination and evaluation, or both, when directed, shall
4 result in an automatic suspension, without hearing, until such
5 time as the individual submits to the examination. If the
6 Department finds a certified shorthand reporter unable to
7 practice because of the reasons set forth in this Section, the
8 Department shall require the certified shorthand reporter to
9 submit to care, counseling, or treatment by physicians approved
10 or designated by the Department, as a condition for continued,
11 reinstated, or renewed certification.

12 When the Secretary immediately suspends a certificate
13 under this Section, a hearing upon the person's certificate
14 must be convened by the Department within 15 days after the
15 suspension and completed without appreciable delay. The
16 Department shall have the authority to review the certified
17 shorthand reporter's record of treatment and counseling
18 regarding the impairment, to the extent permitted by applicable
19 federal statutes and regulations safeguarding the
20 confidentiality of medical records.

21 Individuals certified under this Act, affected under this
22 Section, shall be afforded an opportunity to demonstrate to the
23 Department that they can resume practice in compliance with
24 acceptable and prevailing standards under the provisions of
25 their certification.

26 (e) (Blank) ~~The Department shall deny a license or renewal~~

1 ~~authorized by this Act to a person who has defaulted on an~~
2 ~~educational loan or scholarship provided or guaranteed by the~~
3 ~~Illinois Student Assistance Commission or any governmental~~
4 ~~agency of this State in accordance with item (5) of subsection~~
5 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
6 ~~Illinois.~~

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

17 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

18 Section 140. The Collection Agency Act is amended by
19 changing Section 9 as follows:

20 (225 ILCS 425/9) (from Ch. 111, par. 2012)

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

22 Sec. 9. Disciplinary actions.

23 (a) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand or take other

1 disciplinary or non-disciplinary action as the Department may
2 deem proper, including fines not to exceed \$10,000 per
3 violation, for any one or any combination of the following
4 causes:

5 (1) Material misstatement in furnishing information to
6 the Department.

7 (2) Violations of this Act or of the rules promulgated
8 hereunder.

9 (3) Conviction by plea of guilty or nolo contendere,
10 finding of guilt, jury verdict, or entry of judgment or by
11 sentencing of any crime, including, but not limited to,
12 convictions, preceding sentences of supervision,
13 conditional discharge, or first offender probation of the
14 collection agency or any of the officers or owners of more
15 than 10% interest of the agency of any crime under the laws
16 of any U.S. jurisdiction that (i) is a felony, (ii) is a
17 misdemeanor, an essential element of which is dishonesty,
18 or (iii) is directly related to the practice of a
19 collection agency.

20 (4) 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 (5) Aiding or assisting another person in violating any
24 provision of this Act or rules adopted under this Act.

25 (6) Failing, within 60 days, to provide information in
26 response to a written request made by the Department.

1 (7) Habitual or excessive use or addiction to alcohol,
2 narcotics, stimulants or any other chemical agent or drug
3 which results in the inability to practice with reasonable
4 judgment, skill, or safety by any of the officers or owners
5 of 10% or more interest of a collection agency.

6 (8) Discipline by another state, the District of
7 Columbia, a territory of the United States, or a foreign
8 nation, if at least one of the grounds for the discipline
9 is the same or substantially equivalent to those set forth
10 in this Act.

11 (9) A finding by the Department that the licensee,
12 after having his license placed on probationary status, has
13 violated the terms of probation.

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

17 (11) Practicing or attempting to practice under a false
18 or, except as provided by law, an assumed name.

19 (12) A finding by the Federal Trade Commission that a
20 licensee violated the federal Fair Debt Collection
21 Practices Act or its rules.

22 (13) Failure to file a return, or to pay the tax,
23 penalty or interest shown in a filed return, or to pay any
24 final assessment of tax, penalty or interest, as required
25 by any tax Act administered by the Illinois Department of
26 Revenue until such time as the requirements of any such tax

1 Act are satisfied.

2 (14) Using or threatening to use force or violence to
3 cause physical harm to a debtor, his or her family or his
4 or her property.

5 (15) Threatening to instigate an arrest or criminal
6 prosecution where no basis for a criminal complaint
7 lawfully exists.

8 (16) Threatening the seizure, attachment or sale of a
9 debtor's property where such action can only be taken
10 pursuant to court order without disclosing that prior court
11 proceedings are required.

12 (17) Disclosing or threatening to disclose information
13 adversely affecting a debtor's reputation for credit
14 worthiness with knowledge the information is false.

15 (18) Initiating or threatening to initiate
16 communication with a debtor's employer unless there has
17 been a default of the payment of the obligation for at
18 least 30 days and at least 5 days prior written notice, to
19 the last known address of the debtor, of the intention to
20 communicate with the employer has been given to the
21 employee, except as expressly permitted by law or court
22 order.

23 (19) Communicating with the debtor or any member of
24 the debtor's family at such a time of day or night and with
25 such frequency as to constitute harassment of the debtor or
26 any member of the debtor's family. For purposes of this

1 Section the following conduct shall constitute harassment:

2 (A) Communicating with the debtor or any member of
3 his or her family in connection with the collection of
4 any debt without the prior consent of the debtor given
5 directly to the debt collector, or the express
6 permission of a court of competent jurisdiction, at any
7 unusual time or place or a time or place known or which
8 should be known to be inconvenient to the debtor. In
9 the absence of knowledge of circumstances to the
10 contrary, a debt collector shall assume that the
11 convenient time for communicating with a consumer is
12 after 8 o'clock a.m. and before 9 o'clock p.m. local
13 time at the debtor's location.

14 (B) The threat of publication or publication of a
15 list of consumers who allegedly refuse to pay debts,
16 except to a consumer reporting agency.

17 (C) The threat of advertisement or advertisement
18 for sale of any debt to coerce payment of the debt.

19 (D) Causing a telephone to ring or engaging any
20 person in telephone conversation repeatedly or
21 continuously with intent to annoy, abuse, or harass any
22 person at the called number.

23 (20) Using profane, obscene or abusive language in
24 communicating with a debtor, his or her family or others.

25 (21) Disclosing or threatening to disclose information
26 relating to a debtor's debt to any other person except

1 where such other person has a legitimate business need for
2 the information or except where such disclosure is
3 permitted by law.

4 (22) Disclosing or threatening to disclose information
5 concerning the existence of a debt which the collection
6 agency knows to be disputed by the debtor without
7 disclosing the fact that the debtor disputes the debt.

8 (23) Engaging in any conduct that is intended to cause
9 and did cause mental or physical illness to the debtor or
10 his or her family.

11 (24) Attempting or threatening to enforce a right or
12 remedy with knowledge or reason to know that the right or
13 remedy does not exist.

14 (25) Failing to disclose to the debtor or his or her
15 family the corporate, partnership or proprietary name, or
16 other trade or business name, under which the collection
17 agency is engaging in debt collections and which he or she
18 is legally authorized to use.

19 (26) Using any form of communication which simulates
20 legal or judicial process or which gives the appearance of
21 being authorized, issued or approved by a governmental
22 agency or official or by an attorney at law when it is not.

23 (27) Using any badge, uniform, or other indicia of any
24 governmental agency or official except as authorized by
25 law.

26 (28) Conducting business under any name or in any

1 manner which suggests or implies that the collection agency
2 is a branch of or is affiliated in any way with a
3 governmental agency or court if such collection agency is
4 not.

5 (29) Failing to disclose, at the time of making any
6 demand for payment, the name of the person to whom the debt
7 is owed and at the request of the debtor, the address where
8 payment is to be made and the address of the person to whom
9 the debt is owed.

10 (30) Misrepresenting the amount of the debt alleged to
11 be owed.

12 (31) Representing that an existing debt may be
13 increased by the addition of attorney's fees,
14 investigation fees or any other fees or charges when such
15 fees or charges may not legally be added to the existing
16 debt.

17 (32) Representing that the collection agency is an
18 attorney at law or an agent for an attorney if he or she is
19 not.

20 (33) Collecting or attempting to collect any interest
21 or other charge or fee in excess of the actual debt unless
22 such interest or other charge or fee is expressly
23 authorized by the agreement creating the debt unless
24 expressly authorized by law or unless in a commercial
25 transaction such interest or other charge or fee is
26 expressly authorized in a subsequent agreement. If a

1 contingency or hourly fee arrangement (i) is established
2 under an agreement between a collection agency and a
3 creditor to collect a debt and (ii) is paid by a debtor
4 pursuant to a contract between the debtor and the creditor,
5 then that fee arrangement does not violate this Section
6 unless the fee is unreasonable. The Department shall
7 determine what constitutes a reasonable collection fee.

8 (34) Communicating or threatening to communicate with
9 a debtor when the collection agency is informed in writing
10 by an attorney that the attorney represents the debtor
11 concerning the debt. If the attorney fails to respond
12 within a reasonable period of time, the collector may
13 communicate with the debtor. The collector may communicate
14 with the debtor when the attorney gives his or her consent.

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

18 (b) ~~The Department shall deny any license or renewal~~
19 ~~authorized by this Act to any person who has defaulted on an~~
20 ~~educational loan guaranteed by the Illinois State Scholarship~~
21 ~~Commission; however, the Department may issue a license or~~
22 ~~renewal if the person in default has established a satisfactory~~
23 ~~repayment record as determined by the Illinois State~~
24 ~~Scholarship Commission.~~ No collection agency while collecting
25 or attempting to collect a debt shall engage in any of the Acts
26 specified in this Section, each of which shall be unlawful

1 practice.

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

3 Section 145. The Community Association Manager Licensing
4 and Disciplinary Act is amended by changing Section 85 as
5 follows:

6 (225 ILCS 427/85)

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

8 Sec. 85. Grounds for discipline; refusal, revocation, or
9 suspension.

10 (a) The Department may refuse to issue or renew a license,
11 or may place on probation, reprimand, suspend, or revoke any
12 license, or take any other disciplinary or non-disciplinary
13 action as the Department may deem proper and impose a fine not
14 to exceed \$10,000 for each violation upon any licensee or
15 applicant under this Act or any person or entity who holds
16 himself, herself, or itself out as an applicant or licensee for
17 any one or combination of the following causes:

18 (1) Material misstatement in furnishing information to
19 the Department.

20 (2) Violations of this Act or its rules.

21 (3) Conviction of or entry of a plea of guilty or plea
22 of nolo contendere to a felony or a misdemeanor under the
23 laws of the United States, any state, or any other
24 jurisdiction or entry of an administrative sanction by a

1 government agency in this State or any other jurisdiction.
2 Action taken under this paragraph (3) for a misdemeanor or
3 an administrative sanction is limited to a misdemeanor or
4 administrative sanction that has as an essential element
5 dishonesty or fraud, that involves larceny, embezzlement,
6 or obtaining money, property, or credit by false pretenses
7 or by means of a confidence game, or that is directly
8 related to the practice of the profession.

