

1 AMENDMENT TO HOUSE BILL 3993

2 AMENDMENT NO. _____. Amend House Bill 3993 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.13 and adding Section 4.23 as follows:

6 (5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)
7 Sec. 4.13. Acts repealed on December 31, 2002. The
8 following Acts are repealed on December 31, 2002:

- 9 The Environmental Health Practitioner Licensing Act.
- 10 The Naprapathic Practice Act.
- 11 The Wholesale Drug Distribution Licensing Act.
- 12 The Dietetic and Nutrition Services Practice Act.
- 13 The Funeral Directors and Embalmers Licensing Code.
- 14 ~~The Professional Counselor and Clinical Professional~~
15 ~~Counselor Licensing Act.~~

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

17 (5 ILCS 80/4.23 new)
18 Sec. 4.23. Act repealed on January 1, 2013. The
19 following Act is repealed on January 1, 2013:

- 20 The Professional Counselor and Clinical Professional
21 Counselor Licensing Act.

1 Section 10. The Professional Counselor and Clinical
2 Professional Counselor Licensing Act is amended by changing
3 Sections 10, 15, 20, 30, 45, 60, and 80 and adding Section 21
4 as follows:

5 (225 ILCS 107/10)

6 (Section scheduled to be repealed on December 31, 2002)

7 Sec. 10. Definitions. As used in this Act:

8 "Department" means the Department of Professional
9 Regulation.

10 "Director" means the Director of Professional Regulation.

11 "Board" means the Professional Counselor Licensing and
12 Disciplinary Board as appointed by the Director.

13 "Person" means an individual, association, partnership,
14 or corporation.

15 "Professional counseling" means the provision of services
16 to individuals, couples, groups, families, and organizations
17 in any one or more of the fields of professional counseling.
18 Professional counseling includes, but is not limited to:

19 (1) social, emotional, educational, and career
20 testing and evaluation;

21 (2) a professional relationship between a counselor
22 and a client in which the counselor provides assistance
23 in coping with life issues that include relationships,
24 conflicts, problem solving, decision making, and
25 developmental concerns; and

26 (3) research.

27 Professional counseling may also include clinical
28 professional counseling as long as it is not conducted in
29 independent private practice as defined in this Act.

30 "Clinical professional counseling" means the provision of
31 professional counseling and mental health services, which
32 includes, but is not limited to, the application of clinical

1 counseling theory and techniques to prevent and alleviate
2 mental and emotional disorders and psychopathology and to
3 promote optimal mental health, rehabilitation, treatment,
4 testing, assessment, and evaluation. It also includes
5 clinical counseling and psychotherapy in a professional
6 relationship to assist individuals, couples, families,
7 groups, and organizations to alleviate emotional disorders,
8 to understand conscious and unconscious motivation, to
9 resolve emotional, relationship, and attitudinal conflicts,
10 and to modify behaviors that interfere with effective
11 emotional, social, adaptive, and intellectual functioning.

12 "Licensed professional counselor" and "professional
13 counselor" means a person who holds a license authorizing the
14 practice of professional counseling as defined in this Act.

15 "Licensed clinical professional counselor" and "clinical
16 professional counselor" means a person who holds a license
17 authorizing the independent practice of clinical professional
18 counseling in private practice as defined in this Act.

19 "Independent private practice of clinical professional
20 counseling" means the application of clinical professional
21 counseling knowledge and skills by a licensed clinical
22 professional counselor who (i) regulates and is responsible
23 for her or his own practice or treatment procedures and (ii)
24 is self-employed or works in a group practice or setting not
25 qualified under Internal Revenue Service regulations as a
26 not-for-profit business.

27 "Clinical supervision" or "supervision" means review of
28 aspects of counseling and case management in a face-to-face
29 meeting with the person under supervision.

30 "Qualified supervisor" or "qualified clinical supervisor"
31 means any person who is a licensed clinical professional
32 counselor, licensed clinical social worker, licensed clinical
33 psychologist, psychiatrist as defined in Section 1-121 of the
34 Mental Health and Developmental Disabilities Code, or other

1 supervisor as defined by rule. A qualified supervisor may be
2 provided at the applicant's place of work, or may be hired by
3 the applicant to provide supervision.

