

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 Sections 4.13 and 4.17 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 Acts repealed on December 31, 2002.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8 following Acts are repealed on December 31, 2002: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 80/4.17)

18 Sec. 4.17. Acts repealed on January 1, 2007. The
19 following are repealed on January 1, 2007:

20 The Boiler and Pressure Vessel Repairer Regulation
21 Act.

22 The Structural Pest Control Act.

23 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB,
24 VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois
25 Insurance Code.

26 The Clinical Psychologist Licensing Act.

27 The Illinois Optometric Practice Act of 1987.

28 The Medical Practice Act of 1987.

29 The Environmental Health Practitioner Licensing Act.

30 (Source: P.A. 89-467, eff. 1-1-97; 89-484, eff. 6-21-96;

1 89-594, eff. 8-1-96; 89-702, eff. 7-1-97.)

2 Section 10. The Environmental Health Practitioner
3 Licensing Act is amended by changing Sections 10, 15, 16, 18,
4 21, 25, 26, 35, and 50 and adding Sections 20.1, 22, 23, and
5 56 as follows:

6 (225 ILCS 37/10)

7 (Section scheduled to be repealed on December 31, 2002)

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

9 "Board" means the Environmental Health Practitioners
10 Board as created in this Act.

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

13 "Director" means the Director of Professional Regulation.

14 "Environmental health inspector" means an individual who,
15 in support of and under the general supervision of a licensed
16 environmental health practitioner or licensed professional
17 engineer, practices environmental health and meets the
18 educational qualifications of an environmental health
19 inspector.

20 "Environmental health practice" is the practice of
21 environmental health by licensed environmental health
22 practitioners within the meaning of this Act and includes,
23 but is not limited to, the following areas of professional
24 activities: milk and food sanitation; protection and
25 regulation of private water supplies; private waste water
26 management; domestic solid waste disposal practices;
27 institutional health and safety; and consultation and
28 education in these fields.

29 "Environmental health practitioner in training" means a
30 person licensed under this Act who meets the educational
31 qualifications of a licensed environmental health
32 practitioner and practices environmental health in support of

1 and under the general supervision of a licensed environmental
 2 health practitioner or licensed professional engineer, but
 3 has not passed the licensed environmental health practitioner
 4 examination administered by the Department.

5 "License" means the authorization issued by the
 6 Department permitting the person named on the authorization
 7 to practice environmental health as defined in this Act.

8 "Licensed environmental health practitioner" is a person
 9 who, by virtue of education and experience in the physical,
 10 chemical, biological, and environmental health sciences, is
 11 especially trained to organize, implement, and manage
 12 environmental health programs, trained to carry out education
 13 and enforcement activities for the promotion and protection
 14 of the public health and environment, and is licensed as an
 15 environmental health practitioner under this Act.

16 (Source: P.A. 89-61, eff. 6-30-95.)

17 (225 ILCS 37/15)

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

19 Sec. 15. License requirement.

20 (a) It shall be unlawful for any person to engage in an
 21 environmental health practice after the effective date of
 22 this amendatory Act of the 92nd General Assembly December-31,
 23 1996 unless the person is licensed by the Department as an
 24 environmental health practitioner or an environmental health
 25 practitioner in training or is an environmental health
 26 inspector as defined in this Act.

27 (b) It is the responsibility of an individual required
 28 to be licensed under this Act to obtain a license and to pay
 29 all necessary fees, not the responsibility of his or her
 30 employer.

31 (Source: P.A. 89-61, eff. 6-30-95.)

32 (225 ILCS 37/16)

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

2 Sec. 16. Exemptions. This Act does not prohibit or
3 restrict any of the following:

4 (1) A person performing the functions and duties of an
5 environmental health practitioner under the general direct
6 supervision of a licensed environmental health practitioner
7 or licensed professional engineer if that person (i) is not
8 responsible for the administration or supervision of one or
9 more employees engaged in an environmental health program,
10 (ii) establishes a method of verbal communication with the
11 licensed environmental health practitioner or licensed
12 professional engineer to whom they can refer and report
13 questions, problems, and emergency situations encountered in
14 environmental health practice, and (iii) has his or her
15 written reports reviewed monthly by a licensed environmental
16 health practitioner or licensed professional engineer.