9 (4) Making any misrepresentation for the purpose of
10 obtaining a license or violating any provision of this Act
11 or its rules.

12 (5) Professional incompetence.

13 (6) Gross negligence.

14 (7) Aiding or assisting another person in violating any
15 provision of this Act or its rules.

16 (8) Failing, within 30 days, to provide information in
17 response to a request made by the Department.

18 (9) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud or harm the public as defined by the rules of the
21 Department, or violating the rules of professional conduct
22 adopted by the Department.

23 (10) Habitual or excessive use or addiction to alcohol,
24 narcotics, stimulants, or any other chemical agent or drug
25 that results in the inability to practice with reasonable
26 judgment, skill, or safety.

1 (11) Having been disciplined by another state, the
2 District of Columbia, a territory, a foreign nation, or a
3 governmental agency authorized to impose discipline if at
4 least one of the grounds for the discipline is the same or
5 substantially equivalent of one of the grounds for which a
6 licensee may be disciplined under this Act. A certified
7 copy of the record of the action by the other state or
8 jurisdiction shall be prima facie evidence thereof.

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

14 (13) A finding by the Department that the licensee,
15 after having his, her, or its license placed on
16 probationary status, has violated the terms of probation.

17 (14) Willfully making or filing false records or
18 reports relating to a licensee's practice, including but
19 not limited to false records filed with any State or
20 federal agencies or departments.

21 (15) Being named as a perpetrator in an indicated
22 report by the Department of Children and Family Services
23 under the Abused and Neglected Child Reporting Act and upon
24 proof by clear and convincing evidence that the licensee
25 has caused a child to be an abused child or neglected child
26 as defined in the Abused and Neglected Child Reporting Act.

1 (16) Physical illness or mental illness or impairment,
2 including, but not limited to, deterioration through the
3 aging process or loss of motor skill that results in the
4 inability to practice the profession with reasonable
5 judgment, skill, or safety.

6 (17) Solicitation of professional services by using
7 false or misleading advertising.

8 (18) A finding that licensure has been applied for or
9 obtained by fraudulent means.

10 (19) Practicing or attempting to practice under a name
11 other than the full name as shown on the license or any
12 other legally authorized name.

13 (20) Gross overcharging for professional services
14 including, but not limited to, (i) collection of fees or
15 moneys for services that are not rendered; and (ii)
16 charging for services that are not in accordance with the
17 contract between the licensee and the community
18 association.

19 (21) Improper commingling of personal and client funds
20 in violation of this Act or any rules promulgated thereto.

21 (22) Failing to account for or remit any moneys or
22 documents coming into the licensee's possession that
23 belong to another person or entity.

24 (23) Giving differential treatment to a person that is
25 to that person's detriment because of race, color, creed,
26 sex, religion, or national origin.

1 (24) Performing and charging for services without
2 reasonable authorization to do so from the person or entity
3 for whom service is being provided.

4 (25) Failing to make available to the Department, upon
5 request, any books, records, or forms required by this Act.

6 (26) Purporting to be a supervising community
7 association manager of a firm without active participation
8 in the firm.

9 (27) Failing to make available to the Department at the
10 time of the request any indicia of licensure or
11 registration issued under this Act.

12 (28) Failing to maintain and deposit funds belonging to
13 a community association in accordance with subsection (b)
14 of Section 55 of this Act.

15 (29) Violating the terms of a disciplinary order issued
16 by the Department.

17 (b) (Blank) ~~In accordance with subdivision (a) (5) of~~
18 ~~Section 2105-15 of the Department of Professional Regulation~~
19 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
20 ~~2105/2105-15), the Department shall deny a license or renewal~~
21 ~~authorized by this Act to a person who has defaulted on an~~
22 ~~educational loan or scholarship provided or guaranteed by the~~
23 ~~Illinois Student Assistance Commission or any governmental~~
24 ~~agency of this State.~~

25 (c) The determination by a circuit court that a licensee is
26 subject to involuntary admission or judicial admission, as

1 provided in the Mental Health and Developmental Disabilities
2 Code, operates as an automatic suspension. The suspension will
3 terminate only upon a finding by a court that the patient is no
4 longer subject to involuntary admission or judicial admission
5 and the issuance of an order so finding and discharging the
6 patient, and upon the recommendation of the Board to the
7 Secretary that the licensee be allowed to resume his or her
8 practice as a licensed community association manager.

9 (d) In accordance with subsection (g) of Section 2105-15 of
10 the Department of Professional Regulation Law of the Civil
11 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
12 Department may refuse to issue or renew or may suspend the
13 license of any person who fails to file a return, to pay the
14 tax, penalty, or interest shown in a filed return, or to pay
15 any final assessment of tax, penalty, or interest, as required
16 by any tax Act administered by the Department of Revenue, until
17 such time as the requirements of that tax Act are satisfied.

18 (e) In accordance with subdivision (a)(5) of Section
19 2105-15 of the Department of Professional Regulation Law of the
20 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
21 and in cases where the Department of Healthcare and Family
22 Services (formerly Department of Public Aid) has previously
23 determined that a licensee or a potential licensee is more than
24 30 days delinquent in the payment of child support and has
25 subsequently certified the delinquency to the Department may
26 refuse to issue or renew or may revoke or suspend that person's

1 license or may take other disciplinary action against that
2 person based solely upon the certification of delinquency made
3 by the Department of Healthcare and Family Services.

4 (f) In enforcing this Section, the Department or Board upon
5 a showing of a possible violation may compel a licensee or an
6 individual licensed to practice under this Act, or who has
7 applied for licensure under this Act, to submit to a mental or
8 physical examination, or both, as required by and at the
9 expense of the Department. The Department or Board may order
10 the examining physician to present testimony concerning the
11 mental or physical examination of the licensee or applicant. No
12 information shall be excluded by reason of any common law or
13 statutory privilege relating to communications between the
14 licensee or applicant and the examining physician. The
15 examining physicians shall be specifically designated by the
16 Board or Department. The individual to be examined may have, at
17 his or her own expense, another physician of his or her choice
18 present during all aspects of this examination. Failure of an
19 individual to submit to a mental or physical examination, when
20 directed, shall be grounds for suspension of his or her license
21 or denial of his or her application or renewal until the
22 individual submits to the examination if the Department finds,
23 after notice and hearing, that the refusal to submit to the
24 examination was without reasonable cause.

25 If the Department or Board finds an individual unable to
26 practice because of the reasons set forth in this Section, the

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

16 In instances in which the Secretary immediately suspends a
17 person's license under this Section, a hearing on that person's
18 license must be convened by the Department within 30 days after
19 the suspension and completed without appreciable delay. The
20 Department and Board shall have the authority to review the
21 subject individual's record of treatment and counseling
22 regarding the impairment to the extent permitted by applicable
23 federal statutes and regulations safeguarding the
24 confidentiality of medical records.

25 An individual licensed under this Act and affected under
26 this Section shall be afforded an opportunity to demonstrate to

1 the Department or Board that he or she can resume practice in
2 compliance with acceptable and prevailing standards under the
3 provisions of his or her license.

4 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
5 98-756, eff. 7-16-14.)

6 Section 150. The Detection of Deception Examiners Act is
7 amended by changing Section 14 as follows:

8 (225 ILCS 430/14) (from Ch. 111, par. 2415)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 14. (a) The Department may refuse to issue or renew or
11 may revoke, suspend, place on probation, reprimand, or take
12 other disciplinary or non-disciplinary action as the
13 Department may deem appropriate, including imposing fines not
14 to exceed \$10,000 for each violation, with regard to any
15 license for any one or a combination of the following:

16 (1) Material misstatement in furnishing information to
17 the Department.

18 (2) Violations of this Act, or of the rules adopted
19 under this Act.

20 (3) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing of any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under

1 the laws of any jurisdiction of the United States: (i) that
2 is a felony or (ii) that is a misdemeanor, an essential
3 element of which is dishonesty, or that is directly related
4 to the practice of the profession.

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

9 (5) Professional incompetence.

10 (6) Allowing one's license under this Act to be used by
11 an unlicensed person in violation of this Act.

12 (7) Aiding or assisting another person in violating
13 this Act or any rule adopted under this Act.

14 (8) Where the license holder has been adjudged mentally
15 ill, mentally deficient or subject to involuntary
16 admission as provided in the Mental Health and
17 Developmental Disabilities Code.

18 (9) Failing, within 60 days, to provide information in
19 response to a written request made by the Department.

20 (10) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 (11) Inability to practice with reasonable judgment,
24 skill, or safety as a result of habitual or excessive use
25 or addiction to alcohol, narcotics, stimulants, or any
26 other chemical agent or drug.

1 (12) Discipline by another state, District of
2 Columbia, territory, or foreign nation, if at least one of
3 the grounds for the discipline is the same or substantially
4 equivalent to those set forth in this Section.

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

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

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

16 (16) Charging for professional services not rendered,
17 including filing false statements for the collection of
18 fees for which services are not rendered.

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

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

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

26 All fines imposed under this Section shall be paid within

1 60 days after the effective date of the order imposing the
2 fine.

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

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

20 (d) 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 item (5) of
3 subsection (a) of Section 2105-15 of the Civil Administrative
4 Code of Illinois.

5 (e) The determination by a circuit court that a licensee is
6 subject to involuntary admission or judicial admission, as
7 provided in the Mental Health and Developmental Disabilities
8 Code, operates as an automatic suspension. The suspension will
9 end only upon a finding by a court that the patient is no
10 longer subject to involuntary admission or judicial admission
11 and the issuance of an order so finding and discharging the
12 patient.

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

1 examination. The examination shall be performed by a physician
2 licensed to practice medicine in all its branches. Failure of
3 an individual to submit to a mental or physical examination,
4 when directed, shall result in an automatic suspension without
5 hearing.

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

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that person's

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

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

13 (Source: P.A. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;
14 98-756, eff. 7-16-14.)

15 Section 155. The Home Inspector License Act is amended by
16 changing Section 15-10 as follows:

17 (225 ILCS 441/15-10)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 15-10. Grounds for disciplinary action.

20 (a) The Department may refuse to issue or renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary or non-disciplinary action as the Department may
23 deem appropriate, including imposing fines not to exceed
24 \$25,000 for each violation, with regard to any license for any

1 one or combination of the following:

2 (1) Fraud or misrepresentation in applying for, or
3 procuring a license under this Act or in connection with
4 applying for renewal of a license under this Act.

