



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1495

Introduced 2/7/2013, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal of the Electrologist Licensing Act from January 1, 2014 to January 1, 2024. Amends the Electrologist Licensing Act. Makes changes to provisions concerning definitions, application for licensure, the Administrative Procedure Act, licensure by endorsement, renewal of licenses, inactive status and restoration of licenses, fees, grounds for discipline, violations of the Act, investigations, notice, hearings, findings and recommendations, summary suspension, records, unlicensed practice, and civil penalties. Provides that all information collected by the Department of Financial and Professional Regulation in the course of an examination or investigation of a licensee or applicant shall be maintained for the confidential use of the Department and shall not be disclosed. Effective immediately.

LRB098 07221 MGM 37283 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.24 and by adding Section 4.34 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts and Section repealed on January 1, 2014.

8 The following Acts and Section of an Act are repealed on
9 January 1, 2014:

10 ~~The Electrologist Licensing Act.~~

11 The Illinois Certified Shorthand Reporters Act of 1984.

12 The Illinois Occupational Therapy Practice Act.

13 The Illinois Public Accounting Act.

14 The Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004.

16 The Registered Surgical Assistant and Registered Surgical
17 Technologist Title Protection Act.

18 Section 2.5 of the Illinois Plumbing License Law.

19 The Veterinary Medicine and Surgery Practice Act of 2004.

20 (Source: P.A. 97-1139, eff. 12-28-12.)

21 (5 ILCS 80/4.34 new)

22 Sec. 4.34. Act repealed on January 1, 2024. The following

1 Act is repealed on January 1, 2024:

2 The Electrologist Licensing Act.

3 Section 10. The Electrologist Licensing Act is amended by
4 changing Sections 10, 25, 32, 40, 55, 60, 65, 70, 75, 85, 90,
5 95, 100, 105, 110, 115, 120, 125, 130, 135, 145, 155, and 162
6 and by adding Section 157 as follows:

7 (225 ILCS 412/10)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 10. Definitions. In this Act:

10 "Address of Record" means the designated address recorded
11 by the Department in the applicant's or licensee's application
12 file or license file as maintained by the Department's
13 licensure maintenance unit. It is the duty of the applicant or
14 licensee to inform the Department of any change of address, and
15 those changes must be made either through the Department's
16 website or by contacting the Department.

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

19 ~~"Director" means the Director of Professional Regulation.~~

20 "Electrologist" means an individual licensed to practice
21 electrology pursuant to the provisions of this Act.

22 "Electrology" means the practice or teaching of services
23 for permanent hair removal utilizing only solid probe electrode
24 type epilation, which may include thermolysis (shortwave, high

1 frequency), electrolysis (galvanic), or a combination of both
2 (superimposed or sequential blend).

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation.

5 (Source: P.A. 92-750, eff. 1-1-03.)

6 (225 ILCS 412/25)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 25. Application. Applications for original licenses
9 shall be made to the Department in writing on forms prescribed
10 by the Department and shall be accompanied by the required fee,
11 which is not refundable. The application shall require any
12 information as, in the judgment of the Department, will enable
13 the Department to pass on the qualifications of the applicant
14 for a license. The application shall include evidence of
15 passage of an examination recognized by the Department.

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

21 (Source: P.A. 92-750, eff. 1-1-03.)

22 (225 ILCS 412/32)

23 (Section scheduled to be repealed on January 1, 2014)

24 Sec. 32. Social Security number on license application. In

1 addition to any other information required to be contained in
2 the application, every application for an original license
3 under this Act shall include the applicant's social security
4 number, which shall be retained in the agency's records
5 pertaining to the license. As soon as practical, the Department
6 shall assign a customer's identification number to each
7 applicant for a license.

8 Every application for a renewed, reinstated, ~~renewal~~ or
9 restored license shall require the applicant's customer
10 identification number.

11 (Source: P.A. 97-400, eff. 1-1-12.)

12 (225 ILCS 412/40)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 40. Administrative Procedure Act. The Illinois
15 Administrative Procedure Act is hereby expressly adopted and
16 incorporated in this Act as if all of the provisions of the
17 Illinois Administrative Procedure Act were included in this
18 Act, except that the provision of paragraph (d) ~~(e)~~ of Section
19 10-65 of the Illinois Administrative Procedure Act, which
20 provides that at hearings the licensee has the right to show
21 compliance with all lawful requirements for retention,
22 continuation, or renewal of the license, is specifically
23 excluded. For the purposes of this Act, the notice required
24 under Section 10-25 of the Illinois Administrative Procedure
25 Act is considered to be sufficient when mailed to the

1 licensee's address of record ~~last known address of the party.~~

2 (Source: P.A. 92-750, eff. 1-1-03.)

