

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

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008 and December 31,  
8 2008.

9 (a) The following Acts are repealed on January 1, 2008:

10 The Acupuncture Practice Act.

11 The Clinical Social Work and Social Work Practice Act.

12 The Home Medical Equipment and Services Provider  
13 License Act.

14 The Nursing and Advanced Practice Nursing Act.

15 ~~The Illinois Speech Language Pathology and Audiology~~  
16 ~~Practice Act.~~

17 The Marriage and Family Therapy Licensing Act.

18 The Nursing Home Administrators Licensing and  
19 Disciplinary Act.

20 The Pharmacy Practice Act of 1987.

21 The Physician Assistant Practice Act of 1987.

22 The Podiatric Medical Practice Act of 1987.

23 The Structural Pest Control Act.

1 (b) The following Acts are repealed on December 31, 2008:

2 The Medical Practice Act of 1987.

3 The Environmental Health Practitioner Licensing Act.

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

6 (5 ILCS 80/4.28 new)

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 Act repealed on January 1, 2018.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8 Act is repealed on January 1, 2018:

9 The Illinois Speech-Language Pathology and Audiology  
10 Practice Act.

11 Section 10. The Illinois Speech-Language Pathology and  
12 Audiology Practice Act is amended by changing Sections 3, 5, 7,  
13 8, 8.5, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,  
14 28, 28.5, and 29 and by adding Sections 21.1, 21.2, and 24.1 as  
15 follows:

16 (225 ILCS 110/3) (from Ch. 111, par. 7903)

17 (Section scheduled to be repealed on January 1, 2008)

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

21 (a) "Department" means the Department of Financial and  
22 Professional Regulation.

23 (b) "Secretary Director" means the Secretary Director of

1 Financial and Professional Regulation.

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

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

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

10 (f) "Public member" means a person who is not a health  
11 professional. For purposes of board membership, any person with  
12 a significant financial interest in a health service or  
13 profession is not a public member.

14 (g) "The practice of audiology" is the application of  
15 nonmedical methods and procedures for the identification,  
16 measurement, testing, appraisal, prediction, habilitation,  
17 rehabilitation, or instruction related to hearing and  
18 disorders of hearing. These procedures are for the purpose of  
19 counseling, consulting and rendering or offering to render  
20 services or for participating in the planning, directing or  
21 conducting of programs that are designed to modify  
22 communicative disorders involving speech, language or auditory  
23 function related to hearing loss. The practice of audiology may  
24 include, but shall not be limited to, the following:

25 (1) any task, procedure, act, or practice that is  
26 necessary for the evaluation of hearing or vestibular

1 function;

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

3 (3) the fitting, dispensing, or servicing of hearing  
4 instruments; and

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

7 (h) "The practice of speech-language pathology" is the  
8 application of nonmedical methods and procedures for the  
9 identification, measurement, testing, appraisal, prediction,  
10 habilitation, rehabilitation, and modification related to  
11 communication development, and disorders or disabilities of  
12 speech, language, voice, swallowing, and other speech,  
13 language and voice related disorders. These procedures are for  
14 the purpose of counseling, consulting and rendering or offering  
15 to render services, or for participating in the planning,  
16 directing or conducting of programs that are designed to modify  
17 communicative disorders and conditions in individuals or  
18 groups of individuals involving speech, language, voice and  
19 swallowing function.

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

22 (1) hearing screening tests and aural rehabilitation  
23 procedures consistent with speech-language pathology  
24 training;

25 (2) tasks, procedures, acts or practices that are  
26 necessary for the evaluation of, and training in the use

1 of, augmentative communication systems, communication  
2 variation, cognitive rehabilitation, non-spoken language  
3 production and comprehension.

4 (i) "Speech-language pathology assistant" means a person  
5 who has received a license pursuant to this Act to assist a  
6 speech-language pathologist in the manner provided in this Act.  
7 (Source: P.A. 94-528, eff. 8-10-05.)

8 (225 ILCS 110/5) (from Ch. 111, par. 7905)

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

10 Sec. 5. Board of Speech-Language Pathology and Audiology.  
11 There is created a Board of Speech-Language Pathology and  
12 Audiology to be composed of persons designated from time to  
13 time by the Secretary ~~Director~~, as follows:

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

19 (b) Terms for all members shall be for 3 years. A  
20 member shall serve until his or her successor is appointed  
21 and qualified. Partial terms over 2 years in length shall  
22 be considered as full terms. A member may be reappointed  
23 for a successive term, but no member shall serve more than  
24 2 full terms.

25 (c) The membership of the Board should reasonably

1 reflect representation from the various geographic areas  
2 of the State.

3 (d) In making appointments to the Board, the Secretary  
4 ~~Director~~ shall give due consideration to recommendations  
5 by organizations of the speech-language pathology and  
6 audiology professions in Illinois, including the Illinois  
7 Speech-Language-Hearing Association and the Illinois  
8 Academy of Audiology, and shall promptly give due notice to  
9 such organizations of any vacancy in the membership of the  
10 Board. The Secretary ~~Director~~ may terminate the  
11 appointment of any member for any cause, which in the  
12 opinion of the Secretary ~~Director~~, reasonably justifies  
13 such termination.

14 (e) A majority of the Board members currently appointed  
15 shall constitute a quorum. A vacancy in the membership of  
16 the Board shall not impair the right of a quorum to  
17 exercise all the rights and perform all the duties of the  
18 Board.

19 (f) The members of the Board may ~~shall~~ each receive as  
20 compensation a reasonable sum as determined by the  
21 Secretary ~~Director~~ for each day actually engaged in the  
22 duties of the office, and all legitimate and necessary  
23 expenses incurred in attending the meetings of the Board.

