

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Section 4.18 and by adding Section 4.28 as follows:

(5 ILCS 80/4.18)

Sec. 4.18. Acts repealed January 1, 2008 and December 31, 2008.

(a) The following Acts are repealed on January 1, 2008:

The Acupuncture Practice Act.

~~The Clinical Social Work and Social Work Practice Act.~~

The Home Medical Equipment and Services Provider License Act.

The Nursing and Advanced Practice Nursing Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Marriage and Family Therapy Licensing Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Pharmacy Practice Act of 1987.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

The Structural Pest Control Act.

(b) The following Acts are repealed on December 31, 2008:

The Medical Practice Act of 1987.

The Environmental Health Practitioner Licensing Act.

(Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06; 94-1085, eff. 1-19-07; revised 1-22-07.)

(5 ILCS 80/4.28 new)

Sec. 4.28. Act repealed on January 1, 2018. The following Act is repealed on January 1, 2018:

The Clinical Social Work and Social Work Practice Act.

Section 10. The Clinical Social Work and Social Work Practice Act is amended by changing Sections 3, 5, 6, 9, 10.5, 11, 12.5, 14, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, and 32 and by adding Section 7.3 as follows:

(225 ILCS 20/3) (from Ch. 111, par. 6353)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions: The following words and phrases shall have the meanings ascribed to them in this Section unless the context clearly indicates otherwise:

1. "Department" means the Department of Financial and Professional Regulation.

2. "Secretary Director" means the Secretary Director of Financial and ~~the Department of~~ Professional Regulation.

3. "Board" means the Social Work Examining and Disciplinary

Board.

4. "Licensed Clinical Social Worker" means a person who holds a license authorizing the independent practice of clinical social work in Illinois under the auspices of an employer or in private practice or under the auspices of public human service agencies or private, nonprofit agencies providing publicly sponsored human services.

5. "Clinical social work practice" means the providing of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders in individuals, families and groups based on knowledge and theory of professionally accepted theoretical structures, including, but not limited to, psychosocial development, behavior, psychopathology, unconscious motivation, interpersonal relationships, and environmental stress.

6. "Treatment procedures" means among other things, individual, marital, family and group psychotherapy.

7. "Independent practice of clinical social work" means the application of clinical social work knowledge and skills by a licensed clinical social worker who regulates and is responsible for her or his own practice or treatment procedures.

8. "License" means that which is required to practice clinical social work or social work under this Act, the qualifications for which include specific education, acceptable experience and examination requirements.

9. "Licensed social worker" means a person who holds a license authorizing the practice of social work, which includes social services to individuals, groups or communities in any one or more of the fields of social casework, social group work, community organization for social welfare, social work research, social welfare administration or social work education. Social casework and social group work may also include clinical social work, as long as it is not conducted in an independent practice, as defined in this Section.

10. "Address of record" means the address recorded by the Department in the applicant's or licensee's application file or license file, as maintained by the Department's licensure maintenance unit.

(Source: P.A. 85-1440.)

(225 ILCS 20/5) (from Ch. 111, par. 6355)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5. Powers and duties of the Department.

1. The Department shall exercise the powers and duties as set forth in this Act.

2. The Secretary ~~Director~~ shall promulgate rules consistent with the provisions of this Act for the administration and enforcement thereof, and shall prescribe forms which shall be issued in connection therewith.

3. In addition, the Department shall:

(a) Establish rules for determining approved undergraduate

and graduate social work degree programs and prepare and maintain a list of colleges and universities offering such approved programs whose graduates, if they otherwise meet the requirements of this Act, are eligible to apply for a license.

(b) Promulgate rules, as may be necessary, for the administration of this Act and to carry out the purposes thereof and to adopt the methods of examination of candidates and to provide for the issuance of licenses authorizing the independent practice of clinical social work or the practice of social work.

(c) Authorize examinations to ascertain the qualifications and fitness of candidates for a license to engage in the independent practice of clinical social work and in the practice of social work, and to determine the qualifications of applicants from other jurisdictions to practice in Illinois.

(d) Maintain rosters of the names and addresses of all licensees, and all persons whose licenses have been suspended, revoked or denied renewal for cause within the previous calendar year. These rosters shall be available upon written request and payment of the required fee.

(Source: P.A. 85-1131.)

(225 ILCS 20/6) (from Ch. 111, par. 6356)

(Section scheduled to be repealed on January 1, 2008)

Sec. 6. Social Work Examining and Disciplinary Board.