17 (2) A person licensed in this State under any other Act
18 from engaging in the practice for which he or she is
19 licensed.

20 (3) A person working in laboratories licensed by,
21 registered with, or operated by the State of Illinois.

22 (4) A person employed by a State-licensed health care
23 facility who engages in the practice of environmental health
24 or whose job responsibilities include ensuring that the
25 environment in the health care facility is healthy and safe
26 for employees, patients, and visitors.

27 (5) A person employed with the Illinois Department of
28 Agriculture who engages in meat and poultry inspections or
29 environmental inspections under the authority of the
30 Department of Agriculture.

31 (6) A person holding a degree of Doctor of Veterinary
32 Medicine and Surgery and licensed under the Veterinary
33 Medicine and Surgery Practice Act.

34 (Source: P.A. 89-61, eff. 6-30-95.)

1 (225 ILCS 37/18)

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

3 Sec. 18. Board of Environmental Health Practitioners.

4 The Board of Environmental Health Practitioners is created

5 and shall exercise its duties as provided in this Act. The

6 Board shall consist of 5 7 members appointed by the Director.

7 Of the 5 7 members, 3 4 shall be environmental health

8 practitioners, one a Public Health Administrator who meets

9 the minimum qualifications for public health personnel

10 employed by full time local health departments as prescribed

11 by the Illinois Department of Public Health and is actively

12 engaged in the administration of a local health department

13 within this State, ~~one full-time professor teaching in the~~

14 ~~field of environmental health practice,~~ and one member of the

15 general public. In making the appointments to the Board, the

16 Director shall consider the recommendations of related

17 professional and trade associations including the Illinois

18 Environmental Health Association and the Illinois Public

19 Health Association and of the Director of Public Health.

20 Each of the environmental health practitioners shall have at

21 least 5 years of full time employment in the field of

22 environmental health practice before the date of appointment.

23 Each appointee filling the seat of an environmental health

24 practitioner appointed to the Board must be licensed under

25 this Act, ~~however, in appointing the environmental health~~

26 ~~practitioner members of the first Board, the Director may~~

27 ~~appoint any environmental health practitioner who possesses~~

28 ~~the qualifications set forth in Section 20 of this Act. Of~~

29 ~~the initial appointments, 3 members shall be appointed for~~

30 ~~3-year terms, 2 members for 2-year terms, and 2 members for~~

31 ~~one-year terms. Each succeeding member shall serve for a~~

32 ~~3-year term.~~

33 The membership of the Board shall reasonably reflect

34 representation from the various geographic areas of the

1 State.

2 A vacancy in the membership of the Board shall not impair
3 the right of a quorum to exercise all the rights and perform
4 all the duties of the Board.

5 The members of the Board are entitled to receive as
6 compensation a reasonable sum as determined by the Director
7 for each day actually engaged in the duties of the office and
8 all legitimate and necessary expenses incurred in attending
9 the meetings of the Board.

10 Members of the Board shall be immune from suit in any
11 action based upon any disciplinary proceedings or other
12 activities performed in good faith as members of the Board.

13 The Director may remove any member of the Board for any
14 cause that, in the opinion of the Director, reasonably
15 justifies termination.

16 (Source: P.A. 91-724, eff. 6-2-00; 91-798, eff. 7-9-00.)

17 (225 ILCS 37/20.1 new)

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

19 Sec. 20.1. Qualifications for an environmental health
20 inspector. An environmental health inspector must have an
21 associate's degree or its equivalent, including a minimum of
22 9 credit hours of science.