24 (g) Members of the Board shall be immune from suit in  
25 any action based upon any disciplinary proceedings or other  
26 activities performed in good faith as members of the Board.

1           (h) The Secretary ~~Director~~ may consider the  
2 recommendations of the Board in establishing guidelines  
3 for professional conduct, the conduct of formal  
4 disciplinary proceedings brought under this Act, and  
5 qualifications of applicants. Notice of proposed  
6 rulemaking shall be transmitted to the Board and the  
7 Department shall review the response of the Board and any  
8 recommendations made in the response. The Department, at  
9 any time, may seek the expert advice and knowledge of the  
10 Board on any matter relating to the administration or  
11 enforcement of this Act.

12           (i) Whenever the Secretary ~~Director~~ is satisfied that  
13 substantial justice has not been done either in an  
14 examination or in the revocation, suspension, or refusal of  
15 a license, or other disciplinary action relating to a  
16 license, the Secretary ~~Director~~ may order a reexamination  
17 or rehearing.

18 (Source: P.A. 94-528, eff. 8-10-05.)

19 (225 ILCS 110/7) (from Ch. 111, par. 7907)

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

21 Sec. 7. Licensure requirement.

22           (a) Except as provided in subsection (b), on or after June  
23 1, 1989, no person shall practice speech-language pathology or  
24 audiology without first applying for and obtaining a license  
25 for such purpose from the Department. Except as provided in

1 this Section, on or after January 1, 2002, no person shall  
2 perform the functions and duties of a speech-language pathology  
3 assistant without first applying for and obtaining a license  
4 for that purpose from the Department.

5 (b) A person holding a regular license to practice  
6 speech-language pathology or audiology under the laws of  
7 another state, a territory of the United States, or the  
8 District of Columbia who has made application to the Department  
9 for a license to practice speech-language pathology or  
10 audiology may practice speech-language pathology or audiology  
11 without a license for 90 days from the date of application or  
12 until disposition of the license application by the Department,  
13 whichever is sooner, if the person (i) holds a Certificate of  
14 Clinical Competence from the American Speech-Language-Hearing  
15 Association in speech-language pathology or audiology or, in  
16 the case of an audiologist, a certificate from the American  
17 Board of Audiology and (ii) has not been disciplined and has no  
18 disciplinary matters pending in a state, a territory, or the  
19 District of Columbia.

20 A person applying for an initial license to practice  
21 audiology who is a recent graduate of a Department-approved  
22 audiology program may practice as an audiologist for a period  
23 of 60 days after the date of application or until disposition  
24 of the license application by the Department, whichever is  
25 sooner, provided that he or she meets the applicable  
26 requirements of Section 8 of this Act.

1 (Source: P.A. 92-510, eff. 6-1-02; 93-112, eff. 1-1-04.)

2 (225 ILCS 110/8) (from Ch. 111, par. 7908)

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

4 Sec. 8. Qualifications for licenses to practice  
5 speech-language pathology or audiology. The Department shall  
6 require that each applicant for a license to practice  
7 speech-language pathology or audiology shall:

8 (a) (Blank);

9 (b) be at least 21 years of age;

10 (c) not have violated any provisions of Section 16 of  
11 this Act;

12 (d) for a license as a speech-language pathologist,  
13 present satisfactory evidence of receiving a master's or  
14 doctoral degree in speech-language pathology ~~or audiology~~  
15 from a program approved by the Department. Nothing in this  
16 Act shall be construed to prevent any program from  
17 establishing higher standards than specified in this Act;

18 (d-5) for a license as an audiologist, present  
19 satisfactory evidence of having received a master's or  
20 doctoral degree in audiology from a program approved by the  
21 Department; however, an applicant for licensure as an  
22 audiologist whose degree was conferred on or after January  
23 1, 2008, must present satisfactory evidence of having  
24 received a doctoral degree in audiology from a program  
25 approved by the Department;

1 (e) pass a national examination recognized by the  
2 Department in the theory and practice of the profession;

3 (f) for a license as a speech-language pathologist,  
4 have completed the equivalent of 9 months of supervised  
5 experience; and

6 (g) for a license as an audiologist, have completed a  
7 minimum of 1,500 clock hours of supervised experience or  
8 present evidence of a Doctor of Audiology (AuD) degree.

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

14 (Source: P.A. 94-528, eff. 8-10-05.)

15 (225 ILCS 110/8.5)

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

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

23 (1) Is of good moral character. In determining moral  
24 character, the Department may take into consideration any  
25 felony conviction or plea of guilty or nolo contendere of

1 the applicant, but such a conviction or plea shall not  
2 operate automatically as a complete bar to licensure.

3 (2) Has received an associate degree from a  
4 speech-language pathology assistant program that has been  
5 approved by the Department and that meets the minimum  
6 requirements set forth in Section 8.6 ~~or has received,~~  
7 ~~prior to June 1, 2003, an associate degree from a~~  
8 ~~speech language pathology assistant program approved by~~  
9 ~~the Illinois Community College Board. (b) Until July 1,~~  
10 ~~2005, a person holding a bachelor's level degree in~~  
11 ~~communication disorders who was employed to assist a~~  
12 ~~speech language pathologist on June 1, 2002 (the effective~~  
13 ~~date of P.A. 92-510) shall be eligible to receive a license~~  
14 ~~as a speech language pathology assistant from the~~  
15 ~~Department upon completion of forms prescribed by the~~  
16 ~~Department and the payment of the required fee.~~

17 (Source: P.A. 93-1060, eff. 12-23-04; 94-869, eff. 6-16-06.)

