

1 AMENDMENT TO SENATE BILL 1686

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1686, on page 1,  
3 immediately below line 21, by inserting the following:

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

8 (225 ILCS 107/10)

9 (Section scheduled to be repealed on December 31, 2002)

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

11 "Department" means the Department of Professional  
12 Regulation.

13 "Director" means the Director of Professional Regulation.

14 "Board" means the Professional Counselor Licensing and  
15 Disciplinary Board as appointed by the Director.

16 "Person" means an individual, association, partnership,  
17 or corporation.

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

22 (1) social, emotional, educational, and career

1 testing and evaluation;

2 (2) a professional relationship between a counselor  
3 and a client in which the counselor provides assistance  
4 in coping with life issues that include relationships,  
5 conflicts, problem solving, decision making, and  
6 developmental concerns; and

7 (3) research.

8 Professional counseling may also include clinical  
9 professional counseling as long as it is not conducted in  
10 independent private practice as defined in this Act.

11 "Clinical professional counseling" means the provision of  
12 professional counseling and mental health services, which  
13 includes, but is not limited to, the application of clinical  
14 counseling theory and techniques to prevent and alleviate  
15 mental and emotional disorders and psychopathology and to  
16 promote optimal mental health, rehabilitation, treatment,  
17 testing, assessment, and evaluation. It also includes  
18 clinical counseling and psychotherapy in a professional  
19 relationship to assist individuals, couples, families,  
20 groups, and organizations to alleviate emotional disorders,  
21 to understand conscious and unconscious motivation, to  
22 resolve emotional, relationship, and attitudinal conflicts,  
23 and to modify behaviors that interfere with effective  
24 emotional, social, adaptive, and intellectual functioning.

25 "Licensed professional counselor" and "professional  
26 counselor" means a person who holds a license authorizing the  
27 practice of professional counseling as defined in this Act.

28 "Licensed clinical professional counselor" and "clinical  
29 professional counselor" means a person who holds a license  
30 authorizing the independent practice of clinical professional  
31 counseling in private practice as defined in this Act.

32 "Independent private practice of clinical professional  
33 counseling" means the application of clinical professional  
34 counseling knowledge and skills by a licensed clinical

1 professional counselor who (i) regulates and is responsible  
2 for her or his own practice or treatment procedures and (ii)  
3 is self-employed or works in a group practice or setting not  
4 qualified under Internal Revenue Service regulations as a  
5 not-for-profit business.

6 "Clinical supervision" or "supervision" means review of  
7 aspects of counseling and case management in a face-to-face  
8 meeting with the person under supervision.

9 "Qualified supervisor" or "qualified clinical supervisor"  
10 means any person who is a licensed clinical professional  
11 counselor, licensed clinical social worker, licensed clinical  
12 psychologist, psychiatrist as defined in Section 1-121 of the  
13 Mental Health and Developmental Disabilities Code, or other  
14 supervisor as defined by rule. A qualified supervisor may be  
15 provided at the applicant's place of work, or may be hired by  
16 the applicant to provide supervision.

17 "License" means that which is required to practice  
18 professional counseling or clinical professional counseling  
19 as defined in this Act.

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

21 (225 ILCS 107/15)

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

23 Sec. 15. Exemptions.

24 (a) This Act does not prohibit any persons legally  
25 regulated in this State by any other Act from engaging in the  
26 practice for which they are authorized as long as they do not  
27 represent themselves by the title of "professional  
28 counselor", "licensed professional counselor", "clinical  
29 professional counselor", or "licensed clinical professional  
30 counselor". This Act does not prohibit the practice of  
31 nonregulated professions whose practitioners are engaged in  
32 the delivery of human services as long as these practitioners  
33 do not represent themselves as or use the title of

1 "professional counselor", "licensed professional counselor",  
2 "clinical professional counselor", or "licensed clinical  
3 professional counselor".

