

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 4.26 and by adding Section 4.36 as follows:

(5 ILCS 80/4.26)

Sec. 4.26. Acts repealed on January 1, 2016. The following Acts are repealed on January 1, 2016:

The Illinois Athletic Trainers Practice Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Dental Practice Act.

The Collection Agency Act.

The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985.

The Respiratory Care Practice Act.

The Hearing Instrument Consumer Protection Act.

The Illinois Physical Therapy Act.

~~The Professional Geologist Licensing Act.~~

(Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08; 96-1246, eff. 1-1-11.)

(5 ILCS 80/4.36 new)

Sec. 4.36. Act repealed on January 1, 2026. The following

Act is repealed on January 1, 2026:

The Professional Geologist Licensing Act.

Section 10. The Professional Geologist Licensing Act is amended by changing Sections 15, 25, 30, 35, 50, 60, 65, 75, 80, 90, 95, 100, 110, 120, 125, 130, 135, 145, 155, 162, 165, and 170 and by adding Section 180 as follows:

(225 ILCS 745/15)

(Section scheduled to be repealed on January 1, 2016)

Sec. 15. Definitions. In this Act:

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

"Board" means the Board of Licensing for Professional Geologists.

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

"Geologist" means an individual who, by reason of his or her knowledge of geology, mathematics, and the physical and life sciences, acquired by education and practical experience as defined by this Act, is capable of practicing the science of geology.

"Geology" means the science that includes the treatment of the earth and its origin and history including, but not limited

to, (i) the investigation of the earth's crust and interior and the solids and fluids, including all surface and underground waters, gases, and other materials that compose the earth as they may relate to geologic processes; (ii) the study of the natural agents, forces, and processes that cause changes in the earth; and (iii) the utilization of this knowledge of the earth and its solids, fluids, and gases, and their collective properties and processes, for the benefit of humankind.

"Person" or "individual" means a natural person.

"Practice of professional geology" means the performance of, or the offer to perform, the services of a geologist, including consultation, investigation, evaluation, planning, mapping, inspection of geologic work, and other services that require extensive knowledge of geologic laws, formulas, principles, practice, and methods of data interpretation.

A person shall be construed to practice or offer to practice professional geology, within the meaning and intent of this Act, if that person (i) by verbal claim, sign, advertisement, letterhead, card, or any other means, represents himself or herself to be a Licensed Professional Geologist or through the use of some title implies that he or she is a Licensed Professional Geologist or is licensed under this Act or (ii) holds himself or herself out as able to perform or does perform services or work defined in this Act as the practice of professional geology.

Examples of the practice of professional geology include,

but are not limited to, the conduct of, or responsible charge for, the following types of activities: (i) mapping, sampling, and analysis of earth materials, interpretation of data, and the preparation of oral or written testimony regarding the probable geological causes of events; (ii) planning, review, and supervision of data gathering activities, interpretation of geological data gathered by direct and indirect means, preparation and interpretation of geological maps, cross-sections, interpretive maps and reports for the purpose of determining regional or site specific geological conditions; (iii) the planning, review, and supervision of data gathering activities and interpretation of data on regional or site specific geological characteristics affecting groundwater; (iv) the interpretation of geological conditions on the surface of the Earth and at depth in the Earth for the purpose of determining whether those conditions correspond to a geologic map of the site or a legally specified geological requirement for the site; and (v) the conducting of environmental property audits.

"Licensed Professional Geologist" means an individual who is licensed under this Act to engage in the practice of professional geology in Illinois.

"Responsible charge" means the independent control and direction, by use of initiative, skill, and independent judgment, of geological work or the supervision of that work.

"Secretary" means the Secretary of Financial and

Professional Regulation.

(Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

(225 ILCS 745/25)

(Section scheduled to be repealed on January 1, 2016)

Sec. 25. Restrictions and limitations. No person shall, without a valid license issued by the Department (i) in any manner hold himself or herself out to the public as a Licensed Professional Geologist; (ii) attach the title "Licensed Professional Geologist" to his or her name; or (iii) render or offer to render to individuals, corporations, or public agencies services constituting the practice of professional geology.