18 (225 ILCS 110/10) (from Ch. 111, par. 7910)

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

20 Sec. 10. Roster ~~List~~ of speech-language pathologists and  
21 audiologists. The Department shall maintain a roster ~~list~~ of  
22 the names and addresses of the speech-language pathologists,  
23 speech-language pathology assistants, and audiologists. Such  
24 lists shall also be mailed by the Department to any person upon  
25 request and payment of the required fee.

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

2 (225 ILCS 110/11) (from Ch. 111, par. 7911)

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

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

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

10 (a-5) All renewal applicants shall provide proof as  
11 determined by the Department of having met the continuing  
12 education requirements set forth in the rules of the  
13 Department. At a minimum, the rules shall require a renewal  
14 applicant for licensure as a speech-language pathologist or  
15 audiologist to provide proof of completing at least 20 clock  
16 hours of continuing education during the 2-year licensing cycle  
17 for which he or she is currently licensed. An audiologist who  
18 has met the continuing education requirements of the Hearing  
19 Instrument Consumer Protection Act during an equivalent  
20 licensing cycle under this Act shall be deemed to have met the  
21 continuing education requirements of this Act. At a minimum,  
22 the rules shall require a renewal applicant for licensure as a  
23 speech-language pathology assistant to provide proof of  
24 completing at least 10 clock hours of continuing education  
25 during the 2-year period for which he or she currently holds a

1 license. ~~The Department shall provide by rule for an orderly~~  
2 ~~process for the reinstatement of licenses that have not been~~  
3 ~~renewed for failure to meet the continuing education~~  
4 ~~requirements. The continuing education requirements may be~~  
5 ~~waived in cases of extreme hardship as defined by rule of the~~  
6 ~~Department.~~

7 ~~The Department shall establish by rule a means for the~~  
8 ~~verification of completion of the continuing education~~  
9 ~~required by this Section. This verification may be accomplished~~  
10 ~~through audits of records maintained by licensees, by requiring~~  
11 ~~the filing of continuing education certificates with the~~  
12 ~~Department, or by other means established by the Department.~~

13 (b) Inactive status.

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

20 (2) Any licensee requesting restoration from inactive  
21 status shall be required to (i) pay the current renewal  
22 fee; and (ii) demonstrate that he or she has completed a  
23 minimum ~~obtained the equivalent~~ of 20 hours of continuing  
24 education and met any additional continuing education  
25 requirements established by the Department by rule ~~if the~~  
26 ~~licensee has been inactive for 5 years or more.~~

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

4           (4) Any licensee who shall engage in the practice while  
5 the license is lapsed or inactive shall be considered to be  
6 practicing without a license which shall be grounds for  
7 discipline under Section 16 of this Act.

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

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

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

1 (f) Any person whose license has expired while he or she  
2 has been engaged (1) in federal or State service on active  
3 duty, or (2) in training or education under the supervision of  
4 the United States preliminary to induction into the military  
5 service, may have his or her license restored without paying  
6 any lapsed renewal or restoration fee, if within 2 years after  
7 termination of such service, training or education he or she  
8 furnishes the Department with satisfactory proof that he or she  
9 has been so engaged and that his or her service, training or  
10 education has been so terminated.

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

12 (225 ILCS 110/13) (from Ch. 111, par. 7913)

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

14 Sec. 13. Licensing applicants from other states.

15 Upon payment of the required fee, an applicant who is a  
16 speech-language pathologist, speech-language pathology  
17 assistant, or audiologist licensed under the laws of another  
18 state or territory of the United States, may ~~shall~~ without  
19 examination be granted a license as a speech-language  
20 pathologist, speech-language pathology assistant, or  
21 audiologist by the Department:

22 (a) whenever the requirements of such state or territory of  
23 the United States were at the date of licensure substantially  
24 equal to the requirements then in force in this State; or

25 (b) whenever such requirements of another state or

1 territory of the United States together with educational and  
2 professional qualifications, as distinguished from practical  
3 experience, of the applicant since obtaining a license as  
4 speech-language pathologist, speech-language pathology  
5 assistant, or audiologist in such state or territory of the  
6 United States are substantially equal to the requirements in  
7 force in Illinois at the time of application for licensure as a  
8 speech-language pathologist, speech-language pathology  
9 assistant, or audiologist.

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

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

16 (225 ILCS 110/15) (from Ch. 111, par. 7915)

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

18 Sec. 15. Returned checks; Penalties. Any person who  
19 delivers a check or other payment to the Department that is  
20 returned to the Department unpaid by the financial institution  
21 upon which it is drawn shall pay to the Department, in addition  
22 to the amount already owed to the Department, a fine of \$50.  
23 The fines imposed by this Section are in addition to any other  
24 discipline provided under this Act for unlicensed practice or  
25 practice on a nonrenewed license. The Department shall notify

1 the person that payment of fees and fines shall be paid to the  
2 Department by certified check or money order within 30 calendar  
3 days of the notification. If, after the expiration of 30 days  
4 from the date of the notification, the person has failed to  
5 submit the necessary remittance, the Department shall  
6 automatically terminate the license or certificate or deny the  
7 application, without hearing. If, after termination or denial,  
8 the person seeks a license or certificate, he or she shall  
9 apply to the Department for restoration or issuance of the  
10 license or certificate and pay all fees and fines due to the  
11 Department. The Department may establish a fee for the  
12 processing of an application for restoration of a license or  
13 certificate to pay all expenses of processing this application.  
14 The Secretary ~~Director~~ may waive the fines due under this  
15 Section in individual cases where the Secretary ~~Director~~ finds  
16 that the fines would be unreasonable or unnecessarily  
17 burdensome.