(1) The Secretary ~~Director~~ shall appoint a Social Work

Examining and Disciplinary Board consisting of 9 persons who shall serve in an advisory capacity to the Secretary ~~Director~~. The Board shall be composed of 6 ~~5~~ licensed clinical social workers, one of whom shall be employed in a public human service agency, one of whom shall be a certified school social worker, one of whom shall be employed in the private not-for-profit sector and one of whom shall serve as the chairperson, two licensed social workers, and one member ~~2 members~~ of the public who is ~~are~~ not regulated under this Act or a similar Act and who clearly represents ~~represent~~ consumer interests.

(2) Members shall serve for a term of 4 years and until their successors are appointed and qualified. No member shall be reappointed if such reappointment would cause that person's service on the Board to be longer than 8 successive years. Appointments to fill vacancies for the unexpired portion of a vacated term shall be made in the same manner as original appointments.

(3) The membership of the Board should represent racial and cultural diversity and reasonably reflect representation from different geographic areas of Illinois.

(4) The Secretary ~~Director~~ may terminate the appointment of any member for cause.

(5) The Secretary ~~Director~~ shall consider the recommendation of the Board on all matters and questions relating to this Act.

(6) The Board is charged with the duties and responsibilities of recommending to the Secretary ~~Director~~ the adoption of all policies, procedures and rules which may be required or deemed advisable in order to perform the duties and functions conferred on the Board, the Secretary ~~Director~~ and the Department to carry out the provisions of this Act.

(7) The Board may ~~shall~~ make recommendations on all matters relating to continuing education including the number of hours necessary for license renewal, waivers for those unable to meet such requirements and acceptable course content. Such recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking license renewal.

(8) The Board shall annually elect one of its members as chairperson and one as vice chairperson.

(9) Members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

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

(11) Members of the Board shall have no liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/7.3 new)

Sec. 7.3. Change of address. An applicant or licensee must inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 20/9) (from Ch. 111, par. 6359)

(Section scheduled to be repealed on January 1, 2008)

Sec. 9. Qualification for clinical social worker license ~~License~~. A person shall be qualified to be licensed as a clinical social worker and the Department shall issue a license authorizing the independent practice of clinical social work to an applicant who:

(1) has applied in writing on the prescribed form;

(2) is of good moral character. In determining good moral character, the Department may take into consideration whether the applicant was engaged in conduct or actions that would constitute grounds for discipline under this Act;

(3) (A) demonstrates to the satisfaction of the Department that subsequent to securing a master's degree in social work from an approved program the applicant has successfully completed at least 3,000 hours of satisfactory, supervised clinical professional experience;
or

(B) demonstrates to the satisfaction of the Department

that such applicant has received a doctor's degree in social work from an approved program and has completed at least 2,000 hours of satisfactory, supervised clinical professional experience subsequent to the degree;

(4) has passed the examination for the practice of clinical social work as authorized by the Department; and

(5) has paid the required fees.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/10.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10.5. Unlicensed practice; violation; civil penalty.

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

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

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

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

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/11) (from Ch. 111, par. 6361)

(Section scheduled to be repealed on January 1, 2008)

Sec. 11. Licenses; renewal; restoration; person in military service; inactive status.

(a) The expiration date and renewal period for each license
~~A license shall be issued for a 2 year period; however the expiration date for licenses~~ issued under this Act shall be set by rule. The licensee may renew a license during the 60-day
~~30-day~~ period preceding its ~~the~~ expiration date by paying the required fee and by demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements of continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived. ~~Proof of having met the minimum requirements of continuing education, as determined by rule, shall be required for all license renewals. Pursuant to rule, the continuing education requirements may, upon petition to the Board, be waived in whole or in part for licensed social workers or licensed clinical social workers who can demonstrate~~

~~their service in the Coast Guard or Armed Forces during the period in question, an extreme hardship, or that the license was obtained by examination or endorsement within the preceding renewal period. The Department shall establish, by rule, a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished by audits of records maintained by licensees, by requiring the filing of continuing education records with the Department or an organization selected by the Department to maintain these records, or by other means established by the Department.~~

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting ~~making~~ an application to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence, which is satisfactory to the Department, certifying the active practice of clinical social work or social work in another jurisdiction and by paying the required fee.

(b-5) If the person has not maintained an active practice in another jurisdiction which is satisfactory to the Department, the Department shall determine, ~~by an evaluation program recommended by the Board and established by rule,~~ the person's fitness to resume active status ~~and the Department may require the person to pass an examination.~~ The Department, ~~with the recommendation of the Board,~~ may also require the person to

complete a specific period of evaluated clinical social work or social work experience and may require successful completion of an examination.

(b-7) Notwithstanding any other provision of this Act
~~However,~~ any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia or in training or education under the supervision of the United States government prior to induction into the military service may have his or her license restored without paying any renewal fees if, within 2 years after the honorable termination of that service, training or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that the service, training or education has been so terminated.

