

HB0530



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0530

by Rep. Margo McDermed

SYNOPSIS AS INTRODUCED:

225 ILCS 450/20.1

from Ch. 111, par. 5522

Amends the Illinois Public Accounting Act. Provides that when a licensee under the Act has failed to satisfactorily complete a peer review, the licensee may provide additional evidence in his or her favor. Requires the Department of Financial and Professional Regulation to review that evidence, if it is provided, in addition to the rest of the record presented. Effective immediately.

LRB100 06284 SMS 16321 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Public Accounting Act is amended by
5 changing Section 20.1 as follows:

6 (225 ILCS 450/20.1) (from Ch. 111, par. 5522)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 20.1. Investigations; notice; hearing.

9 (a) The Department may investigate the actions of an
10 applicant, person, or entity holding or claiming to hold a
11 license.

12 (b) The Department shall, before revoking, suspending,
13 placing on probation, reprimanding, or taking any other
14 disciplinary or non-disciplinary action under Section 20.01 of
15 this Act, at least 30 days before the date set for the hearing,
16 (i) notify the accused in writing of the charges made and the
17 time and place for the hearing on the charges, (ii) direct him
18 or her to file a written answer to the charges with the
19 Department under oath within 20 days after the service on him
20 or her of the notice, and (iii) inform the accused that, if he
21 or she fails to answer, default shall be taken against him or
22 her or that his or her license or registration may be
23 suspended, revoked, placed on probationary status, or other

1 disciplinary action taken with regard to the licensee,
2 including limiting the scope, nature, or extent of his or her
3 practice, as the Department may consider proper.

4 (c) With respect to determinations by a Peer Review
5 Administrator duly appointed by the Department under
6 subsection (f) of Section 16 of this Act that a licensee has
7 failed to satisfactorily complete a peer review as required
8 under subsection (e) of Section 16, the Department may consider
9 the Peer Review Administrator's findings of fact as prima facie
10 evidence, and upon request by a licensee for a hearing the
11 Department shall review the record presented and hear arguments
12 by the licensee or the licensee's counsel but need not conduct
13 a trial or hearing de novo ~~or accept additional evidence~~. A
14 licensee may provide additional evidence in his or her favor.
15 If the licensee provides additional evidence, the Department
16 shall review that evidence in addition to the rest of the
17 record presented.

18 (d) At the time and place fixed in the notice, the
19 Department shall proceed to hear the charges and the parties or
20 their counsel shall be accorded ample opportunity to present
21 any pertinent statements, testimony, evidence, and arguments.
22 The Department may continue the hearing from time to time.

23 (e) In case the person, after receiving the notice, fails
24 to file an answer, his or her license or registration may, in
25 the discretion of the Department, be suspended, revoked, placed
26 on probationary status, or the Department may take whatever

1 disciplinary action considered proper, including limiting the
2 scope, nature, or extent of the person's practice or the
3 imposition of a fine, without a hearing, if the act or acts
4 charged constitute sufficient grounds for that action under
5 this Act. The written notice may be served by registered or
6 certified mail to the licensee or registrant's address of
7 record.

8 (Source: P.A. 98-254, eff. 8-9-13.)

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