

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
5 changing Sections 4.32 and 4.37 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following
8 Acts are repealed on January 1, 2022:

9 ~~The Boxing and Full-contact Martial Arts Act.~~

10 ~~The Cemetery Oversight Act.~~

11 The Collateral Recovery Act.

12 ~~The Community Association Manager Licensing and
13 Disciplinary Act.~~

14 The Crematory Regulation Act.

15 ~~The Detection of Deception Examiners Act.~~

16 ~~The Home Inspector License Act.~~

17 The Illinois Health Information Exchange and Technology
18 Act.

19 ~~The Medical Practice Act of 1987.~~

20 ~~The Registered Interior Designers Act.~~

21 ~~The Massage Licensing Act.~~

22 ~~The Petroleum Equipment Contractors Licensing Act.~~

23 ~~The Radiation Protection Act of 1990.~~

1 ~~The Real Estate Appraiser Licensing Act of 2002.~~

2 The Water Well and Pump Installation Contractor's License
3 Act.

4 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;
5 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

6 (5 ILCS 80/4.37)

7 Sec. 4.37. Acts and Articles repealed on January 1, 2027.

8 The following are repealed on January 1, 2027:

9 The Clinical Psychologist Licensing Act.

10 The Illinois Optometric Practice Act of 1987.

11 Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI,
12 XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

13 The Boiler and Pressure Vessel Repairer Regulation Act.

14 The Marriage and Family Therapy Licensing Act.

15 The Boxing and Full-contact Martial Arts Act.

16 The Cemetery Oversight Act.

17 The Community Association Manager Licensing and
18 Disciplinary Act.

19 The Detection of Deception Examiners Act.

20 The Home Inspector License Act.

21 The Massage Licensing Act.

22 The Medical Practice Act of 1987.

23 The Petroleum Equipment Contractors Licensing Act.

24 The Radiation Protection Act of 1990.

25 The Real Estate Appraiser Licensing Act of 2002.

1 The Registered Interior Designers Act.

2 (Source: P.A. 99-572, eff. 7-15-16; 99-909, eff. 12-16-16;
3 99-910, eff. 12-16-16; 99-911, eff. 12-16-16; 100-201, eff.
4 8-18-17; 100-372, eff. 8-25-17.)

5 Section 10. The Department of Professional Regulation Law
6 of the Civil Administrative Code of Illinois is amended by
7 changing Sections 2105-35 and 2105-120 as follows:

8 (20 ILCS 2105/2105-35)

9 Sec. 2105-35. Prohibited uses of roster of information.
10 Notwithstanding any other provision of law to the contrary,
11 any roster of information including, but not limited to, the
12 licensee's name, address, and profession, shall not be used by
13 a third party for the purpose of marketing goods or services
14 not related to the licensee's profession. Rosters provided by
15 the Department shall comply with the requirements set forth
16 under the Freedom of Information Act.

17 (Source: P.A. 96-978, eff. 7-2-10.)

18 (20 ILCS 2105/2105-120) (was 20 ILCS 2105/60g)

19 Sec. 2105-120. Board's report; licensee's or applicant's
20 motion for rehearing.

21 (a) The board shall present to the Secretary ~~Director~~ its
22 written report of its findings and recommendations. A copy of
23 the report shall be served upon the licensee or applicant,

1 either personally or by mail or email as provided in Section
2 2105-100 for the service of the notice. The Secretary may
3 issue an order that deviates from the board's report and is not
4 required to provide the board with an explanation of the
5 deviation.

6 (b) Within 20 days after the service required under
7 subsection (a), the licensee or applicant may present to the
8 Department a motion in writing for a rehearing. The written
9 motion shall specify the particular grounds for a rehearing.
10 If the licensee or applicant orders and pays for a transcript
11 of the record as provided in Section 2105-115, the time
12 elapsing thereafter and before the transcript is ready for
13 delivery to the licensee or applicant shall not be counted as
14 part of the 20 days.

15 (Source: P.A. 99-227, eff. 8-3-15; 100-262, eff. 8-22-17.)

16 Section 15. The Massage Licensing Act is amended by
17 changing Sections 1, 10, 15, 25, 32, 45, 50, 60, and 95 and by
18 adding Section 12 as follows:

19 (225 ILCS 57/1)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 1. Short title. This Act may be cited as the Massage
22 Therapy Practice Licensing Act.

23 (Source: P.A. 92-860, eff. 6-1-03.)

1 (225 ILCS 57/10)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 10. Definitions. As used in this Act:

4 "Address of Record" means the designated address recorded
5 by the Department in the applicant's or licensee's application
6 file or license file as maintained by the Department's
7 licensure maintenance unit. It is the duty of the applicant or
8 licensee to inform the Department of any change of address and
9 those changes must be made either through the Department's
10 website or by contacting the Department.

11 "Approved massage school" means a facility which meets
12 minimum standards for training and curriculum as determined by
13 the Department.

14 "Board" means the Massage Licensing Board appointed by the
15 Secretary.

16 "Compensation" means the payment, loan, advance, donation,
17 contribution, deposit, or gift of money or anything of value.

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

20 "Email address of record" means the designated email
21 address recorded by the Department in the applicant's
22 application file or the licensee's license file, as maintained
23 by the Department's licensure maintenance unit.

24 "Massage" or "massage therapy" means a system of
25 structured palpation or movement of the soft tissue of the
26 body. The system may include, but is not limited to,

1 techniques such as effleurage or stroking and gliding,
2 petrissage or kneading, tapotement or percussion, friction,
3 vibration, compression, and stretching activities as they
4 pertain to massage therapy. These techniques may be applied by
5 a licensed massage therapist with or without the aid of
6 lubricants, salt or herbal preparations, hydromassage, thermal
7 massage, or a massage device that mimics or enhances the
8 actions possible by human hands. The purpose of the practice
9 of massage, as licensed under this Act, is to enhance the
10 general health and well-being of the mind and body of the
11 recipient. "Massage" does not include the diagnosis of a
12 specific pathology. "Massage" does not include those acts of
13 physical therapy or therapeutic or corrective measures that
14 are outside the scope of massage therapy practice as defined
15 in this Section.

16 "Massage therapist" means a person who is licensed by the
17 Department and administers massage for compensation.

18 "Professional massage or bodywork therapy association"
19 means a state or nationally chartered organization that is
20 devoted to the massage specialty and therapeutic approach and
21 meets the following requirements:

22 (1) The organization requires that its members meet
23 minimum educational requirements. The educational
24 requirements must include anatomy, physiology, hygiene,
25 sanitation, ethics, technical theory, and application of
26 techniques.

1 (2) The organization has an established code of ethics
2 and has procedures for the suspension and revocation of
3 membership of persons violating the code of ethics.

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

6 (Source: P.A. 97-514, eff. 8-23-11.)

7 (225 ILCS 57/12 new)

8 Sec. 12. Address of record; email address of record. All
9 applicants and licensees shall:

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

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

18 (225 ILCS 57/15)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 15. Licensure requirements.

21 (a) Persons engaged in massage for compensation must be
22 licensed by the Department. The Department shall issue a
23 license to an individual who meets all of the following
24 requirements:

1 (1) The applicant has applied in writing on the
2 prescribed forms and has paid the required fees.

3 (2) The applicant is at least 18 years of age and of
4 good moral character. In determining good moral character,
5 the Department may take into consideration conviction of
6 any crime under the laws of the United States or any state
7 or territory thereof that is a felony or a misdemeanor or
8 any crime that is directly related to the practice of the
9 profession. Such a conviction shall not operate
10 automatically as a complete bar to a license, except in
11 the case of any conviction for prostitution, rape, or
12 sexual misconduct, or where the applicant is a registered
13 sex offender.

14 (3) The applicant has ~~met one of the following~~
15 ~~requirements: (A) has~~ successfully completed a massage
16 therapy program approved by the Department that requires a
17 minimum of 500 hours, except applicants applying on or
18 after January 1, 2014 shall meet a minimum requirement of
19 600 hours, and has passed a competency examination
20 approved by the Department. ~~;~~ ~~(B) holds a current license~~
21 ~~from another jurisdiction having licensure requirements~~
22 ~~that include the completion of a massage therapy program~~
23 ~~of at least 500 hours; or (C) (blank).~~

24 (b) Each applicant for licensure as a massage therapist
25 shall have his or her fingerprints submitted to the Department
26 of State Police in an electronic format that complies with the

1 form and manner for requesting and furnishing criminal history
2 record information as prescribed by the Department of State
3 Police. These fingerprints shall be checked against the
4 Department of State Police and Federal Bureau of Investigation
5 criminal history record databases now and hereafter filed. The
6 Department of State Police shall charge applicants a fee for
7 conducting the criminal history records check, which shall be
8 deposited into the State Police Services Fund and shall not
9 exceed the actual cost of the records check. The Department of
10 State Police shall furnish, pursuant to positive
11 identification, records of Illinois convictions to the
12 Department. The Department may require applicants to pay a
13 separate fingerprinting fee, either to the Department or to a
14 vendor. The Department, in its discretion, may allow an
15 applicant who does not have reasonable access to a designated
16 vendor to provide his or her fingerprints in an alternative
17 manner. The Department may adopt any rules necessary to
18 implement this Section.

19 (Source: P.A. 97-514, eff. 8-23-11.)

20 (225 ILCS 57/25)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 25. Exemptions.

23 (a) This Act does not prohibit a person licensed under any
24 other Act in this State from engaging in the practice for which
25 he or she is licensed.

1 (b) Persons exempted under this Section include, but are
2 not limited to, physicians, podiatric physicians, naprapaths,
3 and physical therapists.

4 (c) Nothing in this Act prohibits qualified members of
5 other professional groups, including but not limited to
6 nurses, occupational therapists, cosmetologists, and
7 estheticians, from performing massage in a manner consistent
8 with their training and the code of ethics of their respective
9 professions.

10 (d) Nothing in this Act prohibits a student of an approved
11 massage school or program from performing massage, provided
12 that the student does not hold himself or herself out as a
13 licensed massage therapist and does not receive compensation,
14 including tips, for massage therapy services.

15 (e) Nothing in this Act prohibits practitioners that do
16 not involve intentional soft tissue manipulation, including
17 but not limited to Alexander Technique, Feldenkrais, Reike,
18 and Therapeutic Touch, from practicing.

19 (f) Practitioners of certain service marked bodywork
20 approaches that do involve intentional soft tissue
21 manipulation, including but not limited to Rolfing, Trager
22 Approach, Polarity Therapy, and Orthobionomy, are exempt from
23 this Act if they are approved by their governing body based on
24 a minimum level of training, demonstration of competency, and
25 adherence to ethical standards.

26 (g) Until January 1, 2024 ~~2020~~, ~~practitioners of Asian~~

1 ~~bodywork approaches are exempt from this Act if they are~~
2 members of the American Organization for ~~of~~ Bodywork Therapies
3 of Asia are exempt from licensure under this Act ~~as certified~~
4 ~~practitioners or if they are approved by an Asian bodywork~~
5 ~~organization based on a minimum level of training,~~
6 ~~demonstration of competency, and adherence to ethical~~
7 ~~standards set by their governing body.~~

8 (h) Practitioners of other forms of bodywork who restrict
9 manipulation of soft tissue to the feet, hands, and ears, and
10 who do not have the client disrobe, such as reflexology, are
11 exempt from this Act.

12 (i) Nothing in this Act applies to massage therapists from
13 other states or countries when providing educational programs
14 ~~or services~~ for a period not exceeding 30 days within a
15 calendar year.

16 (j) Nothing in this Act prohibits a person from treating
17 ailments by spiritual means through prayer alone in accordance
18 with the tenets and practices of a recognized church or
19 religious denomination.

20 (k) Nothing in this Act applies to the practice of massage
21 therapy by a person either actively licensed as a massage
22 therapist in another state or currently certified by the
23 National Certification Board of Therapeutic Massage and
24 Bodywork or other national certifying body if said person's
25 state does not license massage therapists, if he or she is
26 performing his or her duties for a Department-approved

1 educational program for less than 30 days in a calendar year, a
2 Department-approved continuing education program for less than
3 30 days in a calendar year, a non-Illinois based team or
4 professional organization, or for a national athletic event
5 held in this State, so long as he or she restricts his or her
6 practice to his or her team or organization or to event
7 participants during the course of his or her team's or
8 organization's stay in this State or for the duration of the
9 event.

10 (Source: P.A. 101-421, eff. 8-16-19.)

11 (225 ILCS 57/32)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 32. Display. Every holder of a license shall display
14 it, or a copy, in a conspicuous place in the holder's principal
15 office or any other location where the holder renders massage
16 therapy services. Every displayed license shall have the
17 license number visible.

18 (Source: P.A. 97-514, eff. 8-23-11.)

19 (225 ILCS 57/45)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 45. Grounds for discipline.

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

1 considers appropriate, including the imposition of fines not
2 to exceed \$10,000 for each violation, with regard to any
3 license or licensee for any one or more of the following:

4 (1) violations of this Act or of the rules adopted
5 under this Act;

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

15 (3) professional incompetence;

16 (4) advertising in a false, deceptive, or misleading
17 manner, including failing to use the massage therapist's
18 own license number in an advertisement;

19 (5) aiding, abetting, assisting, procuring, advising,
20 employing, or contracting with any unlicensed person to
21 practice massage contrary to any rules or provisions of
22 this Act;

23 (6) engaging in immoral conduct in the commission of
24 any act, such as sexual abuse, sexual misconduct, or
25 sexual exploitation, related to the licensee's practice;

26 (7) engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud, or harm the public;

3 (8) practicing or offering to practice beyond the
4 scope permitted by law or accepting and performing
5 professional responsibilities which the licensee knows or
6 has reason to know that he or she is not competent to
7 perform;

8 (9) knowingly delegating professional
9 responsibilities to a person unqualified by training,
10 experience, or licensure to perform;

11 (10) failing to provide information in response to a
12 written request made by the Department within 60 days;

13 (11) having a habitual or excessive use of or
14 addiction to alcohol, narcotics, stimulants, or any other
15 chemical agent or drug which results in the inability to
16 practice with reasonable judgment, skill, or safety;

17 (12) having a pattern of practice or other behavior
18 that demonstrates incapacity or incompetence to practice
19 under this Act;

20 (13) discipline by another state, District of
21 Columbia, territory, or foreign nation, if at least one of
22 the grounds for the discipline is the same or
23 substantially equivalent to those set forth in this
24 Section;

25 (14) a finding by the Department that the licensee,
26 after having his or her license placed on probationary

1 status, has violated the terms of probation;

2 (15) willfully making or filing false records or
3 reports in his or her practice, including, but not limited
4 to, false records filed with State agencies or
5 departments;

6 (16) making a material misstatement in furnishing
7 information to the Department or otherwise making
8 misleading, deceptive, untrue, or fraudulent
9 representations in violation of this Act or otherwise in
10 the practice of the profession;

11 (17) fraud or misrepresentation in applying for or
12 procuring a license under this Act or in connection with
13 applying for renewal of a license under this Act;

14 (18) inability to practice the profession with
15 reasonable judgment, skill, or safety as a result of
16 physical illness, including, but not limited to,
17 deterioration through the aging process, loss of motor
18 skill, or a mental illness or disability;

19 (19) charging for professional services not rendered,
20 including filing false statements for the collection of
21 fees for which services are not rendered;

22 (20) practicing under a false or, except as provided
23 by law, an assumed name; or

24 (21) cheating on or attempting to subvert the
25 licensing examination administered under this Act.

26 All fines shall be paid within 60 days of the effective

1 date of the order imposing the fine.

2 (b) A person not licensed under this Act and engaged in the
3 business of offering massage therapy services through others,
4 shall not aid, abet, assist, procure, advise, employ, or
5 contract with any unlicensed person to practice massage
6 therapy contrary to any rules or provisions of this Act. A
7 person violating this subsection (b) shall be treated as a
8 licensee for the purposes of disciplinary action under this
9 Section and shall be subject to cease and desist orders as
10 provided in Section 90 of this Act.

11 (c) The Department shall revoke any license issued under
12 this Act of any person who is convicted of prostitution, rape,
13 sexual misconduct, or any crime that subjects the licensee to
14 compliance with the requirements of the Sex Offender
15 Registration Act and any such conviction shall operate as a
16 permanent bar in the State of Illinois to practice as a massage
17 therapist.

18 (d) The Department may refuse to issue or may suspend the
19 license of any person who fails to file a tax return, to pay
20 the tax, penalty, or interest shown in a filed tax return, or
21 to pay any final assessment of tax, penalty, or interest, as
22 required by any tax Act administered by the Illinois
23 Department of Revenue, until such time as the requirements of
24 the tax Act are satisfied in accordance with subsection (g) of
25 Section 2105-15 of the Civil Administrative Code of Illinois.

26 (e) (Blank).

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

12 (g) The determination by a circuit court that a licensee
13 is subject to involuntary admission or judicial admission, as
14 provided in the Mental Health and Developmental Disabilities
15 Code, operates as an automatic suspension. The suspension will
16 end only upon a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission
18 and the issuance of a court order so finding and discharging
19 the patient.

20 (h) In enforcing this Act, the Department or Board, upon a
21 showing of a possible violation, may compel an individual
22 licensed to practice under this Act, or who has applied for
23 licensure under this Act, to submit to a mental or physical
24 examination, or both, as required by and at the expense of the
25 Department. The Department or Board may order the examining
26 physician to present testimony concerning the mental or

1 physical examination of the licensee or applicant. No
2 information shall be excluded by reason of any common law or
3 statutory privilege relating to communications between the
4 licensee or applicant and the examining physician. The
5 examining physicians shall be specifically designated by the
6 Board or Department. The individual to be examined may have,
7 at his or her own expense, another physician of his or her
8 choice present during all aspects of this examination. The
9 examination shall be performed by a physician licensed to
10 practice medicine in all its branches. Failure of an
11 individual to submit to a mental or physical examination, when
12 directed, shall result in an automatic suspension without
13 hearing.