4 (b) Nothing in this Act shall be construed to limit the  
5 activities and services of a student, intern, or resident in  
6 professional counseling or clinical professional counseling  
7 seeking to fulfill educational requirements in order to  
8 qualify for a license under this Act if these activities and  
9 services constitute a part of the student's supervised course  
10 of study, or an individual seeking to fulfill the post-degree  
11 experience requirements in order to qualify for licensing  
12 under this Act, as long as the activities and services are  
13 not conducted in an independent practice, as defined in this  
14 Act, if the activities and services are supervised as  
15 specified in this Act, and that the student, intern, or  
16 resident is designated by a title "intern" or "resident" or  
17 other designation of trainee status. Nothing contained in  
18 this Section shall be construed to permit students, interns,  
19 or residents to offer their services as professional  
20 counselors or clinical professional counselors to any other  
21 person and to accept remuneration for such professional  
22 counseling or clinical professional counseling services other  
23 than as specifically excepted in this Section, unless they  
24 have been licensed under this Act.

25 (c) Corporations, partnerships, and associations may  
26 employ practicum students, interns, or post-degree candidates  
27 seeking to fulfill educational requirements or the  
28 professional experience requirements needed to qualify for a  
29 license under this Act if their activities and services  
30 constitute a part of the student's supervised course of study  
31 or post-degree professional experience requirements. Nothing  
32 in this paragraph shall prohibit a corporation, partnership,  
33 or association from contracting with a licensed health care  
34 professional to provide services that they are licensed to

1 provide.

2 (d) Nothing in this Act shall prevent the employment, by  
3 a professional counselor or clinical professional counselor,  
4 person, association, partnership, or a corporation furnishing  
5 professional counseling or clinical professional counseling  
6 services for remuneration, of persons not licensed as  
7 professional counselors or clinical professional counselors  
8 under this Act to perform services in various capacities as  
9 needed if these persons are not in any manner held out to the  
10 public or do not hold themselves out to the public by any  
11 title or designation stating or implying that they are  
12 professional counselors or clinical professional counselors.

13 (e) Nothing in this Act shall be construed to limit the  
14 services of a person, not licensed under the provisions of  
15 this Act, in the employ of a federal, State, county, or  
16 municipal agency or other political subdivision or  
17 not-for-profit corporation providing human services if (1)  
18 the services are a part of the duties in his or her salaried  
19 position, (2) the services are performed solely on behalf of  
20 his or her employer, and (3) that person does not in any  
21 manner represent himself or herself as or use the title of  
22 "professional counselor", "licensed professional counselor",  
23 "clinical professional counselor", or "licensed clinical  
24 professional counselor".

25 (f) Duly recognized members of any religious  
26 organization shall not be restricted from functioning in  
27 their ministerial capacity provided they do not represent  
28 themselves as being professional counselors or clinical  
29 professional counselors, or as providing "professional  
30 counseling" or "clinical professional counseling". This Act  
31 shall not apply or be construed so as to apply to the  
32 employees or agents of a church or religious organization or  
33 an organization owned, controlled, or affiliated with a  
34 church or religious organization, unless the church,

1 religious organization, or owned, controlled, or affiliated  
2 organization designates or holds these employees or agents  
3 out to the public as professional counselors or clinical  
4 professional counselors or holds out their services as being  
5 "professional counseling" or "clinical professional  
6 counseling".

7 (g) Nothing in this Act shall prohibit individuals not  
8 licensed under the provisions of this Act who work in  
9 self-help groups or programs or not-for-profit organizations  
10 from providing services in those groups, programs, or  
11 organizations, as long as those persons are not in any manner  
12 held out to the public as practicing professional counseling  
13 or clinical professional counseling, or do not hold  
14 themselves out to the public by any title or designation  
15 stating or implying that they are professional counselors or  
16 clinical professional counselors.

17 (h) Nothing in this Act shall be construed to limit the  
18 activities and use of the official title of "professional  
19 counselor" or "clinical professional counselor" on the part  
20 of a person not licensed under this Act who is an academic  
21 employee of a duly chartered institution of higher education  
22 and who holds educational and professional qualifications  
23 equivalent to those required for licensing under this Act,  
24 insofar as such activities are performed in the person's role  
25 as an academic employee, or insofar as such person engages in  
26 public speaking with or without remuneration.

27 (i) Nothing in this Act shall be construed to require  
28 licensure under this Act or limit the services of a school  
29 counselor certified by the State Teacher Certification Board  
30 and employed as authorized by Section 10-22-24a or any other  
31 provision of the School Code as long as that person is not in  
32 any manner held out to the public as a "professional  
33 counselor" or "clinical professional counselor" or does not  
34 hold out his or her services as being "professional

1 counseling" or "clinical professional counseling".