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

19 (225 ILCS 110/16) (from Ch. 111, par. 7916)

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

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

22 (1) The Department may refuse to issue or renew, or may  
23 revoke, suspend, place on probation, censure, reprimand or take  
24 other disciplinary or non-disciplinary action as the  
25 Department may deem proper, including fines not to exceed

1 \$10,000 ~~\$5,000~~ for each violation, with regard to any license  
2 for any one or combination of the following causes:

3 (a) Fraud in procuring the license.

4 (b) (Blank). ~~Habitual intoxication or addiction to the~~  
5 ~~use of drugs.~~

6 (c) Willful or repeated violations of the rules of the  
7 Department of Public Health.

8 (d) Division of fees or agreeing to split or divide the  
9 fees received for speech-language pathology or audiology  
10 services with any person for referring an individual, or  
11 assisting in the care or treatment of an individual,  
12 without the knowledge of the individual or his or her legal  
13 representative.

14 (e) Employing, procuring, inducing, aiding or abetting  
15 a person not licensed as a speech-language pathologist or  
16 audiologist to engage in the unauthorized practice of  
17 speech-language pathology or audiology.

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

22 (f) Making any misrepresentations or false promises,  
23 directly or indirectly, to influence, persuade or induce  
24 patronage.

25 (g) Professional connection or association with, or  
26 lending his or her name to another for the illegal practice

1 of speech-language pathology or audiology by another, or  
2 professional connection or association with any person,  
3 firm or corporation holding itself out in any manner  
4 contrary to this Act.

5 (h) Obtaining or seeking to obtain checks, money, or  
6 any other things of value by false or fraudulent  
7 representations, including but not limited to, engaging in  
8 such fraudulent practice to defraud the medical assistance  
9 program of the Department of Healthcare and Family Services  
10 (formerly Department of Public Aid).

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

12 (j) Improper, unprofessional or dishonorable conduct  
13 of a character likely to deceive, defraud or harm the  
14 public.

15 (k) Conviction of or entry of a plea of guilty or nolo  
16 contendere to any crime that in this or another state of  
17 any crime which is a felony under the laws of the United  
18 States or any state or territory thereof, or that is a  
19 misdemeanor of which an essential element is dishonesty, or  
20 that is directly related to the practice of the profession  
21 ~~this State or conviction of a felony in a federal court, if~~  
22 ~~the Department determines, after investigation, that such~~  
23 ~~person has not been sufficiently rehabilitated to warrant~~  
24 ~~the public trust.~~

25 (1) Permitting a person under his or her supervision to  
26 perform any function not authorized by this Act.

1 (m) A violation of any provision of this Act or rules  
2 promulgated thereunder.

3 (n) Discipline ~~Revocation~~ by another state, the  
4 District of Columbia, territory, or foreign nation of a  
5 license to practice speech-language pathology or audiology  
6 or a license to practice as a speech-language pathology  
7 assistant in its jurisdiction if at least one of the  
8 grounds for that discipline ~~revocation~~ is the same as or  
9 the equivalent of one of the grounds for discipline  
10 ~~revocation~~ set forth herein.

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

14 (p) Gross or repeated malpractice ~~resulting in injury~~  
15 ~~or death of an individual~~.

16 (q) Willfully making or filing false records or reports  
17 in his or her practice as a speech-language pathologist,  
18 speech-language pathology assistant, or audiologist,  
19 including, but not limited to, false records to support  
20 claims against the public assistance program of the  
21 Department of Healthcare and Family Services (formerly  
22 Illinois Department of Public Aid).

23 (r) Professional incompetence as manifested by poor  
24 standards of care or mental incompetence as declared by a  
25 court of competent jurisdiction.

26 (s) Repeated irregularities in billing a third party

1 for services rendered to an individual. For purposes of  
2 this Section, "irregularities in billing" shall include:

3 (i) reporting excessive charges for the purpose of  
4 obtaining a total payment in excess of that usually  
5 received by the speech-language pathologist,  
6 speech-language pathology assistant, or audiologist  
7 for the services rendered;

8 (ii) reporting charges for services not rendered;

9 or

10 (iii) incorrectly reporting services rendered for  
11 the purpose of obtaining payment not earned.

12 (t) (Blank).

13 (u) Violation of the Health Care Worker Self-Referral  
14 Act.

15 (v) Inability ~~Physical illness, including but not~~  
16 ~~limited to deterioration through the aging process or loss~~  
17 ~~of motor skill, mental illness, or disability that results~~  
18 ~~in the inability to practice the profession with reasonable~~  
19 judgment, skill, or safety as a result of habitual or  
20 excessive use of or addiction to alcohol, narcotics, or  
21 stimulants or any other chemical agent or drug or as a  
22 result of physical illness, including, but not limited to,  
23 deterioration through the aging process or loss of motor  
24 skill, mental illness, or disability.

25 (w) Violation of the Hearing Instrument Consumer  
26 Protection Act.

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

4           (y) Wilfully exceeding the scope of duties customarily  
5           undertaken by speech-language pathology assistants set  
6           forth in Section 8.7 that results in, or may result in,  
7           harm to the public.

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

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

1 examination prior to restoring any license automatically  
2 suspended under this subsection.

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

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

25 If the Board finds an individual unable to practice because  
26 of the reasons set forth in this Section, the Board may require

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

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

24 An individual licensed under this Act and affected under  
25 this Section shall be afforded an opportunity to demonstrate to  
26 the Board that he or she can resume practice in compliance with

1 acceptable and prevailing standards under the provisions of his  
2 or her license.