3 (225 ILCS 412/55)

4 (Section scheduled to be repealed on January 1, 2014)

5 Sec. 55. Endorsement. Pursuant to the rules of the
6 Department, upon payment of the required fee, an applicant who
7 has been licensed in another state that has substantially the
8 same requirements as those required for licensure under the
9 provisions of this Act may be granted a license as an
10 electrologist.

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

17 (Source: P.A. 92-750, eff. 1-1-03.)

18 (225 ILCS 412/60)

19 (Section scheduled to be repealed on January 1, 2014)

20 Sec. 60. Renewal, ~~armed service duty~~. The expiration date
21 and renewal period for each license issued under this Act shall
22 be set by rule. Renewal shall be conditioned on paying the
23 required fee and meeting other requirements as may be
24 established by rule. All renewal applicants shall provide proof

1 of having met the continuing education requirements in
2 accordance with rules established by the Department, ~~approved~~
3 ~~by the Department~~ consisting of the equivalent of 30 hours of
4 continuing education every 24 months. The continuing education
5 requirement may be waived in part or in whole for such good
6 cause, including but not limited to illness or hardship, as may
7 be determined by rule.

8 ~~Any electrologist who has permitted a license to expire or~~
9 ~~who has a license on inactive status may have the license~~
10 ~~restored by submitting an application to the Department, filing~~
11 ~~proof acceptable to the Department of fitness to have the~~
12 ~~license restored, and paying the required fees. Proof of~~
13 ~~fitness may include sworn evidence certifying to active lawful~~
14 ~~practice in another jurisdiction.~~

15 ~~The Department shall determine, by an evaluation process~~
16 ~~established by rule, a person's fitness for restoration of a~~
17 ~~license and shall establish procedures and requirements for~~
18 ~~restoration.~~

19 ~~Any electrologist whose license expired while (i) on active~~
20 ~~duty with the Armed Forces of the United States, or the State~~
21 ~~Militia called into service or training, or (ii) in training or~~
22 ~~education under the supervision of the United States~~
23 ~~preliminary to induction into the military service, may have~~
24 ~~the license restored without paying any lapsed renewal fees if,~~
25 ~~within 2 years after honorable termination of service, training~~
26 ~~or education, the licensee furnishes the Department with~~

1 ~~satisfactory evidence to the effect that the licensee has been~~
2 ~~so engaged and that the service, training, or education has~~
3 ~~been so terminated.~~

4 (Source: P.A. 92-750, eff. 1-1-03.)

5 (225 ILCS 412/65)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 65. Inactive status; restoration.

8 (a) Any electrologist who notifies the Department in
9 writing on forms prescribed by the Department may elect to
10 place a license on inactive status and shall, subject to rules
11 of the Department, be excused from payment of renewal fees
12 until the Department is notified in writing of the intention to
13 restore the license.

14 (b) Any electrologist who has permitted a license to expire
15 or who has a license on inactive status may have the license
16 restored by submitting an application to the Department, filing
17 proof acceptable to the Department of fitness to have the
18 license restored, and paying the required fees. Proof of
19 fitness may include sworn evidence certifying to active lawful
20 practice in another jurisdiction. The Department shall
21 determine, by an evaluation process established by rule, a
22 person's fitness for restoration of a license and shall
23 establish procedures and requirements for restoration.

24 (c) Any electrologist whose license expired while (i) on
25 active duty with the Armed Forces of the United States or the

1 State Militia called into service or training, or (ii) in
2 training or education under the supervision of the United
3 States preliminary to induction into the military service, may
4 have the license restored without paying any lapsed renewal
5 fees if, within 2 years after honorable termination of service,
6 training, or education, the licensee furnishes the Department
7 with satisfactory evidence that the licensee has been so
8 engaged and that the service, training, or education has been
9 so terminated.

10 (d) An electrologist requesting restoration from inactive
11 status shall be required to pay the current renewal fee and
12 shall be required to follow procedures to restore the license
13 as provided in this Section ~~Section 60 of this Act.~~

14 (e) An electrologist whose license is on inactive or
15 non-renewed status shall not practice in the State of Illinois.

16 A licensee who engages in practice with an inactive or
17 non-renewed ~~a lapsed license or a license on inactive status~~
18 shall be considered to be practicing without a license, which
19 shall be grounds for discipline under Section 75 of this Act.

20 (Source: P.A. 92-750, eff. 1-1-03.)