23 (225 ILCS 37/21)

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

25 Sec. 21. Grandfather provision. (a) A person who, on
26 the effective date of this amendatory Act of the 92nd General
27 Assembly June-30,-1995, was certified by his or her employer
28 as serving as a sanitarian or environmental health
29 practitioner in environmental health practice in this State
30 may be issued a license as an environmental health
31 practitioner in training upon filing an application by July
32 1, 2003 ~~1999~~ and paying the required fees, ~~and by passing the~~

1 examination.

2 (b) The Department may, upon application and payment of
3 the required fee within 12 months, issue a license to a
4 person who holds a current license as a sanitarian or
5 environmental health practitioner issued by the Illinois
6 Environmental Health Association or National Environmental
7 Health Association.

8 (Source: P.A. 89-61, eff. 6-30-95; 90-602, eff. 6-26-98.)

9 (225 ILCS 37/22 new)

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

11 Sec. 22. Environmental health practitioner in training.

12 (a) Any person who meets the educational qualifications
13 specified in Section 20, but does not meet the experience
14 requirement specified in that Section, may make application
15 to the Department on a form prescribed by the Department for
16 licensure as an environmental health practitioner in
17 training. The Department shall license that person as an
18 environmental health practitioner in training upon payment of
19 the fee required by this Act.

20 (b) An environmental health practitioner in training
21 shall apply for licensure as an environmental health
22 practitioner within 3 years of his or her licensure as an
23 environmental health practitioner in training. The license
24 may be renewed or extended as defined by rule of the
25 Department. The Board may extend the licensure of any
26 environmental health practitioner in training who furnishes,
27 in writing, sufficient cause for not applying for examination
28 as an environmental health practitioner within the 3-year
29 period.

30 (c) An environmental health practitioner in training may
31 engage in the practice of environmental health for a period
32 not to exceed 6 years provided that he or she is supervised
33 by a licensed professional engineer or a licensed

1 environmental health practitioner as prescribed in this Act.

2 (225 ILCS 37/23 new)

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

4 Sec. 23. Supervision.

5 (a) A licensed environmental health practitioner in
6 training or an environmental health inspector may perform the
7 duties and functions of environmental health practice under
8 the supervision of a licensed environmental health
9 practitioner or licensed professional engineer.

10 (b) A licensed environmental health practitioner or a
11 licensed professional engineer may serve as a supervisor to
12 any licensed environmental health practitioner in training or
13 environmental health inspector. The supervisor shall fulfill
14 the minimum supervisor requirements, including but not
15 limited to:

16 (1) being available for consultation on a daily
17 basis;

18 (2) reviewing and advising on law enforcement
19 proceedings; and

20 (3) evaluating the practice of environmental health
21 performed by the licensed environmental health
22 practitioner in training or the environmental health
23 inspector.

24 (c) A licensed environmental health practitioner or
25 licensed professional engineer is responsible for assuring
26 that a licensed environmental health practitioner in training
27 or environmental health inspector that he or she is
28 supervising properly engages in the practice of environmental
29 health.

30 (225 ILCS 37/25)

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

32 Sec. 25. Application for original license. Applications

1 for original licenses shall be made to the Department on
 2 forms prescribed by the Department and accompanied by the
 3 required nonrefundable fee. All applications shall contain
 4 information that, in the judgment of the Department, will
 5 enable the Department to pass on the qualifications of the
 6 applicant for a license as an environmental health
 7 practitioner or environmental health practitioner in
 8 training.

9 If an applicant for a license as an environmental health
 10 practitioner neglects, fails, or refuses to take an
 11 examination or fails to pass an examination for a license
 12 under this Act within 3 years after filing an application,
 13 the application is denied. However, the applicant may
 14 thereafter make a new application, accompanied by the
 15 required fee, if the applicant meets the requirements in
 16 force at the time of making the new application.

17 (Source: P.A. 89-61, eff. 6-30-95.)