4 "License" means that which is required to practice
5 professional counseling or clinical professional counseling
6 as defined in this Act.

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

8 (225 ILCS 107/15)

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

10 Sec. 15. Exemptions.

11 (a) This Act does not prohibit any persons legally
12 regulated in this State by any other Act from engaging in the
13 practice for which they are authorized as long as they do not
14 represent themselves by the title of "professional
15 counselor", "licensed professional counselor", "clinical
16 professional counselor", or "licensed clinical professional
17 counselor". This Act does not prohibit the practice of
18 nonregulated professions whose practitioners are engaged in
19 the delivery of human services as long as these practitioners
20 do not represent themselves as or use the title of
21 "professional counselor", "licensed professional counselor",
22 "clinical professional counselor", or "licensed clinical
23 professional counselor".

24 (b) Nothing in this Act shall be construed to limit the
25 activities and services of a student, intern, or resident in
26 professional counseling or clinical professional counseling
27 seeking to fulfill educational requirements in order to
28 qualify for a license under this Act if these activities and
29 services constitute a part of the student's supervised course
30 of study, or an individual seeking to fulfill the post-degree
31 experience requirements in order to qualify for licensing
32 under this Act, as long as the activities and services are
33 not conducted in an independent practice, as defined in this

1 Act, if the activities and services are supervised as
2 specified in this Act, and that the student, intern, or
3 resident is designated by a title "intern" or "resident" or
4 other designation of trainee status. Nothing contained in
5 this Section shall be construed to permit students, interns,
6 or residents to offer their services as professional
7 counselors or clinical professional counselors to any other
8 person and to accept remuneration for such professional
9 counseling or clinical professional counseling services other
10 than as specifically excepted in this Section, unless they
11 have been licensed under this Act.

12 (c) Corporations, partnerships, and associations may
13 employ practicum students, interns, or post-degree candidates
14 seeking to fulfill educational requirements or the
15 professional experience requirements needed to qualify for a
16 license under this Act if their activities and services
17 constitute a part of the student's supervised course of study
18 or post-degree professional experience requirements. Nothing
19 in this paragraph shall prohibit a corporation, partnership,
20 or association from contracting with a licensed health care
21 professional to provide services that they are licensed to
22 provide.

23 (d) Nothing in this Act shall prevent the employment, by
24 a professional counselor or clinical professional counselor,
25 person, association, partnership, or a corporation furnishing
26 professional counseling or clinical professional counseling
27 services for remuneration, of persons not licensed as
28 professional counselors or clinical professional counselors
29 under this Act to perform services in various capacities as
30 needed if these persons are not in any manner held out to the
31 public or do not hold themselves out to the public by any
32 title or designation stating or implying that they are
33 professional counselors or clinical professional counselors.

34 (e) Nothing in this Act shall be construed to limit the

1 services of a person, not licensed under the provisions of
2 this Act, in the employ of a federal, State, county, or
3 municipal agency or other political subdivision or
4 not-for-profit corporation providing human services if (1)
5 the services are a part of the duties in his or her salaried
6 position, (2) the services are performed solely on behalf of
7 his or her employer, and (3) that person does not in any
8 manner represent himself or herself as or use the title of
9 "professional counselor", "licensed professional counselor",
10 "clinical professional counselor", or "licensed clinical
11 professional counselor".

12 (f) Duly recognized members of any religious
13 organization shall not be restricted from functioning in
14 their ministerial capacity provided they do not represent
15 themselves as being professional counselors or clinical
16 professional counselors, or as providing "professional
17 counseling" or "clinical professional counseling". This Act
18 shall not apply or be construed so as to apply to the
19 employees or agents of a church or religious organization or
20 an organization owned, controlled, or affiliated with a
21 church or religious organization, unless the church,
22 religious organization, or owned, controlled, or affiliated
23 organization designates or holds these employees or agents
24 out to the public as professional counselors or clinical
25 professional counselors or holds out their services as being
26 "professional counseling" or "clinical professional
27 counseling".