21 (225 ILCS 412/70)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 70. Fees; returned checks.

24 (a) The Department shall provide by rule for a schedule of
25 fees for the administration and enforcement of this Act,

1 including but not limited to original licensure, renewal, and
2 restoration. The fees shall be nonrefundable.

3 (b) All fees collected under this Act shall be deposited
4 into the General Professions Dedicated Fund and shall be
5 appropriated to the Department for the ordinary and contingent
6 expenses of the Department in the administration of this Act.

7 (c) A person who delivers a check or other payment to the
8 Department that is returned to the Department unpaid by the
9 financial institution upon which it is drawn shall pay to the
10 Department, in addition to the amount already owed to the
11 Department, a fine of \$50. The fines imposed by this Section
12 are in addition to any other discipline provided under this Act
13 for unlicensed practice or practice on a nonrenewed license.
14 The Department shall notify the person that fees and fines
15 shall be paid to the Department by certified check or money
16 order within 30 calendar days of the notification. If, after
17 the expiration of 30 days from the date of the notification,
18 the person has failed to submit the necessary remittance, the
19 Department shall automatically terminate the license or deny
20 the application without a hearing. If the person seeks a
21 license after termination or denial, he or she shall apply to
22 the Department for restoration or issuance of the license and
23 pay all fees and fines due to the Department. The Department
24 may establish a fee for the processing of an application for
25 restoration of a license to defray the expenses of processing
26 the application. The Secretary ~~Director~~ may waive the fines due

1 under this Section in individual cases if the Secretary
2 ~~Director~~ finds that the fines would be unreasonable or
3 unnecessarily burdensome.

4 (Source: P.A. 92-750, eff. 1-1-03.)

5 (225 ILCS 412/75)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 75. Grounds for discipline.

8 (a) The Department may refuse to issue or renew and may
9 revoke or suspend a license under this Act, and may place on
10 probation, ~~censure~~, reprimand, or take other disciplinary or
11 non-disciplinary action with regard to any licensee under this
12 Act, as the Department may consider appropriate ~~proper~~,
13 including imposing ~~the issuance of~~ fines not to exceed \$10,000
14 ~~\$5,000~~ for each violation and assess costs as provided for
15 under Section 95 of this Act, for one or any combination of the
16 following causes:

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

19 (2) Violation of this Act or ~~its~~ rules adopted under
20 this Act.

21 (3) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or
23 sentencing, including, but not limited to, convictions,
24 preceding sentences of supervision, conditional discharge,
25 or first offender probation, under the laws of any

1 jurisdiction of the United States that is (i) a felony or
2 (ii) a misdemeanor, an essential element of which is
3 dishonesty, or that is directly related to the practice of
4 electrology ~~of any felony under the laws of any U.S.~~
5 ~~jurisdiction, any misdemeanor an essential element of~~
6 ~~which is dishonesty, or any crime that is directly related~~
7 ~~to the practice of the profession.~~

8 (4) Fraud or ~~Making any~~ misrepresentation in applying
9 for or procuring a license under this Act, or in connection
10 with applying for renewal of a license under this Act ~~for~~
11 ~~the purpose of obtaining a license.~~

12 (5) Aiding or assisting another person in violating any
13 provision of this Act or its rules.

14 (6) Failing to provide information within 60 days in
15 response to a written request made by the Department.

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

19 (8) Habitual or excessive use or abuse of drugs defined
20 in law as controlled substances, ~~addiction to~~ alcohol,
21 ~~narcotics, stimulants,~~ or any other substance ~~chemical~~
22 ~~agent or drug~~ that results in an electrologist's inability
23 to practice with reasonable judgment ~~judgement~~, skill, or
24 safety.

25 (9) Discipline by another governmental agency, unit of
26 government, U.S. jurisdiction, or foreign nation if at

1 least one of the grounds for discipline is the same as or
2 substantially equivalent to any of those set forth in this
3 Act.

4 (10) Directly or indirectly giving to or receiving from
5 any person, firm, corporation, partnership, or association
6 any fee, commission, rebate, or other form of compensation
7 for any professional services not actually or personally
8 rendered. Nothing in this paragraph (10) affects any bona
9 fide independent contractor or employment arrangements
10 among health care professionals, health facilities, health
11 care providers, or other entities, except as otherwise
12 prohibited by law. Any employment arrangements with health
13 care providers may include provisions for compensation,
14 health insurance, pension, or other employment benefits
15 for the provision of services within the scope of the
16 licensee's practice under this Act. Nothing in this
17 paragraph (10) shall be construed to require an employment
18 arrangement to receive professional fees for services
19 rendered.