18 (225 ILCS 37/26)

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

20 Sec. 26. Examination for registration as an
 21 environmental health practitioner.

22 (a) Beginning on the effective date of this amendatory
 23 Act of the 92nd General Assembly June-30, 1995, only persons
 24 who meet the educational and experience requirements of
 25 Section 20 and who pass the examination authorized by the
 26 Department shall be licensed as environmental health
 27 practitioners. ~~Persons---who---meet---the---requirements---of~~
 28 ~~subsection-(b)-of-Section-21--or--Section--30--shall--not--be~~
 29 ~~required-to-take-and-pass-the-examination.~~

30 (b) Applicants for examination as environmental health
 31 practitioners shall be required to pay, either to the
 32 Department or the designated testing service, a fee covering
 33 the cost of providing the examination.

1 (Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97;
2 90-14, eff. 7-1-97.)

3 (225 ILCS 37/35)

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

5 Sec. 35. Grounds for discipline.

6 (a) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand, or take other
8 disciplinary action with regard to any license issued under
9 this Act as the Department may consider proper, including the
10 imposition of fines not to exceed \$5,000 for each violation,
11 for any one or combination of the following causes:

12 (1) Material misstatement in furnishing information
13 to the Department.

14 (2) Violations of this Act or its rules.

15 (3) Conviction of any felony under the laws of any
16 U.S. jurisdiction, any misdemeanor an essential element
17 of which is dishonesty, or any crime that is directly
18 related to the practice of the profession.

19 (4) Making any misrepresentation for the purpose of
20 obtaining a certificate of registration.

21 (5) Professional incompetence.

22 (6) Aiding or assisting another person in violating
23 any provision of this Act or its rules.

24 (7) Failing to provide information within 60 days
25 in response to a written request made by the Department.

26 (8) Engaging in dishonorable, unethical, or
27 unprofessional conduct of a character likely to deceive,
28 defraud, or harm the public as defined by rules of the
29 Department.

30 (9) Habitual or excessive use or addiction to
31 alcohol, narcotics, stimulants, or any other chemical
32 agent or drug that results in an environmental health
33 practitioner's inability to practice with reasonable

1 judgment, skill, or safety.

2 (10) Discipline by another U.S. jurisdiction or
3 foreign nation, if at least one of the grounds for a
4 discipline is the same or substantially equivalent to
5 those set forth in this Act.

6 (11) A finding by the Department that the
7 registrant, after having his or her license placed on
8 probationary status, has violated the terms of probation.

9 (12) Willfully making or filing false records or
10 reports in his or her practice, including, but not
11 limited to, false records filed with State agencies or
12 departments.

13 (13) Physical illness, including, but not limited
14 to, deterioration through the aging process or loss of
15 motor skills that result in the inability to practice the
16 profession with reasonable judgment, skill, or safety.

17 (14) Failure to comply with rules promulgated by
18 the Illinois Department of Public Health or other State
19 agencies related to the practice of environmental health.

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

28 (16) Solicitation of professional services by using
29 false or misleading advertising.

30 (17) A finding that the license has been applied
31 for or obtained by fraudulent means.

32 (18) Practicing or attempting to practice under a
33 name other than the full name as shown on the license or
34 any other legally authorized name.

1 (19) Gross overcharging for professional services
2 including filing statements for collection of fees or
3 moneys for which services are not rendered.

4 (b) The Department may refuse to issue or may suspend
5 the license of any person who fails to (i) file a return,
6 (ii) pay the tax, penalty, or interest shown in a filed
7 return; or (iii) pay any final assessment of the tax,
8 penalty, or interest as required by any tax Act administered
9 by the Illinois Department of Revenue until the requirements
10 of the tax Act are satisfied.

11 (c) The determination by a circuit court that a licensee
12 is subject to involuntary admission or judicial admission to
13 a mental health facility as provided in the Mental Health and
14 Developmental Disabilities Code operates as an automatic
15 suspension. The suspension may end only upon a finding by a
16 court that the licensee is no longer subject to involuntary
17 admission or judicial admission, the issuance of an order so
18 finding and discharging the patient, and the recommendation
19 of the Board to the Director that the licensee be allowed to
20 resume practice.

