



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2128

Introduced 2/15/2019, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

225 ILCS 415/4	from Ch. 111, par. 6204
225 ILCS 415/6	from Ch. 111, par. 6206
225 ILCS 415/8	from Ch. 111, par. 6208
225 ILCS 415/9	from Ch. 111, par. 6209
225 ILCS 415/10	from Ch. 111, par. 6210
225 ILCS 415/14	from Ch. 111, par. 6214
225 ILCS 415/15	from Ch. 111, par. 6215
225 ILCS 415/16	from Ch. 111, par. 6216
225 ILCS 415/23	from Ch. 111, par. 6223
225 ILCS 415/27	from Ch. 111, par. 6243

Amends the Illinois Certified Shorthand Reporters Act of 1984. Provides that the practice of shorthand reporting includes the making of a verbatim record by the use of closed microphone voice dictation silencer and pen shorthand writing. Removes the requirement that certified shorthand reporters serving the Certified Shorthand Reporters Board must have actively engaged in the practice of shorthand reporting in this State for 10 years. Provides that the Department of Financial and Professional Regulation may certify an applicant who is a certified verbatim reporter or registered professional reporter of another jurisdiction as a certified shorthand reporter. Makes provisions of the Act gender neutral. Makes other changes. Effective immediately.

LRB101 07766 JRG 52815 b

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Certified Shorthand Reporters Act
5 of 1984 is amended by changing Sections 4, 6, 8, 9, 10, 14, 15,
6 16, 23, and 27 as follows:

7 (225 ILCS 415/4) (from Ch. 111, par. 6204)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 4. In this Act:

10 (1) "Department" means the Department of Financial and
11 Professional Regulation.

12 (2) "Secretary" means the Secretary of Financial and
13 Professional Regulation.

14 (3) "Board" means the Certified Shorthand Reporters Board
15 appointed by the Secretary.

16 (4) "The practice of shorthand reporting" means the making
17 of a verbatim record ~~reporting~~, by the use of ~~any system of~~
18 manual shorthand, ~~or~~ mechanical shorthand, closed microphone
19 voice dictation silencer, or pen shorthand writing, of Grand
20 Jury proceedings, court proceedings, court related
21 proceedings, pretrial examinations, depositions, motions and
22 related proceedings of like character, or proceedings of an
23 administrative agency when the final decision of the agency

1 with reference thereto is likely to be subject to judicial
2 review under the provisions of the Administrative Review Law.

3 (5) "Shorthand reporter" means a person who is technically
4 qualified and certified under this Act to practice shorthand
5 reporting.

6 (6) "Stenographic notes" means the original notes by manual
7 shorthand, ~~or~~ mechanical shorthand, closed microphone voice
8 dictation silencer, or pen shorthand writing taken by a
9 shorthand reporter of a proceeding while in attendance at such
10 proceeding for the purpose of reporting the same.

11 (7) "Address of record" means the designated address
12 recorded by the Department in the applicant's or licensee's
13 application file or license file as maintained by the
14 Department's licensure maintenance unit. It is the duty of the
15 applicant or licensee to inform the Department of any change of
16 address and those changes must be made either through the
17 Department's Internet website or by contacting the Department.
18 (Source: P.A. 98-445, eff. 12-31-13.)

19 (225 ILCS 415/6) (from Ch. 111, par. 6206)

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

21 Sec. 6. Restricted certificate. Upon receipt of a written
22 request from the Chief Judge of the reporter's circuit, the
23 Department shall, upon payment of the required fee, issue to
24 any reporter who has been appointed in counties of less than
25 1,000,000 in population, has been examined under the Court

1 Reporters Act, and has achieved an "A" proficiency rating, a
2 restricted certificate by which such official court reporter
3 may then lawfully engage in reporting only court proceedings to
4 which he or she may be assigned by the Chief Judge of his or her
5 circuit.

6 (Source: P.A. 98-445, eff. 12-31-13.)

