



Sen. Iris Y. Martinez

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1 AMENDMENT TO SENATE BILL 771

2 AMENDMENT NO. _____. Amend Senate Bill 771 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.28 and by adding Section 4.38 as follows:

6 (5 ILCS 80/4.28)

7 Sec. 4.28. Acts repealed on January 1, 2018. The following
8 Acts are repealed on January 1, 2018:

9 The Illinois Petroleum Education and Marketing Act.

10 The Podiatric Medical Practice Act of 1987.

11 The Acupuncture Practice Act.

12 ~~The Illinois Speech Language Pathology and Audiology
13 Practice Act.~~

14 The Interpreter for the Deaf Licensure Act of 2007.

15 The Nurse Practice Act.

16 The Clinical Social Work and Social Work Practice Act.

1 The Pharmacy Practice Act.

2 The Home Medical Equipment and Services Provider License
3 Act.

4 The Marriage and Family Therapy Licensing Act.

5 The Nursing Home Administrators Licensing and Disciplinary
6 Act.

7 The Physician Assistant Practice Act of 1987.

8 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;
9 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.
10 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,
11 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;
12 96-328, eff. 8-11-09.)

13 (5 ILCS 80/4.38 new)

14 Sec. 4.38. Act repealed on January 1, 2028. The following
15 Act is repealed on January 1, 2028:

16 The Illinois Speech-Language Pathology and Audiology
17 Practice Act.

18 Section 10. The Illinois Speech-Language Pathology and
19 Audiology Practice Act is amended by changing Sections 3, 3.5,
20 5, 7, 8.5, 8.8, 11, 14, 16, 17, 22, 23, 24.1, 31a, and 34 and by
21 adding Sections 4.5, 8.2, 13.5, and 34.1 as follows:

22 (225 ILCS 110/3) (from Ch. 111, par. 7903)

23 (Section scheduled to be repealed on January 1, 2018)

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

4 (a) "Department" means the Department of Financial and
5 Professional Regulation.

6 (b) "Secretary" means the Secretary of Financial and
7 Professional Regulation.

8 (c) "Board" means the Board of Speech-Language Pathology
9 and Audiology established under Section 5 of this Act.

10 (d) "Speech-Language Pathologist" means a person who has
11 received a license pursuant to this Act and who engages in the
12 practice of speech-language pathology.

13 (e) "Audiologist" means a person who has received a license
14 pursuant to this Act and who engages in the practice of
15 audiology.

16 (f) "Public member" means a person who is not a health
17 professional. For purposes of board membership, any person with
18 a significant financial interest in a health service or
19 profession is not a public member.

20 (g) "The practice of audiology" is the application of
21 nonsurgical ~~nonmedical~~ methods and procedures for the
22 screening, identification, measurement, monitoring, testing,
23 appraisal, prediction, interpretation, habilitation,
24 rehabilitation, or instruction related to audiologic or
25 vestibular disorders ~~hearing and disorders of hearing~~. These
26 procedures are for the purpose of counseling, consulting and

1 rendering or offering to render services or for participating
2 in the planning, directing or conducting of programs that are
3 designed to modify communicative disorders involving speech,
4 language, ~~or~~ auditory, or vestibular function ~~related to~~
5 ~~hearing loss~~. The practice of audiology may include, but shall
6 not be limited to, the following:

7 (1) any task, procedure, act, or practice that is
8 necessary for the evaluation and management of audiologic
9 ~~hearing~~ or vestibular function, including, but not limited
10 to, neurophysiologic intraoperative monitoring of the
11 seventh or eighth cranial nerve function;

12 (2) training in the use of amplification devices;

13 (3) the evaluation, fitting, dispensing, or servicing
14 of hearing instruments and auditory prosthetic devices and
15 cerumen removal; and

16 (4) performing basic speech and language screening
17 tests and procedures consistent with audiology training.

18 "The practice of audiology" does not include testing and
19 interpretation of test results using electrodiagnostic
20 modalities to monitor the spinal cord, peripheral nerves (other
21 than the seventh and eighth cranial nerve), cerebral
22 hemispheres, or brainstem.

23 (h) "The practice of speech-language pathology" is the
24 application of nonmedical methods and procedures for the
25 identification, measurement, testing, appraisal, prediction,
26 habilitation, rehabilitation, and modification related to

1 communication development, and disorders or disabilities of
2 speech, language, voice, swallowing, and other speech,
3 language and voice related disorders. These procedures are for
4 the purpose of counseling, consulting and rendering or offering
5 to render services, or for participating in the planning,
6 directing or conducting of programs that are designed to modify
7 communicative disorders and conditions in individuals or
8 groups of individuals involving speech, language, voice and
9 swallowing function.

10 "The practice of speech-language pathology" shall include,
11 but shall not be limited to, the following:

12 (1) hearing screening tests and aural rehabilitation
13 procedures consistent with speech-language pathology
14 training;

15 (2) tasks, procedures, acts or practices that are
16 necessary for the evaluation of, and training in the use
17 of, augmentative communication systems, communication
18 variation, cognitive rehabilitation, non-spoken language
19 production and comprehension; and

20 (3) the use of rigid or flexible laryngoscopes for the
21 sole purpose of observing and obtaining images of the
22 pharynx and larynx in accordance with Section 9.3 of this
23 Act.