14 A person holding a license under this Act or who has
15 applied for a license under this Act who, because of a physical
16 or mental illness or disability, including, but not limited
17 to, deterioration through the aging process or loss of motor
18 skill, is unable to practice the profession with reasonable
19 judgment, skill, or safety, may be required by the Department
20 to submit to care, counseling, or treatment by physicians
21 approved or designated by the Department as a condition, term,
22 or restriction for continued, reinstated, or renewed licensure
23 to practice. Submission to care, counseling, or treatment as
24 required by the Department shall not be considered discipline
25 of a license. If the licensee refuses to enter into a care,
26 counseling, or treatment agreement or fails to abide by the

1 terms of the agreement, the Department may file a complaint to
2 revoke, suspend, or otherwise discipline the license of the
3 individual. The Secretary may order the license suspended
4 immediately, pending a hearing by the Department. Fines shall
5 not be assessed in disciplinary actions involving physical or
6 mental illness or impairment.

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

16 An individual licensed under this Act and affected under
17 this Section shall be afforded an opportunity to demonstrate
18 to the Department or Board that he or she can resume practice
19 in compliance with acceptable and prevailing standards under
20 the provisions of his or her license.

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

22 (225 ILCS 57/50)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 50. Advertising. It is a misdemeanor for any person,
25 organization, or corporation to advertise massage services

1 unless the person providing the service holds a valid license
2 under this Act, except for those excluded licensed
3 professionals who are allowed to include massage in their
4 scope of practice. A massage therapist may not advertise
5 unless he or she has a current license issued by this State. A
6 massage therapist shall include the current license number
7 issued by the Department on all advertisements in accordance
8 with paragraph (4) of subsection (a) of Section 45.

9 "Advertise" as used in this Section includes, but is not
10 limited to, the issuance of any card, sign, or device to any
11 person; the causing, permitting, or allowing of any sign or
12 marking on or in any building, vehicle, or structure;
13 advertising in any newspaper or magazine; any listing or
14 advertising in any directory under a classification or heading
15 that includes the words "massage", "massage therapist",
16 "therapeutic massage", or "massage therapeutic"; or
17 commercials broadcast by any means.

18 (Source: P.A. 92-860, eff. 6-1-03.)

19 (225 ILCS 57/60)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 60. Illinois Administrative Procedure Act. The
22 Illinois Administrative Procedure Act is hereby expressly
23 adopted and incorporated herein as if all of the provisions of
24 that Act were included in this Act, except that the provision
25 of subsection (d) of Section 10-65 of the Illinois

1 Administrative Procedure Act that provides that at hearings
2 the licensee has the right to show compliance with all lawful
3 requirements for retention, continuation, or renewal of the
4 license is specifically excluded. For the purposes of this Act
5 the notice required under Section 10-25 of the Illinois
6 Administrative Procedure Act is deemed sufficient when mailed
7 to the address of record or emailed to the email address of
8 record of a party.

9 (Source: P.A. 97-514, eff. 8-23-11.)

10 (225 ILCS 57/95)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 95. Investigations; notice and hearing. The
13 Department may investigate the actions of any applicant or of
14 any person or persons rendering or offering to render massage
15 therapy services or any person holding or claiming to hold a
16 license as a massage therapist. The Department shall, before
17 refusing to issue or renew a license or to discipline a
18 licensee under Section 45, at least 30 days prior to the date
19 set for the hearing, (i) notify the accused in writing of the
20 charges made and the time and place for the hearing on the
21 charges, (ii) direct him or her to file a written answer with
22 the Department under oath within 20 days after the service of
23 the notice, and (iii) inform the applicant or licensee that
24 failure to file an answer will result in a default judgment
25 being entered against the applicant or licensee. At the time

1 and place fixed in the notice, the Department shall proceed to
2 hear the charges and the parties of their counsel shall be
3 accorded ample opportunity to present any pertinent
4 statements, testimony, evidence, and arguments. The Department
5 may continue the hearing from time to time. In case the person,
6 after receiving the notice, fails to file an answer, his or her
7 license may, in the discretion of the Department, be revoked,
8 suspended, placed on probationary status, or the Department
9 may take whatever disciplinary actions considered proper,
10 including limiting the scope, nature, or extent of the
11 person's practice or the imposition of a fine, without a
12 hearing, if the act or acts charged constitute sufficient
13 grounds for that action under the Act. The written notice may
14 be served by personal delivery, ~~or~~ by certified mail to the
15 accused's address of record, or by email to the accused's
16 email address of record.

17 (Source: P.A. 97-514, eff. 8-23-11.)

18 Section 20. The Medical Practice Act of 1987 is amended by
19 changing Sections 2, 7, 7.5, 8, 8.1, 9, 9.3, 17, 18, 19, 21,
20 22, 23, 24, 25, 35, 36, 37, 38, 39, 40, 41, 42, 44, and 47 and
21 by adding Sections 7.1 and 7.2 as follows:

22 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 2. Definitions. For purposes of this Act, the

1 following definitions shall have the following meanings,
2 except where the context requires otherwise:

3 "Act" means the Medical Practice Act of 1987.

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

8 "Chiropractic physician" means a person licensed to treat
9 human ailments without the use of drugs and without operative
10 surgery. Nothing in this Act shall be construed to prohibit a
11 chiropractic physician from providing advice regarding the use
12 of non-prescription products or from administering atmospheric
13 oxygen. Nothing in this Act shall be construed to authorize a
14 chiropractic physician to prescribe drugs.

15 "Department" means the Department of Financial and
16 Professional Regulation.

17 "Disciplinary action" means revocation, suspension,
18 probation, supervision, practice modification, reprimand,
19 required education, fines or any other action taken by the
20 Department against a person holding a license.

21 ~~"Disciplinary Board" means the Medical Disciplinary Board.~~

22 "Email address of record" means the designated email
23 address recorded by the Department in the applicant's
24 application file or the licensee's license file, as maintained
25 by the Department's licensure maintenance unit.

26 "Final determination" means the governing body's final

1 action taken under the procedure followed by a health care
2 institution, or professional association or society, against
3 any person licensed under the Act in accordance with the
4 bylaws or rules and regulations of such health care
5 institution, or professional association or society.

6 "Fund" means the Illinois State Medical Disciplinary Fund.

7 "Impaired" means the inability to practice medicine with
8 reasonable skill and safety due to physical or mental
9 disabilities as evidenced by a written determination or
10 written consent based on clinical evidence including
11 deterioration through the aging process or loss of motor
12 skill, or abuse of drugs or alcohol, of sufficient degree to
13 diminish a person's ability to deliver competent patient care.

14 ~~"Licensing Board" means the Medical Licensing Board.~~

15 "Medical Board" means the Illinois State Medical Board.

16 "Physician" means a person licensed under the Medical
17 Practice Act to practice medicine in all of its branches or a
18 chiropractic physician.

19 "Professional association" means an association or society
20 of persons licensed under this Act, and operating within the
21 State of Illinois, including but not limited to, medical
22 societies, osteopathic organizations, and chiropractic
23 organizations, but this term shall not be deemed to include
24 hospital medical staffs.

25 "Program of care, counseling, or treatment" means a
26 written schedule of organized treatment, care, counseling,

1 activities, or education, satisfactory to the Medical
2 ~~Disciplinary~~ Board, designed for the purpose of restoring an
3 impaired person to a condition whereby the impaired person can
4 practice medicine with reasonable skill and safety of a
5 sufficient degree to deliver competent patient care.

6 "Reinstate" means to change the status of a license from
7 inactive or nonrenewed status to active status.

8 "Restore" means to remove an encumbrance from a license
9 due to probation, suspension, or revocation.

10 "Secretary" means the Secretary ~~of the Department~~ of
11 Financial and Professional Regulation.

12 (Source: P.A. 99-933, eff. 1-27-17; 100-429, eff. 8-25-17.)

13 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)

14 (Section scheduled to be repealed on January 1, 2022)

15 Sec. 7. Medical Disciplinary Board.

16 (A) There is hereby created the Illinois State Medical
17 Disciplinary Board. The Disciplinary Board shall consist of 11
18 members, to be appointed by the Governor by and with the advice
19 and consent of the Senate. All members shall be residents of
20 the State, not more than 6 of whom shall be members of the same
21 political party. All members shall be voting members. Five
22 members shall be physicians licensed to practice medicine in
23 all of its branches in Illinois possessing the degree of
24 doctor of medicine. One member shall be a physician licensed
25 to practice medicine in all its branches in Illinois

1 possessing the degree of doctor of osteopathy or osteopathic
2 medicine. One member shall be a chiropractic physician
3 licensed to practice in Illinois and possessing the degree of
4 doctor of chiropractic. Four members shall be members of the
5 public, who shall not be engaged in any way, directly or
6 indirectly, as providers of health care.

7 (B) Members of the Disciplinary Board shall be appointed
8 for terms of 4 years. Upon the expiration of the term of any
9 member, their successor shall be appointed for a term of 4
10 years by the Governor by and with the advice and consent of the
11 Senate. The Governor shall fill any vacancy for the remainder
12 of the unexpired term with the advice and consent of the
13 Senate. Upon recommendation of the Board, any member of the
14 Disciplinary Board may be removed by the Governor for
15 misfeasance, malfeasance, or wilful neglect of duty, after
16 notice, and a public hearing, unless such notice and hearing
17 shall be expressly waived in writing. Each member shall serve
18 on the Disciplinary Board until their successor is appointed
19 and qualified. No member of the Disciplinary Board shall serve
20 more than 2 consecutive 4 year terms.

21 In making appointments the Governor shall attempt to
22 insure that the various social and geographic regions of the
23 State of Illinois are properly represented.

24 In making the designation of persons to act for the
25 several professions represented on the Disciplinary Board, the
26 Governor shall give due consideration to recommendations by

1 members of the respective professions and by organizations
2 therein.

3 (C) The Disciplinary Board shall annually elect one of its
4 voting members as chairperson and one as vice chairperson. No
5 officer shall be elected more than twice in succession to the
6 same office. Each officer shall serve until their successor
7 has been elected and qualified.

8 (D) (Blank).

9 (E) Six voting members of the Disciplinary Board, at least
10 4 of whom are physicians, shall constitute a quorum. A vacancy
11 in the membership of the Disciplinary Board shall not impair
12 the right of a quorum to exercise all the rights and perform
13 all the duties of the Disciplinary Board. Any action taken by
14 the Disciplinary Board under this Act may be authorized by
15 resolution at any regular or special meeting and each such
16 resolution shall take effect immediately. The Disciplinary
17 Board shall meet at least quarterly.

18 (F) Each member, and member-officer, of the Disciplinary
19 Board shall receive a per diem stipend as the Secretary shall
20 determine. Each member shall be paid their necessary expenses
21 while engaged in the performance of their duties.

22 (G) The Secretary shall select a Chief Medical Coordinator
23 and not less than 2 Deputy Medical Coordinators who shall not
24 be members of the Disciplinary Board. Each medical coordinator
25 shall be a physician licensed to practice medicine in all of
26 its branches, and the Secretary shall set their rates of

1 compensation. The Secretary shall assign at least one medical
2 coordinator to a region composed of Cook County and such other
3 counties as the Secretary may deem appropriate, and such
4 medical coordinator or coordinators shall locate their office
5 in Chicago. The Secretary shall assign at least one medical
6 coordinator to a region composed of the balance of counties in
7 the State, and such medical coordinator or coordinators shall
8 locate their office in Springfield. The Chief Medical
9 Coordinator shall be the chief enforcement officer of this
10 Act. None of the functions, powers, or duties of the
11 Department with respect to policies regarding enforcement or
12 discipline under this Act, including the adoption of such
13 rules as may be necessary for the administration of this Act,
14 shall be exercised by the Department except upon review of the
15 Disciplinary Board.

16 The Secretary shall employ, in conformity with the
17 Personnel Code, investigators who are college graduates with
18 at least 2 years of investigative experience or one year of
19 advanced medical education. Upon the written request of the
20 Disciplinary Board, the Secretary shall employ, in conformity
21 with the Personnel Code, such other professional, technical,
22 investigative, and clerical help, either on a full or
23 part-time basis as the Disciplinary Board deems necessary for
24 the proper performance of its duties.

25 (H) Upon the specific request of the Disciplinary Board,
26 signed by either the chairperson, vice chairperson, or a

1 medical coordinator of the Disciplinary Board, the Department
2 of Human Services, the Department of Healthcare and Family
3 Services, the Department of State Police, or any other law
4 enforcement agency located in this State shall make available
5 any and all information that they have in their possession
6 regarding a particular case then under investigation by the
7 Disciplinary Board.

8 (I) Members of the Disciplinary Board shall be immune from
9 suit in any action based upon any disciplinary proceedings or
10 other acts performed in good faith as members of the
11 Disciplinary Board.

12 (J) The Disciplinary Board may compile and establish a
13 statewide roster of physicians and other medical
14 professionals, including the several medical specialties, of
15 such physicians and medical professionals, who have agreed to
16 serve from time to time as advisors to the medical
17 coordinators. Such advisors shall assist the medical
18 coordinators or the Disciplinary Board in their investigations
19 and participation in complaints against physicians. Such
20 advisors shall serve under contract and shall be reimbursed at
21 a reasonable rate for the services provided, plus reasonable
22 expenses incurred. While serving in this capacity, the
23 advisor, for any act undertaken in good faith and in the
24 conduct of his or her duties under this Section, shall be
25 immune from civil suit.

26 (K) This Section is inoperative when a majority of the

1 Medical Board is appointed. This Section is repealed one year
2 after the effective date of this amendatory Act of the 102nd
3 General Assembly.

4 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

5 (225 ILCS 60/7.1 new)

6 Sec. 7.1. Medical Board.

7 (A) There is hereby created the Illinois State Medical
8 Board. The Medical Board shall consist of 17 members, to be
9 appointed by the Governor by and with the advice and consent of
10 the Senate. All members shall be residents of the State, not
11 more than 8 of whom shall be members of the same political
12 party. All members shall be voting members. Eight members
13 shall be physicians licensed to practice medicine in all of
14 its branches in Illinois possessing the degree of doctor of
15 medicine. Two members shall be physicians licensed to practice
16 medicine in all its branches in Illinois possessing the degree
17 of doctor of osteopathy or osteopathic medicine. Two of the
18 physician members shall be physicians who collaborate with
19 physician assistants. Two members shall be chiropractic
20 physicians licensed to practice in Illinois and possessing the
21 degree of doctor of chiropractic. Two members shall be
22 physician assistants licensed to practice in Illinois. Three
23 members shall be members of the public, who shall not be
24 engaged in any way, directly or indirectly, as providers of
25 health care.

1 (B) Members of the Medical Board shall be appointed for
2 terms of 4 years. Upon the expiration of the term of any
3 member, their successor shall be appointed for a term of 4
4 years by the Governor by and with the advice and consent of the
5 Senate. The Governor shall fill any vacancy for the remainder
6 of the unexpired term with the advice and consent of the
7 Senate. Upon recommendation of the Medical Board, any member
8 of the Medical Board may be removed by the Governor for
9 misfeasance, malfeasance, or willful neglect of duty, after
10 notice, and a public hearing, unless such notice and hearing
11 shall be expressly waived in writing. Each member shall serve
12 on the Medical Board until their successor is appointed and
13 qualified. No member of the Medical Board shall serve more
14 than 2 consecutive 4-year terms.

15 In making appointments the Governor shall attempt to
16 ensure that the various social and geographic regions of the
17 State of Illinois are properly represented.

18 In making the designation of persons to act for the
19 several professions represented on the Medical Board, the
20 Governor shall give due consideration to recommendations by
21 members of the respective professions and by organizations
22 therein.

23 (C) The Medical Board shall annually elect one of its
24 voting members as chairperson and one as vice chairperson. No
25 officer shall be elected more than twice in succession to the
26 same office. Each officer shall serve until their successor

1 has been elected and qualified.

2 (D) A majority of the Medical Board members currently
3 appointed shall constitute a quorum. A vacancy in the
4 membership of the Medical Board shall not impair the right of a
5 quorum to exercise all the rights and perform all the duties of
6 the Medical Board. Any action taken by the Medical Board under
7 this Act may be authorized by resolution at any regular or
8 special meeting and each such resolution shall take effect
9 immediately. The Medical Board shall meet at least quarterly.

10 (E) Each member shall be paid their necessary expenses
11 while engaged in the performance of their duties.

12 (F) The Secretary shall select a Chief Medical Coordinator
13 and not less than 2 Deputy Medical Coordinators who shall not
14 be members of the Medical Board. Each medical coordinator
15 shall be a physician licensed to practice medicine in all of
16 its branches, and the Secretary shall set their rates of
17 compensation. The Secretary shall assign at least one medical
18 coordinator to a region composed of Cook County and such other
19 counties as the Secretary may deem appropriate, and such
20 medical coordinator or coordinators shall locate their office
21 in Chicago. The Secretary shall assign at least one medical
22 coordinator to a region composed of the balance of counties in
23 the State, and such medical coordinator or coordinators shall
24 locate their office in Springfield. The Chief Medical
25 Coordinator shall be the chief enforcement officer of this
26 Act. None of the functions, powers, or duties of the

1 Department with respect to policies regarding enforcement or
2 discipline under this Act, including the adoption of such
3 rules as may be necessary for the administration of this Act,
4 shall be exercised by the Department except upon review of the
5 Medical Board.

6 (G) The Secretary shall employ, in conformity with the
7 Personnel Code, investigators who are college graduates with
8 at least 2 years of investigative experience or one year of
9 advanced medical education. Upon the written request of the
10 Medical Board, the Secretary shall employ, in conformity with
11 the Personnel Code, such other professional, technical,
12 investigative, and clerical help, either on a full or
13 part-time basis as the Medical Board deems necessary for the
14 proper performance of its duties.

15 (H) Upon the specific request of the Medical Board, signed
16 by either the chairperson, vice chairperson, or a medical
17 coordinator of the Medical Board, the Department of Human
18 Services, the Department of Healthcare and Family Services,
19 the Department of State Police, or any other law enforcement
20 agency located in this State shall make available any and all
21 information that they have in their possession regarding a
22 particular case then under investigation by the Medical Board.

