



Sen. Pamela J. Althoff

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1 AMENDMENT TO SENATE BILL 2433

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2433 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.27 and by adding Section 4.37 as follows:

6 (5 ILCS 80/4.27)

7 Sec. 4.27. Acts repealed on January 1, 2017. The following  
8 are repealed on January 1, 2017:

9 The Illinois Optometric Practice Act of 1987.

10 ~~The Clinical Psychologist Licensing Act.~~

11 The Boiler and Pressure Vessel Repairer Regulation Act.

12 Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI,  
13 XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

14 (Source: P.A. 99-78, eff. 7-20-15.)

15 (5 ILCS 80/4.37 new)

1       Sec. 4.37. Acts repealed on January 1, 2027. The following  
2 Act is repealed on January 1, 2027:

3       The Clinical Psychologist Licensing Act.

4       Section 10. The Clinical Psychologist Licensing Act is  
5 amended by changing Sections 2, 3, 6, 7, 10, 11, 15, 15.2, 16,  
6 16.1, 19, 20, 21, and 23 and by adding Section 2.5 as follows:

7       (225 ILCS 15/2) (from Ch. 111, par. 5352)

8       (Section scheduled to be repealed on January 1, 2017)

9       Sec. 2. Definitions. As used in this Act:

10       (1) "Department" means the Department of Financial and  
11 Professional Regulation.

12       (2) "Secretary" means the Secretary of Financial and  
13 Professional Regulation.

14       (3) "Board" means the Clinical Psychologists Licensing  
15 and Disciplinary Board appointed by the Secretary.

16       (4) (Blank). ~~"Person" means an individual,~~  
17 ~~association, partnership or corporation.~~

18       (5) "Clinical psychology" means the independent  
19 evaluation, classification, diagnosis, and treatment of  
20 mental, emotional, behavioral or nervous disorders or  
21 conditions, developmental disabilities, alcoholism and  
22 substance abuse, disorders of habit or conduct, and the  
23 psychological aspects of physical illness. The practice of  
24 clinical psychology includes psychoeducational evaluation,

1 therapy, remediation and consultation, the use of  
2 psychological and neuropsychological testing, assessment,  
3 psychotherapy, psychoanalysis, hypnosis, biofeedback, and  
4 behavioral modification when any of these are used for the  
5 purpose of preventing or eliminating psychopathology, or  
6 for the amelioration of psychological disorders of  
7 individuals or groups. "Clinical psychology" does not  
8 include the use of hypnosis by unlicensed persons pursuant  
9 to Section 3.

10 (6) A person represents himself to be a "clinical  
11 psychologist" or "psychologist" within the meaning of this  
12 Act when he or she holds himself out to the public by any  
13 title or description of services incorporating the words  
14 "psychological", "psychologic", "psychologist",  
15 "psychology", or "clinical psychologist" or under such  
16 title or description offers to render or renders clinical  
17 psychological services as defined in paragraph (7) of this  
18 Section to individuals, ~~corporations,~~ or the public for  
19 remuneration.

20 (7) "Clinical psychological services" refers to any  
21 services under paragraph (5) of this Section if the words  
22 "psychological", "psychologic", "psychologist",  
23 "psychology" or "clinical psychologist" are used to  
24 describe such services by the person or organization  
25 offering to render or rendering them.

26 (8) "Collaborating physician" means a physician

1 licensed to practice medicine in all of its branches in  
2 Illinois who generally prescribes medications for the  
3 treatment of mental health disease or illness to his or her  
4 patients in the normal course of his or her clinical  
5 medical practice.

6 (9) "Prescribing psychologist" means a licensed,  
7 doctoral level psychologist who has undergone specialized  
8 training, has passed an examination as determined by rule,  
9 and has received a current license granting prescriptive  
10 authority under Section 4.2 of this Act that has not been  
11 revoked or suspended from the Department.

12 (10) "Prescriptive authority" means the authority to  
13 prescribe, administer, discontinue, or distribute drugs or  
14 medicines.

15 (11) "Prescription" means an order for a drug,  
16 laboratory test, or any medicines, including controlled  
17 substances as defined in the Illinois Controlled  
18 Substances Act.

19 (12) "Drugs" has the meaning given to that term in the  
20 Pharmacy Practice Act.

21 (13) "Medicines" has the meaning given to that term in  
22 the Pharmacy Practice Act.

23 (14) "Address of record" means the designated address  
24 recorded by the Department in the applicant's application  
25 file or the licensee's license file maintained by the  
26 Department's licensure maintenance unit.

1           This Act shall not apply to persons lawfully carrying on  
2 their particular profession or business under any valid  
3 existing regulatory Act of the State.

4           (Source: P.A. 98-668, eff. 6-25-14.)

5           (225 ILCS 15/2.5 new)

6           Sec. 2.5. Change of address. It is the duty of the  
7 applicant or licensee to inform the Department of any change of  
8 address within 14 days after such change either through the  
9 Department's website or by contacting the Department's  
10 licensure maintenance unit.

11           (225 ILCS 15/3) (from Ch. 111, par. 5353)

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

13           Sec. 3. Necessity of license; corporations, professional  
14 limited liability companies, partnerships, and associations;  
15 display of license.