~~Individuals practicing geology in Illinois as of the effective date of this amendatory Act of 1997 may continue to practice as provided in this Act until the Department has adopted rules implementing this Act. To continue practicing geology after the adoption of rules, individuals shall apply for licensure within 180 days after the effective date of the rules. If an application is received during the 180-day period, the individual may continue to practice until the Department acts to grant or deny licensure. If an application is not filed within the 180-day period, the individual must cease the practice of geology at the conclusion of the 180-day period and until the Department acts to grant a license to the individual.~~

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/30)

(Section scheduled to be repealed on January 1, 2016)

Sec. 30. Powers and duties of the Department. Subject to the provisions of this Act, the Department may:

(a) Authorize examinations to ascertain the qualifications and fitness of applicants for licensing as a Licensed Professional Geologist or as a Licensed Specialty Geologist, as defined by the Board, and pass upon the qualifications of applicants for licensure by endorsement.

(b) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, ~~licenses or~~ suspend, place on probation, ~~or~~ reprimand, or take any other disciplinary or non-disciplinary action against licenses issued ~~persons licensed under this Act, and to refuse to issue or renew or to revoke licenses, or suspend, place on probation, or reprimand persons licensed under this Act.~~

(c) Formulate rules required for the administration of this Act.

(d) Obtain written recommendations from the Board regarding (i) definitions of curriculum content and approval of geological curricula, standards of professional conduct, and formal disciplinary actions and the formulation of rules affecting these matters and (ii) when petitioned by the applicant, opinions regarding the qualifications of applicants for licensing.

(e) Maintain rosters of the names and addresses of all licensees, and all persons whose licenses have been suspended, revoked, ~~or denied renewal, or otherwise disciplined for cause~~ within the previous calendar year. These rosters shall be available upon written request and payment of the required fee. (Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/35)

(Section scheduled to be repealed on January 1, 2016)

Sec. 35. Board of Licensing for Professional Geologists; members; qualifications; duties.

(a) The Secretary ~~Director~~ shall appoint a Board of Licensing for Professional Geologists which shall serve in an advisory capacity to the Secretary ~~Director~~. The Board shall be composed of 8 persons, 7 of whom shall be voting members appointed by the Secretary ~~Director~~, who shall give due consideration to recommendations by members of the profession of geology and of geology organizations within the State. In addition, the State Geologist or his or her designated representative, shall be an advisory, non-voting member of the Board.

(b) Insofar as possible, the geologists appointed to serve on the Board shall be generally representative of the occupational and geographical distribution of geologists within this State.

(c) Of the 7 appointed voting members of the Board, 6 shall

be geologists and one shall be a member of the general public with no family or business connection with the practice of geology.

(d) Each of the ~~first~~ appointed geologist members of the Board shall ~~have at least 10 years of active geological experience and shall possess the education and experience required for licensure. Each subsequently appointed geologist member of the Board shall~~ be a Licensed Professional Geologist licensed under this Act with at least 10 years of experience.

(e) Voting members shall be appointed to 4-year terms. Partial terms of over 2 years in length shall be considered full terms. ~~Of the initial appointments, the Director shall appoint 3 voting members for a term of 4 years, 2 voting members for a term of 3 years, and 2 voting members for a term of 2 years. Thereafter, voting members shall be appointed for 4 year terms. Terms shall commence on the 3rd Monday in January.~~

(f) Members shall hold office until the expiration of their terms or until their successors have been appointed and have qualified.

(g) No voting member of the Board shall serve more than 2 consecutive full terms.

(h) Vacancies in the membership of the Board shall be filled by appointment for the remainder of the unexpired term.

(i) The Secretary ~~Director~~ may remove or suspend any appointed member of the Board for cause at any time before the

expiration of his or her term. The Secretary shall be the sole arbiter of cause.

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

(k) The members of the Board shall be reimbursed for all legitimate and necessary expenses authorized by the Department incurred in attending the meetings of the Board.

(l) The Board may make recommendations to the Secretary ~~Director~~ to establish the examinations and their method of grading.

(m) The Board may submit written recommendations to the Secretary ~~Director~~ concerning formulation of rules and a Code of Professional Conduct and Ethics. The Board may recommend or endorse revisions and amendments to the Code and to the rules from time to time.

(n) The Board may make recommendations on matters relating to continuing education of Licensed Professional Geologists, including the number of hours necessary for license renewal, waivers for those unable to meet that requirement, and acceptable course content. These recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking a license renewal.

(o) Four voting Board members constitutes a quorum. A quorum is required for all Board decisions.

(Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

(225 ILCS 745/50)

(Section scheduled to be repealed on January 1, 2016)

Sec. 50. Qualifications for licensure.

(a) The Department may issue a license to practice as a Licensed Professional Geologist to any applicant who meets the following qualifications:

(1) The applicant has completed an application form and paid the required fees.

(2) The applicant is of good ethical character, including compliance with the Code of Professional Conduct and Ethics under this Act, and has not committed any act or offense in any jurisdiction that would constitute the basis for disciplining a Licensed Professional Geologist under this Act.

(3) The applicant has earned a degree in geology from an accredited college or university, as established by rule, with a minimum of 30 semester or 45 quarter hours of course credits in geology, of which 24 semester or 36 quarter hours are in upper level courses. The Department may, upon the recommendation of the Board, allow the substitution of appropriate experience as a geologist for prescribed educational requirements as established by rule.

(4) The applicant has a documented record of a minimum of 4 years of professional experience, obtained after completion of the education requirements specified in this

Section, in geologic or directly related work, demonstrating that the applicant is qualified to assume responsible charge of such work upon licensure as a Licensed Professional Geologist or such specialty of professional geology that the Board may recommend and the Department may recognize. The Department may require evidence acceptable to it that up to 2 years of professional experience have been gained under the supervision of a person licensed under this Act or similar Acts in any other state, or under the supervision of others who, in the opinion of the Department, are qualified to have responsible charge of geological work under this Act.

(5) The applicant has passed an examination authorized by the Department for practice as a Licensed Professional Geologist.

(6) The applicant has complied with all other requirements of this Act and rules established for the implementation of this Act.

(b) A license to practice as a Licensed Professional Geologist 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.

(c) The Department may establish by rule an intern process to, in part, allow (1) a graduate who has earned a degree in geology from an accredited college or university in accordance

with this Act or (2) a student in a degree program at an accredited college or university who has completed the necessary course requirements established in this Section to request to take one or both parts of the examination required by the Department without first submitting a formal application to the Department for licensure as a Licensed Professional Geologist. The Department may set by rule the criteria for the intern process, including, but not limited to, the educational requirements, exam requirements, experience requirements, remediation requirements, and any fees or applications required for the process. The Department may also set by rule provisions concerning disciplinary guidelines and the use of the title "intern" or "trainee" by a graduate or student who has passed the required examination.

(Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

(225 ILCS 745/60)

(Section scheduled to be repealed on January 1, 2016)

Sec. 60. Seals.

(a) Upon licensure, each licensee shall obtain a seal of a design as required by rule bearing the licensee's name, license number, and the legend "Licensed Professional Geologist".

(b) All preliminary, draft, and final geologic reports, documents, permits, affidavits, maps, boring logs, cross sections, or other records offered to the public and prepared or issued by or under the supervision of a Licensed

Professional Geologist shall include the full name, signature, and license number of the licensee, and the date of license expiration of the person who prepared the document or under whose supervision it was prepared, and an impression of the licensee's seal, in accordance with rules issued by the Department.

(c) The Licensed Professional Geologist who has contract responsibility shall seal a cover sheet of the professional work products and those individual portions of the professional work products for which the Licensed Professional Geologist is legally and professionally responsible. A Licensed Professional Geologist practicing as the support professional shall seal those individual portions of professional work products for which that Licensed Professional Geologist is legally and professionally responsible.

(d) The use of a Licensed Professional Geologist's ~~licensed professional geologist's~~ seal on professional work products constitutes a representation that the work prepared by or under the personal supervision of that Licensed Professional Geologist has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

(e) It is unlawful to affix one's seal to professional work products if doing so ~~it~~ masks the true identity of the person who actually exercised direction, supervision, and responsible charge of the preparation of that work. A Licensed Professional Geologist who signs and seals professional work products is not

responsible for damage caused by subsequent changes to or uses of those professional work products, if the subsequent changes or uses, including changes or uses made by State or local government agencies, are not authorized or approved by the Licensed Professional Geologist who originally signed and sealed the professional work products.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/65)

(Section scheduled to be repealed on January 1, 2016)

Sec. 65. Expiration and renewal of license. The expiration date and renewal period for each license shall be set by rule. A Licensed Professional Geologist whose license has expired may reinstate his or her license or enrollment at any time within 5 years after the expiration thereof, by making a renewal application and by paying the required fee. However, any Licensed Professional Geologist whose license expired while he or she was (i) on active duty with the Armed Forces of the United States or called into service or training by the State militia or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her Licensed Professional Geologist license renewed, reinstated, or restored without paying any lapsed renewal fees if within 2 years after termination of the service, training, or education the Licensed Professional Geologist furnishes to the Department ~~with~~ satisfactory

evidence of the service, training, or education and that it has been terminated under honorable conditions.