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

23 (12) Abandonment of a patient.

24 (13) Willfully making or filing false records or
25 reports in the licensee's practice, including, but not
26 limited to, false records filed with State agencies or

1 departments.

2 (14) Mental or physical ~~Physical~~ illness or
3 disability, including, but not limited to, deterioration
4 through the aging process or loss of motor skill that
5 results in the inability to practice the profession with
6 reasonable judgment, skill, or safety.

7 (15) Negligence ~~Gross negligence~~ in his or her practice
8 under this Act.

9 (16) Use of fraud, deception, or any unlawful means in
10 applying for and securing a license as an electrologist.

11 (17) Immoral conduct in the commission of any act, such
12 as sexual abuse, sexual misconduct, or sexual
13 exploitation, related to the licensee's practice.

14 (18) Failure to comply with standards of sterilization
15 and sanitation as defined in the rules of the Department.

16 (19) Charging for professional services not rendered,
17 including filing false statements for the collection of
18 fees for which services are not rendered.

19 (20) Allowing one's license under this Act to be used
20 by an unlicensed person in violation of this Act.

21 (b) The Department may refuse to issue or renew or may
22 suspend without hearing the license of any person who fails to
23 file a return, to pay the tax, penalty or interest shown in a
24 filed return, or to pay any final assessment of the tax,
25 penalty, or interest as required by any tax Act administered by
26 the Illinois Department of Revenue until the requirements of

1 the tax Act are satisfied in accordance with subsection (g) of
2 Section 2105-15 of the Civil Administrative Code of Illinois.

3 (c) The determination by a circuit court that a licensee is
4 subject to involuntary admission or judicial admission as
5 provided in the Mental Health and Developmental Disabilities
6 Code operates as an automatic suspension. The suspension will
7 end only upon a finding by a court that the patient is no
8 longer subject to involuntary admission or judicial admission,
9 the issuance of an order so finding and discharging the
10 patient, and the filing of a petition for restoration
11 demonstrating fitness to practice ~~the recommendation of the~~
12 ~~Committee to the Director that the licensee be allowed to~~
13 ~~resume his or her practice.~~

14 (d) In enforcing this Section, the Department upon a
15 showing of a possible violation, may compel any individual who
16 is licensed to practice under this Act or any individual who
17 has applied for licensure to submit to a mental or physical
18 examination and evaluation, or both, that may include a
19 substance abuse or sexual offender evaluation, at the expense
20 of the Department. The Department shall specifically designate
21 the examining physician licensed to practice medicine in all of
22 its branches or, if applicable, the multidisciplinary team
23 involved in providing the mental or physical examination and
24 evaluation, or both. The multidisciplinary team shall be led by
25 a physician licensed to practice medicine in all of its
26 branches and may consist of one or more or a combination of

1 physicians licensed to practice medicine in all of its
2 branches, licensed chiropractic physicians, licensed clinical
3 psychologists, licensed clinical social workers, licensed
4 clinical professional counselors, and other professional and
5 administrative staff. Any examining physician or member of the
6 multidisciplinary team may require any person ordered to submit
7 to an examination and evaluation pursuant to this Section to
8 submit to any additional supplemental testing deemed necessary
9 to complete any examination or evaluation process, including,
10 but not limited to, blood testing, urinalysis, psychological
11 testing, or neuropsychological testing ~~person licensed to~~
12 ~~practice under this Act or who has applied for licensure or~~
13 ~~certification pursuant to this Act to submit to a mental or~~
14 ~~physical examination, or both, as required by and at the~~
15 ~~expense of the Department. The examining physicians shall be~~
16 ~~those specifically designated by the Department. The~~
17 ~~Department may order the examining physician to present~~
18 ~~testimony concerning this mental or physical examination of the~~
19 ~~licensee or applicant. No information shall be excluded by~~
20 ~~reason of any common law or statutory privilege relating to~~
21 ~~communications between the licensee or applicant and the~~
22 ~~examining physician. The person to be examined may have, at his~~
23 ~~or her own expense, another physician of his or her choice~~
24 ~~present during all aspects of the examination. Failure of any~~
25 ~~person to submit to a mental or physical examination, when~~
26 ~~directed, shall be grounds for suspension of a license until~~

1 ~~the person submits to the examination if the Department finds,~~
2 ~~after notice and hearing, that the refusal to submit to the~~
3 ~~examination was without reasonable cause.~~