16           (a) No individual, ~~partnership, association or corporation~~  
17 shall, without a valid license as a clinical psychologist  
18 issued by the Department, in any manner hold himself or herself  
19 out to the public as a psychologist or clinical psychologist  
20 under the provisions of this Act or render or offer to render  
21 clinical psychological services as defined in paragraph 7 of  
22 Section 2 of this Act; or attach the title "clinical  
23 psychologist", "psychologist" or any other name or designation  
24 which would in any way imply that he or she is able to practice

1 as a clinical psychologist; or offer to render or render, ~~to~~  
2 ~~individuals, corporations or the public,~~ clinical  
3 psychological services as defined in paragraph 7 of Section 2  
4 of this Act.

5 No person may engage in the practice of clinical  
6 psychology, as defined in paragraph (5) of Section 2 of this  
7 Act, without a license granted under this Act, except as  
8 otherwise provided in this Act.

9 (b) No business organization ~~association or partnership~~  
10 ~~shall be granted a license and no professional limited~~  
11 ~~liability company~~ shall provide, attempt to provide, or offer  
12 to provide clinical psychological services unless every  
13 member, shareholder, director, officer, holder of any other  
14 ownership interest, agent partner, and employee ~~of the~~  
15 ~~association, partnership, or professional limited liability~~  
16 ~~company~~ who renders clinical psychological services holds a  
17 currently valid license issued under this Act. No ~~license shall~~  
18 ~~be issued by the Department to a~~ corporation or limited  
19 liability company shall be created that (i) has a stated  
20 purpose that includes clinical psychology, or (ii) practices or  
21 holds itself out as available to practice clinical psychology,  
22 unless it is organized under the Professional Service  
23 Corporation Act or the Professional Limited Liability Company  
24 Act.

25 (c) Individuals, corporations, professional limited  
26 liability companies, partnerships, and associations may employ

1 practicum students, interns or postdoctoral candidates seeking  
2 to fulfill educational requirements or the professional  
3 experience requirements needed to qualify for a license as a  
4 clinical psychologist to assist in the rendering of services,  
5 provided that such employees function under the direct  
6 supervision, order, control and full professional  
7 responsibility of a licensed clinical psychologist in the  
8 corporation, professional limited liability company,  
9 partnership, or association. Nothing in this paragraph shall  
10 prohibit a corporation, professional limited liability  
11 company, partnership, or association from contracting with a  
12 licensed health care professional to provide services.

13 (c-5) Nothing in this Act shall preclude individuals  
14 licensed under this Act from practicing directly or indirectly  
15 for a physician licensed to practice medicine in all its  
16 branches under the Medical Practice Act of 1987 or for any  
17 legal entity as provided under subsection (c) of Section 22.2  
18 of the Medical Practice Act of 1987.

19 Nothing in this Act shall preclude individuals licensed  
20 under this Act from practicing directly or indirectly for any  
21 hospital licensed under the Hospital Licensing Act or any  
22 hospital affiliate as defined in Section 10.8 of the Hospital  
23 Licensing Act and any hospital authorized under the University  
24 of Illinois Hospital Act.

25 (d) Nothing in this Act shall prevent the employment, by a  
26 clinical psychologist, individual, association, partnership,

1 professional limited liability company, or corporation  
2 furnishing clinical psychological services for remuneration,  
3 of persons not licensed as clinical psychologists under the  
4 provisions of this Act to perform services in various  
5 capacities as needed, provided that such persons are not in any  
6 manner held out to the public as rendering clinical  
7 psychological services as defined in paragraph 7 of Section 2  
8 of this Act. Nothing contained in this Act shall require any  
9 hospital, clinic, home health agency, hospice, or other entity  
10 that provides health care services to employ or to contract  
11 with a clinical psychologist licensed under this Act to perform  
12 any of the activities under paragraph (5) of Section 2 of this  
13 Act.

14 (e) Nothing in this Act shall be construed to limit the  
15 services and use of official title on the part of a person, not  
16 licensed under the provisions of this Act, in the employ of a  
17 State, county or municipal agency or other political  
18 subdivision insofar that such services are a part of the duties  
19 in his or her salaried position, and insofar that such services  
20 are performed solely on behalf of his or her employer.

21 Nothing contained in this Section shall be construed as  
22 permitting such person to offer their services as psychologists  
23 to any other persons and to accept remuneration for such  
24 psychological services other than as specifically excepted  
25 herein, unless they have been licensed under the provisions of  
26 this Act.



1           (f) Duly recognized members of any bonafide religious  
2 denomination shall not be restricted from functioning in their  
3 ministerial capacity provided they do not represent themselves  
4 as being clinical psychologists or providing clinical  
5 psychological services.

6           (g) Nothing in this Act shall prohibit individuals not  
7 licensed under the provisions of this Act who work in self-help  
8 groups or programs or not-for-profit organizations from  
9 providing services in those groups, programs, or  
10 organizations, provided that such persons are not in any manner  
11 held out to the public as rendering clinical psychological  
12 services as defined in paragraph 7 of Section 2 of this Act.

13           (h) Nothing in this Act shall be construed to prevent a  
14 person from practicing hypnosis without a license issued under  
15 this Act provided that the person (1) does not otherwise engage  
16 in the practice of clinical psychology including, but not  
17 limited to, the independent evaluation, classification, and  
18 treatment of mental, emotional, behavioral, or nervous  
19 disorders or conditions, developmental disabilities,  
20 alcoholism and substance abuse, disorders of habit or conduct,  
21 and the psychological aspects of physical illness, (2) does not  
22 otherwise engage in the practice of medicine including, but not  
23 limited to, the diagnosis or treatment of physical or mental  
24 ailments or conditions, and (3) does not hold himself or  
25 herself out to the public by a title or description stating or  
26 implying that the individual is a clinical psychologist or is

1 licensed to practice clinical psychology.