28 (g) Nothing in this Act shall prohibit individuals not
29 licensed under the provisions of this Act who work in
30 self-help groups or programs or not-for-profit organizations
31 from providing services in those groups, programs, or
32 organizations, as long as those persons are not in any manner
33 held out to the public as practicing professional counseling
34 or clinical professional counseling, or do not hold

1 themselves out to the public by any title or designation
2 stating or implying that they are professional counselors or
3 clinical professional counselors.

4 (h) Nothing in this Act shall be construed to limit the
5 activities and use of the official title of "professional
6 counselor" or "clinical professional counselor" on the part
7 of a person not licensed under this Act who is an academic
8 employee of a duly chartered institution of higher education
9 and who holds educational and professional qualifications
10 equivalent to those required for licensing under this Act,
11 insofar as such activities are performed in the person's role
12 as an academic employee, or insofar as such person engages in
13 public speaking with or without remuneration.

14 (i) Nothing in this Act shall be construed to require
15 licensure under this Act or limit the services of a school
16 counselor certified by the State Teacher Certification Board
17 and employed as authorized by Section 10-22-24a or any other
18 provision of the School Code as long as that person is not in
19 any manner held out to the public as a "professional
20 counselor" or "clinical professional counselor" or does not
21 hold out his or her services as being "professional
22 counseling" or "clinical professional counseling".

23 (j) Nothing in this Act shall be construed to require
24 any hospital, clinic, home health agency, hospice, or other
25 entity that provides health care to employ or to contract
26 with a person licensed under this Act to provide professional
27 counseling or clinical professional counseling services.
28 These persons may not hold themselves out or represent
29 themselves to the public as being licensed under this Act.

30 (k) Nothing in this Act shall be construed to require
31 licensure under this Act or limit the services of a person
32 employed by a private elementary or secondary school who
33 provides counseling within the scope of his or her employment
34 as long as that person is not in any manner held out to the

1 public as a "professional counselor" or "clinical
2 professional counselor" or does not hold out his or her
3 services as being "professional counseling" or "clinical
4 professional counseling".

5 (l) Nothing in this Act shall be construed to require
6 licensure under this Act or limit the services of a rape
7 crisis counselor who is an employee or volunteer of a rape
8 crisis organization as defined in Section 8-802.1 of the Code
9 of Civil Procedure as long as that person is not in any
10 manner held out to the public as a "professional counselor"
11 or "clinical professional counselor" or does not hold out his
12 or her services as being "professional counseling" or
13 "clinical professional counseling".

14 (m) Nothing in this Act shall be construed to prevent
15 any licensed social worker, licensed clinical social worker,
16 or licensed clinical psychologist from practicing
17 professional counseling as long as that person is not in any
18 manner held out to the public as a "professional counselor"
19 or "clinical professional counselor" or does not hold out his
20 or her services as being "professional counseling" or
21 "clinical professional counseling".

22 (n) Nothing in this Act shall be construed to limit the
23 activities and use of the official title of "professional
24 counselor" or "clinical professional counselor" on the part
25 of a person not licensed under this Act who is a physician
26 licensed to practice medicine in all of its branches under
27 the Medical Practice Act of 1987.

28 (o) Nothing in this Act shall be construed to require
29 licensure under this Act or limit the services of a domestic
30 violence counselor who is an employee or volunteer of a
31 domestic violence program as defined in Section 227 of the
32 Illinois Domestic Violence Act of 1986.

33 (Source: P.A. 87-1011; 87-1212; 87-1269; 88-45; 88-424;
34 88-670, eff. 12-2-94.)

1 (225 ILCS 107/20)

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

3 Sec. 20. Restrictions and limitations.

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

16 (b) No person shall, without a valid license as a
17 clinical professional counselor issued by the Department: (i)
18 in any manner hold himself or herself out to the public as a
19 clinical professional counselor or licensed clinical
20 professional counselor under this Act; (ii) attach the title
21 "clinical professional counselor" or "licensed clinical
22 professional counselor"; or (iii) offer to render to
23 individuals, corporations, or the public clinical
24 professional counseling services if--the--words--"licensed
25 clinical--professional--counselor"--are--used--to--describe--the
26 person--to--render--or--rendering--them,--or--"clinical--professional
27 counseling"--is--used--to--describe--the--services--rendered--or
28 offered--to--be--rendered.