3 (Source: P.A. 91-949, eff. 2-9-01; 92-510, eff. 6-1-02; revised  
4 12-15-05.)

5 (225 ILCS 110/17) (from Ch. 111, par. 7917)

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

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

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

1 licensee and that the license or certificate may be suspended,  
2 revoked, placed on probationary status, or other disciplinary  
3 action may be taken, including limiting the scope, nature, or  
4 extent of practice, as the Secretary may deem proper. Written  
5 notice may be served by delivery of the same personally to the  
6 accused person or by mailing the same by certified mail to his  
7 or her last known place of residence or to the place of  
8 business last specified by the accused person in his or her  
9 last notification to the Department. In case the person fails  
10 to file an answer after receiving notice, his or her license or  
11 certificate may, in the discretion of the Department, be  
12 suspended, revoked, or placed on probationary status or the  
13 Department may take whatever disciplinary action deemed  
14 proper, including limiting the scope, nature, or extent of the  
15 person's practice or the imposition of a fine, without a  
16 hearing, if the act or acts charged constitute sufficient  
17 grounds for such action under 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 complainant shall be accorded ample opportunity to  
21 present, in person or by counsel, any statements, testimony,  
22 evidence, and arguments as may be pertinent to the charges or  
23 to their defense. The Board may continue such hearing from time  
24 to time. If the Board is not sitting at the time and place  
25 fixed in the notice or at the time and place to which the  
26 hearing shall have been continued, the Department shall

1 ~~continue such hearing for a period not to exceed 30 days. Upon~~  
2 ~~the motion of either the Department or the Board or upon the~~  
3 ~~verified complaint in writing of any person setting forth facts~~  
4 ~~that if proven would constitute grounds for refusal to issue,~~  
5 ~~suspension, or revocation of a license or for taking any other~~  
6 ~~disciplinary action with regard to a license under this Act,~~  
7 ~~the Department shall investigate the actions of any person,~~  
8 ~~hereinafter called the "licensee", who holds or represents that~~  
9 ~~he or she holds a license. All such motions or complaints shall~~  
10 ~~be brought to the Board.~~

11 ~~The Director shall, before refusing to issue, suspending,~~  
12 ~~revoking, placing on probationary status, or taking any other~~  
13 ~~disciplinary action as the Director may deem proper with regard~~  
14 ~~to any license, at least 30 days prior to the date set for the~~  
15 ~~hearing, notify the licensee in writing of any charges made and~~  
16 ~~the time and place for a hearing of the charges before the~~  
17 ~~Board. The Board shall also direct him to file his or her~~  
18 ~~written answer thereto with the Board under oath within 20 days~~  
19 ~~after the service on him of such notice, and inform him that if~~  
20 ~~he or she fails to file such answer, his or her license may be~~  
21 ~~suspended, revoked, placed on probationary status or other~~  
22 ~~disciplinary action may be taken with regard thereto, including~~  
23 ~~limiting the scope, nature or extent of his or her practice as~~  
24 ~~the Director may deem proper.~~

25 ~~Such written notice and any notice in such proceeding~~  
26 ~~thereafter may be served by delivery personally to the~~

1 ~~licensee, or by registered or certified mail to the address~~  
2 ~~specified by the licensee in his or her last notification to~~  
3 ~~the Director.~~

4 (Source: P.A. 90-69, eff. 7-8-97.)

5 (225 ILCS 110/18) (from Ch. 111, par. 7918)

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

7 Sec. 18. Temporary suspension of license ~~Disciplinary~~  
8 ~~actions. (a) In case the licensee, after receiving notice,~~  
9 ~~fails to file an answer, his or her license may, in the~~  
10 ~~discretion of the Director, having first received the~~  
11 ~~recommendation of the Board, be suspended, revoked, placed on~~  
12 ~~probationary status or the Director may take whatever~~  
13 ~~disciplinary action he or she may deem proper, including~~  
14 ~~limiting the scope, nature, or extent of the person's practice~~  
15 ~~or the imposition of a fine, without a hearing, if the act or~~  
16 ~~acts charged constitute sufficient grounds for such action~~  
17 ~~under this Act. (b) The Secretary ~~Director~~ may temporarily~~  
18 suspend the license of a speech-language pathologist,  
19 speech-language pathology assistant, or audiologist without a  
20 hearing, simultaneous to the institution of proceedings for a  
21 hearing under this Act, if the Secretary ~~Director~~ finds that  
22 evidence in his or her possession indicates that a  
23 speech-language pathologist's, speech-language pathology  
24 assistant's, or an audiologist's continuation in practice  
25 would constitute an immediate danger to the public. In the

1 event that the Secretary ~~Director~~ temporarily suspends the  
2 license of a speech-language pathologist, speech-language  
3 pathology assistant, or audiologist without a hearing, a  
4 hearing by the Board must be held within 15 days after such  
5 suspension has occurred and concluded without appreciable  
6 delay.