24 (i) "Speech-language pathology assistant" means a person
25 who has received a license pursuant to this Act to assist a
26 speech-language pathologist in the manner provided in this Act.

1 (j) "Physician" means a physician licensed to practice
2 medicine in all its branches under the Medical Practice Act of
3 1987.

4 (k) "Email address of record" means the designated email
5 address recorded by the Department in the applicant's
6 application file or the licensee's license file, as maintained
7 by the Department's licensure maintenance unit.

8 (l) "Address of record" means the designated address
9 recorded by the Department in the applicant's or licensee's
10 application file or license file as maintained by the
11 Department's licensure maintenance unit.

12 (m) "Neurophysiologic intraoperative monitoring" means the
13 process of continual testing and interpretation of test results
14 using electrodiagnostic modalities to monitor the seventh and
15 eighth cranial nerve function during a surgical procedure.
16 Neurophysiologic intraoperative monitoring may be performed by
17 an audiologist only if authorized by the physician performing
18 the surgical procedure.

19 (Source: P.A. 95-465, eff. 8-27-07; 96-719, eff. 8-25-09.)

20 (225 ILCS 110/3.5)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 3.5. Exemptions. This Act does not prohibit:

23 (a) The practice of speech-language pathology or
24 audiology by students in their course of study in programs
25 approved by the Department when acting under the direction

1 and supervision of licensed speech-language pathologists
2 or audiologists.

3 (b) The performance of any speech-language pathology
4 service by a speech-language pathology assistant ~~or a~~
5 ~~speech language pathology paraprofessional~~ if such service
6 is performed under the supervision and full responsibility
7 of a licensed speech-language pathologist. A speech
8 language pathology assistant may perform only those duties
9 authorized by Section 8.7 under the supervision of a
10 speech-language pathologist as provided in Section 8.8.

11 (b-5) The performance of an audiology service by an
12 appropriately trained person if that service is performed
13 under the supervision and full responsibility of a licensed
14 audiologist.

15 (c) The performance of audiometric testing for the
16 purpose of industrial hearing conservation by an
17 audiometric technician certified by the Council of
18 Accreditation for Occupational Hearing Conservation
19 (CAOHC).

20 (d) The performance of an audiometric screening by an
21 audiometric screenings technician certified by the
22 Department of Public Health.

23 (e) The selling or practice of fitting, dispensing, or
24 servicing hearing instruments by a hearing instrument
25 dispenser licensed under the Hearing Instrument Consumer
26 Protection Act.

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

4 (g) The performance of vestibular function testing by
5 an appropriately trained person under the supervision of a
6 physician licensed to practice medicine in all its
7 branches.

8 (Source: P.A. 92-510, eff. 6-1-02.)

9 (225 ILCS 110/4.5 new)

10 Sec. 4.5. Address of record; email address of record. All
11 applicants and licensees shall:

12 (1) provide a valid address and email address to the
13 Department, which shall serve as the address of record and
14 email address of record, respectively, at the time of
15 application for licensure or renewal of a license; and

16 (2) inform the Department of any change of address of
17 record or email address of record within 14 days after such
18 change either through the Department's website or by
19 contacting the Department's licensure maintenance unit.

20 (225 ILCS 110/5) (from Ch. 111, par. 7905)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 5. Board of Speech-Language Pathology and Audiology.
23 There is created a Board of Speech-Language Pathology and
24 Audiology to be composed of persons designated from time to

1 time by the Secretary, as follows:

2 (a) Five persons, 2 of whom have been licensed
3 speech-language pathologists for a period of 5 years or
4 more, 2 of whom have been licensed audiologists for a
5 period of 5 years or more, and one public member. The board
6 shall annually elect a chairperson and a vice-chairperson.

7 (b) Terms for all members shall be for 3 years. A
8 member shall serve until his or her successor is appointed
9 and qualified. Partial terms over 2 years in length shall
10 be considered as full terms. A member may be reappointed
11 for a successive term, but no member shall serve more than
12 2 full terms.

13 (c) The membership of the Board should reasonably
14 reflect representation from the various geographic areas
15 of the State.

16 (d) In making appointments to the Board, the Secretary
17 shall give due consideration to recommendations by
18 organizations of the speech-language pathology and
19 audiology professions in Illinois, including the Illinois
20 Speech-Language-Hearing Association and the Illinois
21 Academy of Audiology, and shall promptly give due notice to
22 such organizations of any vacancy in the membership of the
23 Board. The Secretary may terminate the appointment of any
24 member for any cause, which in the opinion of the
25 Secretary, reasonably justifies such termination.

26 (e) A majority of the Board members currently appointed

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

5 (f) The members of the Board may each receive as
6 compensation a reasonable sum as determined by the
7 Secretary for each day actually engaged in the duties of
8 the office, and all legitimate and necessary expenses
9 incurred in attending the meetings of the Board.

10 (g) Members of the Board shall have no liability ~~be~~
11 ~~immune from suit~~ in any action based upon any disciplinary
12 proceedings or other activity ~~activities~~ performed in good
13 faith as members of the Board.

14 (h) The Secretary may consider the recommendations of
15 the Board in establishing guidelines for professional
16 conduct, the conduct of formal disciplinary proceedings
17 brought under this Act, and qualifications of applicants.
18 Notice of proposed rulemaking shall be transmitted to the
19 Board and the Department shall review the response of the
20 Board and any recommendations made in the response. The
21 Department, at any time, may seek the expert advice and
22 knowledge of the Board on any matter relating to the
23 administration or enforcement of this Act.