7 (225 ILCS 415/8) (from Ch. 111, par. 6208)

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

9 Sec. 8. Certified Shorthand Reporters Board. The Secretary
10 shall appoint a Certified Shorthand Reporters Board as follows:
11 7 persons who shall be appointed by and shall serve in an
12 advisory capacity to the Secretary. Six members must be
13 certified shorthand reporters, in good standing, and actively
14 engaged in the practice of shorthand reporting in this State
15 ~~for ten years~~, and one member must be a member of the public
16 who is not certified under this Act, or a similar Act of
17 another jurisdiction.

18 Members shall serve 4 year terms and until their successors
19 are appointed and qualified. No member shall be reappointed to
20 the Board for a term that would cause his or her continuous
21 service on the Board to be longer than 2 full consecutive
22 terms. Appointments to fill vacancies shall be made in the same
23 manner as original appointments, for the unexpired portion of
24 the vacated term.

25 In making appointments to the Board, the Secretary shall

1 give consideration to recommendations by national and State
2 organizations of the shorthand reporter profession.

3 Four members of the Board shall constitute a quorum. A
4 quorum is required for all Board decisions.

5 The Secretary may remove or suspend any member of the Board
6 for cause at any time before the expiration of his or her term.
7 The Secretary shall be the sole arbiter of cause.

8 The Secretary shall consider the recommendations of the
9 Board on questions involving standards of professional
10 conduct, discipline and qualifications of candidates and
11 certificate holders under this Act.

12 Members of the Board shall be reimbursed for all
13 legitimate, necessary, and authorized expenses incurred in
14 attending the meetings of the Board.

15 Members of the Board have no liability in any action based
16 upon any disciplinary proceedings or other activity performed
17 in good faith as members of the Board.

18 (Source: P.A. 98-445, eff. 12-31-13.)

19 (225 ILCS 415/9) (from Ch. 111, par. 6209)

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

21 Sec. 9. Qualifications. Applications for original
22 certificates shall be made to the Department in writing on
23 forms prescribed by the Department and shall be accompanied by
24 the required fee, which shall not be returnable. Any such
25 application shall require such information as in the judgment

1 of the Department will enable the Department to pass on the
2 qualifications of the applicant for certification.

3 In determining competency, the Department shall require
4 proof that the applicant has a good understanding of the
5 English language, including reading, spelling and vocabulary,
6 and that the applicant has sufficient ability to accurately
7 report any of the matters comprising the practice of shorthand
8 reporting ~~as herein defined, by the use of any system of manual~~
9 ~~or mechanical shorthand or shorthand writing,~~ and a clear
10 understanding of obligations between a shorthand reporter and
11 the parties to any proceedings reported, as well as the
12 provisions of this Act.

13 (Source: P.A. 98-445, eff. 12-31-13.)

14 (225 ILCS 415/10) (from Ch. 111, par. 6210)

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

16 Sec. 10. The Department shall authorize examinations at
17 such time and place as it may designate. The examination shall
18 be of a character to give a fair test of the qualifications of
19 the applicant to practice shorthand reporting.

20 Applicants for examination as certified shorthand
21 reporters shall be required to pay, either to the Department or
22 the designated testing service, a fee covering the cost of
23 providing the examination. Failure to appear for the
24 examination on the scheduled date, at the time and place
25 specified, after the applicant's application for examination

1 has been received and acknowledged by the Department or the
2 designated testing service, shall result in the forfeiture of
3 the examination fee.

4 If an applicant neglects, fails or refuses to take the next
5 available examination offered or fails to pass an examination
6 for certification under this Act, the application shall be
7 denied. If an applicant for examination for certification under
8 this Act fails to pass the examination within 3 years after
9 filing his or her application, the application shall be denied.
10 However, such applicant may thereafter make a new application
11 accompanied by the required fee.

12 The Department may employ consultants for the purpose of
13 preparing and conducting examinations.

14 An applicant has one year from the date of notification of
15 successful completion of the examination to apply to the
16 Department for a license. If an applicant fails to apply within
17 one year, the applicant shall be required to take and pass the
18 examination again unless licensed in another jurisdiction of
19 the United States within one year of passing the examination.