2 (j) Nothing in this Act shall be construed to require  
3 any hospital, clinic, home health agency, hospice, or other  
4 entity that provides health care to employ or to contract  
5 with a person licensed under this Act to provide professional  
6 counseling or clinical professional counseling services.  
7 These persons may not hold themselves out or represent  
8 themselves to the public as being licensed under this Act.

9 (k) Nothing in this Act shall be construed to require  
10 licensure under this Act or limit the services of a person  
11 employed by a private elementary or secondary school who  
12 provides counseling within the scope of his or her employment  
13 as long as that person is not in any manner held out to the  
14 public as a "professional counselor" or "clinical  
15 professional counselor" or does not hold out his or her  
16 services as being "professional counseling" or "clinical  
17 professional counseling".

18 (l) Nothing in this Act shall be construed to require  
19 licensure under this Act or limit the services of a rape  
20 crisis counselor who is an employee or volunteer of a rape  
21 crisis organization as defined in Section 8-802.1 of the Code  
22 of Civil Procedure as long as that person is not in any  
23 manner held out to the public as a "professional counselor"  
24 or "clinical professional counselor" or does not hold out his  
25 or her services as being "professional counseling" or  
26 "clinical professional counseling".

27 (m) Nothing in this Act shall be construed to prevent  
28 any licensed social worker, licensed clinical social worker,  
29 or licensed clinical psychologist from practicing  
30 professional counseling as long as that person is not in any  
31 manner held out to the public as a "professional counselor"  
32 or "clinical professional counselor" or does not hold out his  
33 or her services as being "professional counseling" or  
34 "clinical professional counseling".

1 (n) Nothing in this Act shall be construed to limit the  
2 activities and use of the official title of "professional  
3 counselor" or "clinical professional counselor" on the part  
4 of a person not licensed under this Act who is a physician  
5 licensed to practice medicine in all of its branches under  
6 the Medical Practice Act of 1987.

7 (o) Nothing in this Act shall be construed to require  
8 licensure under this Act or limit the services of a domestic  
9 violence counselor who is an employee or volunteer of a  
10 domestic violence program as defined in Section 227 of the  
11 Illinois Domestic Violence Act of 1986.

12 (Source: P.A. 87-1011; 87-1212; 87-1269; 88-45; 88-424;  
13 88-670, eff. 12-2-94.)

14 (225 ILCS 107/20)

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

16 Sec. 20. Restrictions and limitations.

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

29 (b) No person shall, without a valid license as a  
30 clinical professional counselor issued by the Department: (i)  
31 in any manner hold himself or herself out to the public as a  
32 clinical professional counselor or licensed clinical  
33 professional counselor under this Act; (ii) attach the title



1 "clinical professional counselor" or "licensed clinical  
2 professional counselor"; or (iii) offer to render to  
3 individuals, corporations, or the public clinical  
4 professional counseling services if--the--words--"licensed  
5 clinical--professional--counselor"--are--used--to--describe--the  
6 person--to--render--or--rendering--them,--or--"clinical--professional  
7 counseling"--is--used--to--describe--the--services--rendered--or  
8 offered--to--be--rendered.

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

19 (d) No association or partnership shall practice  
20 clinical professional counseling or professional counseling  
21 be-granted--a--license unless every member, partner, and  
22 employee of the association or partnership who practices  
23 professional counseling or clinical professional counseling,  
24 or who renders professional counseling or clinical  
25 professional counseling services, holds a currently valid  
26 license issued under this Act. No license shall be issued to  
27 a corporation, the stated purpose of which includes or which  
28 practices or which holds itself out as available to practice  
29 professional counseling or clinical professional counseling  
30 unless it is organized under the Professional Service  
31 Corporation Act.

32 (e) Nothing in this Act shall be construed as permitting  
33 persons licensed as professional counselors or clinical  
34 professional counselors to engage in any manner in the

1 practice of medicine in all its branches as defined by law in  
2 this State.

3 (f) When, in the course of providing professional  
4 counseling or clinical professional counseling services to  
5 any person, a professional counselor or clinical professional  
6 counselor licensed under this Act finds indication of a  
7 disease or condition that in his or her professional judgment  
8 requires professional service outside the scope of practice  
9 as defined in this Act, he or she shall refer that person to  
10 a physician licensed to practice medicine in all of its  
11 branches or another appropriate health care practitioner.