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

26 (J) The Medical Board may compile and establish a

1 statewide roster of physicians and other medical
2 professionals, including the several medical specialties, of
3 such physicians and medical professionals, who have agreed to
4 serve from time to time as advisors to the medical
5 coordinators. Such advisors shall assist the medical
6 coordinators or the Medical Board in their investigations and
7 participation in complaints against physicians. Such advisors
8 shall serve under contract and shall be reimbursed at a
9 reasonable rate for the services provided, plus reasonable
10 expenses incurred. While serving in this capacity, the
11 advisor, for any act undertaken in good faith and in the
12 conduct of his or her duties under this Section, shall be
13 immune from civil suit.

14 (225 ILCS 60/7.2 new)

15 Sec. 7.2. Medical Board appointment. All members of the
16 Medical Licensing Board and the Medical Disciplinary Board
17 shall serve as members of the Medical Board. A majority of the
18 Medical Board members shall be appointed within 260 days after
19 the effective date of this amendatory Act of the 102nd General
20 Assembly. The Medical Licensing Board and Medical Disciplinary
21 Board shall exercise all functions, powers, and duties
22 enumerated in this Act to the Medical Board. All functions,
23 powers, and duties enumerated in this Act to the Medical
24 Licensing Board and Medical Disciplinary Board shall dissolve
25 at such time when a majority of the Medical Board is appointed.

1 This Section is repealed one year after the effective date of
2 this amendatory Act of the 102nd General Assembly.

3 (225 ILCS 60/7.5)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 7.5. Complaint Committee.

6 (a) There shall be a Complaint Committee of the Medical
7 ~~Disciplinary~~ Board composed of at least one of the medical
8 coordinators established by subsection (G) of Section 7 of
9 this Act, the Chief of Medical Investigations (person employed
10 by the Department who is in charge of investigating complaints
11 against physicians and physician assistants), the Chief of
12 Medical Prosecutions (the person employed by the Department
13 who is in charge of prosecuting formal complaints against
14 physicians and physician assistants), and at least 3 members
15 of the Medical ~~Disciplinary~~ Board (at least 2 of whom shall be
16 physicians) designated by the Chairperson of the Medical
17 ~~Disciplinary~~ Board with the approval of the Medical
18 ~~Disciplinary~~ Board.

19 (b) The Complaint Committee shall meet at least twice a
20 month to exercise its functions and duties set forth in
21 subsection (c) below. At least 2 members of the Medical
22 ~~Disciplinary~~ Board shall be in attendance in order for any
23 business to be transacted by the Complaint Committee. The
24 Complaint Committee shall make every effort to consider
25 expeditiously and take prompt action on each item on its

1 agenda.

2 (c) The Complaint Committee shall have the following
3 duties and functions:

4 (1) To recommend to the Medical ~~Disciplinary~~ Board
5 that a complaint file be closed.

6 (2) To refer a complaint file to the office of the
7 Chief of Medical Prosecutions for review.

8 (3) To make a decision in conjunction with the Chief
9 of Medical Prosecutions regarding action to be taken on a
10 complaint file.

11 (d) In determining what action to take or whether to
12 proceed with prosecution of a complaint, the Complaint
13 Committee shall consider, but not be limited to, the following
14 factors: sufficiency of the evidence presented, prosecutorial
15 merit under Section 22 of this Act, any recommendation made by
16 the Department, and insufficient cooperation from complaining
17 parties.

18 (e) Notwithstanding any provision of this Act, the
19 Department may close a complaint, after investigation and
20 approval of the Chief Medical Coordinator without review of
21 the Complaint Committee, in which the allegations of the
22 complaint if proven would not constitute a violation of the
23 Act, there is insufficient evidence to prove a violation of
24 the Act, or there is insufficient cooperation from complaining
25 parties, as determined by the Department.

26 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

1 (225 ILCS 60/8) (from Ch. 111, par. 4400-8)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 8. Medical Licensing Board.

4 (A) There is hereby created a Medical Licensing Board. The
5 Licensing Board shall be composed of 7 members, to be
6 appointed by the Governor by and with the advice and consent of
7 the Senate; 5 of whom shall be reputable physicians licensed
8 to practice medicine in all of its branches in Illinois,
9 possessing the degree of doctor of medicine; one member shall
10 be a reputable physician licensed in Illinois to practice
11 medicine in all of its branches, possessing the degree of
12 doctor of osteopathy or osteopathic medicine; and one member
13 shall be a reputable chiropractic physician licensed to
14 practice in Illinois and possessing the degree of doctor of
15 chiropractic. Of the 5 members holding the degree of doctor of
16 medicine, one shall be a full-time or part-time teacher of
17 professorial rank in the clinical department of an Illinois
18 school of medicine.

19 (B) Members of the Licensing Board shall be appointed for
20 terms of 4 years, and until their successors are appointed and
21 qualified. Appointments to fill vacancies shall be made in the
22 same manner as original appointments, for the unexpired
23 portion of the vacated term. No more than 4 members of the
24 Licensing Board shall be members of the same political party
25 and all members shall be residents of this State. No member of

1 the Licensing Board may be appointed to more than 2 successive
2 4 year terms.

3 (C) Members of the Licensing Board shall be immune from
4 suit in any action based upon any licensing proceedings or
5 other acts performed in good faith as members of the Licensing
6 Board.

7 (D) (Blank).

8 (E) The Licensing Board shall annually elect one of its
9 members as chairperson and one as vice chairperson. No member
10 shall be elected more than twice in succession to the same
11 office. Each officer shall serve until his or her successor
12 has been elected and qualified.

13 (F) None of the functions, powers or duties of the
14 Department with respect to policies regarding licensure and
15 examination under this Act, including the promulgation of such
16 rules as may be necessary for the administration of this Act,
17 shall be exercised by the Department except upon review of the
18 Licensing Board.

19 (G) The Licensing Board shall receive the same
20 compensation as the members of the Disciplinary Board, which
21 compensation shall be paid out of the Illinois State Medical
22 Disciplinary Fund.

23 (H) This Section is inoperative when a majority of the
24 Medical Board is appointed. This Section is repealed one year
25 after the effective date of this amendatory Act of the 102nd
26 General Assembly.

1 (Source: P.A. 97-622, eff. 11-23-11.)

2 (225 ILCS 60/8.1)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 8.1. Matters concerning advanced practice registered
5 nurses. Any proposed rules, amendments, second notice
6 materials and adopted rule or amendment materials, and policy
7 statements concerning advanced practice registered nurses
8 shall be presented to the Medical Licensing Board for review
9 and comment. The recommendations of both the Board of Nursing
10 and the Medical Licensing Board shall be presented to the
11 Secretary for consideration in making final decisions.
12 Whenever the Board of Nursing and the Medical Licensing Board
13 disagree on a proposed rule or policy, the Secretary shall
14 convene a joint meeting of the officers of each Board to
15 discuss the resolution of any such disagreements.

16 (Source: P.A. 100-513, eff. 1-1-18.)

17 (225 ILCS 60/9) (from Ch. 111, par. 4400-9)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 9. Application for license. Each applicant for a
20 license shall:

21 (A) Make application on blank forms prepared and
22 furnished by the Department.

23 (B) Submit evidence satisfactory to the Department
24 that the applicant:

1 (1) is of good moral character. In determining
2 moral character under this Section, the Department may
3 take into consideration whether the applicant has
4 engaged in conduct or activities which would
5 constitute grounds for discipline under this Act. The
6 Department may also request the applicant to submit,
7 and may consider as evidence of moral character,
8 endorsements from 2 or 3 individuals licensed under
9 this Act;

10 (2) has the preliminary and professional education
11 required by this Act;

12 (3) (blank); and

13 (4) is physically, mentally, and professionally
14 capable of practicing medicine with reasonable
15 judgment, skill, and safety. In determining physical
16 and mental capacity under this Section, the Medical
17 ~~Licensing~~ Board may, upon a showing of a possible
18 incapacity or conduct or activities that would
19 constitute grounds for discipline under this Act,
20 compel any applicant to submit to a mental or physical
21 examination and evaluation, or both, as provided for
22 in Section 22 of this Act. The Medical ~~Licensing~~ Board
23 may condition or restrict any license, subject to the
24 same terms and conditions as are provided for the
25 Medical ~~Disciplinary~~ Board under Section 22 of this
26 Act. Any such condition of a restricted license shall

1 provide that the Chief Medical Coordinator or Deputy
2 Medical Coordinator shall have the authority to review
3 the subject physician's compliance with such
4 conditions or restrictions, including, where
5 appropriate, the physician's record of treatment and
6 counseling regarding the impairment, to the extent
7 permitted by applicable federal statutes and
8 regulations safeguarding the confidentiality of
9 medical records of patients.

10 In determining professional capacity under this
11 Section, an individual may be required to complete such
12 additional testing, training, or remedial education as the
13 Medical Licensing Board may deem necessary in order to
14 establish the applicant's present capacity to practice
15 medicine with reasonable judgment, skill, and safety. The
16 Medical Licensing Board may consider the following
17 criteria, as they relate to an applicant, as part of its
18 determination of professional capacity:

19 (1) Medical research in an established research
20 facility, hospital, college or university, or private
21 corporation.

22 (2) Specialized training or education.

23 (3) Publication of original work in learned,
24 medical, or scientific journals.

25 (4) Participation in federal, State, local, or
26 international public health programs or organizations.

1 (5) Professional service in a federal veterans or
2 military institution.

3 (6) Any other professional activities deemed to
4 maintain and enhance the clinical capabilities of the
5 applicant.

6 Any applicant applying for a license to practice
7 medicine in all of its branches or for a license as a
8 chiropractic physician who has not been engaged in the
9 active practice of medicine or has not been enrolled in a
10 medical program for 2 years prior to application must
11 submit proof of professional capacity to the Medical
12 ~~Licensing~~ Board.

13 Any applicant applying for a temporary license that
14 has not been engaged in the active practice of medicine or
15 has not been enrolled in a medical program for longer than
16 5 years prior to application must submit proof of
17 professional capacity to the Medical ~~Licensing~~ Board.

18 (C) Designate specifically the name, location, and
19 kind of professional school, college, or institution of
20 which the applicant is a graduate and the category under
21 which the applicant seeks, and will undertake, to
22 practice.

23 (D) Pay to the Department at the time of application
24 the required fees.

25 (E) Pursuant to Department rules, as required, pass an
26 examination authorized by the Department to determine the

1 applicant's fitness to receive a license.

2 (F) Complete the application process within 3 years
3 from the date of application. If the process has not been
4 completed within 3 years, the application shall expire,
5 application fees shall be forfeited, and the applicant
6 must reapply and meet the requirements in effect at the
7 time of reapplication.

8 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

9 (225 ILCS 60/9.3)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 9.3. Withdrawal of application. Any applicant
12 applying for a license or permit under this Act may withdraw
13 his or her application at any time. If an applicant withdraws
14 his or her application after receipt of a written Notice of
15 Intent to Deny License or Permit, then the withdrawal shall be
16 reported to the Federation of State Medical Boards ~~and the~~
17 ~~National Practitioner Data Bank.~~

18 (Source: P.A. 98-601, eff. 12-30-13; 98-1140, eff. 12-30-14.)

19 (225 ILCS 60/17) (from Ch. 111, par. 4400-17)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 17. Temporary license. Persons holding the degree of
22 Doctor of Medicine, persons holding the degree of Doctor of
23 Osteopathy or Doctor of Osteopathic Medicine, and persons
24 holding the degree of Doctor of Chiropractic or persons who

1 have satisfied the requirements therefor and are eligible to
2 receive such degree from a medical, osteopathic, or
3 chiropractic school, who wish to pursue programs of graduate
4 or specialty training in this State, may receive without
5 examination, in the discretion of the Department, a 3-year
6 temporary license. In order to receive a 3-year temporary
7 license hereunder, an applicant shall submit evidence
8 satisfactory to the Department that the applicant:

9 (A) Is of good moral character. In determining moral
10 character under this Section, the Department may take into
11 consideration whether the applicant has engaged in conduct
12 or activities which would constitute grounds for
13 discipline under this Act. The Department may also request
14 the applicant to submit, and may consider as evidence of
15 moral character, endorsements from 2 or 3 individuals
16 licensed under this Act;

17 (B) Has been accepted or appointed for specialty or
18 residency training by a hospital situated in this State or
19 a training program in hospitals or facilities maintained
20 by the State of Illinois or affiliated training facilities
21 which is approved by the Department for the purpose of
22 such training under this Act. The applicant shall indicate
23 the beginning and ending dates of the period for which the
24 applicant has been accepted or appointed;

25 (C) Has or will satisfy the professional education
26 requirements of Section 11 of this Act which are effective

1 at the date of application except for postgraduate
2 clinical training;

3 (D) Is physically, mentally, and professionally
4 capable of practicing medicine or treating human ailments
5 without the use of drugs and without operative surgery
6 with reasonable judgment, skill, and safety. In
7 determining physical, mental and professional capacity
8 under this Section, the Medical Licensing Board may, upon
9 a showing of a possible incapacity, compel an applicant to
10 submit to a mental or physical examination and evaluation,
11 or both, and may condition or restrict any temporary
12 license, subject to the same terms and conditions as are
13 provided for the Medical Disciplinary Board under Section
14 22 of this Act. Any such condition of restricted temporary
15 license shall provide that the Chief Medical Coordinator
16 or Deputy Medical Coordinator shall have the authority to
17 review the subject physician's compliance with such
18 conditions or restrictions, including, where appropriate,
19 the physician's record of treatment and counseling
20 regarding the impairment, to the extent permitted by
21 applicable federal statutes and regulations safeguarding
22 the confidentiality of medical records of patients.

23 Three-year temporary licenses issued pursuant to this
24 Section shall be valid only for the period of time designated
25 therein, and may be extended or renewed pursuant to the rules
26 of the Department, and if a temporary license is thereafter

1 extended, it shall not extend beyond completion of the
2 residency program. The holder of a valid 3-year temporary
3 license shall be entitled thereby to perform only such acts as
4 may be prescribed by and incidental to his or her program of
5 residency training; he or she shall not be entitled to
6 otherwise engage in the practice of medicine in this State
7 unless fully licensed in this State.

8 A 3-year temporary license may be revoked or suspended by
9 the Department upon proof that the holder thereof has engaged
10 in the practice of medicine in this State outside of the
11 program of his or her residency or specialty training, or if
12 the holder shall fail to supply the Department, within 10 days
13 of its request, with information as to his or her current
14 status and activities in his or her specialty training
15 program. Such a revocation or suspension shall comply with the
16 procedures set forth in subsection (d) of Section 37 of this
17 Act.

18 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

19 (225 ILCS 60/18) (from Ch. 111, par. 4400-18)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 18. Visiting professor, physician, or resident
22 permits.

23 (A) Visiting professor permit.

24 (1) A visiting professor permit shall entitle a person
25 to practice medicine in all of its branches or to practice

1 the treatment of human ailments without the use of drugs
2 and without operative surgery provided:

3 (a) the person maintains an equivalent
4 authorization to practice medicine in all of its
5 branches or to practice the treatment of human
6 ailments without the use of drugs and without
7 operative surgery in good standing in his or her
8 native licensing jurisdiction during the period of the
9 visiting professor permit;

10 (b) the person has received a faculty appointment
11 to teach in a medical, osteopathic or chiropractic
12 school in Illinois; and

13 (c) the Department may prescribe the information
14 necessary to establish an applicant's eligibility for
15 a permit. This information shall include without
16 limitation (i) a statement from the dean of the
17 medical school at which the applicant will be employed
18 describing the applicant's qualifications and (ii) a
19 statement from the dean of the medical school listing
20 every affiliated institution in which the applicant
21 will be providing instruction as part of the medical
22 school's education program and justifying any clinical
23 activities at each of the institutions listed by the
24 dean.

25 (2) Application for visiting professor permits shall
26 be made to the Department, in writing, on forms prescribed

1 by the Department and shall be accompanied by the required
2 fee established by rule, which shall not be refundable.
3 Any application shall require the information as, in the
4 judgment of the Department, will enable the Department to
5 pass on the qualifications of the applicant.

6 (3) A visiting professor permit shall be valid for no
7 longer than 2 years from the date of issuance or until the
8 time the faculty appointment is terminated, whichever
9 occurs first, and may be renewed only in accordance with
10 subdivision (A) (6) of this Section.

11 (4) The applicant may be required to appear before the
12 Medical Licensing Board for an interview prior to, and as
13 a requirement for, the issuance of the original permit and
14 the renewal.

15 (5) Persons holding a permit under this Section shall
16 only practice medicine in all of its branches or practice
17 the treatment of human ailments without the use of drugs
18 and without operative surgery in the State of Illinois in
19 their official capacity under their contract within the
20 medical school itself and any affiliated institution in
21 which the permit holder is providing instruction as part
22 of the medical school's educational program and for which
23 the medical school has assumed direct responsibility.

24 (6) After the initial renewal of a visiting professor
25 permit, a visiting professor permit shall be valid until
26 the last day of the next physician license renewal period,

1 as set by rule, and may only be renewed for applicants who
2 meet the following requirements:

3 (i) have obtained the required continuing
4 education hours as set by rule; and

5 (ii) have paid the fee prescribed for a license
6 under Section 21 of this Act.

7 For initial renewal, the visiting professor must
8 successfully pass a general competency examination authorized
9 by the Department by rule, unless he or she was issued an
10 initial visiting professor permit on or after January 1, 2007,
11 but prior to July 1, 2007.

12 (B) Visiting physician permit.

13 (1) The Department may, in its discretion, issue a
14 temporary visiting physician permit, without examination,
15 provided:

16 (a) (blank);

17 (b) that the person maintains an equivalent
18 authorization to practice medicine in all of its
19 branches or to practice the treatment of human
20 ailments without the use of drugs and without
21 operative surgery in good standing in his or her
22 native licensing jurisdiction during the period of the
23 temporary visiting physician permit;

24 (c) that the person has received an invitation or
25 appointment to study, demonstrate, or perform a

1 specific medical, osteopathic, chiropractic or
2 clinical subject or technique in a medical,
3 osteopathic, or chiropractic school, a state or
4 national medical, osteopathic, or chiropractic
5 professional association or society conference or
6 meeting, a hospital licensed under the Hospital
7 Licensing Act, a hospital organized under the
8 University of Illinois Hospital Act, or a facility
9 operated pursuant to the Ambulatory Surgical Treatment
10 Center Act; and

11 (d) that the temporary visiting physician permit
12 shall only permit the holder to practice medicine in
13 all of its branches or practice the treatment of human
14 ailments without the use of drugs and without
15 operative surgery within the scope of the medical,
16 osteopathic, chiropractic, or clinical studies, or in
17 conjunction with the state or national medical,
18 osteopathic, or chiropractic professional association
19 or society conference or meeting, for which the holder
20 was invited or appointed.