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

8 (225 ILCS 110/19) (from Ch. 111, par. 7919)

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

10 Sec. 19. Subpoenas; depositions; oaths ~~Hearings. At the~~  
11 ~~time and place fixed in the notice under Section 17, the Board~~  
12 ~~shall proceed to hear the charges and both the licensee and the~~  
13 ~~complainant shall be accorded ample opportunity to present in~~  
14 ~~person, or by counsel, such statements, testimony, evidence and~~  
15 ~~arguments as may be pertinent to the charges or to any defense~~  
16 ~~thereto. The Board may continue such hearing from time to time.~~  
17 ~~If the Board is not sitting at the time and place fixed in the~~  
18 ~~notice or at the time and place to which the hearing has been~~  
19 ~~continued, the Department shall continue such hearing for a~~  
20 ~~period not to exceed 30 days.~~

21 The ~~Board and~~ Department has the ~~shall have~~ power to  
22 subpoena documents, books, records, or other materials and  
23 bring before it ~~the Board~~ any person ~~in this State~~ and to take  
24 testimony either orally or by deposition, or both, with the  
25 same fees and mileage and in the same manner as ~~is~~ prescribed

1 in civil cases in the courts of this State ~~by law pursuant to~~  
2 ~~"An Act concerning fees and salaries, and to classify the~~  
3 ~~several counties of this State with reference thereto",~~  
4 ~~approved March 28, 1874, as amended.~~

5 The Secretary, the designated hearing officer, ~~Director~~  
6 and every ~~any~~ member of the Board has the ~~shall have~~ power to  
7 administer oaths to witnesses at any hearing that ~~which~~ the  
8 Department ~~or Board~~ is authorized ~~by law~~ to conduct and any  
9 other oaths authorized in any Act administered by the  
10 Department.

11 (Source: P.A. 85-1391.)

12 (225 ILCS 110/20) (from Ch. 111, par. 7920)

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

14 Sec. 20. Attendance of Witnesses, Production of Documents.  
15 Any circuit court, upon the application of the ~~licensee or~~  
16 ~~complainant or of the~~ Department or designated hearing officer  
17 ~~or Board,~~ may enter an order requiring the attendance of  
18 witnesses and their testimony and the production of documents,  
19 papers, files, books, and records in connection with any  
20 hearing or investigation ~~relevant books and papers before the~~  
21 ~~Board in any hearing relative to the application for or~~  
22 ~~refusal, recall, suspension or revocation of a license.~~ The  
23 court may compel obedience to its order by proceedings for  
24 contempt.

25 (Source: P.A. 85-1391.)

1 (225 ILCS 110/21) (from Ch. 111, par. 7921)

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

3 Sec. 21. Findings and recommendations ~~Recommendations for~~  
4 ~~disciplinary action.~~ At the conclusion of a hearing, the Board  
5 shall present to the Secretary a written report of its findings  
6 of fact, conclusions of law, and recommendations. The report  
7 shall contain a finding of whether or not the accused person  
8 violated this Act or its rules or failed to comply with the  
9 conditions required in this Act or its rules. The Board shall  
10 specify the nature of any violations or failure to comply and  
11 shall make its recommendations to the Secretary.

12 In making recommendations for any disciplinary actions,  
13 the Board may take into consideration all facts and  
14 circumstances bearing upon the reasonableness of the conduct of  
15 the accused and the potential for future harm to the public,  
16 including, but not limited to, previous discipline of the  
17 accused by the Department, intent, degree of harm to the  
18 public, likelihood of harm in the future, any restitution made  
19 by the accused, and whether the incident or incidents contained  
20 in the complaint appear to be isolated or represent a  
21 continuing pattern of conduct. In making its recommendations  
22 for discipline, the Board shall endeavor to ensure that the  
23 severity of the discipline recommended is reasonably related to  
24 the severity of the violation.

25 The report of findings of fact, conclusions of law, and

1 recommendations of the Board shall be the basis for the  
2 Department's order refusing to issue, restore, or renew a  
3 license, or otherwise disciplining a licensee. If the Secretary  
4 disagrees with the recommendations of the Board, the Secretary  
5 may issue an order in contravention of the Board  
6 recommendations. Board findings are not admissible as evidence  
7 against the person in a criminal prosecution brought for a  
8 violation of this Act; however, the hearing and findings shall  
9 not serve as a bar to criminal prosecution brought for a  
10 violation of this Act. ~~The Board may advise the Director that~~  
11 ~~probation be granted or that other disciplinary action,~~  
12 ~~including the limitation of the scope, nature or extent of a~~  
13 ~~person's practice, be taken, as it deems proper. If~~  
14 ~~disciplinary action other than suspension or revocation is~~  
15 ~~taken, the Board may advise the Director to impose reasonable~~  
16 ~~limitations and requirements upon the licensee to insure~~  
17 ~~compliance with the terms of the probation or other~~  
18 ~~disciplinary action, including, but not limited to, regular~~  
19 ~~reporting by the licensee to the Director of his or her~~  
20 ~~actions, or the licensee placing himself under the care of a~~  
21 ~~qualified physician for treatment or limiting his or her~~  
22 ~~practice in such manner as the Director may require.~~

23 ~~The Board shall present to the Director a written report of~~  
24 ~~its findings and recommendations. A copy of such report shall~~  
25 ~~be served upon the licensee, either personally or by registered~~  
26 ~~or certified mail. Within 20 days after such service, the~~

1 ~~licensee may present to the Department his or her motion in~~  
2 ~~writing for a rehearing, specifying the particular grounds~~  
3 ~~therefor. If the licensee orders and pays for a transcript of~~  
4 ~~the record, the time elapsing thereafter and before such~~  
5 ~~transcript is ready for delivery to him shall not be counted as~~  
6 ~~part of such 20 days.~~

7 ~~At the expiration of the time allowed for filing a motion~~  
8 ~~for rehearing, the Director may take the action recommended by~~  
9 ~~the Board. Upon suspension, revocation, placement on~~  
10 ~~probationary status, or the taking of any other disciplinary~~  
11 ~~action, including the limiting of the scope, nature, or extent~~  
12 ~~of one's practice, deemed proper by the Director, with regard~~  
13 ~~to the license, the licensee shall surrender his or her license~~  
14 ~~to the Department if ordered to do so by the Department and~~  
15 ~~upon his or her failure or refusal to do so, the Department may~~  
16 ~~seize such license.~~