24 (i) Whenever the Secretary is satisfied that
25 substantial justice has not been done either in an
26 examination or in the revocation, suspension, or refusal of

1 a license, or other disciplinary action relating to a
2 license, the Secretary may order a reexamination or
3 rehearing.

4 (Source: P.A. 94-528, eff. 8-10-05; 95-465, eff. 8-27-07.)

5 (225 ILCS 110/7) (from Ch. 111, par. 7907)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 7. Licensure requirement.

8 (a) Except as provided in subsection (b), on or after June
9 1, 1989, no person shall practice speech-language pathology or
10 audiology without first applying for and obtaining a license
11 for such purpose from the Department. Except as provided in
12 this Section, on or after January 1, 2002, no person shall
13 perform the functions and duties of a speech-language pathology
14 assistant without first applying for and obtaining a license
15 for that purpose from the Department.

16 (b) A person holding a regular license to practice
17 speech-language pathology or audiology under the laws of
18 another state, a territory of the United States, or the
19 District of Columbia who has made application to the Department
20 for a license to practice speech-language pathology or
21 audiology may practice speech-language pathology or audiology
22 without a license for 90 days from the date of application or
23 until disposition of the license application by the Department,
24 whichever is sooner, if the person (i) in the case of a
25 speech-language pathologist, holds a Certificate of Clinical

1 Competence from the American Speech-Language-Hearing
2 Association in speech-language pathology ~~or audiology or, in~~
3 ~~the case of an audiologist, a certificate from the American~~
4 ~~Board of Audiology~~ and (ii) has not been disciplined and has no
5 disciplinary matters pending in a state, a territory, or the
6 District of Columbia.

7 A person applying for an initial license to practice
8 audiology who is a recent graduate of a Department-approved
9 audiology program may practice as an audiologist for a period
10 of 60 days after the date of application or until disposition
11 of the license application by the Department, whichever is
12 sooner, provided that he or she meets the applicable
13 requirements of Section 8 of this Act.

14 (Source: P.A. 95-465, eff. 8-27-07.)

15 (225 ILCS 110/8.2 new)

16 Sec. 8.2. Remote practice of audiology and speech-language
17 pathology.

18 (a) An audiologist licensed under this Act may conduct the
19 practice of audiology remotely subject to the following
20 conditions:

21 (1) the practice of audiology may be conducted remotely
22 using video conferencing;

23 (2) the use of telephone, email, instant messaging,
24 store and forward technology, or facsimile must be in
25 conjunction with or supplementary to the use of video

1 conferencing;

2 (3) an audiologist who practices audiology remotely
3 must follow all applicable Health Insurance Portability
4 and Accountability Act privacy and security regulations;

5 (4) an audiologist who practices audiology remotely is
6 subject to the same standard of care required of an
7 audiologist who practices audiology in a clinic or office
8 setting; and

9 (5) services delivered remotely by an audiologist must
10 be equivalent to the quality of services delivered in
11 person in a clinic or office setting.

12 (b) A speech-language pathologist licensed under this Act
13 may conduct the practice of speech-language pathology remotely
14 subject to the following conditions:

15 (1) the practice of speech-language pathology may be
16 conducted remotely using video conferencing;

17 (2) the use of telephone, email, instant messaging,
18 store and forward technology, or facsimile must be in
19 conjunction with or supplementary to the use of video
20 conferencing;

21 (3) a speech-language pathologist who practices
22 speech-language pathology remotely must follow all
23 applicable Health Insurance Portability and Accountability
24 Act privacy and security regulations;

25 (4) a speech-language pathologist who practices
26 speech-language pathology remotely is subject to the same

1 standard of care required of a speech-language pathologist
2 who practices speech-language pathology in a clinic or
3 office setting; and

4 (5) services delivered remotely by a speech-language
5 pathologist must be equivalent to the quality of services
6 delivered in person in a clinic setting.

7 (c) An out-of-state person providing speech-language
8 pathology or audiology services to a person residing in
9 Illinois without a license issued pursuant to this Act submits
10 himself or herself to the jurisdiction of the Department and
11 the courts of this State.

12 (225 ILCS 110/8.5)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 8.5. Qualifications for licenses as a speech-language
15 pathology assistant. A person is qualified to be licensed as a
16 speech-language pathology assistant if that person has applied
17 in writing or electronically on forms prescribed by the
18 Department, has paid the required fees, and meets both of the
19 following criteria:

20 (1) Is of good moral character. In determining moral
21 character, the Department may take into consideration any
22 felony conviction or plea of guilty or nolo contendere of
23 the applicant, but such a conviction or plea shall not
24 operate automatically as a complete bar to licensure.

25 (2) Has received either (i) an associate degree from a

1 speech-language pathology assistant program that has been
2 approved by the Department and that meets the minimum
3 requirements set forth in Section 8.6 or (ii) a bachelor's
4 degree and has completed course work from an accredited
5 college or university that meets the minimum requirements
6 set forth in Section 8.6.

7 (Source: P.A. 94-869, eff. 6-16-06; 95-465, eff. 8-27-07.)