5 (2) Failing to meet the minimum qualifications for
6 licensure as a home inspector established by this Act.

7 (3) Paying money, other than for the fees provided for
8 by this Act, or anything of value to an employee of the
9 Department to procure licensure under this Act.

10 (4) Conviction by plea of guilty or nolo contendere,
11 finding of guilt, jury verdict, or entry of judgment or by
12 sentencing of any crime, including, but not limited to,
13 convictions, preceding sentences of supervision,
14 conditional discharge, or first offender probation, under
15 the laws of any jurisdiction of the United States: (i) that
16 is a felony; (ii) that is a misdemeanor, an essential
17 element of which is dishonesty, or that is directly related
18 to the practice of the profession; or (iii) that is a crime
19 that subjects the licensee to compliance with the
20 requirements of the Sex Offender Registration Act.

21 (5) Committing an act or omission involving
22 dishonesty, fraud, or misrepresentation with the intent to
23 substantially benefit the licensee or another person or
24 with the intent to substantially injure another person.

25 (6) Violating a provision or standard for the
26 development or communication of home inspections as

1 provided in Section 10-5 of this Act or as defined in the
2 rules.

3 (7) Failing or refusing to exercise reasonable
4 diligence in the development, reporting, or communication
5 of a home inspection report, as defined by this Act or the
6 rules.

7 (8) Violating a provision of this Act or the rules.

8 (9) Having been disciplined by another state, the
9 District of Columbia, a territory, a foreign nation, a
10 governmental agency, or any other entity authorized to
11 impose discipline if at least one of the grounds for that
12 discipline is the same as or substantially equivalent to
13 one of the grounds for which a licensee may be disciplined
14 under this Act.

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

18 (11) Accepting an inspection assignment when the
19 employment itself is contingent upon the home inspector
20 reporting a predetermined analysis or opinion, or when the
21 fee to be paid is contingent upon the analysis, opinion, or
22 conclusion reached or upon the consequences resulting from
23 the home inspection assignment.

24 (12) Developing home inspection opinions or
25 conclusions based on the race, color, religion, sex,
26 national origin, ancestry, age, marital status, family

1 status, physical or mental disability, or unfavorable
2 military discharge, as defined under the Illinois Human
3 Rights Act, of the prospective or present owners or
4 occupants of the area or property under home inspection.

5 (13) Being adjudicated liable in a civil proceeding on
6 grounds of fraud, misrepresentation, or deceit. In a
7 disciplinary proceeding based upon a finding of civil
8 liability, the home inspector shall be afforded an
9 opportunity to present mitigating and extenuating
10 circumstances, but may not collaterally attack the civil
11 adjudication.

12 (14) Being adjudicated liable in a civil proceeding for
13 violation of a State or federal fair housing law.

14 (15) Engaging in misleading or untruthful advertising
15 or using a trade name or insignia of membership in a home
16 inspection organization of which the licensee is not a
17 member.

18 (16) Failing, within 30 days, to provide information in
19 response to a written request made by the Department.

20 (17) Failing to include within the home inspection
21 report the home inspector's license number and the date of
22 expiration of the license. All home inspectors providing
23 significant contribution to the development and reporting
24 of a home inspection must be disclosed in the home
25 inspection report. It is a violation of this Act for a home
26 inspector to sign a home inspection report knowing that a

1 person providing a significant contribution to the report
2 has not been disclosed in the home inspection report.

3 (18) Advising a client as to whether the client should
4 or should not engage in a transaction regarding the
5 residential real property that is the subject of the home
6 inspection.

7 (19) Performing a home inspection in a manner that
8 damages or alters the residential real property that is the
9 subject of the home inspection without the consent of the
10 owner.

11 (20) Performing a home inspection when the home
12 inspector is providing or may also provide other services
13 in connection with the residential real property or
14 transaction, or has an interest in the residential real
15 property, without providing prior written notice of the
16 potential or actual conflict and obtaining the prior
17 consent of the client as provided by rule.

18 (21) Aiding or assisting another person in violating
19 any provision of this Act or rules adopted under this Act.

20 (22) Inability to practice with reasonable judgment,
21 skill, or safety as a result of habitual or excessive use
22 or addiction to alcohol, narcotics, stimulants, or any
23 other chemical agent or drug.

24 (23) A finding by the Department that the licensee,
25 after having his or her license placed on probationary
26 status, has violated the terms of probation.

1 (24) Willfully making or filing false records or
2 reports in his or her practice, including, but not limited
3 to, false records filed with State agencies or departments.

4 (25) Charging for professional services not rendered,
5 including filing false statements for the collection of
6 fees for which services are not rendered.

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

9 (27) Cheating on or attempting to subvert the licensing
10 examination administered under this Act.

11 (b) The Department may suspend, revoke, or refuse to issue
12 or renew an education provider's license, may reprimand, place
13 on probation, or otherwise discipline an education provider
14 licensee, and may suspend or revoke the course approval of any
15 course offered by an education provider, for any of the
16 following:

17 (1) Procuring or attempting to procure licensure by
18 knowingly making a false statement, submitting false
19 information, making any form of fraud or
20 misrepresentation, or refusing to provide complete
21 information in response to a question in an application for
22 licensure.

23 (2) Failing to comply with the covenants certified to
24 on the application for licensure as an education provider.

25 (3) Committing an act or omission involving
26 dishonesty, fraud, or misrepresentation or allowing any

1 such act or omission by any employee or contractor under
2 the control of the education provider.

3 (4) Engaging in misleading or untruthful advertising.

4 (5) Failing to retain competent instructors in
5 accordance with rules adopted under this Act.

6 (6) Failing to meet the topic or time requirements for
7 course approval as the provider of a pre-license curriculum
8 course or a continuing education course.

9 (7) Failing to administer an approved course using the
10 course materials, syllabus, and examinations submitted as
11 the basis of the course approval.

12 (8) Failing to provide an appropriate classroom
13 environment for presentation of courses, with
14 consideration for student comfort, acoustics, lighting,
15 seating, workspace, and visual aid material.

16 (9) Failing to maintain student records in compliance
17 with the rules adopted under this Act.

18 (10) Failing to provide a certificate, transcript, or
19 other student record to the Department or to a student as
20 may be required by rule.

21 (11) Failing to fully cooperate with a Department
22 investigation by knowingly making a false statement,
23 submitting false or misleading information, or refusing to
24 provide complete information in response to written
25 interrogatories or a written request for documentation
26 within 30 days of the request.

1 (c) In appropriate cases, the Department may resolve a
2 complaint against a licensee through the issuance of a Consent
3 to Administrative Supervision order. A licensee subject to a
4 Consent to Administrative Supervision order shall be
5 considered by the Department as an active licensee in good
6 standing. This order shall not be reported as or considered by
7 the Department to be a discipline of the licensee. The records
8 regarding an investigation and a Consent to Administrative
9 Supervision order shall be considered confidential and shall
10 not be released by the Department except as mandated by law.
11 The complainant shall be notified that his or her complaint has
12 been resolved by a Consent to Administrative Supervision order.

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

23 (e) (Blank) ~~The Department shall deny a license or renewal~~
24 ~~authorized by this Act to a person who has defaulted on an~~
25 ~~educational loan or scholarship provided or guaranteed by the~~
26 ~~Illinois Student Assistance Commission or any governmental~~

1 ~~agency of this State in accordance with item (5) of subsection~~
2 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
3 ~~Illinois.~~

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

15 (g) 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 patient is no
20 longer subject to involuntary admission or judicial admission
21 and the issuance of a court order so finding and discharging
22 the patient.

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

1 both, as required by and at the expense of the Department. The
2 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 Act or who has
17 applied for a license under this Act, 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 Act 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. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;
24 98-756, eff. 7-16-14.)

1 Section 160. The Private Detective, Private Alarm, Private
2 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
3 amended by repealing Section 40-35.

4 Section 165. The Illinois Public Accounting Act is amended
5 by changing Section 20.01 as follows:

6 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

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

8 Sec. 20.01. Grounds for discipline; license or
9 registration.

10 (a) The Department may refuse to issue or renew, or may
11 revoke, suspend, or reprimand any registration or registrant,
12 any license or licensee, place a licensee or registrant on
13 probation for a period of time subject to any conditions the
14 Department may specify including requiring the licensee or
15 registrant to attend continuing education courses or to work
16 under the supervision of another licensee or registrant, impose
17 a fine not to exceed \$10,000 for each violation, restrict the
18 authorized scope of practice, require a licensee or registrant
19 to undergo a peer review program, assess costs as provided for
20 under Section 20.4, or take other disciplinary or
21 non-disciplinary action for any one or more of the following:

22 (1) Violation of any provision of this Act or rule
23 adopted by the Department under this Act or violation of
24 professional standards.

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

3 (3) Cancellation, revocation, suspension, denial of
4 licensure or registration, or refusal to renew a license or
5 privileges under Section 5.2 for disciplinary reasons in
6 any other U.S. jurisdiction, unit of government, or
7 government agency for any cause.

8 (4) Failure, on the part of a licensee under Section 13
9 or registrant under Section 16, to maintain compliance with
10 the requirements for issuance or renewal of a license or
11 registration or to report changes to the Department.

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

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

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

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

3 (9) Practicing on a revoked, suspended, or inactive
4 license or registration.

5 (10) Making or filing a report or record that the
6 registrant or licensee knows to be false, willfully failing
7 to file a report or record required by State or federal
8 law, willfully impeding or obstructing the filing or
9 inducing another person to impede or obstruct only those
10 that are signed in the capacity of a licensed CPA or a
11 registered CPA.

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

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

17 (13) Habitual or excessive use or abuse of drugs,
18 alcohol, narcotics, stimulants, or any other substance
19 that results in the inability to practice with reasonable
20 skill, judgment, or safety.

21 (14) Directly or indirectly giving to or receiving from
22 any person, firm, corporation, partnership, or association
23 any fee, commission, rebate, or other form of compensation
24 for any professional service not actually rendered.

25 (15) Physical illness, including, but not limited to,
26 deterioration through the aging process or loss of motor

1 skill that results in the licensee or registrant's
2 inability to practice under this Act with reasonable
3 judgment, skill, or safety.

4 (16) Solicitation of professional services by using
5 false or misleading advertising.

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

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

12 (19) A finding by the Department that a licensee or
13 registrant has not complied with a provision of any lawful
14 order issued by the Department.

15 (20) Making a false statement to the Department
16 regarding compliance with continuing professional
17 education or peer review requirements.

18 (21) Failing to make a substantive response to a
19 request for information by the Department within 30 days of
20 the request.

21 (b) (Blank).