17 ~~In all instances under this Act in which the Board has~~  
18 ~~rendered a recommendation to the Director with respect to a~~  
19 ~~particular person, the Director shall notify the Board if he or~~  
20 ~~she disagrees with or takes action contrary to the~~  
21 ~~recommendation of the Board.~~

22 ~~Each order of revocation, suspension or other disciplinary~~  
23 ~~action shall contain a brief and concise statement of the~~  
24 ~~ground or grounds upon which the Department's action is based,~~  
25 ~~as well as the specific terms and conditions of such action.~~

26 (Source: P.A. 90-69, eff. 7-8-97)

1 (225 ILCS 110/21.1 new)

2 Sec. 21.1. Board; rehearing. At the conclusion of the  
3 hearing, a copy of the Board's report shall be served upon the  
4 applicant or licensee by the Department, either personally or  
5 as provided in this Act for the service of a notice of hearing.  
6 Within 20 days after service, the applicant or licensee may  
7 present to the Department a motion, in writing, for a  
8 rehearing, which shall specify the particular grounds for  
9 rehearing. The Department may respond to the motion for  
10 rehearing within 20 days after its service on the Department.  
11 If no motion for rehearing is filed, then upon the expiration  
12 of the time specified for filing such a motion, or if a motion  
13 for rehearing is denied, then upon denial, the Secretary may  
14 enter an order in accordance with recommendations of the Board  
15 except as provided in Section 22 of this Act. If the applicant  
16 or licensee orders from the reporting service and pays for a  
17 transcript of the record within the time for filing a motion  
18 for rehearing, the 20-day period within which a motion may be  
19 filed shall commence upon the delivery of the transcript to the  
20 applicant or licensee.

21 (225 ILCS 110/21.2 new)

22 Sec. 21.2. Secretary; rehearing. Whenever the Secretary  
23 believes that substantial justice has not been done in the  
24 revocation, suspension, or refusal to issue, restore, or renew

1 a license or other discipline of an applicant or licensee, he  
2 or she may order a rehearing by the same or other examiners.

3 (225 ILCS 110/22) (from Ch. 111, par. 7922)

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

5 Sec. 22. Appointment of a hearing officer. The Secretary  
6 ~~Director~~ shall have the authority to appoint any attorney duly  
7 licensed to practice law in the State of Illinois to serve as  
8 the hearing officer for any action for refusal to issue, renew  
9 or discipline of a license. The hearing officer shall have full  
10 authority to conduct the hearing. Board members may attend  
11 hearings. The hearing officer shall report his or her findings  
12 and recommendations to the Board and the Secretary ~~Director~~.  
13 The Board shall ~~have 60 days after receipt of the report to~~  
14 review the report of the hearing officer and present its  
15 findings of fact, conclusions of law and recommendations to the  
16 Secretary and to all parties to the proceedings ~~Director~~. ~~If~~  
17 ~~the Board fails to present its report within the 60 day period,~~  
18 ~~the Director may issue an order based on the report of the~~  
19 ~~hearing officer.~~ If the Secretary ~~Director~~ disagrees in any  
20 regard with the Board's report, he or she may issue an order in  
21 contravention of the Board's report.

22 (Source: P.A. 90-69, eff. 7-8-97.)

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

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

1           Sec. 23. Restoration. At any time after suspension,  
2 revocation, placement on probationary status, or the taking of  
3 any other disciplinary action with regard to any license, the  
4 Department may restore the license, or take any other action to  
5 reinstate the license to good standing, ~~without examination,~~  
6 upon the written recommendation of the Board, unless after an  
7 investigation and a hearing, the Board determines that  
8 restoration is not in the public interest.

9           (Source: P.A. 85-1391.)

10           (225 ILCS 110/24) (from Ch. 111, par. 7924)

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

12           Sec. 24. Review under the Administrative Review Law -  
13 ~~Application.~~

14           All final administrative decisions of the Department  
15 hereunder shall be ~~are~~ subject to judicial review pursuant to  
16 the provisions of the Administrative Review Law and all  
17 amendments and modifications thereof and rules adopted thereto  
18 ~~Article III of the Code of Civil Procedure, and the rules~~  
19 ~~adopted pursuant thereto.~~ The term "administrative decision"  
20 is defined as in Section 3-101 of the Code of Civil Procedure.

21           ~~Such proceedings for judicial review shall be commenced in~~  
22 ~~the circuit court of the county in which the party applying for~~  
23 ~~review resides, but if such party is not a resident of this~~  
24 ~~State, the venue shall be in Sangamon County.~~

25           ~~The Department shall not be required to certify any record~~

1 ~~to the court or file any answer in court or otherwise appear in~~  
2 ~~any court in a judicial review proceeding, unless there is~~  
3 ~~filed in the court with the complaint a receipt from the~~  
4 ~~Department acknowledging payment of the costs of furnishing and~~  
5 ~~certifying the record, which costs shall be computed at the~~  
6 ~~rate of 20 cents per page of such record. Exhibits shall be~~  
7 ~~certified without cost. Failure on the part of the plaintiff to~~  
8 ~~file such receipt in court shall be grounds for dismissal of~~  
9 ~~the action. During the pendency and hearing of any and all~~  
10 ~~judicial proceedings incident to such disciplinary action, any~~  
11 ~~sanctions imposed upon the licensee by the Department shall~~  
12 ~~remain in full force and effect.~~

13 (Source: P.A. 85-1391.)