4 The Department may order the examining physician or any
5 member of the multidisciplinary team to provide to the
6 Department any and all records, including business records,
7 that relate to the examination and evaluation, including any
8 supplemental testing performed. The Department may order the
9 examining physician or any member of the multidisciplinary team
10 to present testimony concerning this examination and
11 evaluation of the licensee, permit holder, or applicant,
12 including testimony concerning any supplemental testing or
13 documents relating to the examination and evaluation. No
14 information, report, record, or other documents in any way
15 related to the examination and evaluation shall be excluded by
16 reason of any common law or statutory privilege relating to
17 communication between the licensee or applicant and the
18 examining physician or any member of the multidisciplinary
19 team. No authorization is necessary from the licensee or
20 applicant ordered to undergo an evaluation and examination for
21 the examining physician or any member of the multidisciplinary
22 team to provide information, reports, records, or other
23 documents or to provide any testimony regarding the examination
24 and evaluation. The individual to be examined may have, at his
25 or her own expense, another physician of his or her choice
26 present during all aspects of the examination.

1 Failure of any individual to submit to mental or physical
2 examination and evaluation, or both, when directed, shall
3 result in an automatic suspension without hearing, until such
4 time as the individual submits to the examination. If the
5 Department finds a licensee unable to practice because of the
6 reasons set forth in this Section, the Department shall require
7 the licensee to submit to care, counseling, or treatment by
8 physicians approved or designated by the Department as a
9 condition for continued, reinstated, or renewed licensure to
10 practice.

11 When the Secretary immediately suspends a license under
12 this Section, a hearing upon the person's license must be
13 convened by the Department within 15 days after the suspension
14 and completed without appreciable delay. The Department shall
15 have the authority to review the licensee's record of treatment
16 and counseling regarding the impairment to the extent permitted
17 by applicable federal statutes and regulations safeguarding
18 the confidentiality of medical records.

19 Individuals licensed under this Act affected under this
20 Section shall be afforded an opportunity to demonstrate to the
21 Department that they can resume practice in compliance with
22 acceptable and prevailing standards under the provisions of
23 their license.

24 (e) The Department shall deny a license or renewal
25 authorized by this Act to a person who has defaulted on an
26 educational loan or scholarship provided or guaranteed by the

1 Illinois Student Assistance Commission or any governmental
2 agency of this State in accordance with item (5) of subsection
3 (a) of Section 2105-15 of the Civil Administrative Code of
4 Illinois.

5 (f) In cases where the Department of Healthcare and Family
6 Services has previously determined a licensee or a potential
7 licensee is more than 30 days delinquent in the payment of
8 child support and has subsequently certified the delinquency to
9 the Department, the Department may refuse to issue or renew or
10 may revoke or suspend that person's license or may take other
11 disciplinary action against that person based solely upon the
12 certification of delinquency made by the Department of
13 Healthcare and Family Services in accordance with item (5) of
14 subsection (a) of Section 1205-15 of the Department of
15 Professional Regulation Law of the Civil Administrative Code of
16 Illinois.

17 (g) All fines or costs imposed under this Section shall be
18 paid within 60 days after the effective date of the order
19 imposing the fine or costs or in accordance with the terms set
20 forth in the order imposing the fine.

21 ~~If the Department finds an individual unable to practice~~
22 ~~because of the reasons set forth in this Section, the~~
23 ~~Department may require that individual to submit to care,~~
24 ~~counseling, or treatment by physicians approved or designated~~
25 ~~by the Department, as a condition, term, or restriction for~~
26 ~~continued, reinstated, or renewed licensure to practice; or, in~~

1 ~~lieu of care, counseling, or treatment, the Department may file~~
2 ~~a complaint to immediately suspend, revoke, or otherwise~~
3 ~~discipline the license of the individual.~~

4 ~~Any person whose license was granted, continued,~~
5 ~~reinstated, renewed, disciplined or supervised subject to such~~
6 ~~terms, conditions or restrictions, and who fails to comply with~~
7 ~~such terms, conditions or restrictions, shall be referred to~~
8 ~~the Director for a determination as to whether the person shall~~
9 ~~have his or her license suspended immediately, pending a~~
10 ~~hearing by the Department.~~

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

20 ~~A person licensed under this Act and affected under this~~
21 ~~Section shall be afforded an opportunity to demonstrate to the~~
22 ~~Department that he or she can resume practice in compliance~~
23 ~~with acceptable and prevailing standards under the provisions~~
24 ~~of his or her license.~~

25 (Source: P.A. 96-1482, eff. 11-29-10.)

1 (225 ILCS 412/85)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 85. Violations; injunctions.