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

26 (c) In cases where the Department of Healthcare and Family

1 Services has previously determined a licensee or a potential
2 licensee is more than 30 days delinquent in the payment of
3 child support and has subsequently certified the delinquency to
4 the Department, the Department may refuse to issue or renew or
5 may revoke or suspend that person's license or may take other
6 disciplinary or non-disciplinary action against that person
7 based solely upon the certification of delinquency made by the
8 Department of Healthcare and Family Services in accordance with
9 item (5) of subsection (a) of Section 2105-15 of the Department
10 of Professional Regulation Law of the Civil Administrative Code
11 of Illinois.

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

23 (e) (Blank) ~~The Department shall deny any application for a~~
24 ~~license, registration, or renewal, without hearing, to any~~
25 ~~person who has defaulted on an educational loan guaranteed by~~
26 ~~the Illinois Student Assistance Commission; however, the~~

1 ~~Department may issue a license, registration, or renewal if the~~
2 ~~person in default has established a satisfactory repayment~~
3 ~~record as determined by the Illinois Student Assistance~~
4 ~~Commission.~~

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

19 (g) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel, any licensee or
21 registrant or any individual who has applied for licensure
22 under this Act, to submit to a mental or physical examination
23 and evaluation, or both, which may include a substance abuse or
24 sexual offender evaluation, at the expense of the Department.
25 The Department shall specifically designate the examining
26 physician licensed to practice medicine in all of its branches

1 or, if applicable, the multidisciplinary team involved in
2 providing the mental or physical examination and evaluation, or
3 both. The multidisciplinary team shall be led by a physician
4 licensed to practice medicine in all of its branches and may
5 consist of one or more or a combination of physicians licensed
6 to practice medicine in all of its branches, licensed
7 chiropractic physicians, licensed clinical psychologists,
8 licensed clinical social workers, licensed clinical
9 professional counselors, and other professional and
10 administrative staff. Any examining physician or member of the
11 multidisciplinary team may require any person ordered to submit
12 to an examination and evaluation under this Section to submit
13 to any additional supplemental testing deemed necessary to
14 complete any examination or evaluation process, including, but
15 not limited to, blood testing, urinalysis, psychological
16 testing, or neuropsychological testing. The Department may
17 order the examining physician or any member of the
18 multidisciplinary team to provide to the Department any and all
19 records, including business records, that relate to the
20 examination and evaluation, including any supplemental testing
21 performed. The Department may order the examining physician or
22 any member of the multidisciplinary team to present testimony
23 concerning this examination and evaluation of the licensee,
24 registrant, or applicant, including testimony concerning any
25 supplemental testing or documents relating to the examination
26 and evaluation. No information, report, record, or other

1 documents in any way related to the examination and evaluation
2 shall be excluded by reason of any common law or statutory
3 privilege relating to communication between the licensee,
4 registrant, or applicant and the examining physician or any
5 member of the multidisciplinary team. No authorization is
6 necessary from the individual ordered to undergo an evaluation
7 and examination for the examining physician or any member of
8 the multidisciplinary team to provide information, reports,
9 records, or other documents or to provide any testimony
10 regarding the examination and evaluation.

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

24 When the Secretary immediately suspends a license or
25 registration under this Section, a hearing upon such person's
26 license or registration must be convened by the Department

1 within 15 days after such suspension and completed without
2 appreciable delay. The Department shall have the authority to
3 review the subject's record of treatment and counseling
4 regarding the impairment, to the extent permitted by applicable
5 federal statutes and regulations safeguarding the
6 confidentiality of medical records.

7 Individuals licensed or registered under this Act,
8 affected under this Section, shall be afforded an opportunity
9 to demonstrate to the Department that they can resume practice
10 in compliance with acceptable and prevailing standards under
11 the provisions of their license or registration.

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

13 Section 170. The Real Estate License Act of 2000 is amended
14 by changing Section 20-20 as follows:

15 (225 ILCS 454/20-20)

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

17 Sec. 20-20. Grounds for discipline.

18 (a) The Department may refuse to issue or renew a license,
19 may place on probation, suspend, or revoke any license,
20 reprimand, or take any other disciplinary or non-disciplinary
21 action as the Department may deem proper and impose a fine not
22 to exceed \$25,000 upon any licensee or applicant under this Act
23 or any person who holds himself or herself out as an applicant
24 or licensee or against a licensee in handling his or her own

1 property, whether held by deed, option, or otherwise, for any
2 one or any combination of the following causes:

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

6 (2) The conviction of or plea of guilty or plea of nolo
7 contendere to a felony or misdemeanor in this State or any
8 other jurisdiction; or the entry of an administrative
9 sanction by a government agency in this State or any other
10 jurisdiction. Action taken under this paragraph (2) for a
11 misdemeanor or an administrative sanction is limited to a
12 misdemeanor or administrative sanction that has as an
13 essential element dishonesty or fraud or involves larceny,
14 embezzlement, or obtaining money, property, or credit by
15 false pretenses or by means of a confidence game.

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

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

25 (5) Having been disciplined by another state, the
26 District of Columbia, a territory, a foreign nation, or a

1 governmental agency authorized to impose discipline if at
2 least one of the grounds for that discipline is the same as
3 or the equivalent of one of the grounds for which a
4 licensee may be disciplined under this Act. A certified
5 copy of the record of the action by the other state or
6 jurisdiction shall be prima facie evidence thereof.

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

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

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

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

17 (10) Making any substantial misrepresentation or
18 untruthful advertising.

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

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

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

1 (14) Acting for more than one party in a transaction
2 without providing written notice to all parties for whom
3 the licensee acts.

4 (15) Representing or attempting to represent a broker
5 other than the sponsoring broker.

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

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

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

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

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

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

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

26 (20) Failure of a sponsoring broker to timely provide

1 information, sponsor cards, or termination of licenses to
2 the Department.

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

6 (22) Commingling the money or property of others with
7 his or her own money or property.

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

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

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

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

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

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

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

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

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

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

24 (D) Any licensee offering a guaranteed sales plan
25 shall undertake to market the property of the seller
26 subject to the plan in the same manner in which the

1 broker would market any other property, unless the
2 agreement with the seller provides otherwise.

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

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

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

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

25 (32) Inducing any party to a contract of sale or lease
26 or brokerage agreement to break the contract of sale or

1 lease or brokerage agreement for the purpose of
2 substituting, in lieu thereof, a new contract for sale or
3 lease or brokerage agreement with a third party.

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

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

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

26 (36) Disregarding or violating any provision of the

1 Land Sales Registration Act of 1989, the Illinois Real
2 Estate Time-Share Act, or the published rules promulgated
3 by the Department to enforce those Acts.

4 (37) Violating the terms of a disciplinary order issued
5 by the Department.

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

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

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

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

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

1 safety.

2 (43) Enabling, aiding, or abetting an auctioneer, as
3 defined in the Auction License Act, to conduct a real
4 estate auction in a manner that is in violation of this
5 Act.

6 (b) The Department may refuse to issue or renew or may
7 suspend the license of any person who fails to file a return,
8 pay the tax, penalty or interest shown in a filed return, or
9 pay any final assessment of tax, penalty, or interest, as
10 required by any tax Act administered by the Department of
11 Revenue, until such time as the requirements of that tax Act
12 are satisfied in accordance with subsection (g) of Section
13 2105-15 of the Civil Administrative Code of Illinois.

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

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

1 license or may take other disciplinary action against that
2 person based solely upon the certification of delinquency made
3 by the Department of Healthcare and Family Services in
4 accordance with item (5) of subsection (a) of Section 2105-15
5 of the Civil Administrative Code of Illinois.

6 (e) In enforcing this Section, the Department or Board upon
7 a showing of a possible violation may compel an individual
8 licensed to practice under this Act, or who has applied for
9 licensure under this Act, to submit to a mental or physical
10 examination, or both, as required by and at the expense of the
11 Department. The Department or Board may order the examining
12 physician to present testimony concerning the mental or
13 physical examination of the licensee or applicant. No
14 information shall be excluded by reason of any common law or
15 statutory privilege relating to communications between the
16 licensee or applicant and the examining physician. The
17 examining physicians shall be specifically designated by the
18 Board or Department. The individual to be examined may have, at
19 his or her own expense, another physician of his or her choice
20 present during all aspects of this examination. Failure of an
21 individual to submit to a mental or physical examination, when
22 directed, shall be grounds for suspension of his or her license
23 until the individual submits to the examination if the
24 Department finds, after notice and hearing, that the refusal to
25 submit to the examination was without reasonable cause.

26 If the Department or Board finds an individual unable to

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

17 In instances in which the Secretary immediately suspends a
18 person's license under this Section, a hearing on that person's
19 license must be convened by the Department within 30 days after
20 the suspension and completed without appreciable delay. The
21 Department and Board shall have the authority to review the
22 subject individual'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 An individual licensed under this Act and affected under

1 this Section shall be afforded an opportunity to demonstrate to
2 the Department or Board that he or she can resume practice in
3 compliance with acceptable and prevailing standards under the
4 provisions of his or her license.

5 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;
6 99-227, eff. 8-3-15.)

7 (225 ILCS 458/15-45 rep.)

8 Section 175. The Real Estate Appraiser Licensing Act of
9 2002 is amended by repealing Section 15-45.

10 Section 180. The Radon Industry Licensing Act is amended by
11 changing Section 45 as follows:

12 (420 ILCS 44/45)

13 Sec. 45. Grounds for disciplinary action. The Agency may
14 refuse to issue or to renew, or may revoke, suspend, or take
15 other disciplinary action as the Agency may deem proper,
16 including fines not to exceed \$1,000 for each violation, with
17 regard to any license for any one or combination of the
18 following causes:

19 (a) Violation of this Act or its rules.

20 (b) Conviction of a crime under the laws of any United
21 States jurisdiction that is a felony or of any crime that
22 directly relates to the practice of detecting or reducing
23 the presence of radon or radon progeny.

1 (c) Making a misrepresentation for the purpose of
2 obtaining a license.

3 (d) Professional incompetence or gross negligence in
4 the practice of detecting or reducing the presence of radon
5 or radon progeny.

6 (e) Gross malpractice, prima facie evidence of which
7 may be a conviction or judgment of malpractice in a court
8 of competent jurisdiction.

9 (f) Aiding or assisting another person in violating a
10 provision of this Act or its rules.

11 (g) Failing, within 60 days, to provide information in
12 response to a written request made by the Agency that has
13 been sent by mail to the licensee's last known address.

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 addiction to alcohol,
18 narcotics, stimulants, or any other chemical agent or drug
19 that results in the inability to practice with reasonable
20 judgment, skill, or safety.

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

25 (k) Directly or indirectly giving to or receiving from
26 a person any fee, commission, rebate, or other form of

1 compensation for a professional service not actually or
2 personally rendered.

