

1 AN ACT in relation to counseling.

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

4 Section 5. The Professional Counselor and Clinical
5 Professional Counselor Licensing Act is amended by changing
6 Sections 20, 60, and 80 as follows:

7 (225 ILCS 107/20)

8 (Section scheduled to be repealed on December 31, 2002)

9 Sec. 20. Restrictions and limitations.

10 (a) No person shall, without a valid license as a
11 professional counselor issued by the Department: (i) in any
12 manner hold himself or herself out to the public as a
13 professional counselor under this Act; (ii) attach the title
14 "professional counselor" or "licensed professional
15 counselor"; or (iii) offer to render or render to
16 individuals, corporations, or the public professional
17 counseling services if the words "professional counselor" or
18 "licensed professional counselor" are used to describe the
19 person offering to render or rendering them, or "professional
20 counseling" is used to describe the services rendered or
21 offered to be rendered.

22 (b) No person shall, without a valid license as a
23 clinical professional counselor issued by the Department: (i)
24 in any manner hold himself or herself out to the public as a
25 clinical professional counselor or licensed clinical
26 professional counselor under this Act; (ii) attach the title
27 "clinical professional counselor" or "licensed clinical
28 professional counselor"; or (iii) offer to render to
29 individuals, corporations, or the public clinical
30 professional counseling services if the words "licensed
31 clinical professional counselor" are used to describe the

1 person to render or rendering them, or "clinical professional
2 counseling" is used to describe the services rendered or
3 offered to be rendered.

4 (c) Licensed professional counselors may not engage in
5 independent private practice as defined in this Act without a
6 clinical professional counseling license. In private
7 practice, a licensed professional counselor must practice at
8 all times under the order, control, and full professional
9 responsibility of a licensed clinical professional counselor,
10 a licensed clinical social worker, a licensed clinical
11 psychologist, or a psychiatrist, as defined in Section 1-121
12 of the Mental Health and Developmental Disabilities Code.

13 ~~(d) No association or partnership shall be granted a~~
14 ~~license unless every member, partner, and employee of the~~
15 ~~association or partnership who practices professional~~
16 ~~counseling or clinical professional counseling, or who~~
17 ~~renders professional counseling or clinical professional~~
18 ~~counseling services, holds a currently valid license issued~~
19 ~~under this Act. No license shall be issued to a corporation,~~
20 ~~the stated purpose of which includes or which practices or~~
21 ~~which holds itself out as available to practice professional~~
22 ~~counseling or clinical professional counseling unless it is~~
23 ~~organized under the Professional Service Corporation Act.~~

24 (e) Nothing in this Act shall be construed as permitting
25 persons licensed as professional counselors or clinical
26 professional counselors to engage in any manner in the
27 practice of medicine in all its branches as defined by law in
28 this State.

29 (f) When, in the course of providing professional
30 counseling or clinical professional counseling services to
31 any person, a professional counselor or clinical professional
32 counselor licensed under this Act finds indication of a
33 disease or condition that in his or her professional judgment
34 requires professional service outside the scope of practice

1 as defined in this Act, he or she shall refer that person to
2 a physician licensed to practice medicine in all of its
3 branches or another appropriate health care practitioner.

4 (Source: P.A. 87-1011.)

5 (225 ILCS 107/60)

6 (Section scheduled to be repealed on December 31, 2002)

7 Sec. 60. Fees. The fees imposed under this Act shall be
8 set by rule are as follows and are not refundable.:

9 (a) The fee for application for a professional counselor
10 or clinical professional counselor license is \$150.

11 (b) The fee for application for a temporary professional
12 counselor license or temporary clinical professional
13 counselor license is \$150.

14 (c) Applicants for examination shall pay, either to the
15 Department or to the designated testing service, a fee
16 covering the cost of providing the examination.

17 (d) The fee for the renewal of a license is \$60 per
18 year.

19 (e) The fee for the reinstatement of a license which has
20 been expired for less than 5 years is \$20, plus payment of
21 all unpaid fees for every year that has lapsed.

22 (f) The fee for the restoration of a license which has
23 been expired for more than 5 years is \$300.

24 (g) The fee for the issuance of a duplicate license, the
25 issuance of a replacement for a license that has been lost or
26 destroyed, or the issuance of a license with a change of name
27 or address, other than during the renewal period, is \$20. No
28 fee is required for name and address changes on Department
29 records when no duplicate license is issued.

30 (h) The fee for the certification of a license for any
31 purpose is \$20.

32 (i) The fee for rescoreing an examination is the cost to
33 the Department of rescoreing the examination, plus any fees

1 charged--by--the--applicable--testing--service--to--have--the
2 examination--repeared-

3 (j)--The--fee--for--copies--of--a--license--shall--be--the--actual
4 cost--of--producing--such--copies-

5 (k)--The--fee--for--a--roster--of--persons--licensed--as
6 professional--counselors--or--clinical--professional--counselors
7 is--the--actual--cost--of--producing--such--a--roster-

8 (l)--The--fee--for--application--for--a--license--by--a
9 professional--counselor--or--clinical--professional--counselor
10 registered--or--licensed--under--the--laws--of--another--jurisdiction
11 is--\$200-

12 (m)--The--fee--for--a--sponsor--of--continuing--education--shall
13 be--set--by--rule-

14 All of the fees collected under this Act shall be
15 deposited into the General Professions Dedicated Fund.

16 (Source: P.A. 87-1011; 87-1269; 88-683, eff. 1-24-95.)