Any ~~professional geologist whose~~ Licensed Professional Geologist whose license has expired for more than 5 years may have it restored by making application to the Department, paying the required fee, and filing acceptable proof of fitness to have the license restored. The proof may include sworn evidence certifying active practice in another jurisdiction. If the geologist has not practiced for 5 years or more, the Board shall determine by an evaluation program established by rule, whether that individual is fit to resume active status as a Licensed Professional Geologist. The Board may require the geologist to complete a period of evaluated professional experience and may require successful completion of an examination.

The Department may refuse to issue or may suspend the license of any person who fails to file a tax return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/75)

(Section scheduled to be repealed on January 1, 2016)

Sec. 75. Returned checks; fines. 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 calendar days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without a hearing. If, after termination or denial, the person seeks a license to practice as a Licensed Professional Geologist, he or she shall apply to the Department for restoration or issuance of the license 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 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. 96-1327, eff. 7-27-10.)

(225 ILCS 745/80)

(Section scheduled to be repealed on January 1, 2016)

Sec. 80. Disciplinary actions.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed \$10,000 ~~\$5,000~~ for each violation, with regard to any license for any one or combination of the following:

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

(2) Violations of this Act, or of the rules promulgated under this Act.

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession. ~~Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or that is a misdemeanor, an essential element of which is dishonesty, or of any crime that is directly related to the practice of~~

~~the profession.~~

(4) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.

(5) Professional incompetence.

(6) Malpractice. ~~Gross malpractice.~~

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

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

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

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

(11) Discipline by another state, the District of Columbia, a territory of the United States, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(12) 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 professional services not actually or personally rendered.

(13) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

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

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

(16) Solicitation of professional services other than permitted advertising.

(17) Conviction of or cash compromise of a charge or violation of the Illinois Controlled Substances Act regulating narcotics.

(18) Failure to (i) file a tax return, (ii) pay the tax, penalty, or interest shown in a filed return, or (iii) pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of that tax Act are satisfied.

(19) Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of professional

geology, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(20) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(21) Practicing under a false or, except as provided by law, an assumed name.

(22) Fraud or misrepresentation in applying for, or procuring, a license to practice as a Licensed Professional Geologist under this Act or in connection with applying for renewal of a license under this Act.

(23) Cheating on or attempting to subvert the licensing examination administered under this Act.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee; and upon the recommendation of the Board to the Secretary ~~Director~~ that the licensee be allowed to resume his or her practice.

All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine

or in accordance with the terms set forth in the order imposing the fine.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/90)

(Section scheduled to be repealed on January 1, 2016)

Sec. 90. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons rendering or offering to render geological services or any person holding or claiming to hold a license as a Licensed Professional Geologist. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 80 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges with the Board under oath within 20 days after the service on him or her of the notice, and (iii) notify ~~inform~~ the accused that, if he or she fails to answer, default will be taken against him or her, and ~~or~~ that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may consider proper. 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 pertinent statements, testimony, evidence, and arguments. The Board may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or subject to any other disciplinary action the Department considers proper ~~may take whatever disciplinary action considered 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 that action under this Act. The written notice may be served by personal delivery or by certified mail to the licensee's address of record. ~~specified by the accused in his or her last notification with the Department.~~

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/95)

(Section scheduled to be repealed on January 1, 2016)

Sec. 95. Record of proceedings; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, the report of the hearing officer and

the Board, and orders of the Department shall be in the record of the proceeding. ~~The Department shall furnish a transcript of such record to any person interested in such hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

(Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 745/100)

(Section scheduled to be repealed on January 1, 2016)

Sec. 100. Subpoenas; depositions; oaths. The Department has 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 has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/110)

(Section scheduled to be repealed on January 1, 2016)

Sec. 110. 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 accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of any violations or failure to comply and shall make its recommendations to the Secretary ~~Director~~. In making recommendations for any disciplinary actions, the Board may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including but not limited to previous discipline of the accused by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation.