3 (l) A finding by the Agency that the licensee has
4 violated the terms of a license.

5 (m) Conviction by a court of competent jurisdiction,
6 either within or outside of this State, of a violation of a
7 law governing the practice of detecting or reducing the
8 presence of radon or radon progeny if the Agency determines
9 after investigation that the person has not been
10 sufficiently rehabilitated to warrant the public trust.

11 (n) A finding by the Agency that a license has been
12 applied for or obtained by fraudulent means.

13 (o) Practicing or attempting to practice under a name
14 other than the full name as shown on the license or any
15 other authorized name.

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

19 (q) Failure to file a return or to pay the tax,
20 penalty, or interest shown in a filed return, or to pay any
21 final assessment of tax, penalty, or interest, as required
22 by a tax Act administered by the Department of Revenue,
23 until such time as the requirements of any such tax Act are
24 satisfied.

25 (r) (Blank) ~~Failure to repay educational loans~~
26 ~~guaranteed by the Illinois Student Assistance Commission,~~

1 ~~as provided in Section 80 of the Nuclear Safety Law of~~
2 ~~2004. However, the Agency may issue an original or renewal~~
3 ~~license if the person in default has established a~~
4 ~~satisfactory repayment record as determined by the~~
5 ~~Illinois Student Assistance Commission.~~

6 (s) Failure to meet child support orders, as provided
7 in Section 10-65 of the Illinois Administrative Procedure
8 Act.

9 (t) Failure to pay a fee or civil penalty properly
10 assessed by the Agency.

11 (Source: P.A. 94-369, eff. 7-29-05.)

12 Section 185. The Attorney Act is amended by changing
13 Section 1 as follows:

14 (705 ILCS 205/1) (from Ch. 13, par. 1)

15 Sec. 1. No person shall be permitted to practice as an
16 attorney or counselor at law within this State without having
17 previously obtained a license for that purpose from the Supreme
18 Court of this State.

19 No person shall receive any compensation directly or
20 indirectly for any legal services other than a regularly
21 licensed attorney, nor may an unlicensed person advertise or
22 hold himself or herself out to provide legal services.

23 A license, as provided for herein, constitutes the person
24 receiving the same an attorney and counselor at law, according

1 to the law and customs thereof, for and during his good
2 behavior in the practice and authorizes him to demand and
3 receive fees for any services which he may render as an
4 attorney and counselor at law in this State. ~~No person shall be
5 granted a license or renewal authorized by this Act who has
6 defaulted on an educational loan guaranteed by the Illinois
7 Student Assistance Commission; however, a license or renewal
8 may be issued to the aforementioned persons who have
9 established a satisfactory repayment record as determined by
10 the Illinois Student Assistance Commission.~~ No person shall be
11 granted a license or renewal authorized by this Act who is more
12 than 30 days delinquent in complying with a child support
13 order; a license or renewal may be issued, however, if the
14 person has established a satisfactory repayment record as
15 determined (i) by the Department of Healthcare and Family
16 Services (formerly Illinois Department of Public Aid) for cases
17 being enforced under Article X of the Illinois Public Aid Code
18 or (ii) in all other cases by order of court or by written
19 agreement between the custodial parent and non-custodial
20 parent. No person shall be refused a license under this Act on
21 account of sex.

22 Any person practicing, charging or receiving fees for legal
23 services or advertising or holding himself or herself out to
24 provide legal services within this State, either directly or
25 indirectly, without being licensed to practice as herein
26 required, is guilty of contempt of court and shall be punished

1 accordingly, upon complaint being filed in any Circuit Court of
2 this State. The remedies available include, but are not limited
3 to: (i) appropriate equitable relief; (ii) a civil penalty not
4 to exceed \$5,000, which shall be paid to the Illinois Equal
5 Justice Foundation; and (iii) actual damages. Such proceedings
6 shall be conducted in the Courts of the respective counties
7 where the alleged contempt has been committed in the same
8 manner as in cases of indirect contempt and with the right of
9 review by the parties thereto.

10 The provisions of this Act shall be in addition to other
11 remedies permitted by law and shall not be construed to deprive
12 courts of this State of their inherent right to punish for
13 contempt or to restrain the unauthorized practice of law.

14 Nothing in this Act shall be construed to conflict with,
15 amend, or modify Section 5 of the Corporation Practice of Law
16 Prohibition Act or prohibit representation of a party by a
17 person who is not an attorney in a proceeding before either
18 panel of the Illinois Labor Relations Board under the Illinois
19 Public Labor Relations Act, as now or hereafter amended, the
20 Illinois Educational Labor Relations Board under the Illinois
21 Educational Labor Relations Act, as now or hereafter amended,
22 the State Civil Service Commission, the local Civil Service
23 Commissions, or the University Civil Service Merit Board, to
24 the extent allowed pursuant to rules and regulations
25 promulgated by those Boards and Commissions or the giving of
26 information, training, or advocacy or assistance in any

1 meetings or administrative proceedings held pursuant to the
2 federal Individuals with Disabilities Education Act, the
3 federal Rehabilitation Act of 1973, the federal Americans with
4 Disabilities Act of 1990, or the federal Social Security Act,
5 to the extent allowed by those laws or the federal regulations
6 or State statutes implementing those laws.

7 (Source: P.A. 94-659, eff. 1-1-06; 95-331, eff. 8-21-07;
8 95-410, eff. 8-24-07.)

9 Section 190. The Illinois Securities Law of 1953 is amended
10 by changing Section 8 as follows:

11 (815 ILCS 5/8) (from Ch. 121 1/2, par. 137.8)

12 Sec. 8. Registration of dealers, limited Canadian dealers,
13 Internet portals, salespersons, investment advisers, and
14 investment adviser representatives.

15 A. Except as otherwise provided in this subsection A, every
16 dealer, limited Canadian dealer, salesperson, investment
17 adviser, and investment adviser representative shall be
18 registered as such with the Secretary of State. No dealer or
19 salesperson need be registered as such when offering or selling
20 securities in transactions exempted by subsection A, B, C, D,
21 E, G, H, I, J, K, M, O, P, Q, R or S of Section 4 of this Act,
22 provided that such dealer or salesperson is not regularly
23 engaged in the business of offering or selling securities in

1 reliance upon the exemption set forth in subsection G or M of
2 Section 4 of this Act. No dealer, issuer or controlling person
3 shall employ a salesperson unless such salesperson is
4 registered as such with the Secretary of State or is employed
5 for the purpose of offering or selling securities solely in
6 transactions exempted by subsection A, B, C, D, E, G, H, I, J,
7 K, L, M, O, P, Q, R or S of Section 4 of this Act; provided that
8 such salesperson need not be registered when effecting
9 transactions in this State limited to those transactions
10 described in Section 15(h)(2) of the Federal 1934 Act or
11 engaging in the offer or sale of securities in respect of which
12 he or she has beneficial ownership and is a controlling person.
13 The Secretary of State may, by rule, regulation or order and
14 subject to such terms, conditions, and fees as may be
15 prescribed in such rule, regulation or order, exempt from the
16 registration requirements of this Section 8 any investment
17 adviser, if the Secretary of State shall find that such
18 registration is not necessary in the public interest by reason
19 of the small number of clients or otherwise limited character
20 of operation of such investment adviser.

21 B. An application for registration as a dealer or limited
22 Canadian dealer, executed, verified, or authenticated by or on
23 behalf of the applicant, shall be filed with the Secretary of
24 State, in such form as the Secretary of State may by rule,
25 regulation or order prescribe, setting forth or accompanied by:

1 (1) The name and address of the applicant, the location
2 of its principal business office and all branch offices, if
3 any, and the date of its organization;

4 (2) A statement of any other Federal or state licenses
5 or registrations which have been granted the applicant and
6 whether any such licenses or registrations have ever been
7 refused, cancelled, suspended, revoked or withdrawn;

8 (3) The assets and all liabilities, including
9 contingent liabilities of the applicant, as of a date not
10 more than 60 days prior to the filing of the application;

11 (4) (a) A brief description of any civil or criminal
12 proceeding of which fraud is an essential element pending
13 against the applicant and whether the applicant has ever
14 been convicted of a felony, or of any misdemeanor of which
15 fraud is an essential element;

16 (b) A list setting forth the name, residence and
17 business address and a 10 year occupational statement of
18 each principal of the applicant and a statement describing
19 briefly any civil or criminal proceedings of which fraud is
20 an essential element pending against any such principal and
21 the facts concerning any conviction of any such principal
22 of a felony, or of any misdemeanor of which fraud is an
23 essential element;

24 (5) If the applicant is a corporation: a list of its
25 officers and directors setting forth the residence and
26 business address of each; a 10-year occupational statement

1 of each such officer or director; and a statement
2 describing briefly any civil or criminal proceedings of
3 which fraud is an essential element pending against each
4 such officer or director and the facts concerning any
5 conviction of any officer or director of a felony, or of
6 any misdemeanor of which fraud is an essential element;

7 (6) If the applicant is a sole proprietorship, a
8 partnership, limited liability company, an unincorporated
9 association or any similar form of business organization:
10 the name, residence and business address of the proprietor
11 or of each partner, member, officer, director, trustee or
12 manager; the limitations, if any, of the liability of each
13 such individual; a 10-year occupational statement of each
14 such individual; a statement describing briefly any civil
15 or criminal proceedings of which fraud is an essential
16 element pending against each such individual and the facts
17 concerning any conviction of any such individual of a
18 felony, or of any misdemeanor of which fraud is an
19 essential element;

20 (7) Such additional information as the Secretary of
21 State may by rule or regulation prescribe as necessary to
22 determine the applicant's financial responsibility,
23 business repute and qualification to act as a dealer.

24 (8) (a) No applicant shall be registered or
25 re-registered as a dealer or limited Canadian dealer under
26 this Section unless and until each principal of the dealer

1 has passed an examination conducted by the Secretary of
2 State or a self-regulatory organization of securities
3 dealers or similar person, which examination has been
4 designated by the Secretary of State by rule, regulation or
5 order to be satisfactory for purposes of determining
6 whether the applicant has sufficient knowledge of the
7 securities business and laws relating thereto to act as a
8 registered dealer. Any dealer who was registered on
9 September 30, 1963, and has continued to be so registered;
10 and any principal of any registered dealer, who was acting
11 in such capacity on and continuously since September 30,
12 1963; and any individual who has previously passed a
13 securities dealer examination administered by the
14 Secretary of State or any examination designated by the
15 Secretary of State to be satisfactory for purposes of
16 determining whether the applicant has sufficient knowledge
17 of the securities business and laws relating thereto to act
18 as a registered dealer by rule, regulation or order, shall
19 not be required to pass an examination in order to continue
20 to act in such capacity. The Secretary of State may by
21 order waive the examination requirement for any principal
22 of an applicant for registration under this subsection B
23 who has had such experience or education relating to the
24 securities business as may be determined by the Secretary
25 of State to be the equivalent of such examination. Any
26 request for such a waiver shall be filed with the Secretary

1 of State in such form as may be prescribed by rule or
2 regulation.