2 (i) Every licensee under this Act shall prominently display  
3 the license at the licensee's principal office, place of  
4 business, or place of employment and, whenever requested by any  
5 representative of the Department, must exhibit the license.

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

7 (225 ILCS 15/6) (from Ch. 111, par. 5356)

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

9 Sec. 6. Subject to the provisions of this Act, the  
10 Department shall:

11 (1) Authorize examinations to ascertain the qualifications  
12 and fitness of applicants for licensure as clinical  
13 psychologists and pass upon the qualifications of applicants  
14 for reciprocal licensure.

15 (2) Conduct hearings on proceedings to refuse to issue or  
16 renew or to revoke licenses or suspend, place on probation,  
17 ~~censure~~ or reprimand persons licensed under the provisions of  
18 this Act, and to refuse to issue or to suspend or to revoke or  
19 to refuse to renew licenses or to place on probation, ~~censure~~  
20 or reprimand such persons licensed under the provisions of this  
21 Act.

22 (3) Adopt ~~Formulate~~ rules and regulations required for the  
23 administration of this Act.

24 (4) Prescribe forms to be issued for the administration and  
25 enforcement of this Act.

1           (5) Conduct investigations related to possible violations  
2 of this Act.

3           (Source: P.A. 85-947.)

4           (225 ILCS 15/7) (from Ch. 111, par. 5357)

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

6           Sec. 7. Board. The Secretary shall appoint a Board that  
7 shall serve in an advisory capacity to the Secretary.

8           The Board shall consist of 11 persons: 4 of whom are  
9 licensed clinical psychologists and actively engaged in the  
10 practice of clinical psychology; 2 of whom are licensed  
11 prescribing psychologists; 2 of whom are physicians licensed to  
12 practice medicine in all its branches in Illinois who generally  
13 prescribe medications for the treatment of mental health  
14 disease or illness in the normal course of clinical medical  
15 practice, one of whom shall be a psychiatrist and the other a  
16 primary care or family physician; 2 of whom are licensed  
17 clinical psychologists and are full time faculty members of  
18 accredited colleges or universities who are engaged in training  
19 clinical psychologists; and one of whom is a public member who  
20 is not a licensed health care provider. In appointing members  
21 of the Board, the Secretary shall give due consideration to the  
22 adequate representation of the various fields of health care  
23 psychology such as clinical psychology, school psychology and  
24 counseling psychology. In appointing members of the Board, the  
25 Secretary shall give due consideration to recommendations by

1 members of the profession of clinical psychology and by the  
2 State-wide organizations representing the interests of  
3 clinical psychologists and organizations representing the  
4 interests of academic programs as well as recommendations by  
5 approved doctoral level psychology programs in the State of  
6 Illinois, and, with respect to the 2 physician members of the  
7 Board, the Secretary shall give due consideration to  
8 recommendations by the Statewide professional associations or  
9 societies representing physicians licensed to practice  
10 medicine in all its branches in Illinois. The members shall be  
11 appointed for a term of 4 years. No member shall be eligible to  
12 serve for more than 2 full terms. Any appointment to fill a  
13 vacancy shall be for the unexpired portion of the term. A  
14 member appointed to fill a vacancy for an unexpired term for a  
15 duration of 2 years or more may be reappointed for a maximum of  
16 one term and a member appointed to fill a vacancy for an  
17 unexpired term for a duration of less than 2 years may be  
18 reappointed for a maximum of 2 terms. The Secretary may remove  
19 any member for cause at any time prior to the expiration of his  
20 or her term.

21 The 2 initial appointees to the Board who are licensed  
22 prescribing psychologists may hold a medical or prescription  
23 license issued by another state so long as the license is  
24 deemed by the Secretary to be substantially equivalent to a  
25 prescribing psychologist license under this Act and so long as  
26 the appointees also maintain an Illinois clinical psychologist

1 license. Such initial appointees shall serve on the Board until  
2 the Department adopts rules necessary to implement licensure  
3 under Section 4.2 of this Act.

4 The Board shall annually elect a ~~one of its members as~~  
5 chairperson and vice chairperson.

6 The members of the Board shall be reimbursed for all  
7 authorized legitimate and necessary expenses incurred in  
8 attending the meetings of the Board.

9 The Secretary shall give due consideration to all  
10 recommendations of the Board. ~~In the event the Secretary~~  
11 ~~disagrees with or takes action contrary to the recommendation~~  
12 ~~of the Board, he or she shall provide the Board with a written~~  
13 ~~and specific explanation of his or her actions.~~

14 The Board may make recommendations on all matters relating  
15 to continuing education including the number of hours necessary  
16 for license renewal, waivers for those unable to meet such  
17 requirements and acceptable course content. Such  
18 recommendations shall not impose an undue burden on the  
19 Department or an unreasonable restriction on those seeking  
20 license renewal.