(c) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment. ~~Any person who notifies the Department, in writing on forms prescribed by the Department, may place his license on inactive status and shall be excused from the payment of renewal fees until the person notifies the Department in writing of his intention to resume active practice.~~

~~Any person requesting that his license be changed from inactive to active status shall be required to pay the current~~

~~renewal fee and shall also demonstrate compliance with the continuing education requirements.~~

~~(d) (Blank). Any licensed clinical social worker or licensed social worker whose license is on inactive status shall not engage in the independent practice of clinical social work or in the practice of social work in the State of Illinois. If an individual engages in the independent practice of clinical social work or in the practice of social work while on inactive status, that individual is considered to be practicing without a license and is subject to the disciplinary provisions of this Act.~~

(e) (Blank).

(f) (Blank).

(g) The Department shall indicate on each license the academic degree of the licensee.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/12.5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 12.5. Endorsement. The Department may issue a license as a clinical social worker or as a social worker, without the required examination, to an applicant licensed under the laws of another jurisdiction if the requirements for licensure in that jurisdiction are, on the date of licensure, substantially equivalent to the requirements of this Act or to any person who, at the time of his or her licensure, possessed individual

qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay the required fees.

~~Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.~~

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/14) (from Ch. 111, par. 6364)

(Section scheduled to be repealed on January 1, 2008)

Sec. 14. Checks or order to Department dishonored because of insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically

terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 20/19) (from Ch. 111, par. 6369)

(Section scheduled to be repealed on January 1, 2008)

Sec. 19. Grounds for disciplinary action.

(1) The Department may refuse to issue, refuse to renew, suspend, or revoke any license, or may place on probation, censure, reprimand, or take other disciplinary or non-disciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed \$10,000 ~~\$1,000~~ for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following reasons:

(a) material misstatements of fact in furnishing information to the Department or to any other State agency

or in furnishing information to any insurance company with respect to a claim on behalf of a licensee or a patient;

(b) violations or negligent or intentional disregard of this Act, or any of the rules promulgated hereunder;

(c) conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof or that is a ~~felony or~~ misdemeanor, of which an essential element is dishonesty, or ~~of~~ any crime that ~~which~~ is directly related to the practice of the clinical social work or social work professions;

(d) making any misrepresentation for the purpose of obtaining licenses, or violating any provision of this Act or any of the rules promulgated hereunder;

(e) professional incompetence;

(f) malpractice;

(g) aiding or assisting another person in violating any provision or this Act or any rules;

(h) failing to provide information within 30 ~~60~~ days in response to a written request made by the Department;

(i) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public as defined by the rules of the Department, or violating the rules of professional conduct adopted by the Board and published by the Department;

(j) habitual or excessive use or addiction to alcohol,

narcotics, stimulants, or any other chemical agent or drug that results in a clinical social worker's or social worker's inability to practice with reasonable judgment, skill, or safety;

(k) discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(l) directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional service not actually rendered;

(m) a finding by the Board that the licensee, after having the license placed on probationary status, has violated the terms of probation;

(n) abandonment, without cause, of a client;

(o) wilfully filing false reports relating to a licensee's practice, including but not limited to false records filed with Federal or State agencies or departments;

(p) wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(q) being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by

clear and convincing evidence that the licensee has caused a child to be or failed to take reasonable steps to prevent a child from being an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

(r) physical illness, or mental illness, or any other impairment or disability, including, but not limited to, deterioration through the aging process, or loss of motor abilities and skills that which results in the inability to practice the profession with reasonable judgment, skill or safety;

(s) solicitation of professional services by using false or misleading advertising; or

(t) violation of the Health Care Worker Self-Referral Act.

(2) (Blank).

(3) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, will result in an automatic suspension of his license. Such suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient, and upon the recommendation of the Board to the Secretary ~~Director~~ that the licensee be allowed to resume professional practice.

(4) The Department may refuse to issue or renew or may

suspend the license of a person who (i) fails to file a return, pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied or (ii) has failed to pay any court-ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services.

(5) In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after

notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary ~~Director~~ for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

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

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/20) (from Ch. 111, par. 6370)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20. Violations - Injunction - Cease and desist order.

1. If any person violates the provisions of this Act, the Secretary ~~Director~~ may, in the name of the People of the State of Illinois, through the Attorney General, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to all other remedies and penalties provided by this Act.

2. If any person shall hold herself or himself out as a licensed clinical social worker or licensed social worker and is not licensed under this Act, then any licensed clinical social worker, licensed social worker, interested party or any

person injured thereby may petition for relief as provided in subsection (1) of this Section.

3. Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against such person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

(Source: P.A. 85-1131.)

(225 ILCS 20/21) (from Ch. 111, par. 6371)

(Section scheduled to be repealed on January 1, 2008)

Sec. 21. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person holding or claiming to hold a license. The Department shall, before refusing to issue or renew a license, at least 30 days prior to the date set for the hearing, notify, in writing, the applicant for, or holder of, a license of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will

result in default being taken against the applicant or licensee and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary ~~Director~~ may deem proper. Written notice may be served by personal delivery or certified or registered mail to the applicant or licensee at the applicant's last address of record ~~the last notification to the Department~~. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue a hearing from time to time.

(Source: P.A. 87-1031.)

(225 ILCS 20/23) (from Ch. 111, par. 6373)

(Section scheduled to be repealed on January 1, 2008)

Sec. 23. Subpoenas - Depositions - Oaths. The Department shall have the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary ~~Director~~, the designated hearing officer and every member of the Board shall have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 85-967.)

(225 ILCS 20/24) (from Ch. 111, par. 6374)

(Section scheduled to be repealed on January 1, 2008)

Sec. 24. Compelling Testimony. Any court, upon application of the Department, designated hearing officer or the applicant or licensee against whom proceedings under Section 19 ~~17~~ of this Act are pending, may enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 85-967.)

(225 ILCS 20/25) (from Ch. 111, par. 6375)

(Section scheduled to be repealed on January 1, 2008)

Sec. 25. Findings and recommendations. At the conclusion of the hearing the Board shall present to the Secretary ~~Director~~ a written report of its findings of fact, conclusions of law and recommendations. The report shall contain a finding whether or not the licensee violated this act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary ~~Director~~.

The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order or refusal or for the granting of the license. If the Secretary ~~Director~~ disagrees with the recommendations of the Board, the Secretary ~~Director~~ may issue an order in contravention thereof. The Secretary ~~Director~~ shall provide a written report to the Board on any disagreement and shall specify the reasons for said action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 85-967.)

(225 ILCS 20/26) (from Ch. 111, par. 6376)

(Section scheduled to be repealed on January 1, 2008)

Sec. 26. Board - Rehearing. In any case involving the refusal to issue or to renew a license or to discipline a

licensee, a copy of the Board's report shall be served upon the applicant or licensee by the Department, either personally or by registered or certified mail or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the applicant or licensee may present to the Department a motion in writing for a rehearing which shall specify the particular grounds therefor. If no motion for a rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Secretary ~~Director~~ may enter an order in accordance with recommendations of the Board, except as provided in Section 25 of this Act. ~~If the applicant or licensee requests and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which such a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.~~

(Source: P.A. 86-615.)

(225 ILCS 20/27) (from Ch. 111, par. 6377)

(Section scheduled to be repealed on January 1, 2008)

Sec. 27. Rehearing ~~Director; rehearing~~. Whenever the Secretary ~~Director~~ believes justice has not been done in the revocation, suspension, or discipline of a license or refusal to issue or renew a license, he or she may order a rehearing.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/28) (from Ch. 111, par. 6378)

(Section scheduled to be repealed on January 1, 2008)

Sec. 28. Appointment of a hearing officer. The Secretary ~~Director~~ shall have the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or permit or to discipline a licensee. The Secretary ~~Director~~ shall promptly notify the Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. ~~At least one member of the Board shall attend each hearing.~~ The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board and to the Secretary ~~Director~~. Upon receipt of the report, the ~~The~~ Board shall have at least 60 days after receipt of the report to review it and ~~to~~ present its findings of fact, conclusions of law and recommendation to the Secretary ~~Director~~. If the Board does not present its report within the 60 days period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the

Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners ~~the Director may issue an order based on the report of the hearing officer.~~ If the Secretary ~~Director~~ disagrees with the recommendation of the Board or of the hearing officer, the Secretary ~~Director~~ may issue an order in contravention of the Board's report. The Secretary ~~Director~~ shall promptly provide a written explanation to the Board on any such disagreement, and shall specify the reasons for such action in the final order.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/29) (from Ch. 111, par. 6379)

(Section scheduled to be repealed on January 1, 2008)

Sec. 29. Order or certified copy thereof - prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof that:

(1) Such signature is the genuine signature of the Secretary ~~Director~~;

(2) Such Secretary ~~Director~~ is duly appointed and qualified; and

(3) The Board and the members thereof are qualified to act.
(Source: P.A. 85-967.)