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

13 (225 ILCS 107/21 new)

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

15 (a) Any person who practices, offers to practice,  
16 attempts to practice, or holds himself or herself out to  
17 practice as a clinical professional counselor or professional  
18 counselor without being licensed or exempt under this Act  
19 shall, in addition to any other penalty provided by law, pay  
20 a civil penalty to the Department in an amount not to exceed  
21 \$5,000 for each offense, as determined by the Department. The  
22 civil penalty shall be assessed by the Department after a  
23 hearing is held in accordance with the provisions set forth  
24 in this Act regarding the provision of a hearing for the  
25 discipline of a licensee.

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

28 (c) The civil penalty shall be paid within 60 days after  
29 the effective date of the order imposing the civil penalty.  
30 The order shall constitute a final judgment and may be filed  
31 and execution had thereon in the same manner as any judgment  
32 from any court of record.

1 (225 ILCS 107/30) (from Ch. 111, par. 8451-30)  
2 (Section scheduled to be repealed on December 31, 2002)  
3 Sec. 30. Professional Counselor Examining and  
4 Disciplinary Board.

5 (a) The Director shall appoint a Board which shall serve  
6 in an advisory capacity to the Director. The Board shall  
7 consist of 7 persons, 2 of whom are licensed solely as  
8 professional counselors, 3 of whom are licensed solely as  
9 clinical professional counselors, one full-time faculty  
10 member of an accredited college or university that is engaged  
11 in training professional counselors or clinical professional  
12 counselors who possesses the qualifications substantially  
13 equivalent to the education and experience requirements for a  
14 professional counselor or clinical professional counselor,  
15 and one member of the public who is not a licensed health  
16 care provider. In appointing members of the Board, the  
17 Director shall give due consideration to the adequate  
18 representation of the various fields of counseling. In  
19 appointing members of the Board, the Director shall give due  
20 consideration to recommendations by members of the  
21 professions of professional counseling and clinical  
22 professional counseling, the Statewide organizations  
23 representing the interests of professional counselors and  
24 clinical professional counselors, organizations representing  
25 the interests of academic programs, rehabilitation counseling  
26 programs, and approved counseling programs in the State of  
27 Illinois. ~~The initial appointees shall be licensed under this~~  
28 ~~Act within one year after appointment to the Board. Failure~~  
29 ~~on the part of an initial Board appointee to obtain a license~~  
30 ~~within one year may be cause for removal from the Board.~~

31 (b) Members shall be appointed for and shall serve 4  
32 year terms and until their successors are appointed and  
33 qualified, except that of the initial appointments 2 members  
34 shall be appointed to serve for 2 years, 2 shall be appointed

1 to serve for 3 years, and the remaining shall be appointed to  
2 serve for 4 years and until their successors are appointed  
3 and qualified. No member shall be reappointed to the Board  
4 for a term that would cause continuous service on the Board  
5 to be longer than 8 years. Any appointment to fill a vacancy  
6 shall be for the unexpired portion of the term.

7 (c) The membership of the Board should reasonably  
8 reflect representation from different geographic areas of  
9 Illinois.

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

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

14 (f) The Board shall annually elect one of its members as  
15 chairperson.

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

19 (h) The Board may make recommendations on matters  
20 relating to approving graduate counseling, rehabilitation  
21 counseling, psychology, and related programs.

22 (i) The Board may make recommendations on matters  
23 relating to continuing education including the number of  
24 hours necessary for license renewal, waivers for those unable  
25 to meet such requirements, and acceptable course content.  
26 These recommendations shall not impose an undue burden on the  
27 Department or an unreasonable restriction on those seeking  
28 license renewal.

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

31 (k) A majority of the Board members currently appointed  
32 shall constitute a quorum. A vacancy in the membership of the  
33 Board shall not impair the right of a quorum to perform all  
34 of the duties of the Board.

1       (1) Members of the Board shall have no criminal, civil,  
 2       or professional liability in an action based upon a  
 3       disciplinary proceeding or other activity performed in good  
 4       faith as a member of the Board, except for willful or wanton  
 5       misconduct.