14 (225 ILCS 110/24.1 new)

15 Sec. 24.1. Certifications of record; costs. The Department  
16 shall not be required to certify any record to the court, to  
17 file an answer in court, or to otherwise appear in any court in  
18 a judicial review proceeding unless there is filed in the  
19 court, with the complaint, a receipt from the Department  
20 acknowledging payment of the costs of furnishing and certifying  
21 the record, which costs shall be determined by the Department.  
22 Failure on the part of the plaintiff to file the receipt in  
23 court is grounds for dismissal of the action.

24 (225 ILCS 110/25) (from Ch. 111, par. 7925)

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

2 Sec. 25. Order or certified copy; prima facie proof  
3 ~~Revocation Orders. An order of revocation, suspension,~~  
4 ~~placement on probationary status or other formal disciplinary~~  
5 ~~action as the Department may deem proper, or a certified copy~~  
6 thereof, over the seal of the Department and purporting to be  
7 signed by the Secretary ~~Director of the Department,~~ is prima  
8 facie proof that:

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

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

13 (c) the Board and its ~~the~~ members ~~thereof~~ are qualified to  
14 act.

15 (Source: P.A. 85-1391.)

16 (225 ILCS 110/28) (from Ch. 111, par. 7928)

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

18 Sec. 28. Injunction. The practice of speech-language  
19 pathology or audiology by any person not holding a valid and  
20 current license under this Act or a person performing the  
21 functions and duties of a speech-language pathology assistant  
22 without a valid and current license under this Act, is declared  
23 to be inimical to the public welfare, to constitute a public  
24 nuisance, and to cause irreparable harm to the public welfare.  
25 The Secretary ~~Director~~, the Attorney General, the State's

1 attorney of any county in the State or any person may maintain  
2 an action in the name of the People of the State of Illinois,  
3 and may apply for an injunction in any circuit court to enjoin  
4 any such person from engaging in such practice. Upon the filing  
5 of a verified petition in such court, the court or any judge  
6 thereof, if satisfied by affidavit, or otherwise, that such  
7 person has been engaged in such practice without a valid and  
8 current license, may issue a temporary injunction without  
9 notice or bond, enjoining the defendant from any such further  
10 practice. Only the showing of nonlicensure, by affidavit or  
11 otherwise, is necessary in order for a temporary injunction to  
12 issue. A copy of the verified complaint shall be served upon  
13 the defendant and the proceedings shall thereafter be conducted  
14 as in other civil cases except as modified by this Section. If  
15 it is established that the defendant has been, or is engaged in  
16 any such unlawful practice, the court, or any judge thereof,  
17 may enter an order or judgment perpetually enjoining the  
18 defendant from further such practice. In all proceedings  
19 hereunder, the court, in its discretion, may apportion the  
20 costs among the parties interested in the suit, including cost  
21 of filing the complaint, service of process, witness fees and  
22 expenses, court reporter charges and reasonable attorneys'  
23 fees. In case of violation of any injunction issued under the  
24 provisions of this Section, the court or any judge thereof may  
25 summarily try and punish the offender for contempt of court.  
26 Such injunction proceedings shall be in addition to, and not in

1 lieu of, all penalties and other remedies provided in this Act.  
2 (Source: P.A. 92-510, eff. 6-1-02.)

3 (225 ILCS 110/28.5)

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

5 Sec. 28.5. Cease and desist order. If any person violates  
6 the provisions of this Act, the Secretary ~~Director~~, in the name  
7 of the People of the State of Illinois, through the Attorney  
8 General or the State's Attorney of the county in which the  
9 violation is alleged to have occurred, may petition for an  
10 order enjoining the violation or for an order enforcing  
11 compliance with this Act. Upon the filing of a verified  
12 petition, the court with appropriate jurisdiction may issue a  
13 temporary restraining order, without notice or bond, and may  
14 preliminarily and permanently enjoin the violation. If it is  
15 established that the person has violated or is violating the  
16 injunction, the court may punish the offender for contempt of  
17 court. Proceedings under this Section are in addition to, and  
18 not in lieu of, all other remedies and penalties provided by  
19 this Act.

20 Whenever, in the opinion of the Department, a person  
21 violates any provision of this Act, the Department may issue a  
22 rule to show cause why an order to cease and desist should not  
23 be entered against that person. The rule shall clearly set  
24 forth the grounds relied upon by the Department and shall allow  
25 at least 7 days from the date of the rule to file an answer

1 satisfactory to the Department. Failure to answer to the  
2 satisfaction of the Department shall cause an order to cease  
3 and desist to be issued.

4 (Source: P.A. 90-69, eff. 7-8-97.)

5 (225 ILCS 110/29) (from Ch. 111, par. 7929)

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

7 Sec. 29. Penalty of unlawful practice - second and  
8 subsequent offenses. Any person who practices or offers to  
9 practice speech-language pathology or audiology or performs  
10 the functions and duties of a speech-language pathology  
11 assistant in this State without being licensed for that  
12 purpose, or whose license has been suspended or revoked, or who  
13 violates any of the provisions of this Act, for which no  
14 specific penalty has been provided herein, is guilty of a Class  
15 A misdemeanor.

16 Any person who has been previously convicted under any of  
17 the provisions of this Act and who subsequently violates any of  
18 the provisions of this Act is guilty of a Class 4 felony. In  
19 addition, whenever any person is punished as a subsequent  
20 offender under this Section, the Secretary ~~Director~~ shall  
21 proceed to obtain a permanent injunction against such person  
22 under Section 29 of this Act.

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

24 (225 ILCS 110/26 rep.)

1           Section 15. The Illinois Speech-Language Pathology and  
2           Audiology Practice Act is amended by repealing Section 26.

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