3 (b) Unless an applicant is a member of the body
4 corporate known as the Securities Investor Protection
5 Corporation established pursuant to the Act of Congress of
6 the United States known as the Securities Investor
7 Protection Act of 1970, as amended, a member of an
8 association of dealers registered as a national securities
9 association pursuant to Section 15A of the Federal 1934
10 Act, or a member of a self-regulatory organization or stock
11 exchange in Canada which the Secretary of State has
12 designated by rule or order, an applicant shall not be
13 registered or re-registered unless and until there is filed
14 with the Secretary of State evidence that such applicant
15 has in effect insurance or other equivalent protection for
16 each client's cash or securities held by such applicant,
17 and an undertaking that such applicant will continually
18 maintain such insurance or other protection during the
19 period of registration or re-registration. Such insurance
20 or other protection shall be in a form and amount
21 reasonably prescribed by the Secretary of State by rule or
22 regulation.

23 (9) The application for the registration of a dealer or
24 limited Canadian dealer shall be accompanied by a filing
25 fee and a fee for each branch office in this State, in each
26 case in the amount established pursuant to Section 11a of

1 this Act, which fees shall not be returnable in any event.

2 (10) The Secretary of State shall notify the dealer or
3 limited Canadian dealer by written notice (which may be by
4 electronic or facsimile transmission) of the effectiveness
5 of the registration as a dealer in this State.

6 (11) Any change which renders no longer accurate any
7 information contained in any application for registration
8 or re-registration of a dealer or limited Canadian dealer
9 shall be reported to the Secretary of State within 10
10 business days after the occurrence of such change; but in
11 respect to assets and liabilities only materially adverse
12 changes need be reported.

13 C. Any registered dealer, limited Canadian dealer, issuer,
14 or controlling person desiring to register a salesperson shall
15 file an application with the Secretary of State, in such form
16 as the Secretary of State may by rule or regulation prescribe,
17 which the salesperson is required by this Section to provide to
18 the dealer, issuer, or controlling person, executed, verified,
19 or authenticated by the salesperson setting forth or
20 accompanied by:

21 (1) the name, residence and business address of the
22 salesperson;

23 (2) whether any federal or State license or
24 registration as dealer, limited Canadian dealer, or
25 salesperson has ever been refused the salesperson or

1 cancelled, suspended, revoked, withdrawn, barred, limited,
2 or otherwise adversely affected in a similar manner or
3 whether the salesperson has ever been censured or expelled;

4 (3) the nature of employment with, and names and
5 addresses of, employers of the salesperson for the 10 years
6 immediately preceding the date of application;

7 (4) a brief description of any civil or criminal
8 proceedings of which fraud is an essential element pending
9 against the salesperson, and whether the salesperson has
10 ever been convicted of a felony, or of any misdemeanor of
11 which fraud is an essential element;

12 (5) such additional information as the Secretary of
13 State may by rule, regulation or order prescribe as
14 necessary to determine the salesperson's business repute
15 and qualification to act as a salesperson; and

16 (6) no individual shall be registered or re-registered
17 as a salesperson under this Section unless and until such
18 individual has passed an examination conducted by the
19 Secretary of State or a self-regulatory organization of
20 securities dealers or similar person, which examination
21 has been designated by the Secretary of State by rule,
22 regulation or order to be satisfactory for purposes of
23 determining whether the applicant has sufficient knowledge
24 of the securities business and laws relating thereto to act
25 as a registered salesperson.

26 Any salesperson who was registered prior to September

1 30, 1963, and has continued to be so registered, and any
2 individual who has passed a securities salesperson
3 examination administered by the Secretary of State or an
4 examination designated by the Secretary of State by rule,
5 regulation or order to be satisfactory for purposes of
6 determining whether the applicant has sufficient knowledge
7 of the securities business and laws relating thereto to act
8 as a registered salesperson, shall not be required to pass
9 an examination in order to continue to act as a
10 salesperson. The Secretary of State may by order waive the
11 examination requirement for any applicant for registration
12 under this subsection C who has had such experience or
13 education relating to the securities business as may be
14 determined by the Secretary of State to be the equivalent
15 of such examination. Any request for such a waiver shall be
16 filed with the Secretary of State in such form as may be
17 prescribed by rule, regulation or order.

18 (7) The application for registration of a salesperson
19 shall be accompanied by a filing fee and a Securities Audit
20 and Enforcement Fund fee, each in the amount established
21 pursuant to Section 11a of this Act, which shall not be
22 returnable in any event.

23 (8) Any change which renders no longer accurate any
24 information contained in any application for registration
25 or re-registration as a salesperson shall be reported to
26 the Secretary of State within 10 business days after the

1 occurrence of such change. If the activities are terminated
2 which rendered an individual a salesperson for the dealer,
3 issuer or controlling person, the dealer, issuer or
4 controlling person, as the case may be, shall notify the
5 Secretary of State, in writing, within 30 days of the
6 salesperson's cessation of activities, using the
7 appropriate termination notice form.

8 (9) A registered salesperson may transfer his or her
9 registration under this Section 8 for the unexpired term
10 thereof from one registered dealer or limited Canadian
11 dealer to another by the giving of notice of the transfer
12 by the new registered dealer or limited Canadian dealer to
13 the Secretary of State in such form and subject to such
14 conditions as the Secretary of State shall by rule or
15 regulation prescribe. The new registered dealer or limited
16 Canadian dealer shall promptly file an application for
17 registration of such salesperson as provided in this
18 subsection C, accompanied by the filing fee prescribed by
19 paragraph (7) of this subsection C.

20 C-5. Except with respect to federal covered investment
21 advisers whose only clients are investment companies as defined
22 in the Federal 1940 Act, other investment advisers, federal
23 covered investment advisers, or any similar person which the
24 Secretary of State may prescribe by rule or order, a federal
25 covered investment adviser shall file with the Secretary of

1 State, prior to acting as a federal covered investment adviser
2 in this State, such documents as have been filed with the
3 Securities and Exchange Commission as the Secretary of State by
4 rule or order may prescribe. The notification of a federal
5 covered investment adviser shall be accompanied by a
6 notification filing fee established pursuant to Section 11a of
7 this Act, which shall not be returnable in any event. Every
8 person acting as a federal covered investment adviser in this
9 State shall file a notification filing and pay an annual
10 notification filing fee established pursuant to Section 11a of
11 this Act, which is not returnable in any event. The failure to
12 file any such notification shall constitute a violation of
13 subsection D of Section 12 of this Act, subject to the
14 penalties enumerated in Section 14 of this Act. Until October
15 10, 1999 or other date as may be legally permissible, a federal
16 covered investment adviser who fails to file the notification
17 or refuses to pay the fees as required by this subsection shall
18 register as an investment adviser with the Secretary of State
19 under Section 8 of this Act. The civil remedies provided for in
20 subsection A of Section 13 of this Act and the civil remedies
21 of rescission and appointment of receiver, conservator,
22 ancillary receiver, or ancillary conservator provided for in
23 subsection F of Section 13 of this Act shall not be available
24 against any person by reason of the failure to file any such
25 notification or to pay the notification fee or on account of
26 the contents of any such notification.

1 D. An application for registration as an investment
2 adviser, executed, verified, or authenticated by or on behalf
3 of the applicant, shall be filed with the Secretary of State,
4 in such form as the Secretary of State may by rule or
5 regulation prescribe, setting forth or accompanied by:

6 (1) The name and form of organization under which the
7 investment adviser engages or intends to engage in
8 business; the state or country and date of its
9 organization; the location of the adviser's principal
10 business office and branch offices, if any; the names and
11 addresses of the adviser's principal, partners, officers,
12 directors, and persons performing similar functions or, if
13 the investment adviser is an individual, of the individual;
14 and the number of the adviser's employees who perform
15 investment advisory functions;

16 (2) The education, the business affiliations for the
17 past 10 years, and the present business affiliations of the
18 investment adviser and of the adviser's principal,
19 partners, officers, directors, and persons performing
20 similar functions and of any person controlling the
21 investment adviser;

22 (3) The nature of the business of the investment
23 adviser, including the manner of giving advice and
24 rendering analyses or reports;

25 (4) The nature and scope of the authority of the

1 investment adviser with respect to clients' funds and
2 accounts;

3 (5) The basis or bases upon which the investment
4 adviser is compensated;

5 (6) Whether the investment adviser or any principal,
6 partner, officer, director, person performing similar
7 functions or person controlling the investment adviser (i)
8 within 10 years of the filing of the application has been
9 convicted of a felony, or of any misdemeanor of which fraud
10 is an essential element, or (ii) is permanently or
11 temporarily enjoined by order or judgment from acting as an
12 investment adviser, underwriter, dealer, principal or
13 salesperson, or from engaging in or continuing any conduct
14 or practice in connection with any such activity or in
15 connection with the purchase or sale of any security, and
16 in each case the facts relating to the conviction, order or
17 judgment;

18 (7) (a) A statement as to whether the investment
19 adviser is engaged or is to engage primarily in the
20 business of rendering investment supervisory services; and

21 (b) A statement that the investment adviser will
22 furnish his, her, or its clients with such information as
23 the Secretary of State deems necessary in the form
24 prescribed by the Secretary of State by rule or regulation;

25 (8) Such additional information as the Secretary of
26 State may, by rule, regulation or order prescribe as

1 necessary to determine the applicant's financial
2 responsibility, business repute and qualification to act
3 as an investment adviser.

4 (9) No applicant shall be registered or re-registered
5 as an investment adviser under this Section unless and
6 until each principal of the applicant who is actively
7 engaged in the conduct and management of the applicant's
8 advisory business in this State has passed an examination
9 or completed an educational program conducted by the
10 Secretary of State or an association of investment advisers
11 or similar person, which examination or educational
12 program has been designated by the Secretary of State by
13 rule, regulation or order to be satisfactory for purposes
14 of determining whether the applicant has sufficient
15 knowledge of the securities business and laws relating
16 thereto to conduct the business of a registered investment
17 adviser.

