

1 AN ACT concerning the regulation of professions.

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

4 Section 5. The Regulatory Sunset Act is amended by
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 Acts repealed on December 31, 2002.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8 following Acts are repealed on December 31, 2002: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 Act repealed on January 1, 2013.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19 following Act is repealed on January 1, 2013: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 Funeral Directors and Embalmers Licensing Code.

21 Section 10. The Funeral Directors and Embalmers
22 Licensing Code is amended by changing Sections 5-15 and 15-15
23 as follows:

24 (225 ILCS 41/5-15)

25 (Section scheduled to be repealed on December 31, 2002)

26 Sec. 5-15. Expiration and renewal; inactive status;
27 continuing education. The expiration date and renewal period
28 for each license issued under this Article shall be set by

1 rule. The holder of a license as a licensed funeral director
2 may renew the license during the month preceding the
3 expiration date of the license by paying the required fee. A
4 licensed funeral director whose license has expired may have
5 the license reinstated within 5 years from the date of
6 expiration upon payment of the required reinstatement fee.
7 The reinstatement shall be effective as of the date of
8 reissuance of the license.

9 Any licensed funeral director whose license has been
10 expired for more than 5 years may have the license restored
11 only by fulfilling the requirements of the Department's rules
12 and by paying the required restoration fee. However, any
13 licensed funeral director whose license has expired while he
14 or she has been engaged (1) in federal service on active duty
15 with the Army of the United States, the United States Navy,
16 the Marine Corps, the Air Force, the Coast Guard, or the
17 State Militia called into the service or training of the
18 United States of America or (2) in training or education
19 under the supervision of the United States preliminary to
20 induction into the military service may have his or her
21 license restored without paying any lapsed renewal fees or
22 restoration fee or without passing any examination if, within
23 2 years after termination of the service, training or
24 education other than by dishonorable discharge, he or she
25 furnishes the Department with an affidavit to the effect that
26 he or she has been so engaged and that service, training or
27 education has been so terminated.

28 In addition to any other requirement for renewal of a
29 license or reinstatement of an expired license, beginning
30 with licenses renewed or reinstated in 1993, as a condition
31 for the renewal or reinstatement of a license as a licensed
32 funeral director, each licensee shall provide evidence to the
33 Department of completion of at least 12 hours of continuing
34 education during the 24 months preceding the expiration date

1 of the license, or in the case of reinstatement, during the
2 24 months preceding application for reinstatement. The
3 continuing education sponsors shall be approved by the Board.
4 In addition, any qualified continuing education course for
5 funeral directors offered by a college, university, the
6 Illinois Funeral Directors Association, Funeral Directors
7 Services Association of Greater Chicago, Cook County
8 Association of Funeral Home Owners, Inc., Illinois Selected
9 Morticians Association, Inc., National Funeral Directors
10 Association, National Foundation of Funeral Service, National
11 Selected Morticians, National Funeral Directors and
12 Morticians Association, Inc., International Order of the
13 Golden Rule, or an Illinois school of mortuary science shall
14 be accepted toward satisfaction of the continuing education
15 requirements.

16 The Department shall establish by rule a means for
17 verification of completion of the continuing education
18 required by this Section. This verification may be
19 accomplished through audits of records maintained by
20 licensees, by requiring the filing of continued education
21 certificates with the Department or a qualified organization
22 selected by the Department to maintain these records, or by
23 other means established by the Department.

24 A person who is licensed as a funeral director under this
25 Act and who has engaged in the practice of funeral directing
26 for at least 40 years shall be exempt from the continuing
27 education requirements of this Section. In addition, the
28 Department shall establish by rule an exemption or exception
29 for funeral directors who, by reason of advanced age, health
30 or other extreme condition should reasonably be excused from
31 the continuing education requirement upon explanation to the
32 Board, the approval of the Director, or both. Those persons,
33 identified above, who cannot attend on-site classes, shall
34 have the opportunity to comply by completing home study

1 courses designed for them by sponsors.

2 Any funeral director who notifies the Department in
3 writing on forms prescribed by the Department may elect to
4 place his or her license on an inactive status and shall be
5 excused from completion of continuing education requirements
6 until he or she notifies the Department in writing of an
7 intent to restore the license to active status. While on
8 ~~inactive status, the licensee shall only be required to pay a~~
9 ~~single fee, established by the Department, to have his or her~~
10 ~~license placed on inactive status.~~ Any licensee requesting
11 restoration from inactive status shall notify the Department
12 as provided by rule of the Department and pay the fee
13 required by the Department for restoration of the license.
14 Any licensee whose license is on inactive status shall not
15 practice in the State of Illinois.

16 Practice on a license that has lapsed or been placed in
17 inactive status is practicing without a license and a
18 violation of this Act.

19 (Source: P.A. 90-50, eff. 1-1-98.)

20 (225 ILCS 41/15-15)

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

22 Sec. 15-15. Complaints; investigations; hearings. The
23 Department may ~~shall~~ conduct regular inspections of all
24 funeral establishments to determine compliance with the
25 provisions of this Code. The Department may upon its own
26 motion and shall upon the verified complaint in writing of
27 any person setting forth facts that if proved would
28 constitute grounds for refusal, suspension, revocation, or
29 other disciplinary action investigate the action of any
30 person holding or claiming to hold a license under this Code.
31 The Department shall report to the Board, on at least a
32 quarterly basis, the status or disposition of all complaints
33 against, and investigations of, license holders. The

1 Department shall, before refusing to issue or renew,
2 suspending, revoking, or taking any other disciplinary action
3 with respect to any license and at least 30 days before the
4 date set for the hearing, notify in writing the licensee of
5 any charges made and shall direct that person to file a
6 written answer to the Board under oath within 20 days after
7 the service of the notice and inform that person that failure
8 to file an answer may result in default being taken and the
9 person's license or certificate may be suspended, revoked,
10 placed on probationary status, or other disciplinary action
11 may be taken, including limiting the scope, nature or extent
12 of practice, as the Director may deem proper. The Department
13 shall afford the licensee an opportunity to be heard in
14 person or by counsel in reference to the charges. Written
15 notice may be served by personal delivery to the licensee or
16 by mailing it by registered mail to the last known business
17 address of licensee. In case the person fails to file an
18 answer after receiving notice, his or her license or
19 certificate may, in the discretion of the Department, be
20 suspended, revoked, or placed on probationary status, or the
21 Department may take whatever disciplinary action deemed
22 proper, including limiting the scope, nature, or extent of
23 the person's practice or the imposition of a fine, without a
24 hearing, if the act or acts charged constitute sufficient
25 grounds for such action under this Act. The hearing on the
26 charges shall be at a time and place as the Department shall
27 prescribe. The Department may appoint a hearing officer to
28 conduct the hearing. The Department shall notify the Board of
29 the time and place of the hearing and Board members shall be
30 allowed to sit at the hearing. The Department has the power
31 to subpoena and bring before it any person in this State, or
32 take testimony of any person by deposition, with the same
33 fees and mileage, in the same manner as prescribed by law in
34 judicial proceedings in circuit courts of this State in civil

1 cases. If the Department determines that any licensee is
2 guilty of a violation of any of the provisions of this Code,
3 disciplinary action shall be taken against the licensee. The
4 Department may take disciplinary action without a formal
5 hearing subject to Section 10-70 of the Illinois
6 Administrative Procedure Act.

7 (Source: P.A. 87-966; 88-45.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.