21 (2) The application for the temporary visiting
22 physician permit shall be made to the Department, in
23 writing, on forms prescribed by the Department, and shall
24 be accompanied by the required fee established by rule,
25 which shall not be refundable. The application shall
26 require information that, in the judgment of the

1 Department, will enable the Department to pass on the
2 qualification of the applicant, and the necessity for the
3 granting of a temporary visiting physician permit.

4 (3) A temporary visiting physician permit shall be
5 valid for no longer than (i) 180 days from the date of
6 issuance or (ii) until the time the medical, osteopathic,
7 chiropractic, or clinical studies are completed, or the
8 state or national medical, osteopathic, or chiropractic
9 professional association or society conference or meeting
10 has concluded, whichever occurs first. The temporary
11 visiting physician permit may be issued multiple times to
12 a visiting physician under this paragraph (3) as long as
13 the total number of days it is active do not exceed 180
14 days within a 365-day period.

15 (4) The applicant for a temporary visiting physician
16 permit may be required to appear before the Medical
17 ~~Licensing~~ Board for an interview prior to, and as a
18 requirement for, the issuance of a temporary visiting
19 physician permit.

20 (5) A limited temporary visiting physician permit
21 shall be issued to a physician licensed in another state
22 who has been requested to perform emergency procedures in
23 Illinois if he or she meets the requirements as
24 established by rule.

25 (C) Visiting resident permit.

1 (1) The Department may, in its discretion, issue a
2 temporary visiting resident permit, without examination,
3 provided:

4 (a) (blank);

5 (b) that the person maintains an equivalent
6 authorization to practice medicine in all of its
7 branches or to practice the treatment of human
8 ailments without the use of drugs and without
9 operative surgery in good standing in his or her
10 native licensing jurisdiction during the period of the
11 temporary visiting resident permit;

12 (c) that the applicant is enrolled in a
13 postgraduate clinical training program outside the
14 State of Illinois that is approved by the Department;

15 (d) that the individual has been invited or
16 appointed for a specific period of time to perform a
17 portion of that post graduate clinical training
18 program under the supervision of an Illinois licensed
19 physician in an Illinois patient care clinic or
20 facility that is affiliated with the out-of-State post
21 graduate training program; and

22 (e) that the temporary visiting resident permit
23 shall only permit the holder to practice medicine in
24 all of its branches or practice the treatment of human
25 ailments without the use of drugs and without
26 operative surgery within the scope of the medical,

1 osteopathic, chiropractic or clinical studies for
2 which the holder was invited or appointed.

3 (2) The application for the temporary visiting
4 resident permit shall be made to the Department, in
5 writing, on forms prescribed by the Department, and shall
6 be accompanied by the required fee established by rule.
7 The application shall require information that, in the
8 judgment of the Department, will enable the Department to
9 pass on the qualifications of the applicant.

10 (3) A temporary visiting resident permit shall be
11 valid for 180 days from the date of issuance or until the
12 time the medical, osteopathic, chiropractic, or clinical
13 studies are completed, whichever occurs first.

14 (4) The applicant for a temporary visiting resident
15 permit may be required to appear before the Medical
16 ~~Licensing~~ Board for an interview prior to, and as a
17 requirement for, the issuance of a temporary visiting
18 resident permit.

19 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

20 (225 ILCS 60/19) (from Ch. 111, par. 4400-19)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 19. Licensure by endorsement. The Department may, in
23 its discretion, issue a license by endorsement to any person
24 who is currently licensed to practice medicine in all of its
25 branches, or a chiropractic physician, in any other state,

1 territory, country or province, upon the following conditions
2 and submitting evidence satisfactory to the Department of the
3 following:

4 (A) (Blank);

5 (B) That the applicant is of good moral character. In
6 determining moral character under this Section, the
7 Department may take into consideration whether the
8 applicant has engaged in conduct or activities which would
9 constitute grounds for discipline under this Act. The
10 Department may also request the applicant to submit, and
11 may consider as evidence of moral character, endorsements
12 from 2 or 3 individuals licensed under this Act;

13 (C) That the applicant is physically, mentally and
14 professionally capable of practicing medicine with
15 reasonable judgment, skill and safety. In determining
16 physical, mental and professional capacity under this
17 Section the Medical Licensing Board may, upon a showing of
18 a possible incapacity, compel an applicant to submit to a
19 mental or physical examination and evaluation, or both, in
20 the same manner as provided in Section 22 and may
21 condition or restrict any license, subject to the same
22 terms and conditions as are provided for the Medical
23 ~~Disciplinary~~ Board under Section 22 of this Act.

24 (D) That if the applicant seeks to practice medicine
25 in all of its branches:

26 (1) if the applicant was licensed in another

1 jurisdiction prior to January 1, 1988, that the
2 applicant has satisfied the educational requirements
3 of paragraph (1) of subsection (A) or paragraph (2) of
4 subsection (A) of Section 11 of this Act; or

5 (2) if the applicant was licensed in another
6 jurisdiction after December 31, 1987, that the
7 applicant has satisfied the educational requirements
8 of paragraph (A) (2) of Section 11 of this Act; and

9 (3) the requirements for a license to practice
10 medicine in all of its branches in the particular
11 state, territory, country or province in which the
12 applicant is licensed are deemed by the Department to
13 have been substantially equivalent to the requirements
14 for a license to practice medicine in all of its
15 branches in force in this State at the date of the
16 applicant's license;

17 (E) That if the applicant seeks to treat human
18 ailments without the use of drugs and without operative
19 surgery:

20 (1) the applicant is a graduate of a chiropractic
21 school or college approved by the Department at the
22 time of their graduation;

23 (2) the requirements for the applicant's license
24 to practice the treatment of human ailments without
25 the use of drugs are deemed by the Department to have
26 been substantially equivalent to the requirements for

1 a license to practice in this State at the date of the
2 applicant's license;

3 (F) That the Department may, in its discretion, issue
4 a license by endorsement to any graduate of a medical or
5 osteopathic college, reputable and in good standing in the
6 judgment of the Department, who has passed an examination
7 for admission to the United States Public Health Service,
8 or who has passed any other examination deemed by the
9 Department to have been at least equal in all substantial
10 respects to the examination required for admission to any
11 such medical corps;

12 (G) That applications for licenses by endorsement
13 shall be filed with the Department, under oath, on forms
14 prepared and furnished by the Department, and shall set
15 forth, and applicants therefor shall supply such
16 information respecting the life, education, professional
17 practice, and moral character of applicants as the
18 Department may require to be filed for its use;

19 (H) That the applicant undergo the criminal background
20 check established under Section 9.7 of this Act.

21 In the exercise of its discretion under this Section, the
22 Department is empowered to consider and evaluate each
23 applicant on an individual basis. It may take into account,
24 among other things: the extent to which the applicant will
25 bring unique experience and skills to the State of Illinois or
26 the extent to which there is or is not available to the

1 Department authentic and definitive information concerning the
2 quality of medical education and clinical training which the
3 applicant has had. Under no circumstances shall a license be
4 issued under the provisions of this Section to any person who
5 has previously taken and failed the written examination
6 conducted by the Department for such license. In the exercise
7 of its discretion under this Section, the Department may
8 require an applicant to successfully complete an examination
9 as recommended by the Medical Licensing Board. The Department
10 may also request the applicant to submit, and may consider as
11 evidence of moral character, evidence from 2 or 3 individuals
12 licensed under this Act. Applicants have 3 years from the date
13 of application to complete the application process. If the
14 process has not been completed within 3 years, the application
15 shall be denied, the fees shall be forfeited, and the
16 applicant must reapply and meet the requirements in effect at
17 the time of reapplication.

18 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

19 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 21. License renewal; reinstatement; inactive status;
22 disposition and collection of fees.

23 (A) Renewal. The expiration date and renewal period for
24 each license issued under this Act shall be set by rule. The
25 holder of a license may renew the license by paying the

1 required fee. The holder of a license may also renew the
2 license within 90 days after its expiration by complying with
3 the requirements for renewal and payment of an additional fee.
4 A license renewal within 90 days after expiration shall be
5 effective retroactively to the expiration date.

6 The Department shall attempt to provide through electronic
7 means to each licensee under this Act, at least 60 days in
8 advance of the expiration date of his or her license, a renewal
9 notice. No such license shall be deemed to have lapsed until 90
10 days after the expiration date and after the Department has
11 attempted to provide such notice as herein provided.

12 (B) Reinstatement. Any licensee who has permitted his or
13 her license to lapse or who has had his or her license on
14 inactive status may have his or her license reinstated by
15 making application to the Department and filing proof
16 acceptable to the Department of his or her fitness to have the
17 license reinstated, including evidence certifying to active
18 practice in another jurisdiction satisfactory to the
19 Department, proof of meeting the continuing education
20 requirements for one renewal period, and by paying the
21 required reinstatement fee.

22 If the licensee has not maintained an active practice in
23 another jurisdiction satisfactory to the Department, the
24 Medical Licensing Board shall determine, by an evaluation
25 program established by rule, the applicant's fitness to resume
26 active status and may require the licensee to complete a

1 period of evaluated clinical experience and may require
2 successful completion of a practical examination specified by
3 the Medical Licensing Board.

4 However, any registrant whose license has expired while he
5 or she has been engaged (a) in Federal Service on active duty
6 with the Army of the United States, the United States Navy, the
7 Marine Corps, the Air Force, the Coast Guard, the Public
8 Health Service or the State Militia called into the service or
9 training of the United States of America, or (b) in training or
10 education under the supervision of the United States
11 preliminary to induction into the military service, may have
12 his or her license reinstated without paying any lapsed
13 renewal fees, if within 2 years after honorable termination of
14 such service, training, or education, he or she furnishes to
15 the Department with satisfactory evidence to the effect that
16 he or she has been so engaged and that his or her service,
17 training, or education has been so terminated.

18 (C) Inactive licenses. Any licensee who notifies the
19 Department, in writing on forms prescribed by the Department,
20 may elect to place his or her license on an inactive status and
21 shall, subject to rules of the Department, be excused from
22 payment of renewal fees until he or she notifies the
23 Department in writing of his or her desire to resume active
24 status.

25 Any licensee requesting reinstatement from inactive status
26 shall be required to pay the current renewal fee, provide

1 proof of meeting the continuing education requirements for the
2 period of time the license is inactive not to exceed one
3 renewal period, and shall be required to reinstate his or her
4 license as provided in subsection (B).

5 Any licensee whose license is in an inactive status shall
6 not practice in the State of Illinois.

7 (D) Disposition of monies collected. All monies collected
8 under this Act by the Department shall be deposited in the
9 Illinois State Medical Disciplinary Fund in the State
10 Treasury, and used only for the following purposes: (a) by the
11 Medical ~~Disciplinary Board and Licensing~~ Board in the exercise
12 of its powers and performance of its duties, as such use is
13 made by the Department with full consideration of all
14 recommendations of the Medical ~~Disciplinary Board and~~
15 ~~Licensing~~ Board, (b) for costs directly related to persons
16 licensed under this Act, and (c) for direct and allocable
17 indirect costs related to the public purposes of the
18 Department.

19 Moneys in the Fund may be transferred to the Professions
20 Indirect Cost Fund as authorized under Section 2105-300 of the
21 Department of Professional Regulation Law of the Civil
22 Administrative Code of Illinois.

23 All earnings received from investment of monies in the
24 Illinois State Medical Disciplinary Fund shall be deposited in
25 the Illinois State Medical Disciplinary Fund and shall be used
26 for the same purposes as fees deposited in such Fund.

1 (E) Fees. The following fees are nonrefundable.

2 (1) Applicants for any examination shall be required
3 to pay, either to the Department or to the designated
4 testing service, a fee covering the cost of determining
5 the applicant's eligibility and providing the examination.
6 Failure to appear for the examination on the scheduled
7 date, at the time and place specified, after the
8 applicant's application for examination has been received
9 and acknowledged by the Department or the designated
10 testing service, shall result in the forfeiture of the
11 examination fee.

12 (2) Before July 1, 2018, the fee for a license under
13 Section 9 of this Act is \$700. Beginning on July 1, 2018,
14 the fee for a license under Section 9 of this Act is \$500.

15 (3) Before July 1, 2018, the fee for a license under
16 Section 19 of this Act is \$700. Beginning on July 1, 2018,
17 the fee for a license under Section 19 of this Act is \$500.

18 (4) Before July 1, 2018, the fee for the renewal of a
19 license for a resident of Illinois shall be calculated at
20 the rate of \$230 per year, and beginning on July 1, 2018
21 and until January 1, 2020, the fee for the renewal of a
22 license shall be \$167, except for licensees who were
23 issued a license within 12 months of the expiration date
24 of the license, before July 1, 2018, the fee for the
25 renewal shall be \$230, and beginning on July 1, 2018 and
26 until January 1, 2020 that fee will be \$167. Before July 1,

1 2018, the fee for the renewal of a license for a
2 nonresident shall be calculated at the rate of \$460 per
3 year, and beginning on July 1, 2018 and until January 1,
4 2020, the fee for the renewal of a license for a
5 nonresident shall be \$250, except for licensees who were
6 issued a license within 12 months of the expiration date
7 of the license, before July 1, 2018, the fee for the
8 renewal shall be \$460, and beginning on July 1, 2018 and
9 until January 1, 2020 that fee will be \$250. Beginning on
10 January 1, 2020, the fee for renewal of a license for a
11 resident or nonresident is \$181 per year.

12 (5) The fee for the reinstatement of a license other
13 than from inactive status, is \$230. In addition, payment
14 of all lapsed renewal fees not to exceed \$1,400 is
15 required.

16 (6) The fee for a 3-year temporary license under
17 Section 17 is \$230.

18 (7) The fee for the issuance of a license with a change
19 of name or address other than during the renewal period is
20 \$20. No fee is required for name and address changes on
21 Department records when no updated license is issued.

22 (8) The fee to be paid for a license record for any
23 purpose is \$20.

24 (9) The fee to be paid to have the scoring of an
25 examination, administered by the Department, reviewed and
26 verified, is \$20 plus any fees charged by the applicable

1 testing service.

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

26 (Source: P.A. 101-316, eff. 8-9-19; 101-603, eff. 1-1-20.)

1 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 22. Disciplinary action.

4 (A) The Department may revoke, suspend, place on
5 probation, reprimand, refuse to issue or renew, or take any
6 other disciplinary or non-disciplinary action as the
7 Department may deem proper with regard to the license or
8 permit of any person issued under this Act, including imposing
9 fines not to exceed \$10,000 for each violation, upon any of the
10 following grounds:

11 (1) (Blank).

12 (2) (Blank).

13 (3) A plea of guilty or nolo contendere, finding of
14 guilt, jury verdict, or entry of judgment or sentencing,
15 including, but not limited to, convictions, preceding
16 sentences of supervision, conditional discharge, or first
17 offender probation, under the laws of any jurisdiction of
18 the United States of any crime that is a felony.

19 (4) Gross negligence in practice under this Act.

20 (5) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud or harm the public.

23 (6) Obtaining any fee by fraud, deceit, or
24 misrepresentation.

25 (7) Habitual or excessive use or abuse of drugs

1 defined in law as controlled substances, of alcohol, or of
2 any other substances which results in the inability to
3 practice with reasonable judgment, skill, or safety.

4 (8) Practicing under a false or, except as provided by
5 law, an assumed name.

6 (9) Fraud or misrepresentation in applying for, or
7 procuring, a license under this Act or in connection with
8 applying for renewal of a license under this Act.

9 (10) Making a false or misleading statement regarding
10 their skill or the efficacy or value of the medicine,
11 treatment, or remedy prescribed by them at their direction
12 in the treatment of any disease or other condition of the
13 body or mind.

14 (11) Allowing another person or organization to use
15 their license, procured under this Act, to practice.

16 (12) Adverse action taken by another state or
17 jurisdiction against a license or other authorization to
18 practice as a medical doctor, doctor of osteopathy, doctor
19 of osteopathic medicine or doctor of chiropractic, a
20 certified copy of the record of the action taken by the
21 other state or jurisdiction being prima facie evidence
22 thereof. This includes any adverse action taken by a State
23 or federal agency that prohibits a medical doctor, doctor
24 of osteopathy, doctor of osteopathic medicine, or doctor
25 of chiropractic from providing services to the agency's
26 participants.

1 (13) Violation of any provision of this Act or of the
2 Medical Practice Act prior to the repeal of that Act, or
3 violation of the rules, or a final administrative action
4 of the Secretary, after consideration of the
5 recommendation of the Medical ~~Disciplinary~~ Board.

6 (14) Violation of the prohibition against fee
7 splitting in Section 22.2 of this Act.

8 (15) A finding by the Medical ~~Disciplinary~~ Board that
9 the registrant after having his or her license placed on
10 probationary status or subjected to conditions or
11 restrictions violated the terms of the probation or failed
12 to comply with such terms or conditions.

13 (16) Abandonment of a patient.

14 (17) Prescribing, selling, administering,
15 distributing, giving, or self-administering any drug
16 classified as a controlled substance (designated product)
17 or narcotic for other than medically accepted therapeutic
18 purposes.

19 (18) Promotion of the sale of drugs, devices,
20 appliances, or goods provided for a patient in such manner
21 as to exploit the patient for financial gain of the
22 physician.

23 (19) Offering, undertaking, or agreeing to cure or
24 treat disease by a secret method, procedure, treatment, or
25 medicine, or the treating, operating, or prescribing for
26 any human condition by a method, means, or procedure which

1 the licensee refuses to divulge upon demand of the
2 Department.

3 (20) Immoral conduct in the commission of any act
4 including, but not limited to, commission of an act of
5 sexual misconduct related to the licensee's practice.