29 (c) Licensed professional counselors may not engage in
30 independent private practice as defined in this Act without a
31 clinical professional counseling license. In an independent
32 private practice, a licensed professional counselor must
33 practice at all times under the order, control, and full
34 professional responsibility of a licensed clinical

1 professional counselor, a licensed clinical social worker, a
2 licensed clinical psychologist, or a psychiatrist, as defined
3 in Section 1-121 of the Mental Health and Developmental
4 Disabilities Code.

5 (d) No association or partnership shall practice
6 clinical professional counseling or professional counseling
7 ~~be-granted--a--license~~ unless every member, partner, and
8 employee of the association or partnership who practices
9 professional counseling or clinical professional counseling,
10 or who renders professional counseling or clinical
11 professional counseling services, holds a currently valid
12 license issued under this Act. No license shall be issued to
13 a corporation, the stated purpose of which includes or which
14 practices or which holds itself out as available to practice
15 professional counseling or clinical professional counseling
16 unless it is organized under the Professional Service
17 Corporation Act.

18 (e) Nothing in this Act shall be construed as permitting
19 persons licensed as professional counselors or clinical
20 professional counselors to engage in any manner in the
21 practice of medicine in all its branches as defined by law in
22 this State.

23 (f) When, in the course of providing professional
24 counseling or clinical professional counseling services to
25 any person, a professional counselor or clinical professional
26 counselor licensed under this Act finds indication of a
27 disease or condition that in his or her professional judgment
28 requires professional service outside the scope of practice
29 as defined in this Act, he or she shall refer that person to
30 a physician licensed to practice medicine in all of its
31 branches or another appropriate health care practitioner.

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

33 (225 ILCS 107/21 new)

1 Sec. 21. Unlicensed practice; violation; civil penalty.

2 (a) Any person who practices, offers to practice,
3 attempts to practice, or holds himself or herself out to
4 practice as a clinical professional counselor or professional
5 counselor without being licensed or exempt under this Act
6 shall, in addition to any other penalty provided by law, pay
7 a civil penalty to the Department in an amount not to exceed
8 \$5,000 for each offense, as determined by the Department. The
9 civil penalty shall be assessed by the Department after a
10 hearing is held in accordance with the provisions set forth
11 in this Act regarding the provision of a hearing for the
12 discipline of a licensee.

13 (b) The Department may investigate any actual, alleged,
14 or suspected unlicensed activity.

15 (c) The civil penalty shall be paid within 60 days after
16 the effective date of the order imposing the civil penalty.
17 The order shall constitute a final judgment and may be filed
18 and execution had thereon in the same manner as any judgment
19 from any court of record.

20 (225 ILCS 107/30) (from Ch. 111, par. 8451-30)

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

22 Sec. 30. Professional Counselor Examining and
23 Disciplinary Board.

24 (a) The Director shall appoint a Board which shall serve
25 in an advisory capacity to the Director. The Board shall
26 consist of 7 persons, 2 of whom are licensed solely as
27 professional counselors, 3 of whom are licensed solely as
28 clinical professional counselors, one full-time faculty
29 member of an accredited college or university that is engaged
30 in training professional counselors or clinical professional
31 counselors who possesses the qualifications substantially
32 equivalent to the education and experience requirements for a
33 professional counselor or clinical professional counselor,

1 and one member of the public who is not a licensed health
2 care provider. In appointing members of the Board, the
3 Director shall give due consideration to the adequate
4 representation of the various fields of counseling. In
5 appointing members of the Board, the Director shall give due
6 consideration to recommendations by members of the
7 professions of professional counseling and clinical
8 professional counseling, the Statewide organizations
9 representing the interests of professional counselors and
10 clinical professional counselors, organizations representing
11 the interests of academic programs, rehabilitation counseling
12 programs, and approved counseling programs in the State of
13 Illinois. ~~The initial appointees shall be licensed under this
14 Act within one year after appointment to the Board. Failure
15 on the part of an initial Board appointee to obtain a license
16 within one year may be cause for removal from the Board.~~

17 (b) Members shall be appointed for and shall serve 4
18 year terms and until their successors are appointed and
19 qualified, except that of the initial appointments 2 members
20 shall be appointed to serve for 2 years, 2 shall be appointed
21 to serve for 3 years, and the remaining shall be appointed to
22 serve for 4 years and until their successors are appointed
23 and qualified. No member shall be reappointed to the Board
24 for a term that would cause continuous service on the Board
25 to be longer than 8 years. Any appointment to fill a vacancy
26 shall be for the unexpired portion of the term.