8 (225 ILCS 110/8.8)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 8.8. Supervision of speech-language pathology
11 assistants.

12 (a) A speech-language pathology assistant shall practice
13 only under the supervision of a speech-language pathologist who
14 has at least 2 years experience in addition to the supervised
15 professional experience required under subsection (f) of
16 Section 8 of this Act. A speech-language pathologist who
17 supervises a speech-language pathology assistant (i) must have
18 completed at least 6 ~~10~~ clock hours of training in the
19 supervision related to speech-language pathology, and (ii)
20 must complete at least 2 clock hours of continuing education in
21 supervision related to speech-language pathology in each new
22 licensing cycle after completion of the initial training
23 required under item (i) of ~~speech language pathology~~
24 assistants. The Department shall promulgate rules describing
25 the supervision training requirements. The rules may allow a

1 speech-language pathologist to apply to the Board for an
2 exemption from this training requirement based upon prior
3 supervisory experience.

4 (b) A speech-language pathology assistant must be under the
5 direct supervision of a speech-language pathologist at least
6 30% of the speech-language pathology assistant's actual
7 patient or client contact time per patient or client during the
8 first 90 days of initial employment as a speech-language
9 pathology assistant. Thereafter, a speech-language pathology
10 assistant must be under the direct supervision of a
11 speech-language pathologist at least 20% of the
12 speech-language pathology assistant's actual patient or client
13 contact time per patient or client. Supervision of a
14 speech-language pathology assistant beyond the minimum
15 requirements of this subsection may be imposed at the
16 discretion of the supervising speech-language pathologist. A
17 supervising speech-language pathologist must be available to
18 communicate with a speech-language pathology assistant
19 whenever the assistant is in contact with a patient or client.

20 (c) A speech-language pathologist that supervises a
21 speech-language pathology assistant must document direct
22 supervision activities. At a minimum, supervision
23 documentation must provide (i) information regarding the
24 quality of the speech-language pathology assistant's
25 performance of assigned duties, and (ii) verification that
26 clinical activity is limited to duties specified in Section

1 8.7.

2 (d) A full-time speech-language pathologist may supervise
3 no more than 2 speech-language pathology assistants. A
4 speech-language pathologist that does not work full-time may
5 supervise no more than one speech-language pathology
6 assistant.

7 (e) For purposes of this Section, "direct supervision"
8 means on-site, in-view observation and guidance by a
9 speech-language pathologist while an assigned activity is
10 performed by the speech-language pathology assistant.

11 (Source: P.A. 92-510, eff. 6-1-02.)

12 (225 ILCS 110/11) (from Ch. 111, par. 7911)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 11. Expiration, renewal and restoration of licenses.

15 (a) The expiration date and renewal period for each license
16 issued under this Act shall be set by rule. A speech-language
17 pathologist, speech-language pathology assistant, or
18 audiologist may renew such license during the month preceding
19 the expiration date thereof by paying the required fee.

20 (a-5) An audiologist renewing his or her license ~~All~~
21 ~~renewal applicants~~ shall provide proof as determined by the
22 Department of having met the continuing education requirements
23 set forth in the rules of the Department. At a minimum, the
24 rules shall require a renewal applicant for licensure as an ~~a~~
25 ~~speech-language pathologist or~~ audiologist to provide proof of

1 completing at least 20 clock hours of continuing education
2 during the 2-year licensing cycle for which he or she is
3 currently licensed, no more than 10 hours of which may be
4 obtained through programs sponsored by hearing instrument or
5 auditory prosthetic device manufacturers. An audiologist must
6 provide proof that at least 2 clock hours of training in ethics
7 or legal requirements pertaining to the practice of audiology
8 was completed during the 2-year licensing cycle for which he or
9 she is currently licensed. An audiologist who has met the
10 continuing education requirements of the Hearing Instrument
11 Consumer Protection Act during an equivalent licensing cycle
12 under this Act shall be deemed to have met the continuing
13 education requirements of this Act. At a minimum, the rules
14 shall require a renewal applicant for licensure as a
15 speech language pathology assistant to provide proof of
16 completing at least 10 clock hours of continuing education
17 during the 2 year period for which he or she currently holds a
18 license.

19 (a-10) A speech-language pathologist or a speech-language
20 pathology assistant renewing his or her license shall provide
21 proof as determined by the Department of having met the
22 continuing education requirements set forth in the rules of the
23 Department. At a minimum, the rules shall require a renewal
24 applicant for license as a speech-language pathologist to
25 provide proof of completing at least 20 clock hours of
26 continuing education during the 2-year licensing cycle for

1 which he or she is currently licensed. A speech language
2 pathologist must provide proof that at least one clock hour of
3 ethics training was completed during the 2-year licensing cycle
4 for which he or she is currently licensed. At a minimum, the
5 rules shall require a renewal applicant for licensure as a
6 speech-language pathology assistant to provide proof of
7 completing at least 10 clock hours of continuing education
8 during the 2-year period for which he or she currently holds a
9 license.

10 (b) Inactive status.

11 (1) Any licensee who notifies the Department in writing
12 on forms prescribed by the Department may elect to place
13 his or her license on an inactive status and shall, subject
14 to rules of the Department, be excused from payment of
15 renewal fees until he or she notifies the Department in
16 writing of his or her desire to resume active status.