6 (21) Willfully making or filing false records or
7 reports in his or her practice as a physician, including,
8 but not limited to, false records to support claims
9 against the medical assistance program of the Department
10 of Healthcare and Family Services (formerly Department of
11 Public Aid) under the Illinois Public Aid Code.

12 (22) Willful omission to file or record, or willfully
13 impeding the filing or recording, or inducing another
14 person to omit to file or record, medical reports as
15 required by law, or willfully failing to report an
16 instance of suspected abuse or neglect as required by law.

17 (23) Being named as a perpetrator in an indicated
18 report by the Department of Children and Family Services
19 under the Abused and Neglected Child Reporting Act, and
20 upon proof by clear and convincing evidence that the
21 licensee has caused a child to be an abused child or
22 neglected child as defined in the Abused and Neglected
23 Child Reporting Act.

24 (24) Solicitation of professional patronage by any
25 corporation, agents or persons, or profiting from those
26 representing themselves to be agents of the licensee.

1 (25) Gross and willful and continued overcharging for
2 professional services, including filing false statements
3 for collection of fees for which services are not
4 rendered, including, but not limited to, filing such false
5 statements for collection of monies for services not
6 rendered from the medical assistance program of the
7 Department of Healthcare and Family Services (formerly
8 Department of Public Aid) under the Illinois Public Aid
9 Code.

10 (26) A pattern of practice or other behavior which
11 demonstrates incapacity or incompetence to practice under
12 this Act.

13 (27) Mental illness or disability which results in the
14 inability to practice under this Act with reasonable
15 judgment, skill, or safety.

16 (28) Physical illness, including, but not limited to,
17 deterioration through the aging process, or loss of motor
18 skill which results in a physician's inability to practice
19 under this Act with reasonable judgment, skill, or safety.

20 (29) Cheating on or attempt to subvert the licensing
21 examinations administered under this Act.

22 (30) Willfully or negligently violating the
23 confidentiality between physician and patient except as
24 required by law.

25 (31) The use of any false, fraudulent, or deceptive
26 statement in any document connected with practice under

1 this Act.

2 (32) Aiding and abetting an individual not licensed
3 under this Act in the practice of a profession licensed
4 under this Act.

5 (33) Violating state or federal laws or regulations
6 relating to controlled substances, legend drugs, or
7 ephedra as defined in the Ephedra Prohibition Act.

8 (34) Failure to report to the Department any adverse
9 final action taken against them by another licensing
10 jurisdiction (any other state or any territory of the
11 United States or any foreign state or country), by any
12 peer review body, by any health care institution, by any
13 professional society or association related to practice
14 under this Act, by any governmental agency, by any law
15 enforcement agency, or by any court for acts or conduct
16 similar to acts or conduct which would constitute grounds
17 for action as defined in this Section.

18 (35) Failure to report to the Department surrender of
19 a license or authorization to practice as a medical
20 doctor, a doctor of osteopathy, a doctor of osteopathic
21 medicine, or doctor of chiropractic in another state or
22 jurisdiction, or surrender of membership on any medical
23 staff or in any medical or professional association or
24 society, while under disciplinary investigation by any of
25 those authorities or bodies, for acts or conduct similar
26 to acts or conduct which would constitute grounds for

1 action as defined in this Section.

2 (36) Failure to report to the Department any adverse
3 judgment, settlement, or award arising from a liability
4 claim related to acts or conduct similar to acts or
5 conduct which would constitute grounds for action as
6 defined in this Section.

7 (37) Failure to provide copies of medical records as
8 required by law.

9 (38) Failure to furnish the Department, its
10 investigators or representatives, relevant information,
11 legally requested by the Department after consultation
12 with the Chief Medical Coordinator or the Deputy Medical
13 Coordinator.

14 (39) Violating the Health Care Worker Self-Referral
15 Act.

16 (40) Willful failure to provide notice when notice is
17 required under the Parental Notice of Abortion Act of
18 1995.

19 (41) Failure to establish and maintain records of
20 patient care and treatment as required by this law.

21 (42) Entering into an excessive number of written
22 collaborative agreements with licensed advanced practice
23 registered nurses resulting in an inability to adequately
24 collaborate.

25 (43) Repeated failure to adequately collaborate with a
26 licensed advanced practice registered nurse.

1 (44) Violating the Compassionate Use of Medical
2 Cannabis Program Act.

3 (45) Entering into an excessive number of written
4 collaborative agreements with licensed prescribing
5 psychologists resulting in an inability to adequately
6 collaborate.

7 (46) Repeated failure to adequately collaborate with a
8 licensed prescribing psychologist.

9 (47) Willfully failing to report an instance of
10 suspected abuse, neglect, financial exploitation, or
11 self-neglect of an eligible adult as defined in and
12 required by the Adult Protective Services Act.

13 (48) Being named as an abuser in a verified report by
14 the Department on Aging under the Adult Protective
15 Services Act, and upon proof by clear and convincing
16 evidence that the licensee abused, neglected, or
17 financially exploited an eligible adult as defined in the
18 Adult Protective Services Act.

19 (49) Entering into an excessive number of written
20 collaborative agreements with licensed physician
21 assistants resulting in an inability to adequately
22 collaborate.

23 (50) Repeated failure to adequately collaborate with a
24 physician assistant.

25 Except for actions involving the ground numbered (26), all
26 proceedings to suspend, revoke, place on probationary status,

1 or take any other disciplinary action as the Department may
2 deem proper, with regard to a license on any of the foregoing
3 grounds, must be commenced within 5 years next after receipt
4 by the Department of a complaint alleging the commission of or
5 notice of the conviction order for any of the acts described
6 herein. Except for the grounds numbered (8), (9), (26), and
7 (29), no action shall be commenced more than 10 years after the
8 date of the incident or act alleged to have violated this
9 Section. For actions involving the ground numbered (26), a
10 pattern of practice or other behavior includes all incidents
11 alleged to be part of the pattern of practice or other behavior
12 that occurred, or a report pursuant to Section 23 of this Act
13 received, within the 10-year period preceding the filing of
14 the complaint. In the event of the settlement of any claim or
15 cause of action in favor of the claimant or the reduction to
16 final judgment of any civil action in favor of the plaintiff,
17 such claim, cause of action, or civil action being grounded on
18 the allegation that a person licensed under this Act was
19 negligent in providing care, the Department shall have an
20 additional period of 2 years from the date of notification to
21 the Department under Section 23 of this Act of such settlement
22 or final judgment in which to investigate and commence formal
23 disciplinary proceedings under Section 36 of this Act, except
24 as otherwise provided by law. The time during which the holder
25 of the license was outside the State of Illinois shall not be
26 included within any period of time limiting the commencement

1 of disciplinary action by the Department.

2 The entry of an order or judgment by any circuit court
3 establishing that any person holding a license under this Act
4 is a person in need of mental treatment operates as a
5 suspension of that license. That person may resume his or her
6 ~~their~~ practice only upon the entry of a Departmental order
7 based upon a finding by the Medical ~~Disciplinary~~ Board that
8 the person has ~~they have~~ been determined to be recovered from
9 mental illness by the court and upon the Medical ~~Disciplinary~~
10 Board's recommendation that the person ~~they~~ be permitted to
11 resume his or her ~~their~~ practice.

12 The Department may refuse to issue or take disciplinary
13 action concerning the license of any person who fails to file a
14 return, or to pay the tax, penalty, or interest shown in a
15 filed return, or to pay any final assessment of tax, penalty,
16 or interest, as required by any tax Act administered by the
17 Illinois Department of Revenue, until such time as the
18 requirements of any such tax Act are satisfied as determined
19 by the Illinois Department of Revenue.

20 The Department, upon the recommendation of the Medical
21 ~~Disciplinary~~ Board, shall adopt rules which set forth
22 standards to be used in determining:

23 (a) when a person will be deemed sufficiently
24 rehabilitated to warrant the public trust;

25 (b) what constitutes dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public;

2 (c) what constitutes immoral conduct in the commission
3 of any act, including, but not limited to, commission of
4 an act of sexual misconduct related to the licensee's
5 practice; and

6 (d) what constitutes gross negligence in the practice
7 of medicine.

8 However, no such rule shall be admissible into evidence in
9 any civil action except for review of a licensing or other
10 disciplinary action under this Act.

11 In enforcing this Section, the Medical ~~Disciplinary Board~~
12 ~~or the Licensing~~ Board, upon a showing of a possible
13 violation, may compel, ~~in the case of the Disciplinary Board,~~
14 any individual who is licensed to practice under this Act or
15 holds a permit to practice under this Act, or, ~~in the case of~~
16 ~~the Licensing Board,~~ any individual who has applied for
17 licensure or a permit pursuant to this Act, to submit to a
18 mental or physical examination and evaluation, or both, which
19 may include a substance abuse or sexual offender evaluation,
20 as required by the Medical ~~Licensing Board or Disciplinary~~
21 Board and at the expense of the Department. The Medical
22 ~~Disciplinary Board or Licensing~~ Board shall specifically
23 designate the examining physician licensed to practice
24 medicine in all of its branches or, if applicable, the
25 multidisciplinary team involved in providing the mental or
26 physical examination and evaluation, or both. The

1 multidisciplinary team shall be led by a physician licensed to
2 practice medicine in all of its branches and may consist of one
3 or more or a combination of physicians licensed to practice
4 medicine in all of its branches, licensed chiropractic
5 physicians, licensed clinical psychologists, licensed clinical
6 social workers, licensed clinical professional counselors, and
7 other professional and administrative staff. Any examining
8 physician or member of the multidisciplinary team may require
9 any person ordered to submit to an examination and evaluation
10 pursuant to this Section to submit to any additional
11 supplemental testing deemed necessary to complete any
12 examination or evaluation process, including, but not limited
13 to, blood testing, urinalysis, psychological testing, or
14 neuropsychological testing. The Medical Disciplinary Board,
15 ~~the Licensing Board~~, or the Department may order the examining
16 physician or any member of the multidisciplinary team to
17 provide to the Department, ~~the Disciplinary Board~~, or the
18 Medical Licensing Board any and all records, including
19 business records, that relate to the examination and
20 evaluation, including any supplemental testing performed. The
21 Medical Disciplinary Board, ~~the Licensing Board~~, or the
22 Department may order the examining physician or any member of
23 the multidisciplinary team to present testimony concerning
24 this examination and evaluation of the licensee, permit
25 holder, or applicant, including testimony concerning any
26 supplemental testing or documents relating to the examination

1 and evaluation. No information, report, record, or other
2 documents in any way related to the examination and evaluation
3 shall be excluded by reason of any common law or statutory
4 privilege relating to communication between the licensee,
5 permit holder, or applicant and the examining physician or any
6 member of the multidisciplinary team. No authorization is
7 necessary from the licensee, permit holder, or applicant
8 ordered to undergo an evaluation and examination for the
9 examining physician or any member of the multidisciplinary
10 team to provide information, reports, records, or other
11 documents or to provide any testimony regarding the
12 examination and evaluation. The individual to be examined may
13 have, at his or her own expense, another physician of his or
14 her choice present during all aspects of the examination.
15 Failure of any individual to submit to mental or physical
16 examination and evaluation, or both, when directed, shall
17 result in an automatic suspension, without hearing, until such
18 time as the individual submits to the examination. If the
19 Medical ~~Disciplinary Board or Licensing~~ Board finds a
20 physician unable to practice following an examination and
21 evaluation because of the reasons set forth in this Section,
22 the Medical ~~Disciplinary Board or Licensing~~ Board shall
23 require such physician to submit to care, counseling, or
24 treatment by physicians, or other health care professionals,
25 approved or designated by the Medical ~~Disciplinary~~ Board, as a
26 condition for issued, continued, reinstated, or renewed

1 licensure to practice. Any physician, whose license was
2 granted pursuant to Sections 9, 17, or 19 of this Act, or,
3 continued, reinstated, renewed, disciplined or supervised,
4 subject to such terms, conditions, or restrictions who shall
5 fail to comply with such terms, conditions, or restrictions,
6 or to complete a required program of care, counseling, or
7 treatment, as determined by the Chief Medical Coordinator or
8 Deputy Medical Coordinators, shall be referred to the
9 Secretary for a determination as to whether the licensee shall
10 have his or her ~~their~~ license suspended immediately, pending a
11 hearing by the Medical Disciplinary Board. In instances in
12 which the Secretary immediately suspends a license under this
13 Section, a hearing upon such person's license must be convened
14 by the Medical Disciplinary Board within 15 days after such
15 suspension and completed without appreciable delay. The
16 Medical Disciplinary Board shall have the authority to review
17 the subject physician's record of treatment and counseling
18 regarding the impairment, to the extent permitted by
19 applicable federal statutes and regulations safeguarding the
20 confidentiality of medical records.

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

26 The Department may promulgate rules for the imposition of

1 fines in disciplinary cases, not to exceed \$10,000 for each
2 violation of this Act. Fines may be imposed in conjunction
3 with other forms of disciplinary action, but shall not be the
4 exclusive disposition of any disciplinary action arising out
5 of conduct resulting in death or injury to a patient. Any funds
6 collected from such fines shall be deposited in the Illinois
7 State Medical Disciplinary Fund.

8 All fines imposed under this Section shall be paid within
9 60 days after the effective date of the order imposing the fine
10 or in accordance with the terms set forth in the order imposing
11 the fine.

12 (B) The Department shall revoke the license or permit
13 issued under this Act to practice medicine or a chiropractic
14 physician who has been convicted a second time of committing
15 any felony under the Illinois Controlled Substances Act or the
16 Methamphetamine Control and Community Protection Act, or who
17 has been convicted a second time of committing a Class 1 felony
18 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
19 person whose license or permit is revoked under this
20 subsection B shall be prohibited from practicing medicine or
21 treating human ailments without the use of drugs and without
22 operative surgery.

23 (C) The Department shall not revoke, suspend, place on
24 probation, reprimand, refuse to issue or renew, or take any
25 other disciplinary or non-disciplinary action against the
26 license or permit issued under this Act to practice medicine

1 to a physician:

2 (1) based solely upon the recommendation of the
3 physician to an eligible patient regarding, or
4 prescription for, or treatment with, an investigational
5 drug, biological product, or device; or

6 (2) for experimental treatment for Lyme disease or
7 other tick-borne diseases, including, but not limited to,
8 the prescription of or treatment with long-term
9 antibiotics.

10 (D) The Medical ~~Disciplinary~~ Board shall recommend to the
11 Department civil penalties and any other appropriate
12 discipline in disciplinary cases when the Medical Board finds
13 that a physician willfully performed an abortion with actual
14 knowledge that the person upon whom the abortion has been
15 performed is a minor or an incompetent person without notice
16 as required under the Parental Notice of Abortion Act of 1995.
17 Upon the Medical Board's recommendation, the Department shall
18 impose, for the first violation, a civil penalty of \$1,000 and
19 for a second or subsequent violation, a civil penalty of
20 \$5,000.

21 (Source: P.A. 100-429, eff. 8-25-17; 100-513, eff. 1-1-18;
22 100-605, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1137, eff.
23 1-1-19; 101-13, eff. 6-12-19; 101-81, eff. 7-12-19; 101-363,
24 eff. 8-9-19; revised 9-20-19.)

25 (225 ILCS 60/23) (from Ch. 111, par. 4400-23)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 23. Reports relating to professional conduct and
3 capacity.

4 (A) Entities required to report.

5 (1) Health care institutions. The chief administrator
6 or executive officer of any health care institution
7 licensed by the Illinois Department of Public Health shall
8 report to the Medical ~~Disciplinary~~ Board when any person's
9 clinical privileges are terminated or are restricted based
10 on a final determination made in accordance with that
11 institution's by-laws or rules and regulations that a
12 person has either committed an act or acts which may
13 directly threaten patient care or that a person may have a
14 mental or physical disability that may endanger patients
15 under that person's care. Such officer also shall report
16 if a person accepts voluntary termination or restriction
17 of clinical privileges in lieu of formal action based upon
18 conduct related directly to patient care or in lieu of
19 formal action seeking to determine whether a person may
20 have a mental or physical disability that may endanger
21 patients under that person's care. The Medical
22 ~~Disciplinary~~ Board shall, by rule, provide for the
23 reporting to it by health care institutions of all
24 instances in which a person, licensed under this Act, who
25 is impaired by reason of age, drug or alcohol abuse or
26 physical or mental impairment, is under supervision and,

1 where appropriate, is in a program of rehabilitation. Such
2 reports shall be strictly confidential and may be reviewed
3 and considered only by the members of the Medical
4 ~~Disciplinary~~ Board, or by authorized staff as provided by
5 rules of the Medical ~~Disciplinary~~ Board. Provisions shall
6 be made for the periodic report of the status of any such
7 person not less than twice annually in order that the
8 Medical ~~Disciplinary~~ Board shall have current information
9 upon which to determine the status of any such person.
10 Such initial and periodic reports of impaired physicians
11 shall not be considered records within the meaning of The
12 State Records Act and shall be disposed of, following a
13 determination by the Medical ~~Disciplinary~~ Board that such
14 reports are no longer required, in a manner and at such
15 time as the Medical ~~Disciplinary~~ Board shall determine by
16 rule. The filing of such reports shall be construed as the
17 filing of a report for purposes of subsection (C) of this
18 Section.

19 (1.5) Clinical training programs. The program director
20 of any post-graduate clinical training program shall
21 report to the Medical ~~Disciplinary~~ Board if a person
22 engaged in a post-graduate clinical training program at
23 the institution, including, but not limited to, a
24 residency or fellowship, separates from the program for
25 any reason prior to its conclusion. The program director
26 shall provide all documentation relating to the separation

1 if, after review of the report, the Medical ~~Disciplinary~~
2 Board determines that a review of those documents is
3 necessary to determine whether a violation of this Act
4 occurred.

5 (2) Professional associations. The President or chief
6 executive officer of any association or society, of
7 persons licensed under this Act, operating within this
8 State shall report to the Medical ~~Disciplinary~~ Board when
9 the association or society renders a final determination
10 that a person has committed unprofessional conduct related
11 directly to patient care or that a person may have a mental
12 or physical disability that may endanger patients under
13 that person's care.