21 The 2 licensed prescribing psychologist members of the  
22 Board and the 2 physician members of the Board shall only  
23 deliberate and make recommendations related to the licensure  
24 and discipline of prescribing psychologists. Four members  
25 shall constitute a quorum, except that all deliberations and  
26 recommendations related to the licensure and discipline of

1     prescribing psychologists shall require a quorum of 6 members.  
2     A quorum is required for all Board decisions.

3             Members of the Board shall have no liability in any action  
4     based upon any disciplinary proceeding or other activity  
5     performed in good faith as a member of the Board.

6             The Secretary may terminate the appointment of any member  
7     for cause which in the opinion of the Secretary reasonably  
8     justifies such termination.

9     (Source: P.A. 98-668, eff. 6-25-14.)

10            (225 ILCS 15/10) (from Ch. 111, par. 5360)

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

12            Sec. 10. Qualifications of applicants; examination. The  
13     Department, except as provided in Section 11 of this Act, shall  
14     issue a license as a clinical psychologist to any person who  
15     pays an application fee and who:

16            (1) is at least 21 years of age; ~~and has not engaged in~~  
17     ~~conduct or activities which would constitute grounds for~~  
18     ~~discipline under this Act;~~

19            (2) (blank);

20            (3) is a graduate of a doctoral program from a college,  
21     university or school accredited by the regional  
22     accrediting body which is recognized by the Council on  
23     Postsecondary Accreditation and is in the jurisdiction in  
24     which it is located for purposes of granting the doctoral  
25     degree and either:

1           (a) is a graduate of a doctoral program in  
2           clinical, school or counseling psychology either  
3           accredited by the American Psychological Association  
4           or the Psychological Clinical Science Accreditation  
5           System or approved by the Council for the National  
6           Register of Health Service Providers in Psychology or  
7           other national board recognized by the Board, and has  
8           completed 2 years of satisfactory supervised  
9           experience in clinical, school or counseling  
10          psychology at least one of which is an internship and  
11          one of which is postdoctoral; or

12          (b) holds a doctoral degree from a recognized  
13          college, university or school which the Department,  
14          through its rules, establishes as being equivalent to a  
15          clinical, school or counseling psychology program and  
16          has completed at least one course in each of the  
17          following 7 content areas, in actual attendance at a  
18          recognized university, college or school whose  
19          graduates would be eligible for licensure under this  
20          Act: scientific and professional ethics, biological  
21          basis of behavior, cognitive-affective basis of  
22          behavior, social basis of behavior, individual  
23          differences, assessment, and treatment modalities; and  
24          has completed 2 years of satisfactory supervised  
25          experience in clinical, school or counseling  
26          psychology, at least one of which is an internship and

1           one of which is postdoctoral; or

2           (c) holds a doctorate in psychology or in a program  
3           whose content is psychological in nature from an  
4           accredited college, university or school not meeting  
5           the standards of paragraph (a) or (b) of this  
6           subsection (3) and provides evidence of the completion  
7           of at least one course in each of the 7 content areas  
8           specified in paragraph (b) in actual attendance at a  
9           recognized university, school or college whose  
10          graduate would be eligible for licensure under this  
11          Act; and has completed an appropriate practicum, an  
12          internship or equivalent supervised clinical  
13          experience in an organized mental health care setting  
14          and 2 years of satisfactory supervised experience in  
15          clinical or counseling psychology, at least one of  
16          which is postdoctoral; and

17          (4) has passed an examination authorized by the  
18          Department to determine his or her fitness to receive a  
19          license.

20          Applicants for licensure under subsection (3) (a) and (3) (b) of  
21          this Section shall complete 2 years of satisfactory supervised  
22          experience, at least one of which shall be an internship and  
23          one of which shall be postdoctoral. A year of supervised  
24          experience is defined as not less than 1,750 hours obtained in  
25          not less than 50 weeks based on 35 hours per week for full-time  
26          work experience. Full-time supervised experience will be



1 counted only if it is obtained in a single setting for a  
2 minimum of 6 months. Part-time and internship experience will  
3 be counted only if it is 18 hours or more a week for a minimum  
4 of 9 months and is in a single setting. The internship  
5 experience required under subsection (3) (a) and (3) (b) of this  
6 Section shall be a minimum of 1,750 hours completed within 24  
7 months.

8 Programs leading to a doctoral degree require minimally the  
9 equivalent of 3 full-time academic years of graduate study, at  
10 least 2 years of which are at the institution from which the  
11 degree is granted, and of which at least one year or its  
12 equivalent is in residence at the institution from which the  
13 degree is granted. Course work for which credit is given for  
14 life experience will not be accepted by the Department as  
15 fulfilling the educational requirements for licensure.  
16 Residence requires interaction with psychology faculty and  
17 other matriculated psychology students; one year's residence  
18 or its equivalent is defined as follows:

19 (a) 30 semester hours taken on a full-time or part-time  
20 basis at the institution accumulated within 24 months, or

21 (b) a minimum of 350 hours of student-faculty contact  
22 involving face-to-face individual or group courses or  
23 seminars accumulated within 18 months. Such educational  
24 meetings must include both faculty-student and  
25 student-student interaction, be conducted by the  
26 psychology faculty of the institution at least 90% of the

1 time, be fully documented by the institution, and relate  
2 substantially to the program and course content. The  
3 institution must clearly document how the applicant's  
4 performance is assessed and evaluated.