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

19 (b) If a person practices as an electrologist or holds
20 himself or herself out as an electrologist without being
21 licensed under the provisions of this Act, then any licensed
22 electrologist, any interested party, or any person injured
23 thereby may, in addition to the Secretary ~~Director~~, petition
24 for relief as provided in subsection (a) of this Section.

25 (c) Whenever, in the opinion of the Department, a person
26 violates any provision of this Act, the Department may issue a

1 rule to show cause why an order to cease and desist should not
2 be entered against that person. The rule shall clearly set
3 forth the grounds relied upon by the Department and shall
4 provide a period of 7 days after the date of the rule to file an
5 answer to the satisfaction of the Department. Failure to answer
6 to the satisfaction of the Department shall cause an order to
7 cease and desist to be issued immediately.

8 (Source: P.A. 92-750, eff. 1-1-03.)

9 (225 ILCS 412/90)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 90. Investigations; notice and hearing.

12 (a) The Department may investigate the actions of an
13 applicant or a person holding or claiming to hold a license.

14 (b) Before refusing to issue or renew a license or take any
15 disciplinary or non-disciplinary action against ~~disciplining~~ a
16 licensed electrologist pursuant to Section 75 of this Act, the
17 Department shall notify in writing the applicant or the
18 licensee of the nature of the charges and that a hearing will
19 be held on the date designated, which shall be at least 30 days
20 after the date of the notice. The Department shall direct the
21 applicant or licensee to file a written answer to the
22 Department under oath within 20 days after the service of the
23 notice and inform the applicant or licensee that failure to
24 file an answer will result in default being taken against the
25 applicant or licensee and that the license may be suspended,

1 revoked, placed on probationary status, or other disciplinary
2 or non-disciplinary action may be taken, including limiting the
3 scope, nature, or extent of business as the Secretary Director
4 may deem proper. Written notice may be served by ~~personal~~
5 ~~delivery or~~ certified or registered mail sent to the licensee's
6 address of record ~~respondent at the most recent address on~~
7 ~~record with the Department.~~

8 If the applicant or licensee fails to file an answer after
9 receiving notice, the license may, in the discretion of the
10 Department, be suspended, revoked, or placed on probationary
11 status, or the Department may take whatever disciplinary action
12 considered it deems proper including limiting the scope,
13 nature, or extent of the person's practice or the imposition of
14 a fine ~~imposing a civil penalty~~, without a hearing if the act
15 or acts charged constitute sufficient grounds ~~ground~~ for such
16 action under this Act.

17 At the time and place fixed in the notice, the Department
18 shall proceed to hear the charges, and the parties or their
19 counsel shall be accorded ample opportunity to present any
20 pertinent ~~such~~ statements, testimony, evidence, and argument
21 ~~as may be pertinent to the charges or to their defense.~~ The
22 Department may continue a hearing from time to time.

23 (Source: P.A. 92-750, eff. 1-1-03.)

24 (225 ILCS 412/95)

25 (Section scheduled to be repealed on January 1, 2014)

1 Sec. 95. Record of proceedings ~~Stenographer; transcript.~~
2 The Department, at its expense, shall preserve a record of all
3 proceedings at the formal hearing of any case ~~involving the~~
4 ~~refusal to issue or renew a license or the discipline of a~~
5 ~~licensed electrologist.~~ Any licensee who is found to have
6 violated this Act or who fails to appear for a hearing to
7 refuse to issue, restore, or renew a license or to discipline a
8 licensee may be required by the Department to pay for the costs
9 of the proceeding. These costs are limited to costs for court
10 reporters, transcripts, and witness attendance and mileage
11 fees. All costs imposed under this Section shall be paid within
12 60 days after the effective date of the order imposing the
13 fine. ~~The notice of hearing, complaint, and all other documents~~
14 ~~in the nature of pleadings, written motions filed in the~~
15 ~~proceedings, the transcript of testimony, the report of the~~
16 ~~hearing officer, and the order of the Department shall be the~~
17 ~~record of the proceeding.~~

18 (Source: P.A. 92-750, eff. 1-1-03.)

19 (225 ILCS 412/100)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 100. Required testimony. Upon application of the
22 Department or its designee, or of the person against whom
23 proceedings pursuant to Section 75 of this Act are pending, any
24 circuit court may ~~enter an order requiring~~ the attendance and
25 testimony of witnesses ~~and their testimony,~~ and the production

1 of relevant documents, paper, files, books, and records in
2 connection with any hearing or investigation. The court may
3 compel obedience to its order by proceedings for contempt.

4 (Source: P.A. 92-750, eff. 1-1-03.)