18 Any person who was a registered investment adviser
19 prior to September 30, 1963, and has continued to be so
20 registered, and any individual who has passed an investment
21 adviser examination administered by the Secretary of
22 State, or passed an examination or completed an educational
23 program designated by the Secretary of State by rule,
24 regulation or order to be satisfactory for purposes of
25 determining whether the applicant has sufficient knowledge
26 of the securities business and laws relating thereto to

1 conduct the business of a registered investment adviser,
2 shall not be required to pass an examination or complete an
3 educational program in order to continue to act as an
4 investment adviser. The Secretary of State may by order
5 waive the examination or educational program requirement
6 for any applicant for registration under this subsection D
7 if the principal of the applicant who is actively engaged
8 in the conduct and management of the applicant's advisory
9 business in this State has had such experience or education
10 relating to the securities business as may be determined by
11 the Secretary of State to be the equivalent of the
12 examination or educational program. Any request for a
13 waiver shall be filed with the Secretary of State in such
14 form as may be prescribed by rule or regulation.

15 (10) No applicant shall be registered or re-registered
16 as an investment adviser under this Section 8 unless the
17 application for registration or re-registration is
18 accompanied by an application for registration or
19 re-registration for each person acting as an investment
20 adviser representative on behalf of the adviser and a
21 Securities Audit and Enforcement Fund fee that shall not be
22 returnable in any event is paid with respect to each
23 investment adviser representative.

24 (11) The application for registration of an investment
25 adviser shall be accompanied by a filing fee and a fee for
26 each branch office in this State, in each case in the

1 amount established pursuant to Section 11a of this Act,
2 which fees shall not be returnable in any event.

3 (12) The Secretary of State shall notify the investment
4 adviser by written notice (which may be by electronic or
5 facsimile transmission) of the effectiveness of the
6 registration as an investment adviser in this State.

7 (13) Any change which renders no longer accurate any
8 information contained in any application for registration
9 or re-registration of an investment adviser shall be
10 reported to the Secretary of State within 10 business days
11 after the occurrence of the change. In respect to assets
12 and liabilities of an investment adviser that retains
13 custody of clients' cash or securities or accepts
14 pre-payment of fees in excess of \$500 per client and 6 or
15 more months in advance only materially adverse changes need
16 be reported by written notice (which may be by electronic
17 or facsimile transmission) no later than the close of
18 business on the second business day following the discovery
19 thereof.

20 (14) Each application for registration as an
21 investment adviser shall become effective automatically on
22 the 45th day following the filing of the application,
23 required documents or information, and payment of the
24 required fee unless (i) the Secretary of State has
25 registered the investment adviser prior to that date or
26 (ii) an action with respect to the applicant is pending

1 under Section 11 of this Act.

2 D-5. A registered investment adviser or federal covered
3 investment adviser desiring to register an investment adviser
4 representative shall file an application with the Secretary of
5 State, in the form as the Secretary of State may by rule or
6 order prescribe, which the investment adviser representative
7 is required by this Section to provide to the investment
8 adviser, executed, verified, or authenticated by the
9 investment adviser representative and setting forth or
10 accompanied by:

11 (1) The name, residence, and business address of the
12 investment adviser representative;

13 (2) A statement whether any federal or state license or
14 registration as a dealer, salesperson, investment adviser,
15 or investment adviser representative has ever been
16 refused, canceled, suspended, revoked or withdrawn;

17 (3) The nature of employment with, and names and
18 addresses of, employers of the investment adviser
19 representative for the 10 years immediately preceding the
20 date of application;

21 (4) A brief description of any civil or criminal
22 proceedings, of which fraud is an essential element,
23 pending against the investment adviser representative and
24 whether the investment adviser representative has ever
25 been convicted of a felony or of any misdemeanor of which

1 fraud is an essential element;

2 (5) Such additional information as the Secretary of
3 State may by rule or order prescribe as necessary to
4 determine the investment adviser representative's business
5 repute or qualification to act as an investment adviser
6 representative;

7 (6) Documentation that the individual has passed an
8 examination conducted by the Secretary of State, an
9 organization of investment advisers, or similar person,
10 which examination has been designated by the Secretary of
11 State by rule or order to be satisfactory for purposes of
12 determining whether the applicant has sufficient knowledge
13 of the investment advisory or securities business and laws
14 relating to that business to act as a registered investment
15 adviser representative; and

16 (7) A Securities Audit and Enforcement Fund fee
17 established under Section 11a of this Act, which shall not
18 be returnable in any event.

19 The Secretary of State may by order waive the examination
20 requirement for an applicant for registration under this
21 subsection D-5 who has had the experience or education relating
22 to the investment advisory or securities business as may be
23 determined by the Secretary of State to be the equivalent of
24 the examination. A request for a waiver shall be filed with the
25 Secretary of State in the form as may be prescribed by rule or
26 order.

1 A change that renders no longer accurate any information
2 contained in any application for registration or
3 re-registration as an investment adviser representative must
4 be reported to the Secretary of State within 10 business days
5 after the occurrence of the change. If the activities that
6 rendered an individual an investment adviser representative
7 for the investment adviser are terminated, the investment
8 adviser shall notify the Secretary of State in writing (which
9 may be by electronic or facsimile transmission), within 30 days
10 of the investment adviser representative's termination, using
11 the appropriate termination notice form as the Secretary of
12 State may prescribe by rule or order.

13 A registered investment adviser representative may
14 transfer his or her registration under this Section 8 for the
15 unexpired term of the registration from one registered
16 investment adviser to another by the giving of notice of the
17 transfer by the new investment adviser to the Secretary of
18 State in the form and subject to the conditions as the
19 Secretary of State shall prescribe. The new registered
20 investment adviser shall promptly file an application for
21 registration of the investment adviser representative as
22 provided in this subsection, accompanied by the Securities
23 Audit and Enforcement Fund fee prescribed by paragraph (7) of
24 this subsection D-5.

25 E. (1) Subject to the provisions of subsection F of Section

1 11 of this Act, the registration of a dealer, limited Canadian
2 dealer, salesperson, investment adviser, or investment adviser
3 representative may be denied, suspended or revoked if the
4 Secretary of State finds that the dealer, limited Canadian
5 dealer, Internet portal, salesperson, investment adviser, or
6 investment adviser representative or any principal officer,
7 director, partner, member, trustee, manager or any person who
8 performs a similar function of the dealer, limited Canadian
9 dealer, Internet portal, or investment adviser:

10 (a) has been convicted of any felony during the 10 year
11 period preceding the date of filing of any application for
12 registration or at any time thereafter, or of any
13 misdemeanor of which fraud is an essential element;

14 (b) has engaged in any unethical practice in connection
15 with any security, or in any fraudulent business practice;

16 (c) has failed to account for any money or property, or
17 has failed to deliver any security, to any person entitled
18 thereto when due or within a reasonable time thereafter;

19 (d) in the case of a dealer, limited Canadian dealer,
20 or investment adviser, is insolvent;

21 (e) in the case of a dealer, limited Canadian dealer,
22 salesperson, or registered principal of a dealer or limited
23 Canadian dealer (i) has failed reasonably to supervise the
24 securities activities of any of its salespersons or other
25 employees and the failure has permitted or facilitated a
26 violation of Section 12 of this Act or (ii) is offering or

1 selling or has offered or sold securities in this State
2 through a salesperson other than a registered salesperson,
3 or, in the case of a salesperson, is selling or has sold
4 securities in this State for a dealer, limited Canadian
5 dealer, issuer or controlling person with knowledge that
6 the dealer, limited Canadian dealer, issuer or controlling
7 person has not complied with the provisions of this Act or
8 (iii) has failed reasonably to supervise the
9 implementation of compliance measures following notice by
10 the Secretary of State of noncompliance with the Act or
11 with the regulations promulgated thereunder or both or (iv)
12 has failed to maintain and enforce written procedures to
13 supervise the types of business in which it engages and to
14 supervise the activities of its salespersons that are
15 reasonably designed to achieve compliance with applicable
16 securities laws and regulations;

17 (f) in the case of an investment adviser, has failed
18 reasonably to supervise the advisory activities of any of
19 its investment adviser representatives or employees and
20 the failure has permitted or facilitated a violation of
21 Section 12 of this Act;

22 (g) has violated any of the provisions of this Act;

23 (h) has made any material misrepresentation to the
24 Secretary of State in connection with any information
25 deemed necessary by the Secretary of State to determine a
26 dealer's, limited Canadian dealer's, or investment

1 adviser's financial responsibility or a dealer's, limited
2 Canadian dealer's, investment adviser's, salesperson's, or
3 investment adviser representative's business repute or
4 qualifications, or has refused to furnish any such
5 information requested by the Secretary of State;

6 (i) has had a license or registration under any Federal
7 or State law regulating securities, commodity futures
8 contracts, or stock futures contracts refused, cancelled,
9 suspended, withdrawn, revoked, or otherwise adversely
10 affected in a similar manner;

11 (j) has had membership in or association with any
12 self-regulatory organization registered under the Federal
13 1934 Act or the Federal 1974 Act suspended, revoked,
14 refused, expelled, cancelled, barred, limited in any
15 capacity, or otherwise adversely affected in a similar
16 manner arising from any fraudulent or deceptive act or a
17 practice in violation of any rule, regulation or standard
18 duly promulgated by the self-regulatory organization;

19 (k) has had any order entered against it after notice
20 and opportunity for hearing by a securities agency of any
21 state, any foreign government or agency thereof, the
22 Securities and Exchange Commission, or the Federal
23 Commodities Futures Trading Commission arising from any
24 fraudulent or deceptive act or a practice in violation of
25 any statute, rule or regulation administered or
26 promulgated by the agency or commission;

1 (l) in the case of a dealer or limited Canadian dealer,
2 fails to maintain a minimum net capital in an amount which
3 the Secretary of State may by rule or regulation require;

4 (m) has conducted a continuing course of dealing of
5 such nature as to demonstrate an inability to properly
6 conduct the business of the dealer, limited Canadian
7 dealer, salesperson, investment adviser, or investment
8 adviser representative;

9 (n) has had, after notice and opportunity for hearing,
10 any injunction or order entered against it or license or
11 registration refused, cancelled, suspended, revoked,
12 withdrawn, limited, or otherwise adversely affected in a
13 similar manner by any state or federal body, agency or
14 commission regulating banking, insurance, finance or small
15 loan companies, real estate or mortgage brokers or
16 companies, if the action resulted from any act found by the
17 body, agency or commission to be a fraudulent or deceptive
18 act or practice in violation of any statute, rule or
19 regulation administered or promulgated by the body, agency
20 or commission;

21 (o) has failed to file a return, or to pay the tax,
22 penalty or interest shown in a filed return, or to pay any
23 final assessment of tax, penalty or interest, as required
24 by any tax Act administered by the Illinois Department of
25 Revenue, until such time as the requirements of that tax
26 Act are satisfied;