5 To meet the requirement for satisfactory supervised  
6 experience, under this Act the supervision must be performed  
7 pursuant to the order, control and full professional  
8 responsibility of a licensed clinical psychologist. The  
9 clients shall be the clients of the agency or supervisor rather  
10 than the supervisee. Supervised experience in which the  
11 supervisor receives monetary payment or other consideration  
12 from the supervisee or in which the supervisor is hired by or  
13 otherwise employed by the supervisee shall not be accepted by  
14 the Department as fulfilling the practicum, internship or 2  
15 years of satisfactory supervised experience requirements for  
16 licensure.

17 Examinations for applicants under this Act shall be held at  
18 the direction of the Department from time to time but not less  
19 than once each year. The scope and form of the examination  
20 shall be determined by the Department.

21 Each applicant for a license who possesses the necessary  
22 qualifications therefor shall be examined by the Department,  
23 and shall pay to the Department, or its designated testing  
24 service, the required examination fee, which fee shall not be  
25 refunded by the Department.

26 Applicants have 3 years from the date of application to

1 complete the application process. If the process has not been  
2 completed in 3 years, the application shall be denied, the fee  
3 shall be forfeited, and the applicant must reapply and meet the  
4 requirements in effect at the time of reapplication.

5 An applicant has one year from the date of notification of  
6 successful completion of the examination to apply to the  
7 Department for a license. If an applicant fails to apply within  
8 one year, the applicant shall be required to take and pass the  
9 examination again unless licensed in another jurisdiction of  
10 the United States within one year of passing the examination.

11 (Source: P.A. 98-849, eff. 1-1-15.)

12 (225 ILCS 15/11) (from Ch. 111, par. 5361)

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

14 Sec. 11. Persons licensed in other jurisdictions.

15 (a) The Department may, in its discretion, grant a license  
16 on payment of the required fee to any person who, at the time  
17 of application, is licensed by ~~a similar board of~~ another state  
18 or jurisdiction of the United States or by any ~~of a~~ foreign  
19 country or province whose standards, in the opinion of the  
20 Board or Department, were substantially equivalent, at the date  
21 of his or her licensure in the other jurisdiction, to the  
22 requirements of this Act or to any person who, at the time of  
23 his or her licensure, possessed individual qualifications that  
24 were substantially equivalent to the requirements then in force  
25 in this State.

1 (b) The Department may issue a license, upon payment of the  
2 required fee and recommendation of the Board, to an individual  
3 applicant who:

4 (1) has been licensed based on a doctorate degree to  
5 practice psychology in one or more other states or Canada  
6 for at least 20 years;

7 (2) has had no disciplinary action taken against his or  
8 her license in any other jurisdiction during the entire  
9 period of licensure;

10 (3) (blank); ~~submits the appropriate fee and~~  
11 ~~application;~~

12 (4) has not violated any provision of this Act or the  
13 rules adopted under this Act; and

14 (5) complies with all additional rules promulgated  
15 under this subsection.

16 The Department may promulgate rules to further define these  
17 licensing criteria.

18 (b-5) The endorsement process for individuals who are  
19 already licensed as medical or prescribing psychologists in  
20 another state is governed by Section 4.5 of this Act and not  
21 this Section.

22 (c) Applicants have 3 years from the date of application to  
23 complete the application process. If the process has not been  
24 completed in 3 years, the application shall be denied, the fee  
25 shall be forfeited, and the applicant must reapply and meet the  
26 requirements in effect at the time of reapplication.

1 (Source: P.A. 89-387, eff. 8-20-95; 89-626, eff. 8-9-96;  
2 89-702, eff. 7-1-97.)

3 (225 ILCS 15/15) (from Ch. 111, par. 5365)

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

5 Sec. 15. Disciplinary action; grounds. The Department may  
6 refuse to issue, refuse to renew, suspend, or revoke any  
7 license, or may place on probation, ~~censure~~, reprimand, or take  
8 other disciplinary or non-disciplinary action deemed  
9 appropriate by the Department, including the imposition of  
10 fines not to exceed \$10,000 for each violation, with regard to  
11 any license issued under the provisions of this Act for any one  
12 or a combination of the following reasons:

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

19 (2) Gross negligence in the rendering of clinical  
20 psychological services.

21 (3) Using fraud or making any misrepresentation in  
22 applying for a license or in passing the examination  
23 provided for in this Act.

24 (4) Aiding or abetting or conspiring to aid or abet a  
25 person, not a clinical psychologist licensed under this

1 Act, in representing himself or herself as so licensed or  
2 in applying for a license under this Act.

3 (5) Violation of any provision of this Act or the rules  
4 promulgated thereunder.

5 (6) Professional connection or association with any  
6 person, firm, association, partnership or corporation  
7 holding himself, herself, themselves, or itself out in any  
8 manner contrary to this Act.

9 (7) Unethical, unauthorized or unprofessional conduct  
10 as defined by rule. In establishing those rules, the  
11 Department shall consider, though is not bound by, the  
12 ethical standards for psychologists promulgated by  
13 recognized national psychology associations.

14 (8) Aiding or assisting another person in violating any  
15 provisions of this Act or the rules promulgated thereunder.

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

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

22 (11) Discipline by another state, territory, the  
23 District of Columbia or foreign country, if at least one of  
24 the grounds for the discipline is the same or substantially  
25 equivalent to those set forth herein.