6       (Source: P.A. 87-1011; 87-1269; 88-424; 88-670, eff.  
 7       12-2-94.)

8       (225 ILCS 107/45)

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

10      Sec. 45. Qualifications for a license.

11      (a) Professional counselor. A person is qualified to be  
 12      licensed as a licensed professional counselor, and the  
 13      Department shall issue a license authorizing the practice of  
 14      professional counseling to an applicant who:

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

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

20           (3) is a graduate of:

21                   (A) a master's or doctoral level program in  
 22                   the field of counseling, rehabilitation counseling,  
 23                   psychology, or similar degree program approved by  
 24                   the Department; or

25                   (B) an approved baccalaureate program in human  
 26                   services or similar degree program approved by the  
 27                   Department and can document the equivalent of 5  
 28                   years of full-time satisfactory supervised  
 29                   experience, as established by rule, under a  
 30                   qualified supervisor;

31           (4) has passed an examination for the practice of  
 32      professional counseling as authorized by the Department;  
 33      and

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

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

7 (b) Clinical professional counselor. A person is  
8 qualified to be licensed as a clinical professional  
9 counselor, and the Department shall issue a license  
10 authorizing the practice of clinical professional counseling  
11 to an applicant who:

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

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

17 (3) is a graduate of:

18 (A) a master's level program in the field of  
19 counseling, rehabilitation counseling, psychology,  
20 or similar degree program approved by the Department  
21 and has completed the equivalent of 2 years  
22 full-time satisfactory supervised employment or  
23 experience working as a clinical professional  
24 counselor under the direction of a qualified  
25 supervisor subsequent to the degree; or

26 (B) a doctoral program in the field of  
27 counseling, rehabilitation counseling, psychology,  
28 or similar program approved by the Department and  
29 has completed the equivalent of 2 years full-time  
30 satisfactory supervised employment or experience  
31 working as a clinical professional counselor under  
32 the direction of a qualified supervisor, at least  
33 one year of which is subsequent to the degree;

34 (4) has passed the examination for the practice of

1 clinical professional counseling as authorized by the  
2 Department; and

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

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

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

13 (d) Upon application and payment of the required fee, an  
14 applicant who has an active license as a clinical  
15 psychologist or a clinical social worker licensed under the  
16 laws of this State may, without examination, be granted  
17 registration as a licensed clinical professional counselor by  
18 the Department.

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

20 (225 ILCS 107/60)

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

22 Sec. 60. Fees. The fees imposed under this Act shall be  
23 set by rule are-as-fellows and are not refundable.†

24 (a)--The-fee-for-application-for-a-professional-counselor  
25 or-clinical-professional-counselor-license-is-\$150-

26 (b)--The-fee-for-application-for-a-temporary-professional  
27 counselor---license---or---temporary---clinical--professional  
28 counselor-license-is-\$150-

29 (c)--Applicants-for-examination-shall-pay, either-to--the  
30 Department--or--to--the--designated--testing--service,--a-fee  
31 covering-the-cost-of-providing-the-examination-

32 (d)--The-fee-for-the-renewal-of--a--license--is--\$60--per  
33 year-

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

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

6           (g) -- The fee for the issuance of a duplicate license, the  
7           issuance of a replacement for a license that has been lost or  
8           destroyed, or the issuance of a license with a change of name  
9           or address, other than during the renewal period, is \$20. No  
10          fee is required for name and address changes on Department  
11          records when no duplicate license is issued.

12          (h) -- The fee for the certification of a license for any  
13          purpose is \$20.

14          (i) -- The fee for rescoreing an examination is the cost to  
15          the Department of rescoreing the examination, plus any fees  
16          charged by the applicable testing service to have the  
17          examination rescored.

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

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

23          (l) -- The fee for application for a license by a  
24          professional counselor or clinical professional counselor  
25          registered or licensed under the laws of another jurisdiction  
26          is \$200.

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

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

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

32                   (225 ILCS 107/80)

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



1           Sec. 80. Grounds for discipline.

2           (a) The Department may refuse to issue, renew, or may  
3 revoke, suspend, place on probation, reprimand, or take other  
4 disciplinary action as the Department deems appropriate,  
5 including the issuance of fines not to exceed \$1000 for each  
6 violation, with regard to any license for any one or more of  
7 the following:

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

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

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

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

20          (5) Professional incompetence or gross negligence  
21 in the rendering of professional counseling or clinical  
22 professional counseling services.