20 (Source: P.A. 98-445, eff. 12-31-13.)

21 (225 ILCS 415/14) (from Ch. 111, par. 6214)

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

23 Sec. 14. Expiration, renewal, and military service. The
24 expiration date and renewal period for each certificate issued
25 under this Act shall be set by rule.

1 Any certified shorthand reporter who has permitted his or
2 her certificate to expire or who has had his or her certificate
3 on inactive status may have his or her certificate restored by
4 making application to the Department, filing proof acceptable
5 to the Department of his or her fitness to have his or her
6 certificate restored and paying the required restoration fee.
7 The Department may consider a certificate expired less than 5
8 years as prima facie evidence that the applicant is fit. If a
9 certificate has expired or has been placed on inactive status
10 and the applicant has practiced in another jurisdiction during
11 such period, satisfactory proof of fitness may include sworn
12 evidence certifying to active practice in another
13 jurisdiction.

14 If the certified shorthand reporter has not maintained an
15 active practice in another jurisdiction satisfactory to the
16 Department, the Department shall determine, by an evaluation
17 program established by rule, his or her fitness to resume
18 active status and shall, by rule, establish procedures and
19 requirements for restoration.

20 However, any certified shorthand reporter whose
21 certificate expired while he or she was (1) in Federal Service
22 on active duty with the Armed Forces of the United States, or
23 the State Militia called into service or training, or (2) in
24 training or education under the supervision of the United
25 States preliminary to induction into the military service, may
26 have his or her certificate renewed or restored without paying

1 any lapsed renewal fees if within 2 years after termination of
2 such service, training or education except under conditions
3 other than honorable, he or she furnished the Department with
4 satisfactory evidence to the effect that he or she has been so
5 engaged and that his or her service, training, or education has
6 been so terminated.

7 (Source: P.A. 98-445, eff. 12-31-13.)

8 (225 ILCS 415/15) (from Ch. 111, par. 6215)

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

10 Sec. 15. Inactive status. Any certified shorthand reporter
11 who notifies the Department in writing on forms prescribed by
12 the Department, may elect to place his or her certificate on an
13 inactive status and shall, subject to rules of the Department,
14 be excused from payment of renewal fees until he or she
15 notifies the Department in writing of his or her desire to
16 resume active status.

17 Any certified shorthand reporter requesting restoration
18 from inactive status shall be required to pay the current
19 renewal fee and shall be required to restore his or her
20 certificate, as provided in Section 14.

21 Any certified shorthand reporter whose certificate is in an
22 inactive status shall not practice shorthand reporting in the
23 State of Illinois.

24 (Source: P.A. 98-445, eff. 12-31-13.)

1 (225 ILCS 415/16) (from Ch. 111, par. 6216)

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

3 Sec. 16. Endorsement; licensure without examination. The
4 Department may certify as a certified shorthand reporter,
5 without examination, on payment of the required fee, an
6 applicant who is a certified shorthand reporter, certified
7 verbatim reporter, or registered professional reporter
8 registered under the laws of another jurisdiction, if the
9 requirements for certification of certified shorthand
10 reporters or certified verbatim reporters in that jurisdiction
11 were, at the date of his or her certification, substantially
12 equivalent to the requirements in force in this State on that
13 date.

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

19 (Source: P.A. 98-445, eff. 12-31-13.)

20 (225 ILCS 415/23) (from Ch. 111, par. 6223)

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

22 Sec. 23. Grounds for disciplinary action.

23 (a) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand or take other
25 disciplinary or non-disciplinary action as the Department may

1 deem appropriate, including imposing fines not to exceed
2 \$10,000 for each violation and the assessment of costs as
3 provided for in Section 23.3 of this Act, with regard to any
4 license for any one or combination of the following:

5 (1) Material misstatement in furnishing information to
6 the Department;

7 (2) Violations of this Act, or of the rules promulgated
8 thereunder;

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

18 (4) Fraud or any misrepresentation in applying for or
19 procuring a license under this Act or in connection with
20 applying for renewal of a license under this Act;