17 (2) Any licensee requesting restoration from inactive
18 status shall be required to (i) pay the current renewal
19 fee; and (ii) demonstrate that he or she has completed a
20 minimum of 20 hours of continuing education and met any
21 additional continuing education requirements established
22 by the Department by rule.

23 (3) Any licensee whose license is in an inactive status
24 shall not practice in the State of Illinois without first
25 restoring his or her license.

26 (4) Any licensee who shall engage in the practice while

1 the license is lapsed or inactive shall be considered to be
2 practicing without a license which shall be grounds for
3 discipline under Section 16 of this Act.

4 (c) Any speech-language pathologist, speech-language
5 pathology assistant, or audiologist whose license has expired
6 may have his or her license restored at any time within 5 years
7 after the expiration thereof, upon payment of the required fee.

8 (d) Any person whose license has been expired or inactive
9 for 5 years or more may have his or her license restored by
10 making application to the Department and filing proof
11 acceptable to the Department of his or her fitness to have his
12 or her license restored, including sworn evidence certifying to
13 active lawful practice in another jurisdiction, and by paying
14 the required restoration fee. A person practicing on an expired
15 license is deemed to be practicing without a license.

16 (e) If a person whose license has expired has not
17 maintained active practice in another jurisdiction, the
18 Department shall determine, by an evaluation process
19 established by rule, his or her fitness to resume active status
20 and may require the person to complete a period of evaluated
21 clinical experience, and may require successful completion of
22 an examination.

23 (f) Any person whose license has expired while he or she
24 has been engaged (1) in federal or State service on active
25 duty, or (2) in training or education under the supervision of
26 the United States preliminary to induction into the military

1 service, may have his or her license restored without paying
2 any lapsed renewal or restoration fee, if within 2 years after
3 termination of such service, training or education he or she
4 furnishes the Department with satisfactory proof that he or she
5 has been so engaged and that his or her service, training or
6 education has been so terminated.

7 (Source: P.A. 95-465, eff. 8-27-07.)

8 (225 ILCS 110/13.5 new)

9 Sec. 13.5. Reciprocity for audiologists. The Department
10 shall issue a license without examination to an audiology
11 applicant who: (1) has a valid license to practice audiology
12 from another state or territory of the United States; (2) has
13 not been disciplined and has no disciplinary matters pending in
14 any other jurisdiction; and (3) has paid the required fee.

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

20 (225 ILCS 110/14) (from Ch. 111, par. 7914)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 14. Fees.

23 (a) The Department shall provide by rule for a schedule of
24 fees to be paid for licenses by all applicants. The Department

1 shall consult with the Board and consider its recommendations
2 when establishing the schedule of fees and any increase in fees
3 to be paid by license applicants.

4 (b) Except as provided in subsection (c) below, the fees
5 for the administration and enforcement of this Act, including
6 but not limited to original licensure, renewal, and
7 restoration, shall be set by rule and shall be nonrefundable.

8 (b-5) In addition to any fees set by the Department through
9 administrative rule, the Department shall, at the time of
10 licensure and renewal, collect from each licensed audiologist a
11 Hearing Instrument Consumer Protection Fee of \$45.

12 (c) (Blank). ~~Applicants for examination shall be required~~
13 ~~to pay, either to the Department or the designated testing~~
14 ~~service, a fee covering the cost of initial screening to~~
15 ~~determine eligibility and to provide the examination. Failure~~
16 ~~to appear for the examination on the scheduled date at the time~~
17 ~~and place specified, after the application for examination has~~
18 ~~been received and acknowledged by the Department or the~~
19 ~~designated testing service, shall result in the forfeiture of~~
20 ~~the examination fee.~~

21 (Source: P.A. 90-69, eff. 7-8-97; 91-932, eff. 1-1-01.)

22 (225 ILCS 110/16) (from Ch. 111, par. 7916)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 16. Refusal, revocation or suspension of licenses.

25 (1) The Department may refuse to issue or renew, or may

1 revoke, suspend, place on probation, censure, reprimand or take
2 other disciplinary or non-disciplinary action as the
3 Department may deem proper, including fines not to exceed
4 \$10,000 for each violation, with regard to any license for any
5 one or combination of the following causes:

6 (a) Fraud in procuring the license.

7 (b) (Blank).

8 (c) Willful or repeated violations of the rules of the
9 Department of Public Health.

10 (d) Division of fees or agreeing to split or divide the
11 fees received for speech-language pathology or audiology
12 services with any person for referring an individual, or
13 assisting in the care or treatment of an individual,
14 without the knowledge of the individual or his or her legal
15 representative. Nothing in this paragraph (d) affects any
16 bona fide independent contractor or employment
17 arrangements among health care professionals, health
18 facilities, health care providers, or other entities,
19 except as otherwise prohibited by law. Any employment
20 arrangements may include provisions for compensation,
21 health insurance, pension, or other employment benefits
22 for the provision of services within the scope of the
23 licensee's practice under this Act. Nothing in this
24 paragraph (d) shall be construed to require an employment
25 arrangement to receive professional fees for services
26 rendered.

1 (e) Employing, procuring, inducing, aiding or abetting
2 a person not licensed as a speech-language pathologist or
3 audiologist to engage in the unauthorized practice of
4 speech-language pathology or audiology.