5 (225 ILCS 412/105)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 105. Subpoena power; oaths. The Department may ~~has~~
8 ~~power to~~ subpoena and bring before it any person in this State
9 and to take the oral or written testimony or compel the
10 production of any books, papers, records, or any other
11 documents that the Secretary or his or her designee deems
12 relevant or material to any investigation or hearing conducted
13 by the Department ~~either orally, by deposition, or both~~, with
14 the same fees and mileage and in the same manner as prescribed
15 by law in judicial proceedings in civil cases in circuit courts
16 of this State.

17 The Secretary, the shorthand court reporter, Director and
18 hearing officers may administer oaths ~~to witnesses~~ at any
19 hearing that the Department conducts ~~is authorized to conduct~~
20 ~~under this Act and any other oaths required or authorized to be~~
21 ~~administered by the Department.~~ Notwithstanding any other
22 statute or Department rule to the contrary, all requests for
23 testimony, production of documents, or records shall be in
24 accordance with this Act.

25 (Source: P.A. 92-750, eff. 1-1-03.)

1 (225 ILCS 412/110)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 110. Findings and recommendations. At the conclusion
4 of the hearing, the hearing officer shall present to the
5 Secretary Director a written report of its findings of fact,
6 conclusions of law, and recommendations. The report shall
7 contain a finding of whether or not the accused applicant or
8 licensee violated this Act or failed to comply with the
9 conditions required in this Act. The hearing officer shall
10 specify the nature of the violation or failure to comply, and
11 shall make its recommendations to the Secretary Director.

12 The report of the findings and recommendations of the
13 hearing officer shall be the basis for the Department's order
14 for refusing to issue, restore, or renew a license, or
15 otherwise disciplining a licensee if ~~of refusal or for the~~
16 ~~granting of licensure unless~~ the Secretary Director determines
17 that the hearing officer's report is contrary to the manifest
18 weight of the evidence, in which case the Secretary Director
19 may issue an order in contravention of the hearing officer's
20 report. The finding is not admissible in evidence against the
21 applicant or licensee in a criminal prosecution brought for the
22 violation of this Act, but the hearing and finding are not a
23 bar to a criminal prosecution brought for the violation of this
24 Act.

25 (Source: P.A. 92-750, eff. 1-1-03.)

1 (225 ILCS 412/115)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 115. Hearing officer. The Secretary ~~Director~~ has the
4 authority to appoint an attorney duly licensed to practice law
5 in this State to serve as the hearing officer in an action for
6 refusal to issue or renew a license or for the discipline of a
7 licensed electrologist. The hearing officer shall have full
8 authority to conduct the hearing. The hearing officer shall
9 report his or her findings and recommendations to the Secretary
10 ~~Director~~.

11 (Source: P.A. 92-750, eff. 1-1-03.)

12 (225 ILCS 412/120)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 120. Motion for rehearing. In any case involving the
15 refusal to issue or renew a license, or the discipline of a
16 licensee, a copy of the hearing officer's report shall be
17 served upon the respondent by the Department, either personally
18 or as provided in this Act for the service of the notice of
19 hearing. Within 20 days after service, the respondent may
20 present to the Department a motion in writing for a rehearing
21 which shall specify the particular grounds for rehearing. If no
22 motion for rehearing is filed, then upon the expiration of the
23 time specified for filing a motion, or if a motion for
24 rehearing is denied, then upon denial, the Secretary ~~Director~~

1 may enter an order in accordance with the recommendation of the
2 hearing officer. If the respondent orders from the reporting
3 service, and pays for a transcript of the record within the
4 time for filing a motion for rehearing, the 20-day period
5 within which a motion may be filed shall commence upon the
6 delivery of the transcript to the respondent.

7 (Source: P.A. 92-750, eff. 1-1-03.)

8 (225 ILCS 412/125)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 125. Order for rehearing ~~Rehearing on order of~~
11 ~~Director~~. Whenever the Secretary ~~Director~~ is not satisfied that
12 substantial justice has been done in the revocation,
13 suspension, or refusal to issue or renew a license, the
14 Secretary ~~Director~~ may order a rehearing.

15 (Source: P.A. 92-750, eff. 1-1-03.)

16 (225 ILCS 412/130)

17 (Section scheduled to be repealed on January 1, 2014)

18 Sec. 130. Order or certified copy as prima facie proof. An
19 order or a certified copy thereof, over the seal of the
20 Department and purporting to be signed by the Secretary
21 ~~Director~~, shall be prima facie proof:

22 (1) that the signature is the genuine signature of the
23 Secretary ~~Director~~; and

24 (2) that the Secretary ~~Director~~ is duly appointed and

1 qualified.

