



Rep. Arthur Turner

Filed: 3/18/2019

10100HB0133ham001

LRB101 02905 SMS 56915 a

1 AMENDMENT TO HOUSE BILL 133

2 AMENDMENT NO. _____. Amend House Bill 133 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and

1 wholly impartial method of examination of candidates to
2 exercise the respective professions, trades, or
3 occupations.

4 (3) To pass upon the qualifications of applicants for
5 licenses, certificates, and authorities, whether by
6 examination, by reciprocity, or by endorsement.

7 (4) To prescribe rules and regulations defining, for
8 the respective professions, trades, and occupations, what
9 shall constitute a school, college, or university, or
10 department of a university, or other institution,
11 reputable and in good standing, and to determine the
12 reputability and good standing of a school, college, or
13 university, or department of a university, or other
14 institution, reputable and in good standing, by reference
15 to a compliance with those rules and regulations; provided,
16 that no school, college, or university, or department of a
17 university, or other institution that refuses admittance
18 to applicants solely on account of race, color, creed, sex,
19 sexual orientation, or national origin shall be considered
20 reputable and in good standing.

21 (5) To conduct hearings on proceedings to revoke,
22 suspend, refuse to renew, place on probationary status, or
23 take other disciplinary action as authorized in any
24 licensing Act administered by the Department with regard to
25 licenses, certificates, or authorities of persons
26 exercising the respective professions, trades, or

1 occupations and to revoke, suspend, refuse to renew, place
2 on probationary status, or take other disciplinary action
3 as authorized in any licensing Act administered by the
4 Department with regard to those licenses, certificates, or
5 authorities.

6 The Department shall issue a monthly disciplinary
7 report.

8 The Department shall refuse to issue or renew a license
9 to, or shall suspend or revoke a license of, any person
10 who, after receiving notice, fails to comply with a
11 subpoena or warrant relating to a paternity or child
12 support proceeding. However, the Department may issue a
13 license or renewal upon compliance with the subpoena or
14 warrant.

15 The Department, without further process or hearings,
16 shall revoke, suspend, or deny any license or renewal
17 authorized by the Civil Administrative Code of Illinois to
18 a person who is certified by the Department of Healthcare
19 and Family Services (formerly Illinois Department of
20 Public Aid) as being more than 30 days delinquent in
21 complying with a child support order or who is certified by
22 a court as being in violation of the Non-Support Punishment
23 Act for more than 60 days. The Department may, however,
24 issue a license or renewal if the person has established a
25 satisfactory repayment record as determined by the
26 Department of Healthcare and Family Services (formerly

1 Illinois Department of Public Aid) or if the person is
2 determined by the court to be in compliance with the
3 Non-Support Punishment Act. The Department may implement
4 this paragraph as added by Public Act 89-6 through the use
5 of emergency rules in accordance with Section 5-45 of the
6 Illinois Administrative Procedure Act. For purposes of the
7 Illinois Administrative Procedure Act, the adoption of
8 rules to implement this paragraph shall be considered an
9 emergency and necessary for the public interest, safety,
10 and welfare.

11 (6) To transfer jurisdiction of any realty under the
12 control of the Department to any other department of the
13 State Government or to acquire or accept federal lands when
14 the transfer, acquisition, or acceptance is advantageous
15 to the State and is approved in writing by the Governor.

16 (7) To formulate rules and regulations necessary for
17 the enforcement of any Act administered by the Department.

18 (8) To exchange with the Department of Healthcare and
19 Family Services information that may be necessary for the
20 enforcement of child support orders entered pursuant to the
21 Illinois Public Aid Code, the Illinois Marriage and
22 Dissolution of Marriage Act, the Non-Support of Spouse and
23 Children Act, the Non-Support Punishment Act, the Revised
24 Uniform Reciprocal Enforcement of Support Act, the Uniform
25 Interstate Family Support Act, the Illinois Parentage Act
26 of 1984, or the Illinois Parentage Act of 2015.

1 Notwithstanding any provisions in this Code to the
2 contrary, the Department of Professional Regulation shall
3 not be liable under any federal or State law to any person
4 for any disclosure of information to the Department of
5 Healthcare and Family Services (formerly Illinois
6 Department of Public Aid) under this paragraph (8) or for
7 any other action taken in good faith to comply with the
8 requirements of this paragraph (8).

9 (8.3) To exchange information with the Department of
10 Human Rights regarding recommendations received under
11 paragraph (B) of Section 8-109 of the Illinois Human Rights
12 Act regarding a licensee or candidate for licensure who has
13 committed a civil rights violation that may lead to the
14 refusal, suspension, or revocation of a license from the
15 Department.

16 (8.5) To accept continuing education credit for
17 mandated reporter training on how to recognize and report
18 child abuse offered by the Department of Children and
19 Family Services and completed by any person who holds a
20 professional license issued by the Department and who is a
21 mandated reporter under the Abused and Neglected Child
22 Reporting Act. The Department shall adopt any rules
23 necessary to implement this paragraph.

24 (9) To perform other duties prescribed by law.

25 (a-5) Except in cases involving delinquency in complying
26 with a child support order or violation of the Non-Support

1 Punishment Act and notwithstanding anything that may appear in
2 any individual licensing Act or administrative rule, no person
3 or entity whose license, certificate, or authority has been
4 revoked as authorized in any licensing Act administered by the
5 Department may apply for restoration of that license,
6 certification, or authority until 3 years after the effective
7 date of the revocation.