5 (e-5) Employing, procuring, inducing, aiding, or
6 abetting a person not licensed as a speech-language
7 pathology assistant to perform the functions and duties of
8 a speech-language pathology assistant.

9 (f) Making any misrepresentations or false promises,
10 directly or indirectly, to influence, persuade or induce
11 patronage.

12 (g) Professional connection or association with, or
13 lending his or her name to another for the illegal practice
14 of speech-language pathology or audiology by another, or
15 professional connection or association with any person,
16 firm or corporation holding itself out in any manner
17 contrary to this Act.

18 (h) Obtaining or seeking to obtain checks, money, or
19 any other things of value by false or fraudulent
20 representations, including but not limited to, engaging in
21 such fraudulent practice to defraud the medical assistance
22 program of the Department of Healthcare and Family Services
23 (formerly Department of Public Aid).

24 (i) Practicing under a name other than his or her own.

25 (j) Improper, unprofessional or dishonorable conduct
26 of a character likely to deceive, defraud or harm the

1 public.

2 (k) Conviction by plea of guilty or nolo contendere,
3 finding of guilt, jury verdict, or entry of judgment or
4 sentencing, including, but not limited to, convictions,
5 preceding sentences of supervision, conditional discharge,
6 or first offender probation, under the laws of any
7 jurisdiction of the United States that is (i) a felony or
8 (ii) a misdemeanor, an essential element of which is
9 dishonesty, or that is directly related to the practice of
10 the profession. ~~Conviction of or entry of a plea of guilty~~
11 ~~or nolo contendere to any crime that is a felony under the~~
12 ~~laws of the United States or any state or territory~~
13 ~~thereof, or that is a misdemeanor of which an essential~~
14 ~~element is dishonesty, or that is directly related to the~~
15 ~~practice of the profession.~~

16 (l) Permitting a person under his or her supervision to
17 perform any function not authorized by this Act.

18 (m) A violation of any provision of this Act or rules
19 promulgated thereunder.

20 (n) Discipline by another state, the District of
21 Columbia, territory, or foreign nation of a license to
22 practice speech-language pathology or audiology or a
23 license to practice as a speech-language pathology
24 assistant in its jurisdiction if at least one of the
25 grounds for that discipline is the same as or the
26 equivalent of one of the grounds for discipline set forth

1 herein.

2 (o) Willfully failing to report an instance of
3 suspected child abuse or neglect as required by the Abused
4 and Neglected Child Reporting Act.

5 (p) Gross or repeated malpractice.

6 (q) Willfully making or filing false records or reports
7 in his or her practice as a speech-language pathologist,
8 speech-language pathology assistant, or audiologist,
9 including, but not limited to, false records to support
10 claims against the public assistance program of the
11 Department of Healthcare and Family Services (formerly
12 Illinois Department of Public Aid).

13 (r) Professional incompetence as manifested by poor
14 standards of care or mental incompetence as declared by a
15 court of competent jurisdiction.

16 (s) Repeated irregularities in billing a third party
17 for services rendered to an individual. For purposes of
18 this Section, "irregularities in billing" shall include:

19 (i) reporting excessive charges for the purpose of
20 obtaining a total payment in excess of that usually
21 received by the speech-language pathologist,
22 speech-language pathology assistant, or audiologist
23 for the services rendered;

24 (ii) reporting charges for services not rendered;
25 or

26 (iii) incorrectly reporting services rendered for

1 the purpose of obtaining payment not earned.

2 (t) (Blank).

3 (u) Violation of the Health Care Worker Self-Referral
4 Act.

5 (v) Inability to practice with reasonable judgment,
6 skill, or safety as a result of habitual or excessive use
7 of or addiction to alcohol, narcotics, or stimulants or any
8 other chemical agent or drug or as a result of physical
9 illness, including, but not limited to, deterioration
10 through the aging process or loss of motor skill, mental
11 illness, or disability.

12 (w) Violation of the Hearing Instrument Consumer
13 Protection Act.

14 (x) Failure by a speech-language pathology assistant
15 and supervising speech-language pathologist to comply with
16 the supervision requirements set forth in Section 8.8.

17 (y) Willfully ~~Wilfully~~ exceeding the scope of duties
18 customarily undertaken by speech-language pathology
19 assistants set forth in Section 8.7 that results in, or may
20 result in, harm to the public.

21 (z) Willfully failing to report an instance of
22 suspected abuse, neglect, financial exploitation, or
23 self-neglect of an eligible adult as defined in and
24 required by the Adult Protective Services Act.

25 (aa) Being named as a perpetrator in an indicated
26 report by the Department on Aging under the Adult

1 Protective Services Act, and upon proof by clear and
2 convincing evidence that the licensee has caused an
3 eligible adult to be abused, neglected, or financially
4 exploited as defined in the Adult Protective Services Act.

5 (bb) Willfully violating Section 8.2 of this Act.

6 (2) The Department shall deny a license or renewal
7 authorized by this Act to any person who has defaulted on an
8 educational loan guaranteed by the Illinois State Scholarship
9 Commission; however, the Department may issue a license or
10 renewal if the aforementioned persons have established a
11 satisfactory repayment record as determined by the Illinois
12 State Scholarship Commission.