The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist, or otherwise disciplining a licensee. If the Secretary ~~Director~~ disagrees with the recommendations of the

Board, the Secretary ~~Director~~ may issue an order in contravention of the Board recommendations. The Secretary ~~Director~~ shall provide a written report to the Board on any disagreement and shall specify the reasons for the action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/120)

(Section scheduled to be repealed on January 1, 2016)

Sec. 120. Secretary ~~Director~~; rehearing. Whenever the Secretary ~~Director~~ believes that justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist, or other discipline of an applicant or licensee, he or she may order a rehearing by the same or other examiners.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/125)

(Section scheduled to be repealed on January 1, 2016)

Sec. 125. Appointment of a hearing officer. The Secretary ~~Director~~ has 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, restore, or renew a person's license to practice as a Licensed Professional Geologist or to discipline a licensee. The hearing officer has full authority to conduct the hearing. Members ~~At least one member~~ of the Board may ~~shall~~ attend each hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary ~~Director~~. The Board shall have 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary ~~Director~~. If the Board does not present its report within the 60-day period, the Secretary ~~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 recommendation. The Secretary ~~Director~~ shall promptly provide a written report to the Board on any deviation, and shall specify the reasons for the action in the final order.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/130)

(Section scheduled to be repealed on January 1, 2016)

Sec. 130. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary

~~Director~~, is prima facie proof that:

(a) the signature is the genuine signature of the
Secretary ~~Director~~;

(b) the Secretary ~~Director~~ is duly appointed and
qualified; and

(c) the Board and its members are qualified to act.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/135)

(Section scheduled to be repealed on January 1, 2016)

Sec. 135. Restoration of suspended or revoked license. At
any time after the successful completion of a term of
indefinite probation, suspension, or revocation of a
~~suspension or revocation of a person's~~ license to practice as a
Licensed Professional Geologist, the Department may restore it
to the licensee, upon the written recommendation of the Board,
unless after an investigation and a hearing the Board
determines that restoration is not in the public interest.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/145)

(Section scheduled to be repealed on January 1, 2016)

Sec. 145. Summary suspension of a license. The Secretary
~~Director~~ may summarily suspend the license of a Licensed
Professional Geologist without a hearing, simultaneously with
the institution of proceedings for a hearing provided for in

Section 90 of this Act, if the Secretary ~~Director~~ finds that evidence in the Secretary's ~~Director's~~ possession indicates that the continuation of practice by a Licensed Professional Geologist would constitute an imminent danger to the public. In the event that the Secretary ~~Director~~ summarily suspends the license of a Licensed Professional Geologist without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/155)

(Section scheduled to be repealed on January 1, 2016)

Sec. 155. Administrative review; certifications
~~Certifications~~ of record; costs. All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but, if the party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless and until the Department has received from the plaintiff payment of

~~the costs of furnishing and certifying the record, there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record,~~ which costs shall be determined by the Department. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

During the pendency and hearing of any and all judicial proceedings incident to the disciplinary action, the sanctions imposed upon the accused by the Department specified in the Department's final administrative decision shall, as a matter of public policy, remain in full force and effect in order to protect the public pending final resolution of any of the proceedings.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/162)

(Section scheduled to be repealed on January 1, 2016)

Sec. 162. Civil penalties.

(a) In addition to any other penalty provided by law, any person who violates this Act shall forfeit and 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 of this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all 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.

(d) All moneys collected under this Section shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/165)

(Section scheduled to be repealed on January 1, 2016)

Sec. 165. Consent order. At any point in the proceedings as provided in Sections 85 through 130 and Section 150, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary ~~Director~~.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/170)

(Section scheduled to be repealed on January 1, 2016)

Sec. 170. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois

Administrative Procedure Act, which provides that at hearings the registrant or licensee has the right to show compliance with all lawful requirements for retention or continuation or renewal of the license, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is considered sufficient when mailed to the ~~last known~~ address of record ~~a~~ party.

(Source: P.A. 89-366, eff. 7-1-96; 90-655, eff. 7-30-98.)

(225 ILCS 745/180 new)

Sec. 180. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department shall not disclose the information to anyone other than law enforcement officials, regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the

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Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

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