14 (3) Professional liability insurers. Every insurance
15 company which offers policies of professional liability
16 insurance to persons licensed under this Act, or any other
17 entity which seeks to indemnify the professional liability
18 of a person licensed under this Act, shall report to the
19 Medical ~~Disciplinary~~ Board the settlement of any claim or
20 cause of action, or final judgment rendered in any cause
21 of action, which alleged negligence in the furnishing of
22 medical care by such licensed person when such settlement
23 or final judgment is in favor of the plaintiff.

24 (4) State's Attorneys. The State's Attorney of each
25 county shall report to the Medical ~~Disciplinary~~ Board,
26 within 5 days, any instances in which a person licensed

1 under this Act is convicted of any felony or Class A
2 misdemeanor. The State's Attorney of each county may
3 report to the Medical ~~Disciplinary~~ Board through a
4 verified complaint any instance in which the State's
5 Attorney believes that a physician has willfully violated
6 the notice requirements of the Parental Notice of Abortion
7 Act of 1995.

8 (5) State agencies. All agencies, boards, commissions,
9 departments, or other instrumentalities of the government
10 of the State of Illinois shall report to the Medical
11 ~~Disciplinary~~ Board any instance arising in connection with
12 the operations of such agency, including the
13 administration of any law by such agency, in which a
14 person licensed under this Act has either committed an act
15 or acts which may be a violation of this Act or which may
16 constitute unprofessional conduct related directly to
17 patient care or which indicates that a person licensed
18 under this Act may have a mental or physical disability
19 that may endanger patients under that person's care.

20 (B) Mandatory reporting. All reports required by items
21 (34), (35), and (36) of subsection (A) of Section 22 and by
22 Section 23 shall be submitted to the Medical ~~Disciplinary~~
23 Board in a timely fashion. Unless otherwise provided in this
24 Section, the reports shall be filed in writing within 60 days
25 after a determination that a report is required under this
26 Act. All reports shall contain the following information:

1 (1) The name, address and telephone number of the
2 person making the report.

3 (2) The name, address and telephone number of the
4 person who is the subject of the report.

5 (3) The name and date of birth of any patient or
6 patients whose treatment is a subject of the report, if
7 available, or other means of identification if such
8 information is not available, identification of the
9 hospital or other healthcare facility where the care at
10 issue in the report was rendered, provided, however, no
11 medical records may be revealed.

12 (4) A brief description of the facts which gave rise
13 to the issuance of the report, including the dates of any
14 occurrences deemed to necessitate the filing of the
15 report.

16 (5) If court action is involved, the identity of the
17 court in which the action is filed, along with the docket
18 number and date of filing of the action.

19 (6) Any further pertinent information which the
20 reporting party deems to be an aid in the evaluation of the
21 report.

22 The Medical ~~Disciplinary~~ Board or Department may also
23 exercise the power under Section 38 of this Act to subpoena
24 copies of hospital or medical records in mandatory report
25 cases alleging death or permanent bodily injury. Appropriate
26 rules shall be adopted by the Department with the approval of

1 the Medical ~~Disciplinary~~ Board.

2 When the Department has received written reports
3 concerning incidents required to be reported in items (34),
4 (35), and (36) of subsection (A) of Section 22, the licensee's
5 failure to report the incident to the Department under those
6 items shall not be the sole grounds for disciplinary action.

7 Nothing contained in this Section shall act to in any way,
8 waive or modify the confidentiality of medical reports and
9 committee reports to the extent provided by law. Any
10 information reported or disclosed shall be kept for the
11 confidential use of the Medical ~~Disciplinary~~ Board, the
12 Medical Coordinators, the Medical ~~Disciplinary~~ Board's
13 attorneys, the medical investigative staff, and authorized
14 clerical staff, as provided in this Act, and shall be afforded
15 the same status as is provided information concerning medical
16 studies in Part 21 of Article VIII of the Code of Civil
17 Procedure, except that the Department may disclose information
18 and documents to a federal, State, or local law enforcement
19 agency pursuant to a subpoena in an ongoing criminal
20 investigation or to a health care licensing body or medical
21 licensing authority of this State or another state or
22 jurisdiction pursuant to an official request made by that
23 licensing body or medical licensing authority. Furthermore,
24 information and documents disclosed to a federal, State, or
25 local law enforcement agency may be used by that agency only
26 for the investigation and prosecution of a criminal offense,

1 or, in the case of disclosure to a health care licensing body
2 or medical licensing authority, only for investigations and
3 disciplinary action proceedings with regard to a license.
4 Information and documents disclosed to the Department of
5 Public Health may be used by that Department only for
6 investigation and disciplinary action regarding the license of
7 a health care institution licensed by the Department of Public
8 Health.

9 (C) Immunity from prosecution. Any individual or
10 organization acting in good faith, and not in a wilful and
11 wanton manner, in complying with this Act by providing any
12 report or other information to the Medical ~~Disciplinary~~ Board
13 or a peer review committee, or assisting in the investigation
14 or preparation of such information, or by voluntarily
15 reporting to the Medical ~~Disciplinary~~ Board or a peer review
16 committee information regarding alleged errors or negligence
17 by a person licensed under this Act, or by participating in
18 proceedings of the Medical ~~Disciplinary~~ Board or a peer review
19 committee, or by serving as a member of the Medical
20 ~~Disciplinary~~ Board or a peer review committee, shall not, as a
21 result of such actions, be subject to criminal prosecution or
22 civil damages.

23 (D) Indemnification. Members of the Medical ~~Disciplinary~~
24 Board, ~~the Licensing Board,~~ the Medical Coordinators, the
25 Medical ~~Disciplinary~~ Board's attorneys, the medical
26 investigative staff, physicians retained under contract to

1 assist and advise the medical coordinators in the
2 investigation, and authorized clerical staff shall be
3 indemnified by the State for any actions occurring within the
4 scope of services on the Medical ~~Disciplinary Board~~ or
5 ~~Licensing~~ Board, done in good faith and not wilful and wanton
6 in nature. The Attorney General shall defend all such actions
7 unless he or she determines either that there would be a
8 conflict of interest in such representation or that the
9 actions complained of were not in good faith or were wilful and
10 wanton.

11 Should the Attorney General decline representation, the
12 member shall have the right to employ counsel of his or her
13 choice, whose fees shall be provided by the State, after
14 approval by the Attorney General, unless there is a
15 determination by a court that the member's actions were not in
16 good faith or were wilful and wanton.

17 The member must notify the Attorney General within 7 days
18 of receipt of notice of the initiation of any action involving
19 services of the Medical ~~Disciplinary~~ Board. Failure to so
20 notify the Attorney General shall constitute an absolute
21 waiver of the right to a defense and indemnification.

22 The Attorney General shall determine within 7 days after
23 receiving such notice, whether he or she will undertake to
24 represent the member.

25 (E) Deliberations of Medical ~~Disciplinary~~ Board. Upon the
26 receipt of any report called for by this Act, other than those

1 reports of impaired persons licensed under this Act required
2 pursuant to the rules of the Medical ~~Disciplinary~~ Board, the
3 Medical ~~Disciplinary~~ Board shall notify in writing, by
4 ~~certified~~ mail or email, the person who is the subject of the
5 report. Such notification shall be made within 30 days of
6 receipt by the Medical ~~Disciplinary~~ Board of the report.

7 The notification shall include a written notice setting
8 forth the person's right to examine the report. Included in
9 such notification shall be the address at which the file is
10 maintained, the name of the custodian of the reports, and the
11 telephone number at which the custodian may be reached. The
12 person who is the subject of the report shall submit a written
13 statement responding, clarifying, adding to, or proposing the
14 amending of the report previously filed. The person who is the
15 subject of the report shall also submit with the written
16 statement any medical records related to the report. The
17 statement and accompanying medical records shall become a
18 permanent part of the file and must be received by the Medical
19 ~~Disciplinary~~ Board no more than 30 days after the date on which
20 the person was notified by the Medical ~~Disciplinary~~ Board of
21 the existence of the original report.

22 The Medical ~~Disciplinary~~ Board shall review all reports
23 received by it, together with any supporting information and
24 responding statements submitted by persons who are the subject
25 of reports. The review by the Medical ~~Disciplinary~~ Board shall
26 be in a timely manner but in no event, shall the Medical

1 ~~Disciplinary~~ Board's initial review of the material contained
2 in each disciplinary file be less than 61 days nor more than
3 180 days after the receipt of the initial report by the Medical
4 ~~Disciplinary~~ Board.

5 When the Medical ~~Disciplinary~~ Board makes its initial
6 review of the materials contained within its disciplinary
7 files, the Medical ~~Disciplinary~~ Board shall, in writing, make
8 a determination as to whether there are sufficient facts to
9 warrant further investigation or action. Failure to make such
10 determination within the time provided shall be deemed to be a
11 determination that there are not sufficient facts to warrant
12 further investigation or action.

13 Should the Medical ~~Disciplinary~~ Board find that there are
14 not sufficient facts to warrant further investigation, or
15 action, the report shall be accepted for filing and the matter
16 shall be deemed closed and so reported to the Secretary. The
17 Secretary shall then have 30 days to accept the Medical
18 ~~Disciplinary~~ Board's decision or request further
19 investigation. The Secretary shall inform the Medical Board of
20 the decision to request further investigation, including the
21 specific reasons for the decision. The individual or entity
22 filing the original report or complaint and the person who is
23 the subject of the report or complaint shall be notified in
24 writing by the Secretary of any final action on their report or
25 complaint. The Department shall disclose to the individual or
26 entity who filed the original report or complaint, on request,

1 the status of the Medical ~~Disciplinary~~ Board's review of a
2 specific report or complaint. Such request may be made at any
3 time, including prior to the Medical ~~Disciplinary~~ Board's
4 determination as to whether there are sufficient facts to
5 warrant further investigation or action.

6 (F) Summary reports. The Medical ~~Disciplinary~~ Board shall
7 prepare, on a timely basis, but in no event less than once
8 every other month, a summary report of final disciplinary
9 actions taken upon disciplinary files maintained by the
10 Medical ~~Disciplinary~~ Board. The summary reports shall be made
11 available to the public upon request and payment of the fees
12 set by the Department. This publication may be made available
13 to the public on the Department's website. Information or
14 documentation relating to any disciplinary file that is closed
15 without disciplinary action taken shall not be disclosed and
16 shall be afforded the same status as is provided by Part 21 of
17 Article VIII of the Code of Civil Procedure.

18 (G) Any violation of this Section shall be a Class A
19 misdemeanor.

20 (H) If any such person violates the provisions of this
21 Section an action may be brought in the name of the People of
22 the State of Illinois, through the Attorney General of the
23 State of Illinois, for an order enjoining such violation or
24 for an order enforcing compliance with this Section. Upon
25 filing of a verified petition in such court, the court may
26 issue a temporary restraining order without notice or bond and

1 may preliminarily or permanently enjoin such violation, and if
2 it is established that such person has violated or is
3 violating the injunction, the court may punish the offender
4 for contempt of court. Proceedings under this paragraph shall
5 be in addition to, and not in lieu of, all other remedies and
6 penalties provided for by this Section.

7 (Source: P.A. 98-601, eff. 12-30-13; 99-143, eff. 7-27-15.)

8 (225 ILCS 60/24) (from Ch. 111, par. 4400-24)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 24. Report of violations; medical associations.

11 (a) Any physician licensed under this Act, the Illinois
12 State Medical Society, the Illinois Association of Osteopathic
13 Physicians and Surgeons, the Illinois Chiropractic Society,
14 the Illinois Prairie State Chiropractic Association, or any
15 component societies of any of these 4 groups, and any other
16 person, may report to the Medical ~~Disciplinary~~ Board any
17 information the physician, association, society, or person may
18 have that appears to show that a physician is or may be in
19 violation of any of the provisions of Section 22 of this Act.

20 (b) The Department may enter into agreements with the
21 Illinois State Medical Society, the Illinois Association of
22 Osteopathic Physicians and Surgeons, the Illinois Prairie
23 State Chiropractic Association, or the Illinois Chiropractic
24 Society to allow these organizations to assist the Medical
25 ~~Disciplinary~~ Board in the review of alleged violations of this

1 Act. Subject to the approval of the Department, any
2 organization party to such an agreement may subcontract with
3 other individuals or organizations to assist in review.

4 (c) Any physician, association, society, or person
5 participating in good faith in the making of a report under
6 this Act or participating in or assisting with an
7 investigation or review under this Act shall have immunity
8 from any civil, criminal, or other liability that might result
9 by reason of those actions.

10 (d) The medical information in the custody of an entity
11 under contract with the Department participating in an
12 investigation or review shall be privileged and confidential
13 to the same extent as are information and reports under the
14 provisions of Part 21 of Article VIII of the Code of Civil
15 Procedure.

16 (e) Upon request by the Department after a mandatory
17 report has been filed with the Department, an attorney for any
18 party seeking to recover damages for injuries or death by
19 reason of medical, hospital, or other healing art malpractice
20 shall provide patient records related to the physician
21 involved in the disciplinary proceeding to the Department
22 within 30 days of the Department's request for use by the
23 Department in any disciplinary matter under this Act. An
24 attorney who provides patient records to the Department in
25 accordance with this requirement shall not be deemed to have
26 violated any attorney-client privilege. Notwithstanding any

1 other provision of law, consent by a patient shall not be
2 required for the provision of patient records in accordance
3 with this requirement.

4 (f) For the purpose of any civil or criminal proceedings,
5 the good faith of any physician, association, society or
6 person shall be presumed.

7 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

8 (225 ILCS 60/25) (from Ch. 111, par. 4400-25)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 25. The Secretary of the Department may, upon receipt
11 of a written communication from the Secretary of Human
12 Services, the Director of Healthcare and Family Services
13 (formerly Director of Public Aid), or the Director of Public
14 Health that continuation of practice of a person licensed
15 under this Act constitutes an immediate danger to the public,
16 and after consultation with the Chief Medical Coordinator or
17 Deputy Medical Coordinator, immediately suspend the license of
18 such person without a hearing. In instances in which the
19 Secretary immediately suspends a license under this Section, a
20 hearing upon such person's license must be convened by the
21 Medical Disciplinary Board within 15 days after such
22 suspension and completed without appreciable delay. Such
23 hearing is to be held to determine whether to recommend to the
24 Secretary that the person's license be revoked, suspended,
25 placed on probationary status or reinstated, or whether such

1 person should be subject to other disciplinary action. In the
2 hearing, the written communication and any other evidence
3 submitted therewith may be introduced as evidence against such
4 person; provided however, the person, or their counsel, shall
5 have the opportunity to discredit, impeach and submit evidence
6 rebutting such evidence.

7 (Source: P.A. 97-622, eff. 11-23-11.)

8 (225 ILCS 60/35) (from Ch. 111, par. 4400-35)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 35. The Secretary shall have the authority to appoint
11 an attorney duly licensed to practice law in the State of
12 Illinois to serve as the hearing officer in any action to
13 suspend, revoke, place on probationary status, or take any
14 other disciplinary action with regard to a license. The
15 hearing officer shall have full authority to conduct the
16 hearing. The hearing officer shall report his findings and
17 recommendations to the Medical ~~Disciplinary Board or Licensing~~
18 Board within 30 days of the receipt of the record. The Medical
19 ~~Disciplinary Board or Licensing~~ Board shall have 60 days from
20 receipt of the report to review the report of the hearing
21 officer and present their findings of fact, conclusions of law
22 and recommendations to the Secretary.

23 (Source: P.A. 100-429, eff. 8-25-17.)

24 (225 ILCS 60/36) (from Ch. 111, par. 4400-36)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 36. Investigation; notice.

3 (a) Upon the motion of either the Department or the
4 Medical ~~Disciplinary~~ Board or upon the verified complaint in
5 writing of any person setting forth facts which, if proven,
6 would constitute grounds for suspension or revocation under
7 Section 22 of this Act, the Department shall investigate the
8 actions of any person, so accused, who holds or represents
9 that he or she holds a license. Such person is hereinafter
10 called the accused.

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

1 date set for the hearing, notify in writing any person who
2 filed a complaint against the accused of the time and place for
3 the hearing of the charges against the accused before the
4 Medical Disciplinary Board and inform such person whether he
5 or she may provide testimony at the hearing.

6 (c) (Blank).

7 (d) Such written notice and any notice in such proceedings
8 thereafter may be served by personal delivery, email to the
9 respondent's email address of record, or mail to the
10 respondent's address of record.

11 (e) All information gathered by the Department during its
12 investigation including information subpoenaed under Section
13 23 or 38 of this Act and the investigative file shall be kept
14 for the confidential use of the Secretary, the Medical
15 ~~Disciplinary~~ Board, the Medical Coordinators, persons employed
16 by contract to advise the Medical Coordinator or the
17 Department, the Medical Disciplinary Board's attorneys, the
18 medical investigative staff, and authorized clerical staff, as
19 provided in this Act and shall be afforded the same status as
20 is provided information concerning medical studies in Part 21
21 of Article VIII of the Code of Civil Procedure, except that the
22 Department may disclose information and documents to a
23 federal, State, or local law enforcement agency pursuant to a
24 subpoena in an ongoing criminal investigation to a health care
25 licensing body of this State or another state or jurisdiction
26 pursuant to an official request made by that licensing body.

1 Furthermore, information and documents disclosed to a federal,
2 State, or local law enforcement agency may be used by that
3 agency only for the investigation and prosecution of a
4 criminal offense or, in the case of disclosure to a health care
5 licensing body, only for investigations and disciplinary
6 action proceedings with regard to a license issued by that
7 licensing body.

8 (Source: P.A. 101-13, eff. 6-12-19; 101-316, eff. 8-9-19;
9 revised 9-20-19.)

10 (225 ILCS 60/37) (from Ch. 111, par. 4400-37)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 37. Disciplinary actions.

13 (a) At the time and place fixed in the notice, the Medical
14 ~~Disciplinary~~ Board provided for in this Act shall proceed to
15 hear the charges, and the accused person shall be accorded
16 ample opportunity to present in person, or by counsel, such
17 statements, testimony, evidence and argument as may be
18 pertinent to the charges or to any defense thereto. The
19 Medical ~~Disciplinary~~ Board may continue such hearing from time
20 to time. If the Medical ~~Disciplinary~~ Board is not sitting at
21 the time and place fixed in the notice or at the time and place
22 to which the hearing has been continued, the Department shall
23 continue such hearing for a period not to exceed 30 days.