2 ~~This proof may be rebutted.~~

3 (Source: P.A. 92-750, eff. 1-1-03.)

4 (225 ILCS 412/135)

5 (Section scheduled to be repealed on January 1, 2014)

6 Sec. 135. Restoration of license from discipline ~~License~~
7 ~~restoration.~~ At any time after the successful completion of a
8 term of indefinite probation, suspension, or revocation of a
9 license, the Department may restore the license to active
10 status, unless, after an investigation and a hearing, the
11 Secretary determines that restoration is not in the public
12 interest. No person whose license has been revoked as
13 authorized in this Act may apply for restoration of that
14 license until such time as provided for in the Civil
15 Administrative Code of Illinois. ~~At any time after the~~
16 ~~suspension or revocation of a license the Department may~~
17 ~~restore it to the accused person, unless after an investigation~~
18 ~~and a hearing the Department determines that restoration is not~~
19 ~~in the public interest.~~

20 (Source: P.A. 92-750, eff. 1-1-03.)

21 (225 ILCS 412/145)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 145. Summary ~~Temporary~~ suspension. The Secretary
24 ~~Director~~ may summarily ~~temporarily~~ suspend the license of an

1 electrologist without a hearing, simultaneously with the
2 institution of proceedings for a hearing under Section 90 of
3 this Act, if the Secretary ~~Director~~ finds that the evidence ~~in~~
4 ~~his or her possession~~ indicates that continuation in practice
5 would constitute an imminent danger to the public. In the event
6 that the Secretary summarily ~~Director temporarily~~ suspends a
7 license without a hearing, a hearing by the Department shall
8 ~~must~~ be held within 30 days after the suspension has occurred,
9 and shall be concluded as expeditiously as possible ~~concluded~~
10 ~~without appreciable delay.~~

11 (Source: P.A. 92-750, eff. 1-1-03.)

12 (225 ILCS 412/155)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 155. Certification of record. The Department shall not
15 be required to certify any record to the court, file any answer
16 in court, or otherwise appear in any court in a judicial review
17 proceeding unless and until the Department has received from
18 the plaintiff ~~there is filed in the court, with the complaint,~~
19 ~~a receipt from the Department acknowledging~~ payment of the
20 costs of furnishing and certifying the record, which costs
21 shall be determined by the Department. Failure on the part of
22 the plaintiff to file a receipt in court is grounds for
23 dismissal of the action.

24 (Source: P.A. 92-750, eff. 1-1-03.)

1 (225 ILCS 412/157 new)

2 Sec. 157. Confidentiality. All information collected by
3 the Department in the course of an examination or investigation
4 of a licensee or applicant, including, but not limited to, any
5 complaint against a licensee filed with the Department and
6 information collected to investigate any such complaint, shall
7 be maintained for the confidential use of the Department and
8 shall not be disclosed. The Department shall not disclose the
9 information to anyone other than law enforcement officials,
10 regulatory agencies that have an appropriate regulatory
11 interest as determined by the Secretary, or a party presenting
12 a lawful subpoena to the Department. Information and documents
13 disclosed to a federal, State, county, or local law enforcement
14 agency shall not be disclosed by the agency for any purpose to
15 any other agency or person. A formal complaint filed against a
16 licensee or registrant by the Department or any other issued by
17 the Department against a licensee, registrant, or applicant
18 shall be a public record, except as otherwise prohibited by
19 law.

20
21 (225 ILCS 412/162)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 162. Unlicensed practice; violation; civil penalty.

24 (a) Any person who practices, offers to practice, attempts
25 to practice, or holds oneself out to practice electrology

1 without being licensed under this Act shall, in addition to any
2 other penalty provided by law, pay a civil penalty to the
3 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each
4 offense as determined by the Department. The civil penalty
5 shall be assessed by the Department after a hearing is held in
6 accordance with the provisions set forth in this Act ~~regarding~~
7 ~~the provision of a hearing for the discipline of a licensee.~~

8 (b) The Department has the authority and power to
9 investigate any and all unlicensed activity.

10 (c) The civil penalty shall be paid within 60 days after
11 the effective date of the order imposing the civil penalty. The
12 order shall constitute a judgment and may be filed and
13 execution had thereon in the same manner as any judgment from
14 any court of record.

15 (Source: P.A. 92-750, eff. 1-1-03.)

16 (225 ILCS 412/33 rep.)

17 Section 15. The Electrologist Licensing Act is amended by
18 repealing Section 33.

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

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