21 (5) Professional incompetence;

22 (6) Aiding or assisting another person, firm,
23 partnership or corporation in violating any provision of
24 this Act or rules;

25 (7) Failing, within 60 days, to provide information in
26 response to a written request made by the Department;

1 (8) Engaging in dishonorable, unethical or
2 unprofessional conduct of a character likely to deceive,
3 defraud or harm the public;

4 (9) Habitual or excessive use or abuse of drugs defined
5 in law as controlled substances, alcohol, or any other
6 substances that results in the inability to practice with
7 reasonable judgment, skill, or safety;

8 (10) Discipline by another state, unit of government,
9 government agency, the District of Columbia, a territory,
10 or foreign nation, if at least one of the grounds for the
11 discipline is the same or substantially equivalent to those
12 set forth herein;

13 (11) Charging for professional services not rendered,
14 including filing false statements for the collection of
15 fees for which services were not rendered, or giving,
16 directly or indirectly, any gift or anything of value to
17 attorneys or their staff or any other persons or entities
18 associated with any litigation, that exceeds \$100 total per
19 year; for the purposes of this Section, pro bono services,
20 as defined by State law, are permissible in any amount;

21 (12) A finding by the Board that the certificate
22 holder, after having his or her certificate placed on
23 probationary status, has violated the terms of probation;

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

1 or departments;

2 (14) Physical illness, including but not limited to,
3 deterioration through the aging process, or loss of motor
4 skill which results in the inability to practice under this
5 Act with reasonable judgment, skill or safety;

6 (15) Solicitation of professional services other than
7 by permitted advertising;

8 (16) Willful failure to take full and accurate
9 stenographic notes of any proceeding;

10 (17) Willful alteration of any stenographic notes
11 taken at any proceeding;

12 (18) Willful failure to accurately transcribe verbatim
13 any stenographic notes taken at any proceeding;

14 (19) Willful alteration of a transcript of
15 stenographic notes taken at any proceeding;

16 (20) Affixing one's signature to any transcript of his
17 or her stenographic notes or certifying to its correctness
18 unless the transcript has been prepared by him or her or
19 under his or her immediate supervision;

20 (21) Willful failure to systematically retain
21 stenographic notes or transcripts on paper or any
22 electronic media for 10 years from the date that the notes
23 or transcripts were taken;

24 (22) Failure to deliver transcripts in a timely manner
25 or in accordance with contractual agreements;

26 (23) Establishing contingent fees as a basis of

1 compensation;

2 (24) Mental illness or disability that results in the
3 inability to practice under this Act with reasonable
4 judgment, skill, or safety;

5 (25) Practicing under a false or assumed name, except
6 as provided by law;

7 (26) Cheating on or attempting to subvert the licensing
8 examination administered under this Act;

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

11 All fines imposed under this Section shall be paid within
12 60 days after the effective date of the order imposing the fine
13 or in accordance with the terms set forth in the order imposing
14 the fine.

15 (b) The determination by a circuit court that a certificate
16 holder is subject to involuntary admission or judicial
17 admission as provided in the Mental Health and Developmental
18 Disabilities Code, operates as an automatic suspension. Such
19 suspension will end only upon a finding by a court that the
20 patient is no longer subject to involuntary admission or
21 judicial admission, an order by the court so finding and
22 discharging the patient. In any case where a license is
23 suspended under this Section, the licensee may file a petition
24 for restoration and shall include evidence acceptable to the
25 Department that the licensee can resume practice in compliance
26 with acceptable and prevailing standards of the profession.

1 (c) In cases where the Department of Healthcare and Family
2 Services has previously determined a licensee or a potential
3 licensee is more than 30 days delinquent in the payment of
4 child support and has subsequently certified the delinquency to
5 the Department, the Department may refuse to issue or renew or
6 may revoke or suspend that person's license or may take other
7 disciplinary action against that person based solely upon the
8 certification of delinquency made by the Department of
9 Healthcare and Family Services in accordance with item (5) of
10 subsection (a) of Section 2105-15 of the Civil Administrative
11 Code of Illinois.