23          (6) Malpractice.

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

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

28          (9) Engaging in dishonorable, unethical, or  
29 unprofessional conduct of a character likely to deceive,  
30 defraud, or harm the public and violating the rules of  
31 professional conduct adopted by the Department.

32          (10) Habitual or excessive use or addiction to  
33 alcohol, narcotics, stimulants, or any other chemical  
34 agent or drug which results in inability to practice with

1 reasonable skill, judgment, or safety.

2 (11) Discipline by another jurisdiction, if at  
3 least one of the grounds for the discipline is the same  
4 or substantially equivalent to those set forth in this  
5 Section.

6 (12) Directly or indirectly giving to or receiving  
7 from any person, firm, corporation, partnership or  
8 association any fee, commission, rebate or other form of  
9 compensation for any professional service not actually  
10 rendered.

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

14 (14) Abandonment of a client.

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

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

22 (17) Being named as a perpetrator in an indicated  
23 report by the Department of Children and Family Services  
24 pursuant to the Abused and Neglected Child Reporting Act,  
25 and upon proof by clear and convincing evidence that the  
26 licensee has caused a child to be an abused child or  
27 neglected child as defined in the Abused and Neglected  
28 Child Reporting Act.

29 (18) Physical or mental disability, including  
30 deterioration through the aging process or loss of  
31 abilities and skills which results in the inability to  
32 practice the profession with reasonable judgment, skill,  
33 or safety.

34 (19) Solicitation of professional services by using

1 false or misleading advertising.

2 (20) Failure to file a return, or to pay the tax,  
3 penalty or interest shown in a filed return, or to pay  
4 any final assessment of tax, penalty or interest, as  
5 required by any tax Act administered by the Illinois  
6 Department of Revenue or any successor agency or the  
7 Internal Revenue Service or any successor agency.

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

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

13 (23) Gross overcharging for professional services  
14 including filing statements for collection of fees or  
15 monies for which services are not rendered.

16 (24) Rendering professional counseling or clinical  
17 professional counseling services without a license or  
18 practicing outside the scope of a license.

19 (25) Clinical supervisors failing to adequately and  
20 responsibly monitor supervisees.

21 (b) The Department shall deny, without hearing, any  
22 application or renewal for a license under this Act to any  
23 person who has defaulted on an educational loan guaranteed by  
24 the Illinois State Assistance Commission; however, the  
25 Department may issue a license or renewal if the person in  
26 default has established a satisfactory repayment record as  
27 determined by the Illinois Student Assistance Commission.

28 (c) The determination by a court that a licensee is  
29 subject to involuntary admission or judicial admission as  
30 provided in the Mental Health and Developmental Disabilities  
31 Code will result in an automatic suspension of his or her  
32 license. The suspension will end upon a finding by a court  
33 that the licensee is no longer subject to involuntary  
34 admission or judicial admission, the issuance of an order so

1 finding and discharging the patient, and the recommendation  
2 of the Board to the Director that the licensee be allowed to  
3 resume professional practice.

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

27 If the Board finds an individual unable to practice  
28 because of the reasons set forth in this Section, the Board  
29 must require the individual to submit to care, counseling, or  
30 treatment by a physician or clinical psychologist approved by  
31 the Board, as a condition, term, or restriction for  
32 continued, reinstated, or renewed licensure to practice. In  
33 lieu of care, counseling, or treatment, the Board may  
34 recommend that the Department file a complaint to immediately

1 suspend or revoke the license of the individual or otherwise  
2 discipline the licensee.

3 Any individual whose license was granted, continued,  
4 reinstated, or renewed subject to conditions, terms, or  
5 restrictions, as provided for in this Section, or any  
6 individual who was disciplined or placed on supervision  
7 pursuant to this Section must be referred to the Director for  
8 a determination as to whether the person shall have his or  
9 her license suspended immediately, pending a hearing by the  
10 Board.

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

12 (225 ILCS 107/55 rep.)

13 Section 15. The Professional Counselor and Clinical  
14 Professional Counselor Licensing Act is amended by repealing  
15 Section 55."