26 (12) Directly or indirectly giving or receiving from

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

15 (13) A finding ~~by the Board~~ that the licensee, after  
16 having his or her license placed on probationary status has  
17 violated the terms of probation.

18 (14) Willfully making or filing false records or  
19 reports, including but not limited to, false records or  
20 reports filed with State agencies or departments.

21 (15) Physical illness, including but not limited to,  
22 deterioration through the aging process, mental illness or  
23 disability that results in the inability to practice the  
24 profession with reasonable judgment, skill and safety.

25 (16) Willfully failing to report an instance of  
26 suspected child abuse or neglect as required by the Abused

1 and Neglected Child Reporting Act.

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

9 (18) Violation of the Health Care Worker Self-Referral  
10 Act.

11 (19) Making a material misstatement in furnishing  
12 information to the Department, any other State or federal  
13 agency, or any other entity.

14 (20) Failing to report to the Department any adverse  
15 judgment, settlement, or award arising from a liability  
16 claim related to an act or conduct similar to an act or  
17 conduct that would constitute grounds for action as set  
18 forth in this Section.

19 (21) Failing to report to the Department any adverse  
20 final action taken against a licensee or applicant by  
21 another licensing jurisdiction, including any other state  
22 or territory of the United States or any foreign state or  
23 country, or any peer review body, health care institution,  
24 professional society or association related to the  
25 profession, governmental agency, law enforcement agency,  
26 or court for an act or conduct similar to an act or conduct



1           that would constitute grounds for disciplinary action as  
2           set forth in this Section.

3           (22)        Prescribing,        selling,        administering,  
4           distributing, giving, or self-administering (A) any drug  
5           classified as a controlled substance (designated product)  
6           for other than medically accepted therapeutic purposes or  
7           (B) any narcotic drug.

8           (23) Violating state or federal laws or regulations  
9           relating to controlled substances, legend drugs, or  
10          ephedra as defined in the Ephedra Prohibition Act.

11          (24) Exceeding the terms of a collaborative agreement  
12          or the prescriptive authority delegated to a licensee by  
13          his or her collaborating physician or established under a  
14          written collaborative agreement.

15          The entry of an order by any circuit court establishing  
16          that any person holding a license under this Act is subject to  
17          involuntary admission or judicial admission as provided for in  
18          the Mental Health and Developmental Disabilities Code,  
19          operates as an automatic suspension of that license. That  
20          person may have his or her license restored only upon the  
21          determination by a circuit court that the patient is no longer  
22          subject to involuntary admission or judicial admission and the  
23          issuance of an order so finding and discharging the patient and  
24          upon the Board's recommendation to the Department that the  
25          license be restored. Where the circumstances so indicate, the  
26          Board may recommend to the Department that it require an

1 examination prior to restoring any license so automatically  
2 suspended.

3 The Department shall ~~may~~ refuse to issue or ~~may~~ suspend the  
4 license of any person who fails to file a return, or to pay the  
5 tax, penalty or interest shown in a filed return, or to pay any  
6 final assessment of the tax penalty or interest, as required by  
7 any tax Act administered by the Illinois Department of Revenue,  
8 until such time as the requirements of any such tax Act are  
9 satisfied.

10 In enforcing this Section, the Department or Board upon a  
11 showing of a possible violation may compel any person licensed  
12 to practice under this Act, or who has applied for licensure or  
13 certification pursuant to this Act, to submit to a mental or  
14 physical examination, or both, as required by and at the  
15 expense of the Department. The examining physicians or clinical  
16 psychologists shall be those specifically designated by the  
17 Department ~~Board~~. The Board or the Department may order the  
18 examining physician or clinical psychologist to present  
19 testimony concerning this 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 or clinical psychologist. The person to be  
24 examined may have, at his or her own expense, another physician  
25 or clinical psychologist of his or her choice present during  
26 all aspects of the examination. Failure of any person to submit

1 to a mental or physical examination, when directed, shall be  
2 grounds for suspension of a license until the person submits to  
3 the examination if the Department or Board finds, after notice  
4 and hearing, that the refusal to submit to the examination was  
5 without reasonable cause.

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

23 In instances in which the Secretary immediately suspends a  
24 person's license under this Section, a hearing on that person's  
25 license must be convened by the Board within 15 days after the  
26 suspension and completed without appreciable delay. The Board

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

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

11 (Source: P.A. 98-668, eff. 6-25-14.)

12 (225 ILCS 15/15.2)

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

14 Sec. 15.2. Administrative Procedure Act. The Illinois  
15 Administrative Procedure Act is hereby expressly adopted and  
16 incorporated herein as if all of the provisions of that Act  
17 were included in this Act, except that the provision of  
18 subsection (d) of Section 10-65 of the Illinois Administrative  
19 Procedure Act that provides that at hearings the licensee has  
20 the right to show compliance with all lawful requirements for  
21 retention, or continuation or renewal of the license, is  
22 specifically excluded. ~~For the purposes of this Act, the notice~~  
23 ~~required under Section 10-25 of the Illinois Administrative~~  
24 ~~Procedure Act is deemed sufficient when mailed to the last~~  
25 ~~known address of a party.~~

1 (Source: P.A. 89-702, eff. 7-1-97.)

2 (225 ILCS 15/16) (from Ch. 111, par. 5366)

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

4 Sec. 16. Investigations; notice; hearing.

5 (a) The Department may investigate the actions of any  
6 applicant or of any person or persons holding or claiming to  
7 hold a license or registration under this Act.