17 (225 ILCS 107/80)

18 (Section scheduled to be repealed on December 31, 2002)

19 Sec. 80. Grounds for discipline.

20 (a) The Department may refuse to issue, renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary action as the Department deems appropriate,
23 including the issuance of fines not to exceed \$1000 for each
24 violation, with regard to any license for any one or more of
25 the following:

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

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

30 (3) Conviction of any crime under the laws of the
31 United States or any state or territory thereof that is a
32 felony, or that is a misdemeanor, an essential element of
33 which is dishonesty, or of any crime which is directly

1 related to the practice of the profession.

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

5 (5) Professional incompetence or gross negligence
6 in the rendering of professional counseling or clinical
7 professional counseling services.

8 (6) Malpractice.

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

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

13 (9) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public and violating the rules of
16 professional conduct adopted by the Department.

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

21 (11) Discipline by another jurisdiction, if at
22 least one of the grounds for the discipline is the same
23 or substantially equivalent to those set forth in this
24 Section.

25 (12) Directly or indirectly giving to or receiving
26 from any person, firm, corporation, partnership or
27 association any fee, commission, rebate or other form of
28 compensation for any professional service not actually
29 rendered.

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

33 (14) Abandonment of a client.

34 (15) Willfully filing false reports relating to a

1 licensee's practice, including but not limited to false
2 records filed with federal or State agencies or
3 departments.

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

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

14 (18) Physical or mental disability, including
15 deterioration through the aging process or loss of
16 abilities and skills which results in the inability to
17 practice the profession with reasonable judgment, skill,
18 or safety.

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

21 (20) Failure to file a return, or to pay the tax,
22 penalty or interest shown in a filed return, or to pay
23 any final assessment of tax, penalty or interest, as
24 required by any tax Act administered by the Illinois
25 Department of Revenue or any successor agency or the
26 Internal Revenue Service or any successor agency.

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

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

32 (23) Gross overcharging for professional services
33 including filing statements for collection of fees or
34 monies for which services are not rendered.

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

8 (b-1) In enforcing this Section, the Board, upon a
9 showing of a possible violation, may compel a licensee or
10 applicant to submit to a mental or physical examination, or
11 both, as required by and at the expense of the Department.
12 The examining physician or clinical psychologist shall be
13 specifically designated by the Board. The Board or the
14 Department may order (i) the examining physician to present
15 testimony concerning the mental or physical examination of a
16 licensee or applicant or (ii) the examining clinical
17 psychologist to present testimony concerning the mental
18 examination of a licensee or applicant. No information may
19 be excluded by reason of any common law or statutory
20 privilege relating to communications between a licensee or
21 applicant and the examining physician or clinical
22 psychologist. An individual to be examined may have, at his
23 or her own expense, another physician of his or her choice
24 present during all aspects of the examination. Failure of an
25 individual to submit to a mental or physical examination,
26 when directed, is grounds for suspension of his or her
27 license. The license must remain suspended until the time
28 that the individual submits to the examination or the Board
29 finds, after notice and a hearing, that the refusal to submit
30 to the examination was with reasonable cause.

31 (b-2) If the Board finds that an individual is unable to
32 practice because of the reasons set forth in this Section,
33 the Board must require the individual to submit to care,
34 counseling, or treatment by a physician or clinical

1 psychologist approved by the Board, as a condition, term, or
2 restriction for continued, reinstated, or renewed licensure
3 to practice. In lieu of care, counseling, or treatment, the
4 Board may recommend that the Department file a complaint to
5 immediately suspend or revoke the license of the individual
6 or otherwise discipline him or her. Any individual whose
7 license was granted, continued, reinstated, or renewed
8 subject to conditions, terms, or restrictions, as provided
9 for in this Section, or any individual who was disciplined or
10 placed on supervision pursuant to this Section must be
11 referred to the Director for a determination as to whether
12 the individual shall have his or her license suspended
13 immediately, pending a hearing by the Board.

14 (c) The determination by a court that a licensee is
15 subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code will result in an automatic suspension of his or her
18 license. The suspension will end upon a finding by a court
19 that the licensee is no longer subject to involuntary
20 admission or judicial admission, the issuance of an order so
21 finding and discharging the patient, and the recommendation
22 of the Board to the Director that the licensee be allowed to
23 resume professional practice.

24 (Source: P.A. 87-1011; 87-1269.)

25 (225 ILCS 107/55 rep.)

26 Section 10. The Professional Counselor and Clinical
27 Professional Counselor Licensing Act is amended by repealing
28 Section 55.

29 Section 90. The Regulatory Sunset Act is amended by
30 changing Section 4.13 and adding Section 4.23 as follows:

31 (5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

1 Sec. 4.13. Acts repealed on December 31, 2002. The
2 following Acts are repealed on December 31, 2002:

3 The Environmental Health Practitioner Licensing Act.

4 The Naprapathic Practice Act.

5 The Wholesale Drug Distribution Licensing Act.

6 The Dietetic and Nutrition Services Practice Act.

7 The Funeral Directors and Embalmers Licensing Code.

8 ~~The--Professional--Counselor--and--Clinical--Professional~~
9 ~~Counselor-Licensing-Act-~~

10 (Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

11 (5 ILCS 80/4.23 new)

12 Sec. 4.23. Act repealed on January 1, 2013. The
13 following Act is repealed on January 1, 2013:

14 The Professional Counselor and Clinical Professional
15 Counselor Licensing Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.