24 (b) In case the accused person, after receiving notice,
25 fails to file an answer, their license may, in the discretion

1 of the Secretary, having received first the recommendation of
2 the Medical ~~Disciplinary~~ Board, be suspended, revoked or
3 placed on probationary status, or the Secretary may take
4 whatever disciplinary action as he or she may deem proper,
5 including limiting the scope, nature, or extent of said
6 person's practice, without a hearing, if the act or acts
7 charged constitute sufficient grounds for such action under
8 this Act.

9 (c) The Medical ~~Disciplinary~~ Board has the authority to
10 recommend to the Secretary that probation be granted or that
11 other disciplinary or non-disciplinary action, including the
12 limitation of the scope, nature or extent of a person's
13 practice, be taken as it deems proper. If disciplinary or
14 non-disciplinary action, other than suspension or revocation,
15 is taken the Medical ~~Disciplinary~~ Board may recommend that the
16 Secretary impose reasonable limitations and requirements upon
17 the accused registrant to ensure ~~insure~~ compliance with the
18 terms of the probation or other disciplinary action including,
19 but not limited to, regular reporting by the accused to the
20 Department of their actions, placing themselves under the care
21 of a qualified physician for treatment, or limiting their
22 practice in such manner as the Secretary may require.

23 (d) The Secretary, after consultation with the Chief
24 Medical Coordinator or Deputy Medical Coordinator, may
25 temporarily suspend the license of a physician without a
26 hearing, simultaneously with the institution of proceedings

1 for a hearing provided under this Section if the Secretary
2 finds that evidence in his or her possession indicates that a
3 physician's continuation in practice would constitute an
4 immediate danger to the public. In the event that the
5 Secretary suspends, temporarily, the license of a physician
6 without a hearing, a hearing by the Medical ~~Disciplinary~~ Board
7 shall be held within 15 days after such suspension has
8 occurred and shall be concluded without appreciable delay.

9 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

10 (225 ILCS 60/38) (from Ch. 111, par. 4400-38)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 38. Subpoena; oaths.

13 (a) The Medical ~~Disciplinary~~ Board or Department has power
14 to subpoena and bring before it any person in this State and to
15 take testimony either orally or by deposition, or both, with
16 the same fees and mileage and in the same manner as is
17 prescribed by law for judicial procedure in civil cases.

18 (b) The Medical ~~Disciplinary~~ Board or Department, upon a
19 determination that probable cause exists that a violation of
20 one or more of the grounds for discipline listed in Section 22
21 has occurred or is occurring, may subpoena the medical and
22 hospital records of individual patients of physicians licensed
23 under this Act, provided, that prior to the submission of such
24 records to the Medical ~~Disciplinary~~ Board, all information
25 indicating the identity of the patient shall be removed and

1 deleted. Notwithstanding the foregoing, the Medical
2 ~~Disciplinary~~ Board and Department shall possess the power to
3 subpoena copies of hospital or medical records in mandatory
4 report cases under Section 23 alleging death or permanent
5 bodily injury when consent to obtain records is not provided
6 by a patient or legal representative. Prior to submission of
7 the records to the Medical ~~Disciplinary~~ Board, all information
8 indicating the identity of the patient shall be removed and
9 deleted. All medical records and other information received
10 pursuant to subpoena shall be confidential and shall be
11 afforded the same status as is provided information concerning
12 medical studies in Part 21 of Article VIII of the Code of Civil
13 Procedure. The use of such records shall be restricted to
14 members of the Medical ~~Disciplinary~~ Board, the medical
15 coordinators, and appropriate staff of the Department
16 designated by the Medical ~~Disciplinary~~ Board for the purpose
17 of determining the existence of one or more grounds for
18 discipline of the physician as provided for by Section 22 of
19 this Act. Any such review of individual patients' records
20 shall be conducted by the Medical ~~Disciplinary~~ Board in strict
21 confidentiality, provided that such patient records shall be
22 admissible in a disciplinary hearing, before the Medical
23 ~~Disciplinary~~ Board, when necessary to substantiate the grounds
24 for discipline alleged against the physician licensed under
25 this Act, and provided further, that nothing herein shall be
26 deemed to supersede the provisions of Part 21 of Article VIII

1 of the "~~Code of Civil Procedure~~", ~~as now or hereafter amended~~,
2 to the extent applicable.

3 (c) The Secretary, hearing officer, and any member of the
4 Medical ~~Disciplinary~~ Board each have power to administer oaths
5 at any hearing which the Medical ~~Disciplinary~~ Board or
6 Department is authorized by law to conduct.

7 (d) The Medical ~~Disciplinary~~ Board, upon a determination
8 that probable cause exists that a violation of one or more of
9 the grounds for discipline listed in Section 22 has occurred
10 or is occurring on the business premises of a physician
11 licensed under this Act, may issue an order authorizing an
12 appropriately qualified investigator employed by the
13 Department to enter upon the business premises with due
14 consideration for patient care of the subject of the
15 investigation so as to inspect the physical premises and
16 equipment and furnishings therein. No such order shall include
17 the right of inspection of business, medical, or personnel
18 records located on the premises. For purposes of this Section,
19 "business premises" is defined as the office or offices where
20 the physician conducts the practice of medicine. Any such
21 order shall expire and become void five business days after
22 its issuance by the Medical ~~Disciplinary~~ Board. The execution
23 of any such order shall be valid only during the normal
24 business hours of the facility or office to be inspected.

25 (Source: P.A. 101-316, eff. 8-9-19.)

1 (225 ILCS 60/39) (from Ch. 111, par. 4400-39)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 39. Certified shorthand reporter; record. The
4 Department, at its expense, shall provide a certified
5 shorthand reporter to take down the testimony and preserve a
6 record of all proceedings at the hearing of any case wherein a
7 license may be revoked, suspended, placed on probationary
8 status, or other disciplinary action taken with regard thereto
9 in accordance with Section 2105-115 of the Department of
10 Professional Regulation Law of the Civil Administrative Code
11 of Illinois. The notice of hearing, complaint and all other
12 documents in the nature of pleadings and written motions filed
13 in the proceedings, the transcript of testimony, the report of
14 the hearing officer, exhibits, the report of the Medical
15 Board, and the orders of the Department constitute the record
16 of the proceedings.

17 (Source: P.A. 100-429, eff. 8-25-17; 101-316, eff. 8-9-19.)

18 (225 ILCS 60/40) (from Ch. 111, par. 4400-40)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 40. Findings and recommendations; rehearing.

21 (a) The Medical ~~Disciplinary~~ Board shall present to the
22 Secretary a written report of its findings and
23 recommendations. A copy of such report shall be served upon
24 the accused person, either personally or by mail or email.
25 Within 20 days after such service, the accused person may

1 present to the Department his or her motion, in writing, for a
2 rehearing, which written motion shall specify the particular
3 ground therefor. If the accused person orders and pays for a
4 transcript of the record as provided in Section 39, the time
5 elapsing thereafter and before such transcript is ready for
6 delivery to them shall not be counted as part of such 20 days.

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

18 (c) Each order of revocation, suspension, or other
19 disciplinary action shall contain a brief, concise statement
20 of the ground or grounds upon which the Department's action is
21 based, as well as the specific terms and conditions of such
22 action. This document shall be retained as a permanent record
23 by the Department ~~Disciplinary Board and the Secretary~~.

24 (d) (Blank). ~~The Department shall at least annually~~
25 ~~publish a list of the names of all persons disciplined under~~
26 ~~this Act in the preceding 12 months. Such lists shall be~~

1 ~~available by the Department on its website.~~

2 (e) In those instances where an order of revocation,
3 suspension, or other disciplinary action has been rendered by
4 virtue of a physician's physical illness, including, but not
5 limited to, deterioration through the aging process, or loss
6 of motor skill which results in a physician's inability to
7 practice medicine with reasonable judgment, skill, or safety,
8 the Department shall only permit this document, and the record
9 of the hearing incident thereto, to be observed, inspected,
10 viewed, or copied pursuant to court order.

11 (Source: P.A. 101-316, eff. 8-9-19.)

12 (225 ILCS 60/41) (from Ch. 111, par. 4400-41)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 41. Administrative review; certification of record.

15 (a) All final administrative decisions of the Department
16 are subject to judicial review pursuant to the Administrative
17 Review Law and its rules. The term "administrative decision"
18 is defined as in Section 3-101 of the Code of Civil Procedure.

19 (b) Proceedings for judicial review shall be commenced in
20 the circuit court of the county in which the party applying for
21 review resides; but if the party is not a resident of this
22 State, the venue shall be in Sangamon County.

23 (c) The Department shall not be required to certify any
24 record to the court, to file an answer in court, or to
25 otherwise appear in any court in a judicial review proceeding

1 unless and until the Department has received from the
2 plaintiff payment of the costs of furnishing and certifying
3 the record, which costs shall be determined by the Department.
4 ~~Exhibits shall be certified without cost.~~ Failure on the part
5 of the plaintiff to file a receipt in court shall be grounds
6 for dismissal of the action. During the pendency and hearing
7 of any and all judicial proceedings incident to the
8 disciplinary action the sanctions imposed upon the accused by
9 the Department because of acts or omissions related to the
10 delivery of direct patient care as specified in the
11 Department's final administrative decision, shall as a matter
12 of public policy remain in full force and effect in order to
13 protect the public pending final resolution of any of the
14 proceedings.

15 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

16 (225 ILCS 60/42) (from Ch. 111, par. 4400-42)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 42. An order of revocation, suspension, placing the
19 license on probationary status, or other formal disciplinary
20 action as the Department may deem proper, or a certified copy
21 thereof, over the seal of the Department and purporting to be
22 signed by the Secretary, is prima facie proof that:

23 (a) Such signature is the genuine signature of the
24 Secretary;

25 (b) The Secretary is duly appointed and qualified; and

1 (c) The Medical ~~Disciplinary~~ Board and the members
2 thereof are qualified.

3 Such proof may be rebutted.

4 (Source: P.A. 97-622, eff. 11-23-11.)

5 (225 ILCS 60/44) (from Ch. 111, par. 4400-44)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 44. None of the disciplinary functions, powers and
8 duties enumerated in this Act shall be exercised by the
9 Department except upon the action and report in writing of the
10 Medical ~~Disciplinary~~ Board.

11 In all instances, under this Act, in which the Medical
12 ~~Disciplinary~~ Board has rendered a recommendation to the
13 Secretary with respect to a particular physician, the
14 Secretary may take action contrary to the recommendation of
15 the Medical Board. In shall, in the event that the Secretary he
16 ~~or she~~ disagrees with or takes action contrary to the
17 recommendation of the Medical ~~Disciplinary~~ Board, file with
18 the Medical ~~Disciplinary~~ Board his or her specific written
19 reasons of disagreement with the Medical ~~Disciplinary~~ Board.
20 Such reasons shall be filed within 30 days of the occurrence of
21 the Secretary's contrary position having been taken.

22 The action and report in writing of a majority of the
23 Medical ~~Disciplinary~~ Board designated is sufficient authority
24 upon which the Secretary may act.

25 Whenever the Secretary is satisfied that substantial

1 justice has not been done ~~either in an examination, or~~ in a
2 formal disciplinary action, or refusal to restore a license,
3 he or she may order a ~~reexamination or rehearing by the same or~~
4 ~~other examiners.~~

5 (Source: P.A. 97-622, eff. 11-23-11.)

6 (225 ILCS 60/47) (from Ch. 111, par. 4400-47)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 47. Administrative Procedure Act. The Illinois
9 Administrative Procedure Act is hereby expressly adopted and
10 incorporated herein as if all of the provisions of that Act
11 were included in this Act, except that the provision of
12 subsection (d) of Section 10-65 of the Illinois Administrative
13 Procedure Act that provides that at hearings the licensee has
14 the right to show compliance with all lawful requirements for
15 retention, continuation or renewal of the license is
16 specifically excluded. For the purposes of this Act the notice
17 required under Section 10-25 of the Illinois Administrative
18 Procedure Act is deemed sufficient when mailed or emailed to
19 the address of record of a party.

20 (Source: P.A. 97-622, eff. 11-23-11.)

21 Section 25. The Boxing and Full-contact Martial Arts Act
22 is amended by changing Sections 1, 2, 5, 6, 7, 8, 10, 11, 12,
23 13, 15, 16, 17, 17.7, 17.8, 17.9, 18, 19, 19.1, 19.5, 20, 21,
24 22, 23, 23.1, 24, 24.5, and 25.1 and by adding Sections 1.4 and

1 2.5 as follows:

2 (225 ILCS 105/1) (from Ch. 111, par. 5001)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 1. Short title and definitions.

5 (a) This Act may be cited as the Boxing and Full-contact
6 Martial Arts Act.

7 (b) As used in this Act:

8 "Department" means the Department of Financial and
9 Professional Regulation.

10 "Secretary" means the Secretary of Financial and
11 Professional Regulation or a person authorized by the
12 Secretary to act in the Secretary's stead.

13 "Board" means the State of Illinois Athletic Board
14 ~~established pursuant to this Act.~~

15 "License" means the license issued for promoters,
16 professionals, amateurs, or officials in accordance with
17 this Act.

18 "Contest ~~Professional contest~~" means a boxing or
19 full-contact martial arts competition in which all of the
20 participants competing against one another are
21 professionals or amateurs and where the public is able to
22 attend or a fee is charged.

23 "Permit" means the authorization from the Department
24 to a promoter to conduct professional or amateur contests,
25 or a combination of both.

1 "Promoter" means a person who is licensed and who
2 holds a permit to conduct professional or amateur
3 contests, or a combination of both.

4 Unless the context indicates otherwise, "person"
5 includes, but is not limited to, an individual,
6 association, organization, business entity, gymnasium, or
7 club.

8 "Judge" means a person licensed by the Department who
9 is located at ringside or adjacent to the fighting area
10 during a ~~professional~~ contest and who has the
11 responsibility of scoring the performance of the
12 participants in that professional or amateur contest.

13 "Referee" means a person licensed by the Department
14 who has the general supervision of and is present inside
15 of the ring or fighting area during a professional or
16 amateur contest.

17 "Amateur" means a person licensed ~~registered~~ by the
18 Department who is not competing for, and has never
19 received or competed for, any purse or other article of
20 value, directly or indirectly, either for participating in
21 any contest or for the expenses of training therefor,
22 other than a non-monetary prize that does not exceed \$50
23 in value.

24 "Professional" means a person licensed by the
25 Department who competes for a money prize, purse, or other
26 type of compensation in a professional contest held in

1 Illinois.

2 "Second" means a person licensed by the Department who
3 is present at any professional or amateur contest to
4 provide assistance or advice to a professional during the
5 contest.

6 "Matchmaker" means a person licensed by the Department
7 who brings together professionals or amateurs to compete
8 in contests.

9 "Manager" means a person licensed by the Department
10 who is not a promoter and who, under contract, agreement,
11 or other arrangement, undertakes to, directly or
12 indirectly, control or administer the affairs of
13 contestants ~~professionals~~.

14 "Timekeeper" means a person licensed by the Department
15 who is the official timer of the length of rounds and the
16 intervals between the rounds.

17 "Purse" means the financial guarantee or any other
18 remuneration for which contestants are participating in a
19 professional contest.

20 "Physician" means a person licensed to practice
21 medicine in all its branches under the Medical Practice
22 Act of 1987.

23 "Martial arts" means a discipline or combination of
24 different disciplines that utilizes sparring techniques
25 without the intent to injure, disable, or incapacitate
26 one's opponent, such as, but not limited to, Karate, Kung

1 Fu, ~~Judo~~, Jujutsu, and Tae Kwon Do, ~~and Kyuki Do~~.

2 "Full-contact martial arts" means the use of a
3 singular discipline or a combination of techniques from
4 different disciplines of the martial arts, including,
5 without limitation, full-force grappling, kicking, and
6 striking with the intent to injure, disable, or
7 incapacitate one's opponent.

8 ~~"Amateur contest" means a boxing or full contact~~
9 ~~martial arts competition in which all of the participants~~
10 ~~competing against one another are amateurs and where the~~
11 ~~public is able to attend or a fee is charged.~~

12 "Contestant" means a person who competes in either a
13 boxing or full-contact martial arts contest.

14 "Address of record" means the designated address
15 recorded by the Department in the applicant's or
16 licensee's application file or license file, ~~or~~
17 ~~registration file~~ as maintained by the Department's
18 licensure maintenance unit. ~~It is the duty of the~~
19 ~~applicant or licensee to inform the Department of any~~
20 ~~change of address and those changes must be made either~~
21 ~~through the Department's website or by contacting the~~
22 ~~Department.~~

23 "Bout" means one match between 2 contestants.

24 "Sanctioning body" means an organization approved by
25 the Department under the requirements and standards stated
26 in this Act and the rules adopted under this Act to act as

1 a governing body that sanctions professional or amateur
2 full-contact martial arts contests.

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

7 (Source: P.A. 96-663, eff. 8-25-09; 97-119, eff. 7-14-11;
8 97-1123, eff. 8-27-12.)

9 (225 ILCS 105/1.4 new)

10 Sec. 1.4. Address of record; email address of record. All
11 applicants and licensees shall:

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

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

20 (225 ILCS 105/2) (from Ch. 111, par. 5002)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 2. State of Illinois Athletic Board.

23 (a) The Secretary shall appoint members to the State of
24 Illinois Athletic Board. The Board shall consist of 7 members

1 who shall serve in an advisory capacity to the Secretary.

2 ~~There is created the State of Illinois Athletic Board~~

3 ~~consisting of 6 persons who shall be appointed by and shall~~

4 ~~serve in an advisory capacity to the Secretary, and the State~~

5 ~~Professional Boxing Board shall be disbanded.~~ One member of

6 the Board shall be a physician licensed to practice medicine

7 in all of its branches. One member of the Board shall be a

8 member of the full-contact martial arts community. ~~One and one~~

9 member of the Board shall be a member of either the

10 full-contact martial arts community or the boxing community.