8 (b) The Department shall, before disciplining an applicant  
9 or licensee, at least 30 days before the date set for the  
10 hearing, (i) notify the accused in writing of the charges made  
11 and the time and place for the hearing on the charges, (ii)  
12 direct him or her to file a written answer to the charges under  
13 oath within 20 days after service, and (iii) inform the  
14 applicant or licensee that failure to answer will result in a  
15 default being entered against the applicant or licensee.

16 (c) At the time and place fixed in the notice, the Board or  
17 hearing officer appointed by the Secretary shall proceed to  
18 hear the charges, and the parties or their counsel shall be  
19 accorded ample opportunity to present any pertinent  
20 statements, testimony, evidence, and arguments. The Board or  
21 hearing officer may continue the hearing from time to time. In  
22 case the person, after receiving the notice, fails to file an  
23 answer, his or her license may, in the discretion of the  
24 Secretary, having first received the recommendation of the  
25 Board, be suspended, revoked, or placed on probationary status,

1 or be subject to whatever disciplinary action the Secretary  
2 considers proper, including limiting the scope, nature, or  
3 extent of the person's practice or the imposition of a fine,  
4 without hearing, if the act or acts charged constitute  
5 sufficient grounds for that action under this Act.

6 (d) The written notice and any notice in the subsequent  
7 proceeding may be served by regular or certified mail to the  
8 applicant's or licensee's address of record. Licenses may be  
9 refused, revoked, or suspended in the manner provided by this  
10 Act and not otherwise. The Department may upon its own motion  
11 and shall upon the verified complaint in writing of any person  
12 setting forth facts that if proven would constitute grounds for  
13 refusal to issue, suspend or revoke under this Act investigate  
14 the actions of any person applying for, holding or claiming to  
15 hold a license. The Department shall, before refusing to issue,  
16 renew, suspend or revoke any license or take other disciplinary  
17 action pursuant to Section 15 of this Act, and at least 30 days  
18 prior to the date set for the hearing, notify in writing the  
19 applicant for or the holder of such license of any charges  
20 made, shall afford such accused person an opportunity to be  
21 heard in person or by counsel in reference thereto, and direct  
22 the applicant or licensee to file a written answer to the Board  
23 under oath within 20 days after the service of the notice and  
24 inform the applicant or licensee that failure to file an answer  
25 will result in default being taken against the applicant or  
26 licensee and that the license or certificate may be suspended,

1 ~~revoked, placed on probationary status, or other disciplinary~~  
2 ~~action may be taken, including limiting the scope, nature or~~  
3 ~~extent of practice, as the Secretary may deem proper. Written~~  
4 ~~notice may be served by delivery of the same personally to the~~  
5 ~~accused person, or by mailing the same by certified mail to his~~  
6 ~~or her last known place of residence or to the place of~~  
7 ~~business last theretofore specified by the accused person in~~  
8 ~~his or her last notification to the Department. In case the~~  
9 ~~person fails to file an answer after receiving notice, his or~~  
10 ~~her license or certificate may, in the discretion of the~~  
11 ~~Department, be suspended, revoked, or placed on probationary~~  
12 ~~status, or the Department may take whatever disciplinary action~~  
13 ~~deemed proper, including limiting the scope, nature, or extent~~  
14 ~~of the person's practice or the imposition of a fine, without a~~  
15 ~~hearing, if the act or acts charged constitute sufficient~~  
16 ~~grounds for such action under this Act. At the time and place~~  
17 ~~fixed in the notice, the Board shall proceed to hearing of the~~  
18 ~~charges and both the accused person and the complainant shall~~  
19 ~~be accorded ample opportunity to present, in person or by~~  
20 ~~counsel, any statements, testimony, evidence and arguments as~~  
21 ~~may be pertinent to the charges or to their defense. The Board~~  
22 ~~may continue such hearing from time to time. If the Board shall~~  
23 ~~not be sitting at the time and place fixed in the notice or at~~  
24 ~~the time and place to which the hearing shall have been~~  
25 ~~continued, the Department shall continue such hearing for a~~  
26 ~~period not to exceed 30 days.~~

1 (Source: P.A. 94-870, eff. 6-16-06.)

2 (225 ILCS 15/16.1)

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

4 Sec. 16.1. Appointment of hearing officer. Notwithstanding  
5 any other provision of this Act, the Secretary shall have the  
6 authority to appoint any attorney duly licensed to practice law  
7 in the State of Illinois to serve as the hearing officer in any  
8 action for refusal to issue, renew or discipline a license. The  
9 hearing officer shall have full authority to conduct the  
10 hearing. The hearing officer shall report his or her findings  
11 of fact, conclusions of law, and recommendations to the Board  
12 and the Secretary. ~~The Board shall have 60 days after receipt~~  
13 ~~of the report to review the report of the hearing officer and~~  
14 ~~to present its findings of fact, conclusions of law and~~  
15 ~~recommendations to the Secretary. If the Board fails to present~~  
16 ~~its report within the 60 day period, the Secretary may issue an~~  
17 ~~order based on the report of the hearing officer. If the~~  
18 ~~Secretary disagrees with the recommendations of the Board or~~  
19 ~~hearing officer, the Secretary may issue an order in~~  
20 ~~contravention of the Board's report. The Secretary shall~~  
21 ~~promptly provide a written explanation to the Board on any such~~  
22 ~~disagreement.~~

23 (Source: P.A. 94-870, eff. 6-16-06.)