8 (b) (Blank).

9 (c) For the purpose of securing and preparing evidence, and
10 for the purchase of controlled substances, professional
11 services, and equipment necessary for enforcement activities,
12 recoupment of investigative costs, and other activities
13 directed at suppressing the misuse and abuse of controlled
14 substances, including those activities set forth in Sections
15 504 and 508 of the Illinois Controlled Substances Act, the
16 Director and agents appointed and authorized by the Director
17 may expend sums from the Professional Regulation Evidence Fund
18 that the Director deems necessary from the amounts appropriated
19 for that purpose. Those sums may be advanced to the agent when
20 the Director deems that procedure to be in the public interest.
21 Sums for the purchase of controlled substances, professional
22 services, and equipment necessary for enforcement activities
23 and other activities as set forth in this Section shall be
24 advanced to the agent who is to make the purchase from the
25 Professional Regulation Evidence Fund on vouchers signed by the
26 Director. The Director and those agents are authorized to

1 maintain one or more commercial checking accounts with any
2 State banking corporation or corporations organized under or
3 subject to the Illinois Banking Act for the deposit and
4 withdrawal of moneys to be used for the purposes set forth in
5 this Section; provided, that no check may be written nor any
6 withdrawal made from any such account except upon the written
7 signatures of 2 persons designated by the Director to write
8 those checks and make those withdrawals. Vouchers for those
9 expenditures must be signed by the Director. All such
10 expenditures shall be audited by the Director, and the audit
11 shall be submitted to the Department of Central Management
12 Services for approval.

13 (d) Whenever the Department is authorized or required by
14 law to consider some aspect of criminal history record
15 information for the purpose of carrying out its statutory
16 powers and responsibilities, then, upon request and payment of
17 fees in conformance with the requirements of Section 2605-400
18 of the Department of State Police Law (20 ILCS 2605/2605-400),
19 the Department of State Police is authorized to furnish,
20 pursuant to positive identification, the information contained
21 in State files that is necessary to fulfill the request.

22 (e) The provisions of this Section do not apply to private
23 business and vocational schools as defined by Section 15 of the
24 Private Business and Vocational Schools Act of 2012.

25 (f) (Blank).

26 (f-5) Notwithstanding anything that may appear in any

1 individual licensing statute or administrative rule, the
2 Department shall allow an applicant to provide his or her
3 individual taxpayer identification number as an alternative to
4 providing a social security number when applying for a license.

5 (g) Notwithstanding anything that may appear in any
6 individual licensing statute or administrative rule, the
7 Department shall deny any license application or renewal
8 authorized under any licensing Act administered by the
9 Department to any person who has failed to file a return, or to
10 pay the tax, penalty, or interest shown in a filed return, or
11 to pay any final assessment of tax, penalty, or interest, as
12 required by any tax Act administered by the Illinois Department
13 of Revenue, until such time as the requirement of any such tax
14 Act are satisfied; however, the Department may issue a license
15 or renewal if the person has established a satisfactory
16 repayment record as determined by the Illinois Department of
17 Revenue. For the purpose of this Section, "satisfactory
18 repayment record" shall be defined by rule.

19 In addition, a complaint filed with the Department by the
20 Illinois Department of Revenue that includes a certification,
21 signed by its Director or designee, attesting to the amount of
22 the unpaid tax liability or the years for which a return was
23 not filed, or both, is prima facie evidence of the licensee's
24 failure to comply with the tax laws administered by the
25 Illinois Department of Revenue. Upon receipt of that
26 certification, the Department shall, without a hearing,

1 immediately suspend all licenses held by the licensee.
2 Enforcement of the Department's order shall be stayed for 60
3 days. The Department shall provide notice of the suspension to
4 the licensee by mailing a copy of the Department's order to the
5 licensee's address of record or emailing a copy of the order to
6 the licensee's email address of record. The notice shall advise
7 the licensee that the suspension shall be effective 60 days
8 after the issuance of the Department's order unless the
9 Department receives, from the licensee, a request for a hearing
10 before the Department to dispute the matters contained in the
11 order.

12 Any suspension imposed under this subsection (g) shall be
13 terminated by the Department upon notification from the
14 Illinois Department of Revenue that the licensee is in
15 compliance with all tax laws administered by the Illinois
16 Department of Revenue.

17 The Department may promulgate rules for the administration
18 of this subsection (g).

19 (h) The Department may grant the title "Retired", to be
20 used immediately adjacent to the title of a profession
21 regulated by the Department, to eligible retirees. For
22 individuals licensed under the Medical Practice Act of 1987,
23 the title "Retired" may be used in the profile required by the
24 Patients' Right to Know Act. The use of the title "Retired"
25 shall not constitute representation of current licensure,
26 registration, or certification. Any person without an active

1 license, registration, or certificate in a profession that
2 requires licensure, registration, or certification shall not
3 be permitted to practice that profession.

4 (i) The Department shall make available on its website
5 general information explaining how the Department utilizes
6 criminal history information in making licensure application
7 decisions, including a list of enumerated offenses that serve
8 as a statutory bar to licensure.

9 (Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330,
10 eff. 8-10-15; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17;
11 100-262, eff. 8-22-17; 100-863, eff. 8-14-18; 100-872, eff.
12 8-14-18; 100-883, eff. 8-14-18; 100-1078, eff. 1-1-19; revised
13 10-18-18.)

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