13 (3) The entry of an order by a circuit court establishing
14 that any person holding a license under this Act is subject to
15 involuntary admission or judicial admission as provided for in
16 the Mental Health and Developmental Disabilities Code,
17 operates as an automatic suspension of that license. That
18 person may have his or her license restored only upon the
19 determination by a circuit court that the patient is no longer
20 subject to involuntary admission or judicial admission and the
21 issuance of an order so finding and discharging the patient,
22 and upon the Board's recommendation to the Department that the
23 license be restored. Where the circumstances so indicate, the
24 Board may recommend to the Department that it require an
25 examination prior to restoring any license automatically
26 suspended under this subsection.

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

8 (5) In enforcing this Section, the Board upon a showing of
9 a possible violation may compel an individual licensed to
10 practice under this Act, or who has applied for licensure
11 pursuant to this Act, to submit to a mental or physical
12 examination, or both, as required by and at the expense of the
13 Department. The examining physicians or clinical psychologists
14 shall be those specifically designated by the Board. The
15 individual to be examined may have, at his or her own expense,
16 another physician or clinical psychologist of his or her choice
17 present during all aspects of this examination. Failure of any
18 individual to submit to a mental or physical examination, when
19 directed, shall be grounds for suspension of his or her license
20 until the individual submits to the examination if the Board
21 finds, after notice and hearing, that the refusal to submit to
22 the examination was without reasonable cause.

23 If the Board finds an individual unable to practice because
24 of the reasons set forth in this Section, the Board may require
25 that individual to submit to care, counseling, or treatment by
26 physicians or clinical psychologists approved or designated by

1 the Board, as a condition, term, or restriction for continued,
2 restored ~~reinstated~~, or renewed licensure to practice; or, in
3 lieu of care, counseling, or treatment, the Board may recommend
4 to the Department to file a complaint to immediately suspend,
5 revoke, or otherwise discipline the license of the individual.
6 Any individual whose license was granted, continued, restored
7 ~~reinstated~~, renewed, disciplined or supervised subject to such
8 terms, conditions, or restrictions, and who fails to comply
9 with such terms, conditions, or restrictions, shall be referred
10 to the Secretary for a determination as to whether the
11 individual shall have his or her license suspended immediately,
12 pending a hearing by the Board.

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

22 An individual licensed under this Act and affected under
23 this Section shall be afforded an opportunity to demonstrate to
24 the Board that he or she can resume practice in compliance with
25 acceptable and prevailing standards under the provisions of his
26 or her license.

1 (Source: P.A. 95-331, eff. 8-21-07; 95-465, eff. 8-27-07;
2 96-1482, eff. 11-29-10.)

3 (225 ILCS 110/17) (from Ch. 111, par. 7917)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 17. Investigations; notice; hearings. Licenses may be
6 refused, revoked, or suspended in the manner provided by this
7 Act and not otherwise. The Department may upon its own motion
8 and shall upon the verified complaint in writing of any person
9 setting forth facts that if proven would constitute grounds for
10 refusal to issue, suspend, or revoke under this Act,
11 investigate the actions of any person applying for, holding, or
12 claiming to hold a license.

13 The Department shall, before refusing to issue or renew or
14 suspending or revoking any license or taking other disciplinary
15 action pursuant to Section 16 of this Act, and at least 30 days
16 prior to the date set for the hearing, notify, in writing, the
17 applicant for or the holder of such license of any charges
18 made, afford the accused person an opportunity to be heard in
19 person or by counsel in reference thereto, and direct the
20 applicant or licensee to file a written answer to the Board
21 under oath within 20 days after the service of the notice and
22 inform the applicant or licensee that failure to file an answer
23 will result in default being taken against the applicant or
24 licensee and that the license or certificate may be suspended,
25 revoked, placed on probationary status, or other disciplinary

1 action may be taken, including limiting the scope, nature, or
2 extent of practice, as the Secretary may deem proper. Written
3 or electronic notice may be served by personal delivery, ~~of the~~
4 ~~same personally to the accused person or by mailing the same by~~
5 ~~certified mail, or email~~ to the applicant or licensee at his or
6 her address of record or email address of record ~~his or her~~
7 ~~last known place of residence or to the place of business last~~
8 ~~specified by the accused person in his or her last notification~~
9 ~~to the Department~~. In case the person fails to file an answer
10 after receiving notice, his or her license or certificate may,
11 in the discretion of the Department, be suspended, revoked, or
12 placed on probationary status or the Department may take
13 whatever disciplinary action deemed proper, including limiting
14 the scope, nature, or extent of the person's practice or the
15 imposition of a fine, without a hearing, if the act or acts
16 charged constitute sufficient grounds for such action under
17 this Act.

18 At the time and place fixed in the notice, the Board shall
19 proceed to hearing of the charges and both the accused person
20 and the Department ~~complainant~~ shall be accorded ample
21 opportunity to present, in person or by counsel, any
22 statements, testimony, evidence, and arguments as may be
23 pertinent to the charges or to their defense. The Board may
24 continue such hearing from time to time. If the Board is not
25 sitting at the time and place fixed in the notice or at the
26 time and place to which the hearing shall have been continued,

1 the Department shall continue such hearing for a period not to
2 exceed 30 days.

3 (Source: P.A. 95-465, eff. 8-27-07.)