24 (225 ILCS 15/19) (from Ch. 111, par. 5369)



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

2 Sec. 19. Record of proceedings; transcript. The  
3 Department, at its expense, shall preserve a record of all  
4 proceedings at any formal hearing of any case. The notice of  
5 hearing, complaint and all other documents in the nature of  
6 pleadings and written motions filed in the proceedings, the  
7 transcript of testimony, the report of the Board and the orders  
8 of the Department shall be the record of the proceedings. The  
9 Department shall furnish a copy transcript of the record to any  
10 person upon payment of the fee required under Section 2105-115  
11 of the Department of Professional Regulation Law (20 ILCS  
12 2105/2105-115).

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

14 (225 ILCS 15/20) (from Ch. 111, par. 5370)

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

16 Sec. 20. Hearing Report; motion for rehearing.

17 (a) The Board or the hearing officer appointed by the  
18 Secretary shall hear evidence in support of the formal charges  
19 and evidence produced by the licensee. At the conclusion of the  
20 hearing, the Board shall present to the Secretary a written  
21 report of its findings of fact, conclusions of law, and  
22 recommendations.

23 (b) At the conclusion of the hearing, a copy of the Board  
24 or hearing officer's report shall be served upon the applicant  
25 or licensee by the Department, either personally or as provided

1 in this Act for the service of a notice of hearing. Within 20  
2 calendar days after service, the applicant or licensee may  
3 present to the Department a motion in writing for a rehearing,  
4 which shall specify the particular grounds for rehearing. The  
5 Department may respond to the motion for rehearing within 20  
6 calendar days after its service on the Department. If no motion  
7 for rehearing is filed, then upon the expiration of the time  
8 specified for filing such or motion, or upon denial of a motion  
9 for rehearing, the Secretary may enter an order in accordance  
10 with the recommendation of the Board or hearing officer. If the  
11 applicant or licensee orders from the reporting service and  
12 pays for a transcript of the record within the time for filing  
13 a motion for rehearing, the 20-day period within which a motion  
14 may be filed shall commence upon the delivery of the transcript  
15 to the applicant or licensee.

16 (c) If the Secretary disagrees in any regard with the  
17 report of the Board, the Secretary may issue an order contrary  
18 to the report.

19 (d) Whenever the Secretary is not satisfied that  
20 substantial justice has been done, the Secretary may order a  
21 rehearing by the same or another hearing officer.

22 (e) At any point in any investigation or disciplinary  
23 proceeding provided for in this Act, both parties may agree to  
24 a negotiated consent order. The consent order shall be final  
25 upon signature of the Secretary.

26 (f) Any fine imposed shall be payable within 60 days after

1 ~~the effective date of the order imposing the fine. The Board~~  
2 ~~shall present to the Secretary its written report of its~~  
3 ~~findings and recommendations. A copy of such report shall be~~  
4 ~~served upon the applicant or licensee, either personally or by~~  
5 ~~certified mail. Within 20 days after such service, the~~  
6 ~~applicant or licensee may present to the Department a motion in~~  
7 ~~writing for a rehearing, that shall specify the particular~~  
8 ~~grounds for the rehearing. If no motion for a rehearing is~~  
9 ~~filed, then upon the expiration of the time specified for~~  
10 ~~filing such a motion, or if a motion for rehearing is denied,~~  
11 ~~then upon such denial, the Secretary may enter an order in~~  
12 ~~accordance with recommendations of the Board, except as~~  
13 ~~provided in Section 16.1 of this Act. If the applicant or~~  
14 ~~licensee requests and pays for a transcript of the record~~  
15 ~~within the time for filing a motion for rehearing, the 20 day~~  
16 ~~period within which a motion may be filed shall commence upon~~  
17 ~~the delivery of the transcript.~~

18 (Source: P.A. 94-870, eff. 6-16-06.)

19 (225 ILCS 15/21) (from Ch. 111, par. 5371)

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

21 Sec. 21. Restoration of license. At any time after the  
22 suspension or revocation of any license, the Department may  
23 restore it to the licensee upon the written recommendation of  
24 the Board unless after an investigation and hearing the Board  
25 or Department determines that restoration is not in the public

1 interest. Where circumstances of suspension or revocation so  
2 indicate, the Department may require an examination of the  
3 accused person prior to restoring his or her license.

4 (Source: P.A. 89-702, eff. 7-1-97.)

5 (225 ILCS 15/23) (from Ch. 111, par. 5373)

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

7 Sec. 23. Certification of record. The Department shall not  
8 be required to certify any record to the court, file any answer  
9 in court or otherwise appear in any court in a judicial review  
10 proceedings, unless and until the Department has received from  
11 the plaintiff there is filed in the court with the complaint a  
12 receipt from the Department acknowledging payment of the costs  
13 of furnishing and certifying the record, which costs shall be  
14 determined by the Department. Failure on the part of the  
15 plaintiff to file a receipt in court shall be grounds for  
16 dismissal of the action.

17 (Source: P.A. 89-702, eff. 7-1-97.)

18 (225 ILCS 15/15.4 rep.)

19 Section 15. The Clinical Psychologist Licensing Act is  
20 amended by repealing Section 15.4.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."