27 (c) The membership of the Board should reasonably
28 reflect representation from different geographic areas of
29 Illinois.

30 (d) Any member appointed to fill a vacancy shall be
31 eligible for reappointment to only one full term.

32 (e) The Director may remove any member for cause at any
33 time prior to the expiration of his or her term.

34 (f) The Board shall annually elect one of its members as

1 chairperson.

2 (g) The members of the Board shall be reimbursed for all
3 legitimate, necessary, and authorized expenses incurred in
4 attending the meetings of the Board.

5 (h) The Board may make recommendations on matters
6 relating to approving graduate counseling, rehabilitation
7 counseling, psychology, and related programs.

8 (i) The Board may make recommendations on matters
9 relating to continuing education including the number of
10 hours necessary for license renewal, waivers for those unable
11 to meet such requirements, and acceptable course content.
12 These recommendations shall not impose an undue burden on the
13 Department or an unreasonable restriction on those seeking
14 license renewal.

15 (j) The Director shall give due consideration to all
16 recommendations of the Board.

17 (k) A majority of the Board members currently appointed
18 shall constitute a quorum. A vacancy in the membership of the
19 Board shall not impair the right of a quorum to perform all
20 of the duties of the Board.

21 (l) Members of the Board shall have no criminal, civil,
22 or professional liability in an action based upon a
23 disciplinary proceeding or other activity performed in good
24 faith as a member of the Board, except for willful or wanton
25 misconduct.

26 (Source: P.A. 87-1011; 87-1269; 88-424; 88-670, eff.
27 12-2-94.)

28 (225 ILCS 107/45)

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

30 Sec. 45. Qualifications for a license.

31 (a) Professional counselor. A person is qualified to be
32 licensed as a licensed professional counselor, and the
33 Department shall issue a license authorizing the practice of

1 professional counseling to an applicant who:

2 (1) has applied in writing on the prescribed form
3 and has paid the required fee;

4 (2) is at least 21 years of age and has not engaged
5 in conduct or activities which would constitute grounds
6 for discipline under this Act;

7 (3) is a graduate of:

8 (A) a master's or doctoral level program in
9 the field of counseling, rehabilitation counseling,
10 psychology, or similar degree program approved by
11 the Department; or

12 (B) an approved baccalaureate program in human
13 services or similar degree program approved by the
14 Department and can document the equivalent of 5
15 years of full-time satisfactory supervised
16 experience, as established by rule, under a
17 qualified supervisor;

18 (4) has passed an examination for the practice of
19 professional counseling as authorized by the Department;
20 and

21 (5) has paid the fees required by this Act.

22 Any person who has received certification by any State or
23 national organization whose standards are accepted by the
24 Department as being substantially similar to the standards in
25 this Act may apply for a professional counselor license and
26 need not be examined further.

27 (b) Clinical professional counselor. A person is
28 qualified to be licensed as a clinical professional
29 counselor, and the Department shall issue a license
30 authorizing the practice of clinical professional counseling
31 to an applicant who:

32 (1) has applied in writing on the prescribed form
33 and has paid the required fee;

34 (2) is at least 21 years of age and has not engaged

1 in conduct or activities which would constitute grounds
2 for discipline under this Act;

3 (3) is a graduate of:

4 (A) a master's level program in the field of
5 counseling, rehabilitation counseling, psychology,
6 or similar degree program approved by the Department
7 and has completed the equivalent of 2 years
8 full-time satisfactory supervised employment or
9 experience working as a clinical professional
10 counselor under the direction of a qualified
11 supervisor subsequent to the degree; or

12 (B) a doctoral program in the field of
13 counseling, rehabilitation counseling, psychology,
14 or similar program approved by the Department and
15 has completed the equivalent of 2 years full-time
16 satisfactory supervised employment or experience
17 working as a clinical professional counselor under
18 the direction of a qualified supervisor, at least
19 one year of which is subsequent to the degree;

20 (4) has passed the examination for the practice of
21 clinical professional counseling as authorized by the
22 Department; and

23 (5) has paid the fees required by this Act.