4 (225 ILCS 110/22) (from Ch. 111, par. 7922)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 22. Appointment of a hearing officer. The Secretary
7 has ~~shall have~~ the authority to appoint any attorney duly
8 licensed to practice law in the State of Illinois to serve as
9 the hearing officer for any action for refusal to issue,
10 restore, or renew a license or discipline of a license. The
11 hearing officer shall have full authority to conduct the
12 hearing. Board members may attend hearings. The hearing officer
13 shall report his or her findings and recommendations to the
14 Board and the Secretary. The Board shall review the report of
15 the hearing officer and present its findings of fact,
16 conclusions of law and recommendations to the Secretary and to
17 all parties to the proceedings. If the Secretary disagrees in
18 any regard with the Board's report, he or she may issue an
19 order in contravention of the Board's report.

20 (Source: P.A. 95-465, eff. 8-27-07.)

21 (225 ILCS 110/23) (from Ch. 111, par. 7923)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 23. Restoration. At any time after suspension,
24 revocation, placement on probationary status, or the taking of

1 any other disciplinary action with regard to any license, the
2 Department may restore the license, or take any other action to
3 restore ~~reinstate~~ the license to good standing upon the written
4 recommendation of the Board, unless after an investigation and
5 a hearing, the Board determines that restoration is not in the
6 public interest. No person whose license has been revoked as
7 authorized in this Act may apply for restoration of that
8 license until such time as provided for in the Civil
9 Administrative Code of Illinois.

10 A license that has been suspended or revoked shall be
11 considered nonrenewed for purposes of restoration and a person
12 restoring his or her license from suspension or revocation must
13 comply with the requirements for restoration of a nonrenewed
14 license as set forth in Section 11 of this Act and any related
15 rules adopted.

16 (Source: P.A. 95-465, eff. 8-27-07.)

17 (225 ILCS 110/24.1)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 24.1. Certifications of record; costs. The Department
20 shall not be required to certify any record to the court, to
21 file an answer in court, or to otherwise appear in any court in
22 a judicial review proceeding unless and until the Department
23 has received from the plaintiff ~~there is filed in the court,~~
24 ~~with the complaint, a receipt from the Department acknowledging~~
25 payment of the costs of furnishing and certifying the record,

1 which costs shall be determined by the Department. Exhibits
2 shall be certified without cost. Failure on the part of the
3 plaintiff to file the receipt in court is grounds for dismissal
4 of the action.

5 (Source: P.A. 95-465, eff. 8-27-07.)

6 (225 ILCS 110/31a)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 31a. Advertising services.

9 (a) A speech-language pathologist or audiologist shall
10 include in every advertisement for services regulated under
11 this Act his or her title as it appears on the license or the
12 initials authorized under this Act.

13 (b) The terms "audiology", "audiologist", "clinical
14 audiologist", "licensed audiologist", "speech-language
15 pathology", "speech-language pathologist", "clinical
16 speech-language pathologist", "licensed speech-language
17 pathologist", or any other similar term, title, abbreviation,
18 or symbol may not be used in any communication by any person
19 unless he or she is licensed under this Act as a
20 speech-language pathologist or an audiologist. An audiologist
21 may use the term "doctor" if it also stated that he or she is a
22 "doctor of audiology." This subsection does not apply to a
23 person who is exempt from licensure under this Act because he
24 or she holds a professional educator license issued pursuant to
25 the School Code with a special education endorsement as a

1 teaching speech-language pathologist.

2 (Source: P.A. 91-310, eff. 1-1-00; 92-510, eff. 6-1-02.)

3 (225 ILCS 110/34) (from Ch. 111, par. 7934)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 34. Illinois Administrative Procedure Act. The
6 Illinois Administrative Procedure Act is hereby expressly
7 adopted and incorporated herein as if all of the provisions of
8 that Act were included in this Act, except that the provision
9 of subsection (d) of Section 10-65 of the Illinois
10 Administrative Procedure Act that provides that at hearings the
11 speech-language pathologist or audiologist has the right to
12 show compliance with all lawful requirements for retention,
13 continuation or renewal of the license is specifically
14 excluded. For the purposes of this Act, the notice required
15 under Section 10-25 of the Illinois Administrative Procedure
16 Act is deemed sufficient when mailed or emailed to the
17 applicant or licensee at his or her last-known address of
18 record or email address of record ~~a party~~.

19 (Source: P.A. 88-45.)

20 (225 ILCS 110/34.1 new)

21 Sec. 34.1. Confidentiality. All information collected by
22 the Department in the course of an examination or investigation
23 of a licensee or applicant, including, but not limited to, any
24 complaint against a licensee filed with the Department and

1 information collected to investigate any such complaint, shall
2 be maintained for the confidential use of the Department and
3 shall not be disclosed. The Department may not disclose the
4 information to anyone other than law enforcement officials,
5 other regulatory agencies that have an appropriate regulatory
6 interest as determined by the Secretary, or a party presenting
7 a lawful subpoena to the Department. Information and documents
8 disclosed to a federal, State, county, or local law enforcement
9 agency shall not be disclosed by the agency for any purpose to
10 any other agency or person. A formal complaint filed against a
11 licensee by the Department or any order issued by the
12 Department against a licensee or applicant shall be a public
13 record, except as otherwise prohibited by law.

14 (225 ILCS 110/10 rep.)

15 Section 15. The Illinois Speech-Language Pathology and
16 Audiology Practice Act is amended by repealing Section 10.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law, except that Sections 10 and 15 take effect on
19 January 1, 2018."