(225 ILCS 20/32) (from Ch. 111, par. 6382)

(Section scheduled to be repealed on January 1, 2008)

Sec. 32. Temporary suspension of a license. The Secretary ~~Director~~ may temporarily suspend the license of a licensed clinical social worker or licensed social worker without a hearing simultaneously with the institution of proceedings for a hearing provided for in Section 21 of this Act if the Secretary ~~Director~~ finds conclusive evidence indicating that a licensee's continuation in practice would constitute an imminent danger to the public. In the event the Secretary ~~Director~~ temporarily suspends such license without a hearing, a hearing by the Board shall be held within 30 days after such

suspension has occurred.

(Source: P.A. 85-1131.)

Section 15. If and only if House Bill 820 of the 95th General Assembly (as amended by Senate Amendment No. 1) becomes law, the Carnival and Amusement Rides Safety Act is amended by changing Sections 2-2 and 2-20 as follows:

(430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

Sec. 2-2. Definitions. As used in this Act, unless the context otherwise requires:

1. "Director" means the Director of Labor or his or her designee.

2. "Department" means Department of Labor.

3. "Amusement Attraction" means an enclosed building or structure, including electrical equipment which is an integral part of the building or structure, through which people walk without the aid of any moving device, that provides amusement, thrills or excitement at a fair or carnival, except any such enclosed building or structure which is subject to the jurisdiction of a local building code.

4. "Amusement ride" means:

(a) any mechanized device or combination of devices, including electrical equipment which is an integral part of the device or devices, which carries passengers along, around, or over a fixed or restricted course for the

primary purpose of giving its passengers amusement, pleasure, thrills, or excitement;

(b) any ski lift, rope tow, or other device used to transport snow skiers;

(c) (blank);

(d) any dry slide over 20 feet in height, alpine slide, or toboggan slide;

(e) any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides; or

(f) any bungee cord or similar elastic device.

5. "Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides.

6. "Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated.

7. "Operator" means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or an amusement attraction at a carnival or

fair. "Operator" includes an agency of the State or any of its political subdivisions.

8. "Carnival worker" means a person who is employed by a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public ~~and who is not a volunteer.~~

(Source: P.A. 94-801, eff. 5-25-06; 95HB0820sam001.)

(430 ILCS 85/2-20)

Sec. 2-20. Employment of carnival workers.

(a) Beginning on January 1, 2008, no person, firm, corporation, or other entity that owns or operates a carnival or fair shall employ a carnival worker who (i) has been convicted of any offense set forth in Article 11 of the Criminal Code of 1961, (ii) is a registered sex offender, as defined in the Sex Offender Registration Act, or (iii) has ever been convicted of any offense set forth in Article 9 of the Criminal Code of 1961.

~~Any person, firm, corporation, or other entity that owns or operates a carnival and knowingly violates the provisions of this subsection (a) shall be assessed a civil penalty in an amount not less than \$1,000 and not more than \$5,000 for a first offense, and not less than \$5,000 and not more than \$10,000 for a second or subsequent offense.~~

(b) A ~~In the interest of compliance with the requirements of this Section,~~ a person, firm, corporation, or other entity

that owns or operates a carnival or fair must conduct a criminal history records check for ~~each~~ carnival workers at the time they are hired ~~worker in its employ~~ consistent with the Illinois Uniform Conviction Information Act and perform a check of the Sex Offender Registry ~~maintained by the Department of State Police for each carnival worker in its employ.~~

In the case of carnival workers who are hired on a temporary basis to work at a specific event, the carnival or fair owner may work with local enforcement agencies in order expedite the criminal history records check required under this subsection (b).

Individuals who are under the age of 17 are exempt from the criminal history records check requirements set forth in this subsection (b).

(c) Any person, firm, corporation, or other entity that owns or operates a carnival or fair must have a substance abuse policy in place for its workers, which shall include random drug testing of carnival workers.

(d) Any person, firm, corporation, or other entity that owns or operates a carnival or fair that violates the provisions of subsection (a) of this Section or fails to conduct a criminal history records check or a sex offender registry check for carnival workers in its employ, as required by subsection (b) of this Section, shall be assessed a civil penalty in an amount not to exceed \$1,000 for a first offense, not to exceed \$5,000 for a second offense, and not to exceed

\$15,000 for a third or subsequent offense. The collection of these penalties shall be enforced in a civil action brought by the Attorney General on behalf of the Department.

(e) A carnival or fair owner is not responsible for:

(1) any personal information submitted by a carnival worker for criminal history records check purposes; or

(2) any information provided by a third party for a criminal history records check or a sex offender registry check.

A carnival or fair owner shall not be liable to any employee in carrying out the requirements of this Section.

(Source: 95HB0820sam001.)

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