24 Any person who has received certification by any State or
25 national organization whose standards are accepted by the
26 Department as being substantially similar to the standards in
27 this Act may apply for a clinical professional counselor
28 license, and need not be examined further.

29 (c) Examination for applicants under this Act shall be
30 held at the discretion of the Department from time to time
31 but not less than once each year. The examination used shall
32 be authorized by the Department.

33 (d) Upon application and payment of the required fee, an
34 applicant who has an active license as a clinical

1 psychologist or a clinical social worker licensed under the
2 laws of this State may, without examination, be granted
3 registration as a licensed clinical professional counselor by
4 the Department.

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

6 (225 ILCS 107/60)

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

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

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

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

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

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

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

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

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

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

33 (i) The fee for rescoreing an examination is the cost to

1 the--Department--of--rescoring-the-examination, plus-any-fees
2 charged--by--the--applicable--testing--service--to--have--the
3 examination-rescored.

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

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

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

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

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

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

18 (225 ILCS 107/80)

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

20 Sec. 80. 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 action as the Department deems appropriate,
24 including the issuance of fines not to exceed \$1000 for each
25 violation, with regard to any license for any one or more of
26 the following:

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

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

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

1 which is dishonesty, or of any crime which is directly
2 related to the practice of the profession.

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

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

9 (6) Malpractice.

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

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

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

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

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

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

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

34 (14) Abandonment of a client.

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

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

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

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

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

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

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

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

33 (23) Gross overcharging for professional services
34 including filing statements for collection of fees or

1 monies for which services are not rendered.

2 (24) Rendering professional counseling or clinical
3 professional counseling services without a license or
4 practicing outside the scope of a license.

5 (25) Clinical supervisors failing to adequately and
6 responsibly monitor supervisees.

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

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 (d) In enforcing this Section, the Board, upon a showing
25 of a possible violation, may compel a licensee or applicant
26 to submit to a mental or physical examination, or both, as
27 required by and at the expense of the Department. The
28 examining physicians or clinical psychologists shall be those
29 specifically designated by the Board. The Board or the
30 Department may order (i) the examining physician to present
31 testimony concerning the mental or physical examination of a
32 licensee or applicant or (ii) the examining clinical
33 psychologist to present testimony concerning the mental
34 examination of a licensee or applicant. No information shall

1 be excluded by reason of any common law or statutory
2 privilege relating to communications between a licensee or
3 applicant and the examining physician or clinical
4 psychologist. An individual to be examined may have, at his
5 or her own expense, another physician or clinical
6 psychologist of his or her choice present during all aspects
7 of the examination. Failure of an individual to submit to a
8 mental or physical examination, when directed, is grounds for
9 suspension of his or her license. The license must remain
10 suspended until the person submits to the examination or the
11 Board finds, after notice and hearing, that the refusal to
12 submit to the examination was with reasonable cause.

13 If the Board finds an individual unable to practice
14 because of the reasons set forth in this Section, the Board
15 must require the individual to submit to care, counseling, or
16 treatment by a physician or clinical psychologist approved by
17 the Board, as a condition, term, or restriction for
18 continued, reinstated, or renewed licensure to practice. In
19 lieu of care, counseling, or treatment, the Board may
20 recommend that the Department file a complaint to immediately
21 suspend or revoke the license of the individual or otherwise
22 discipline the licensee.

23 Any individual whose license was granted, continued,
24 reinstated, or renewed subject to conditions, terms, or
25 restrictions, as provided for in this Section, or any
26 individual who was disciplined or placed on supervision
27 pursuant to this Section must be referred to the Director for
28 a determination as to whether the person shall have his or
29 her license suspended immediately, pending a hearing by the
30 Board.

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

32 (225 ILCS 107/55 rep.)

33 Section 15. The Professional Counselor and Clinical

1 Professional Counselor Licensing Act is amended by repealing
2 Section 55.

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