21 (d) In enforcing this Section, the Department, upon a
22 showing of a possible violation, may compel any person
23 licensed to practice under this Act or who has applied for
24 licensure or certification pursuant to this Act to submit to
25 a mental or physical examination, or both, as required by and
26 at the expense of the Department. The examining physicians
27 shall be those specifically designated by the Department. The
28 Department may order the examining physician to present
29 testimony concerning this mental or physical examination of
30 the licensee or applicant. No information shall be excluded
31 by reason of any common law or statutory privilege relating
32 to communications between the licensee or applicant and the
33 examining physician. The person to be examined may have, at
34 his or her own expense, another physician of his or her

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

7 If the Department finds an individual unable to practice
8 because of the reasons set forth in this Section, the
9 Department may require that individual to submit to care,
10 counseling, or treatment by physicians approved or designated
11 by the Department, as a condition, term, or restriction for
12 continued, reinstated, or renewed licensure to practice or,
13 in lieu of care, counseling, or treatment, the Department may
14 file a complaint to immediately suspend, revoke, or otherwise
15 discipline the license of the individual.

16 Any person whose license was granted, continued,
17 reinstated, renewed, disciplined, or supervised subject to
18 such terms, conditions, or restrictions and who fails to
19 comply with such terms, conditions, or restrictions shall be
20 referred to the Director for a determination as to whether
21 the person shall have his or her license suspended
22 immediately, pending a hearing by the Department.

23 In instances in which the Director immediately suspends a
24 person's license under this Section, a hearing on that
25 person's license must be convened by the Department within 15
26 days after the suspension and completed without appreciable
27 delay. The Department shall have the authority to review the
28 subject person's record of treatment and counseling regarding
29 the impairment, to the extent permitted by applicable federal
30 statutes and regulations safeguarding the confidentiality of
31 medical records.

32 A person licensed under this Act and affected under this
33 Section shall be afforded an opportunity to demonstrate to
34 the Department that he or she can resume practice in

1 compliance with acceptable and prevailing standards under the
2 provisions of his or her license.

3 (Source: P.A. 89-61, eff. 6-30-95.)

4 (225 ILCS 37/50)

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

6 Sec. 50. Use of title. Only a person who has qualified
7 as a licensed environmental health practitioner and who is
8 currently licensed by the State has the right and privilege
9 of using the title "Environmental Health Practitioner",
10 "Licensed Environmental Health Practitioner", or the initials
11 "L.E.H.P." after his or her name. Only a person who has
12 qualified as a licensed environmental health practitioner in
13 training and who is currently licensed by the State has the
14 right and privilege of using the title "environmental health
15 practitioner in training", "licensed environmental health
16 practitioner in training", or "L.E.H.P. in training" after
17 his or her name.

18 (Source: P.A. 89-61, eff. 6-30-95.)

19 (225 ILCS 37/56 new)

20 (Section scheduled to be repealed December 31, 2002)

21 Sec. 56. Unlicensed practice; violation; civil penalty.

22 (a) Any person who practices, offers to practice,
23 attempts to practice, or holds himself or herself out to
24 practice environmental health without being licensed under
25 this Act shall, in addition to any other penalty provided by
26 law, pay a civil penalty to the Department in an amount not
27 to exceed \$5,000 for each offense as determined by the
28 Department. The civil penalty shall be assessed by the
29 Department after a hearing is held in accordance with the
30 provisions set forth in this Act regarding the provision of a
31 hearing for the discipline of a licensee.

32 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

2 (c) The civil penalty shall be paid within 60 days after
3 the effective date of the order imposing the civil penalty.

4 The order shall constitute a judgment and may be filed and
5 execution had thereon in the same manner as any judgment from
6 any court of record.

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