1 (p) (blank); ~~in the case of a natural person who is a~~
2 ~~dealer, limited Canadian dealer, salesperson, investment~~
3 ~~adviser, or investment adviser representative, has~~
4 ~~defaulted on an educational loan guaranteed by the Illinois~~
5 ~~Student Assistance Commission, until the natural person~~
6 ~~has established a satisfactory repayment record as~~
7 ~~determined by the Illinois Student Assistance Commission;~~

8 (q) has failed to maintain the books and records
9 required under this Act or rules or regulations promulgated
10 under this Act or under any requirements established by the
11 Securities and Exchange Commission or a self-regulatory
12 organization;

13 (r) has refused to allow or otherwise impeded designees
14 of the Secretary of State from conducting an audit,
15 examination, inspection, or investigation provided for
16 under Section 8 or 11 of this Act;

17 (s) has failed to maintain any minimum net capital or
18 bond requirement set forth in this Act or any rule or
19 regulation promulgated under this Act;

20 (t) has refused the Secretary of State or his or her
21 designee access to any office or location within an office
22 to conduct an investigation, audit, examination, or
23 inspection;

24 (u) has advised or caused a public pension fund or
25 retirement system established under the Illinois Pension
26 Code to make an investment or engage in a transaction not

1 authorized by that Code;

2 (v) if a corporation, limited liability company, or
3 limited liability partnership has been suspended,
4 canceled, revoked, or has failed to register as a foreign
5 corporation, limited liability company, or limited
6 liability partnership with the Secretary of State;

7 (w) is permanently or temporarily enjoined by any court
8 of competent jurisdiction, including any state, federal,
9 or foreign government, from engaging in or continuing any
10 conduct or practice involving any aspect of the securities
11 or commodities business or in any other business where the
12 conduct or practice enjoined involved investments,
13 franchises, insurance, banking, or finance;

14 (2) If the Secretary of State finds that any registrant or
15 applicant for registration is no longer in existence or has
16 ceased to do business as a dealer, limited Canadian dealer,
17 Internet portal, salesperson, investment adviser, or
18 investment adviser representative, or is subject to an
19 adjudication as a person under legal disability or to the
20 control of a guardian, or cannot be located after reasonable
21 search, or has failed after written notice to pay to the
22 Secretary of State any additional fee prescribed by this
23 Section or specified by rule or regulation, ~~or if a natural~~
24 ~~person, has defaulted on an educational loan guaranteed by the~~
25 ~~Illinois Student Assistance Commission,~~ the Secretary of State
26 may by order cancel the registration or application.

1 (3) Withdrawal of an application for registration or
2 withdrawal from registration as a dealer, limited Canadian
3 dealer, salesperson, investment adviser, or investment adviser
4 representative becomes effective 30 days after receipt of an
5 application to withdraw or within such shorter period of time
6 as the Secretary of State may determine, unless any proceeding
7 is pending under Section 11 of this Act when the application is
8 filed or a proceeding is instituted within 30 days after the
9 application is filed. If a proceeding is pending or instituted,
10 withdrawal becomes effective at such time and upon such
11 conditions as the Secretary of State by order determines. If no
12 proceeding is pending or instituted and withdrawal
13 automatically becomes effective, the Secretary of State may
14 nevertheless institute a revocation or suspension proceeding
15 within 2 years after withdrawal became effective and enter a
16 revocation or suspension order as of the last date on which
17 registration was effective.

18 F. The Secretary of State shall make available upon request
19 the date that each dealer, investment adviser, salesperson, or
20 investment adviser representative was granted registration,
21 together with the name and address of the dealer, limited
22 Canadian dealer, or issuer on whose behalf the salesperson is
23 registered, and all orders of the Secretary of State denying or
24 abandoning an application, or suspending or revoking
25 registration, or censuring the persons. The Secretary of State

1 may designate by rule, regulation or order the statements,
2 information or reports submitted to or filed with him or her
3 pursuant to this Section 8 which the Secretary of State
4 determines are of a sensitive nature and therefore should be
5 exempt from public disclosure. Any such statement, information
6 or report shall be deemed confidential and shall not be
7 disclosed to the public except upon the consent of the person
8 filing or submitting the statement, information or report or by
9 order of court or in court proceedings.

10 G. The registration or re-registration of a dealer or
11 limited Canadian dealer and of all salespersons registered upon
12 application of the dealer or limited Canadian dealer shall
13 expire on the next succeeding anniversary date of the
14 registration or re-registration of the dealer; and the
15 registration or re-registration of an investment adviser and of
16 all investment adviser representatives registered upon
17 application of the investment adviser shall expire on the next
18 succeeding anniversary date of the registration of the
19 investment adviser; provided, that the Secretary of State may
20 by rule or regulation prescribe an alternate date which any
21 dealer registered under the Federal 1934 Act or a member of any
22 self-regulatory association approved pursuant thereto, a
23 member of a self-regulatory organization or stock exchange in
24 Canada, or any investment adviser may elect as the expiration
25 date of its dealer or limited Canadian dealer and salesperson

1 registrations, or the expiration date of its investment adviser
2 registration, as the case may be. A registration of a
3 salesperson registered upon application of an issuer or
4 controlling person shall expire on the next succeeding
5 anniversary date of the registration, or upon termination or
6 expiration of the registration of the securities, if any,
7 designated in the application for his or her registration or
8 the alternative date as the Secretary may prescribe by rule or
9 regulation. Subject to paragraph (9) of subsection C of this
10 Section 8, a salesperson's registration also shall terminate
11 upon cessation of his or her employment, or termination of his
12 or her appointment or authorization, in each case by the person
13 who applied for the salesperson's registration, provided that
14 the Secretary of State may by rule or regulation prescribe an
15 alternate date for the expiration of the registration.

16 H. Applications for re-registration of dealers, limited
17 Canadian dealers, Internet portals, salespersons, investment
18 advisers, and investment adviser representatives shall be
19 filed with the Secretary of State prior to the expiration of
20 the then current registration and shall contain such
21 information as may be required by the Secretary of State upon
22 initial application with such omission therefrom or addition
23 thereto as the Secretary of State may authorize or prescribe.
24 Each application for re-registration of a dealer, limited
25 Canadian dealer, Internet portal, or investment adviser shall

1 be accompanied by a filing fee, each application for
2 re-registration as a salesperson shall be accompanied by a
3 filing fee and a Securities Audit and Enforcement Fund fee
4 established pursuant to Section 11a of this Act, and each
5 application for re-registration as an investment adviser
6 representative shall be accompanied by a Securities Audit and
7 Enforcement Fund fee established under Section 11a of this Act,
8 which shall not be returnable in any event. Notwithstanding the
9 foregoing, applications for re-registration of dealers,
10 limited Canadian dealers, Internet portals, and investment
11 advisers may be filed within 30 days following the expiration
12 of the registration provided that the applicant pays the annual
13 registration fee together with an additional amount equal to
14 the annual registration fee and files any other information or
15 documents that the Secretary of State may prescribe by rule or
16 regulation or order. Any application filed within 30 days
17 following the expiration of the registration shall be
18 automatically effective as of the time of the earlier
19 expiration provided that the proper fee has been paid to the
20 Secretary of State.

21 Each registered dealer, limited Canadian dealer, Internet
22 portal, or investment adviser shall continue to be registered
23 if the registrant changes his, her, or its form of organization
24 provided that the dealer or investment adviser files an
25 amendment to his, her, or its application not later than 30
26 days following the occurrence of the change and pays the

1 Secretary of State a fee in the amount established under
2 Section 11a of this Act.

3 I. (1) Every registered dealer, limited Canadian dealer,
4 Internet portal, and investment adviser shall make and keep for
5 such periods, such accounts, correspondence, memoranda,
6 papers, books and records as the Secretary of State may by rule
7 or regulation prescribe. All records so required shall be
8 preserved for 3 years unless the Secretary of State by rule,
9 regulation or order prescribes otherwise for particular types
10 of records.

11 (2) Every registered dealer, limited Canadian dealer,
12 Internet portal, and investment adviser shall file such
13 financial reports as the Secretary of State may by rule or
14 regulation prescribe.

15 (3) All the books and records referred to in paragraph (1)
16 of this subsection I are subject at any time or from time to
17 time to such reasonable periodic, special or other audits,
18 examinations, or inspections by representatives of the
19 Secretary of State, within or without this State, as the
20 Secretary of State deems necessary or appropriate in the public
21 interest or for the protection of investors.

22 (4) At the time of an audit, examination, or inspection,
23 the Secretary of State, by his or her designees, may conduct an
24 interview of any person employed or appointed by or affiliated
25 with a registered dealer, limited Canadian dealer, Internet

1 portal, or investment advisor, provided that the dealer,
2 limited Canadian dealer, Internet portal, or investment
3 advisor shall be given reasonable notice of the time and place
4 for the interview. At the option of the dealer, limited
5 Canadian dealer, Internet portal, or investment advisor, a
6 representative of the dealer or investment advisor with
7 supervisory responsibility over the individual being
8 interviewed may be present at the interview.

9 J. The Secretary of State may require by rule or regulation
10 the payment of an additional fee for the filing of information
11 or documents required to be filed by this Section which have
12 not been filed in a timely manner. The Secretary of State may
13 also require by rule or regulation the payment of an
14 examination fee for administering any examination which it may
15 conduct pursuant to subsection B, C, D, or D-5 of this Section
16 8.

17 K. The Secretary of State may declare any application for
18 registration or limited registration under this Section 8
19 abandoned by order if the applicant fails to pay any fee or
20 file any information or document required under this Section 8
21 or by rule or regulation for more than 30 days after the
22 required payment or filing date. The applicant may petition the
23 Secretary of State for a hearing within 15 days after the
24 applicant's receipt of the order of abandonment, provided that

1 the petition sets forth the grounds upon which the applicant
2 seeks a hearing.

3 L. Any document being filed pursuant to this Section 8
4 shall be deemed filed, and any fee being paid pursuant to this
5 Section 8 shall be deemed paid, upon the date of actual receipt
6 thereof by the Secretary of State or his or her designee.

7 M. The Secretary of State shall provide to the Illinois
8 Student Assistance Commission annually or at mutually agreed
9 periodic intervals the names and social security numbers of
10 natural persons registered under subsections B, C, D, and D-5
11 of this Section. The Illinois Student Assistance Commission
12 shall determine if any student loan defaulter is registered as
13 a dealer, limited Canadian dealer, Internet portal
14 salesperson, or investment adviser under this Act and report
15 its determination to the Secretary of State or his or her
16 designee.

17 (Source: P.A. 99-182, eff. 1-1-16.)

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.

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