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

1 psychologists, licensed clinical social workers, licensed
2 clinical professional counselors, and other professional and
3 administrative staff. Any examining physician or member of the
4 multidisciplinary team may require any person ordered to submit
5 to an examination and evaluation pursuant to this Section to
6 submit to any additional supplemental testing deemed necessary
7 to complete any examination or evaluation process, including,
8 but not limited to, blood testing, urinalysis, psychological
9 testing, or neuropsychological testing.

10 The Department may order the examining physician or any
11 member of the multidisciplinary team to provide to the
12 Department any and all records, including business records,
13 that relate to the examination and evaluation, including any
14 supplemental testing performed. The Department may order the
15 examining physician or any member of the multidisciplinary team
16 to present testimony concerning this examination and
17 evaluation of the certified shorthand reporter or applicant,
18 including testimony concerning any supplemental testing or
19 documents relating to the examination and evaluation. No
20 information, report, record, or other documents in any way
21 related to the examination and evaluation shall be excluded by
22 reason of any common law or statutory privilege relating to
23 communication between the licensee or applicant and the
24 examining physician or any member of the multidisciplinary
25 team. No authorization is necessary from the certified
26 shorthand reporter or applicant ordered to undergo an

1 evaluation and examination for the examining physician or any
2 member of the multidisciplinary team to provide information,
3 reports, records, or other documents or to provide any
4 testimony regarding the examination and evaluation. The
5 individual to be examined may have, at his or her own expense,
6 another physician of his or her choice present during all
7 aspects of the examination.

8 Failure of any individual to submit to mental or physical
9 examination and evaluation, or both, when directed, shall
10 result in an automatic suspension, without hearing, until such
11 time as the individual submits to the examination. If the
12 Department finds a certified shorthand reporter unable to
13 practice because of the reasons set forth in this Section, the
14 Department shall require the certified shorthand reporter to
15 submit to care, counseling, or treatment by physicians approved
16 or designated by the Department, as a condition for continued,
17 reinstated, or renewed certification.

18 When the Secretary immediately suspends a certificate
19 under this Section, a hearing upon the person's certificate
20 must be convened by the Department within 15 days after the
21 suspension and completed without appreciable delay. The
22 Department shall have the authority to review the certified
23 shorthand reporter's record of treatment and counseling
24 regarding the impairment, to the extent permitted by applicable
25 federal statutes and regulations safeguarding the
26 confidentiality of medical records.

1 Individuals certified under this Act, affected under this
2 Section, shall be afforded an opportunity to demonstrate to the
3 Department that they can resume practice in compliance with
4 acceptable and prevailing standards under the provisions of
5 their certification.

6 (e) (Blank).

7 (f) The Department may refuse to issue or may suspend
8 without hearing, as provided for in the Code of Civil
9 Procedure, the license of any person who fails to file a
10 return, to pay the tax, penalty, or interest shown in a filed
11 return, or to pay any final assessment of tax, penalty, or
12 interest as required by any tax Act administered by the
13 Illinois Department of Revenue, until such time as the
14 requirements of any such tax Act are satisfied in accordance
15 with subsection (g) of Section 2105-15 of the Civil
16 Administrative Code of Illinois.

17 (Source: P.A. 100-872, eff. 8-14-18.)

18 (225 ILCS 415/27) (from Ch. 111, par. 6243)

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

20 Sec. 27. As a condition for renewal of a license, licensees
21 shall be required to complete continuing education in
22 accordance with rules established by the Department.

23 Persons employed as full-time ~~full-time~~ court reporters
24 under the Court Reporters Act may apply for a waiver from the
25 continuing education requirements. The waiver shall be granted

1 upon the submission of evidence satisfactory to the Department
2 that the certified shorthand reporter is employed as a
3 full-time ~~full-time~~ court reporter under the Court Reporters
4 Act.

5 (Source: P.A. 98-445, eff. 12-31-13.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.