11 ~~The Secretary shall appoint each member to serve for a term of~~

12 ~~3 years and until his or her successor is appointed and~~

13 ~~qualified. One member of the board shall be designated as the~~

14 ~~Chairperson and one member shall be designated as the~~

15 ~~Vice chairperson. No member shall be appointed to the Board~~

16 ~~for a term which would cause continuous service to be more than~~

17 ~~9 years. Each member of the board shall receive compensation~~

18 ~~for each day he or she is engaged in transacting the business~~

19 ~~of the board and, in addition, shall be reimbursed for his or~~

20 ~~her authorized and approved expenses necessarily incurred in~~

21 ~~relation to such service in accordance with the travel~~

22 ~~regulations applicable to the Department at the time the~~

23 ~~expenses are incurred.~~

24 (b) Board members shall serve 5-year terms and until their

25 successors are appointed and qualified.

26 (c) In appointing members to the Board, the Secretary

1 shall give due consideration to recommendations by members and
2 organizations of the martial arts and boxing industry.

3 (d) The membership of the Board should reasonably reflect
4 representation from the geographic areas in this State.

5 (e) No member shall be appointed to the Board for a term
6 that would cause his or her continuous service on the Board to
7 be longer than 2 consecutive 5-year terms.

8 (f) The Secretary may terminate the appointment of any
9 member for cause that in the opinion of the Secretary
10 reasonably justified such termination, which may include, but
11 is not limited to, a Board member who does not attend 2
12 consecutive meetings.

13 (g) Appointments to fill vacancies shall be made in the
14 same manner as original appointments, for the unexpired
15 portion of the vacated term.

16 (h) Four members of the Board shall constitute a quorum. A
17 quorum is required for Board decisions.

18 (i) Members of the Board shall have no liability in any
19 action based upon activity performed in good faith as members
20 of the Board.

21 (j) Members of the Board may be reimbursed for all
22 legitimate, necessary, and authorized expenses.

23 ~~Four members shall constitute a quorum.~~

24 ~~The members of the Board shall be immune from suit in any~~
25 ~~action based upon any disciplinary proceedings or other acts~~
26 ~~performed in good faith as members of the Board.~~

1 ~~The Secretary may remove any member of the Board for~~
2 ~~misconduct, incapacity, or neglect of duty. The Secretary~~
3 ~~shall reduce to writing any causes for removal.~~

4 (Source: P.A. 97-119, eff. 7-14-11.)

5 (225 ILCS 105/2.5 new)

6 Sec. 2.5. Powers and duties of the Board.

7 (a) Subject to the provisions of this Act, the Board shall
8 exercise the following functions, powers, and duties:

9 (1) The Board shall hold at least one meeting each
10 year.

11 (2) The Board shall elect a chairperson and a vice
12 chairperson.

13 (b) The Department may, at any time, seek the expert
14 advice and knowledge of the Board on any matter relating to the
15 enforcement of this Act.

16 (225 ILCS 105/5) (from Ch. 111, par. 5005)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 5. Powers and duties of the Department. The
19 Department shall, subject to the provisions of this Act,
20 exercise the following functions, powers, and duties:

21 (1) Ascertain the qualifications and fitness of
22 applicants for license and permits.

23 (2) Adopt rules required for the administration of
24 this Act.

1 (3) Conduct hearings on proceedings to refuse to
2 issue, renew, or restore licenses and revoke, suspend,
3 place on probation, or reprimand those licensed under the
4 provisions of this Act.

5 (4) Issue licenses to those who meet the
6 qualifications of this Act and its rules.

7 (5) Conduct investigations related to possible
8 violations of this Act.

9 ~~The Department shall exercise, but subject to the provisions~~
10 ~~of this Act, the following functions, powers, and duties: (a)~~
11 ~~to ascertain the qualifications and fitness of applicants for~~
12 ~~licenses and permits; (b) to prescribe rules and regulations~~
13 ~~for the administration of the Act; (c) to conduct hearings on~~
14 ~~proceedings to refuse to issue, refuse to renew, revoke,~~
15 ~~suspend, or subject to reprimand licenses or permits under~~
16 ~~this Act; and (d) to revoke, suspend, or refuse issuance or~~
17 ~~renewal of such licenses or permits.~~

18 (Source: P.A. 92-499, eff. 1-1-02.)

19 (225 ILCS 105/6) (from Ch. 111, par. 5006)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 6. Restricted contests and events.

22 (a) All professional and amateur contests, or a
23 combination of both, in which physical contact is made are
24 prohibited in Illinois unless authorized by the Department
25 pursuant to the requirements and standards stated in this Act

1 and the rules adopted pursuant to this Act. This subsection

2 (a) does not apply to any of the following:

3 (1) Amateur boxing or full-contact martial arts
4 contests conducted by accredited secondary schools,
5 colleges, or universities, although a fee may be charged.

6 (2) Amateur boxing contests that are sanctioned by USA
7 Boxing or any other sanctioning organization approved by
8 the Department as determined by rule ~~Association of Boxing~~
9 ~~Commissions.~~

10 (3) Amateur boxing ~~or full contact martial arts~~
11 contests conducted by a State, county, or municipal
12 entity, including those events held by any agency
13 organized under these entities.

14 (4) Amateur martial arts contests that are not defined
15 as full-contact martial arts contests under this Act,
16 ~~including, but not limited to, Karate, Kung Fu, Judo,~~
17 ~~Jujutsu, Tae Kwon Do, and Kyuki Do.~~

18 (5) Full-contact martial arts contests, as defined by
19 this Act, that are recognized by the International Olympic
20 Committee or are contested in the Olympic Games and are
21 not conducted in an enclosed fighting area or ring.

22 No other amateur boxing or full-contact martial arts
23 contests shall be permitted unless authorized by the
24 Department.

25 (b) The Department shall have the authority to determine
26 whether a professional or amateur contest is exempt for

1 purposes of this Section.

2 (Source: P.A. 96-663, eff. 8-25-09; 97-119, eff. 7-14-11;
3 97-1123, eff. 8-27-12.)

4 (225 ILCS 105/7) (from Ch. 111, par. 5007)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 7. Authorization to conduct contests; sanctioning
7 bodies.

8 (a) In order to conduct a professional contest ~~or,~~
9 ~~beginning 6 months after the adoption of rules pertaining to~~
10 ~~an amateur contest,~~ an amateur contest, or a combination of
11 both, in this State, a promoter shall obtain a permit issued by
12 the Department in accordance with this Act and the rules and
13 regulations adopted pursuant thereto. This permit shall
14 authorize one or more professional or amateur contests, or a
15 combination of both.

16 (b) Before January 1, 2023, amateur ~~Amateur~~ full-contact
17 martial arts contests must be registered and sanctioned by a
18 sanctioning body approved by the Department for that purpose
19 under the requirements and standards stated in this Act and
20 the rules adopted under this Act.

21 (c) On and after January 1, 2023, a promoter for an amateur
22 full-contact martial arts contest shall obtain a permit issued
23 by the Department under the requirements and standards set
24 forth in this Act and the rules adopted under this Act.

25 (d) On and after January 1, 2023, the Department shall not

1 approve any sanctioning body. A sanctioning body's approval by
2 the Department that was received before January 1, 2023 is
3 withdrawn on January 1, 2023.

4 (e) A permit issued under this Act is not transferable.
5 (Source: P.A. 96-663, eff. 8-25-09; 97-119, eff. 7-14-11.)

6 (225 ILCS 105/8) (from Ch. 111, par. 5008)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 8. Permits.

9 (a) A promoter who desires to obtain a permit to conduct a
10 professional or amateur contest, or a combination of both,
11 shall apply to the Department at least 30 calendar ~~20~~ days
12 prior to the event, in writing or electronically, on forms
13 prescribed ~~furnished~~ by the Department. The application shall
14 be accompanied by the required fee and shall contain, but not
15 be limited to, the following information to be submitted at
16 times specified by rule:

17 (1) the legal names and addresses of the promoter;

18 (2) the name of the matchmaker;

19 (3) the time and exact location of the professional or
20 amateur contest, or a combination of both. It is the
21 responsibility of the promoter to ensure that the building
22 to be used for the event complies with all laws,
23 ordinances, and regulations in the city, town, village, or
24 county where the contest is to be held;

25 (4) the signed and executed copy of the event venue

1 lease agreement; and proof of adequate security measures,
2 as determined by Department rule, to ensure the protection
3 of the safety of contestants and the general public while
4 attending professional or amateur contests, or a
5 combination of both;

6 ~~(5) proof of adequate medical supervision, as~~
7 ~~determined by Department rule, to ensure the protection of~~
8 ~~the health and safety of professionals' or amateurs' while~~
9 ~~participating in the contest;~~

10 (5) (6) the initial list of names of the professionals
11 or amateurs competing subject to Department approval. †

12 ~~(7) proof of insurance for not less than \$50,000 as~~
13 ~~further defined by rule for each professional or amateur~~
14 ~~participating in a professional or amateur contest, or a~~
15 ~~combination of both; insurance required under this~~
16 ~~paragraph (7) shall cover (i) hospital, medication,~~
17 ~~physician, and other such expenses as would accrue in the~~
18 ~~treatment of an injury as a result of the professional or~~
19 ~~amateur contest; (ii) payment to the estate of the~~
20 ~~professional or amateur in the event of his or her death as~~
21 ~~a result of his or her participation in the professional~~
22 ~~or amateur contest; and (iii) accidental death and~~
23 ~~dismemberment; the terms of the insurance coverage must~~
24 ~~not require the contestant to pay a deductible. The~~
25 ~~promoter may not carry an insurance policy with a~~
26 ~~deductible in an amount greater than \$500 for the medical,~~

1 ~~surgical, or hospital care for injuries a contestant~~
2 ~~sustains while engaged in a contest, and if a licensed or~~
3 ~~registered contestant pays for the medical, surgical, or~~
4 ~~hospital care, the insurance proceeds must be paid to the~~
5 ~~contestant or his or her beneficiaries as reimbursement~~
6 ~~for such payment;~~

7 ~~(8) the amount of the purses to be paid to the~~
8 ~~professionals for the event; the Department shall adopt~~
9 ~~rules for payment of the purses;~~

10 ~~(9) organizational or internationally accepted rules,~~
11 ~~per discipline, for professional or amateur full contact~~
12 ~~martial arts contests where the Department does not~~
13 ~~provide the rules;~~

14 ~~(10) proof of contract indicating the requisite~~
15 ~~registration and sanctioning by a Department approved~~
16 ~~sanctioning body for any full contact martial arts contest~~
17 ~~with scheduled amateur bouts; and~~

18 ~~(11) any other information that the Department may~~
19 ~~require to determine whether a permit shall be issued.~~

20 (b) The Department may issue a permit to any promoter who
21 meets the requirements of this Act and the rules. The permit
22 shall only be issued for a specific date and location of a
23 professional or amateur contest, or a combination of both, and
24 shall not be transferable. The Department may allow a promoter
25 to amend a permit application to hold a professional or
26 amateur contest, or a combination of both, in a different

1 location other than the application specifies if all
2 requirements of this Section are met, waiving the 30-day
3 provision of subsection (a) and may allow the promoter to
4 substitute professionals or amateurs, respectively.

5 (c) The Department shall be responsible for assigning the
6 judges, timekeepers, referees, and physicians⁷ for a
7 professional contest, an amateur contest, or a combination of
8 both. Compensation shall be determined by the Department, and
9 it shall be the responsibility of the promoter to pay the
10 individuals utilized.

11 (d) The promoter shall submit the following documents to
12 the Department at times specified by rule:

13 (1) proof of adequate security measures, as determined
14 by rule, to ensure the protection of the safety of
15 contestants and the general public while attending
16 professional contests, amateur contests, or a combination
17 of both;

18 (2) proof of adequate medical supervision, as
19 determined by rule, to ensure the protection of the health
20 and safety of professionals or amateurs while
21 participating in contests;

22 (3) the complete and final list of names of the
23 professionals or amateurs competing, subject to Department
24 approval, which shall be submitted up to 48 hours prior to
25 the event date specified in the permit;

26 (4) proof of insurance for not less than \$50,000 as

1 further defined by rule for each professional or amateur
2 participating in a professional or amateur contest, or a
3 combination of both; insurance required under this
4 paragraph shall cover: (i) hospital, medication,
5 physician, and other such expenses as would accrue in the
6 treatment of an injury as a result of the professional or
7 amateur contest; (ii) payment to the estate of the
8 professional or amateur in the event of his or her death as
9 a result of his or her participation in the professional
10 or amateur contest; and (iii) accidental death and
11 dismemberment; the terms of the insurance coverage shall
12 require the promoter, not the licensed contestant, to pay
13 the policy deductible for the medical, surgical, or
14 hospital care of a contestant for injuries a contestant
15 sustained while engaged in a contest; if a licensed
16 contestant pays for the medical, surgical, or hospital
17 care, the insurance proceeds shall be paid to the
18 contestant or his or her beneficiaries as reimbursement
19 for such payment;

20 (5) the amount of the purses to be paid to the
21 professionals for the event as determined by rule;

22 (6) organizational or internationally accepted rules,
23 per discipline, for professional or amateur full-contact
24 martial arts contests if the Department does not provide
25 the rules for Department approval; and

26 (7) any other information the Department may require,

1 as determined by rule, to issue a permit.

2 (e) If the accuracy, relevance, or sufficiency of any
3 submitted documentation is questioned by the Department
4 because of lack of information, discrepancies, or conflicts in
5 information given or a need for clarification, the promoter
6 seeking a permit may be required to provide additional
7 information.

8 (Source: P.A. 97-119, eff. 7-14-11; 98-756, eff. 7-16-14.)

9 (225 ILCS 105/10) (from Ch. 111, par. 5010)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 10. Who must be licensed.

12 (a) In order to participate in ~~professional~~ contests the
13 following persons must each be licensed and in good standing
14 with the Department: (a) professionals and amateurs, (b)
15 seconds, (c) referees, (d) judges, (e) managers, (f)
16 matchmakers, and (g) timekeepers.

17 (b) In order to participate in professional or amateur
18 contests or a combination of both, promoters must be licensed
19 and in good standing with the Department.

20 (c) Announcers may participate in professional or amateur
21 contests, or a combination of both, without being licensed
22 under this Act. It shall be the responsibility of the promoter
23 to ensure that announcers comply with the Act, and all rules
24 and regulations promulgated pursuant to this Act.

25 (d) A licensed promoter may not act as, and cannot be

1 licensed as, a second, professional, referee, timekeeper,
2 judge, or manager. If he or she is so licensed, he or she must
3 relinquish any of these licenses to the Department for
4 cancellation. A person possessing a valid promoter's license
5 may act as a matchmaker.

6 (e) Participants in amateur full-contact martial arts
7 contests taking place before January 1, 2023 are not required
8 to obtain licenses by the Department, except for promoters of
9 amateur contests.

10 (Source: P.A. 97-119, eff. 7-14-11.)

11 (225 ILCS 105/11) (from Ch. 111, par. 5011)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 11. Qualifications for license. The Department shall
14 grant licenses to the following persons if the following
15 qualifications are met:

16 (1) An applicant for licensure as a professional or
17 amateur must: (1) be 18 years old, (2) be of good moral
18 character, (3) file an application stating the applicant's
19 legal name (and no assumed or ring name may be used unless
20 such name is registered with the Department along with the
21 applicant's legal name), date ~~and place~~ of birth, place of
22 current residence, and a sworn statement that he or she is
23 not currently in violation of any federal, State or local
24 laws or rules governing boxing or full-contact martial
25 arts, (4) file a certificate from a physician licensed to

1 practice medicine in all of its branches which attests
2 that the applicant is physically fit and qualified to
3 participate in professional or amateur contests, and (5)
4 pay the required fee and meet any other requirements as
5 determined by rule. Applicants over age 35 who have not
6 competed in a professional or amateur contest within the
7 12 last 36 months preceding their application for
8 licensure or have insufficient experience to participate
9 in a professional or amateur contest may be required to
10 appear before the Department to determine their fitness to
11 participate in a professional or amateur contest. A
12 ~~picture identification card shall be issued to all~~
13 ~~professionals licensed by the Department who are residents~~
14 ~~of Illinois or who are residents of any jurisdiction,~~
15 ~~state, or country that does not regulate professional~~
16 ~~boxing or full contact martial arts. The identification~~
17 ~~card shall be presented to the Department or its~~
18 ~~representative upon request at weigh ins.~~

19 (2) An applicant for licensure as a referee, judge,
20 manager, second, matchmaker, or timekeeper must: (1) be of
21 good moral character, (2) file an application stating the
22 applicant's name, date ~~and place~~ of birth, and place of
23 current residence along with a certifying statement that
24 he or she is not currently in violation of any federal,
25 State, or local laws or rules governing boxing, or
26 full-contact martial arts, (3) have had satisfactory

1 experience in his or her field as defined by rule, (4) pay
2 the required fee, and (5) meet any other requirements as
3 determined by rule.

4 (3) An applicant for licensure as a promoter must: (1)
5 be of good moral character, (2) file an application with
6 the Department stating the applicant's name, date ~~and~~
7 ~~place~~ of birth, place of current residence along with a
8 certifying statement that he or she is not currently in
9 violation of any federal, State, or local laws or rules
10 governing boxing or full-contact martial arts, (3) pay the
11 required fee and meet any other requirements as
12 established by rule, and (4) in addition to the foregoing,
13 an applicant for licensure as a promoter of professional
14 or amateur contests or a combination of both professional
15 and amateur bouts in one contest shall also provide (i)
16 proof of a surety bond of no less than \$5,000 to cover
17 financial obligations under this Act, payable to the
18 Department and conditioned for the payment of the tax
19 imposed by this Act and compliance with this Act, and the
20 rules adopted under this Act, and (ii) ~~a financial~~
21 ~~statement, prepared by a certified public accountant,~~
22 ~~showing liquid working capital of \$10,000 or more, or a~~
23 \$10,000 performance bond guaranteeing payment of all
24 obligations relating to the promotional activities payable
25 to the Department and conditioned for the payment of the
26 tax imposed by this Act and its rules.

1 (4) All applicants shall submit an application to the
2 Department, in writing or electronically, on forms
3 prescribed ~~provided~~ by the Department, containing such
4 information as determined by rule.

5 In determining good moral character, the Department may
6 take into consideration any violation of any of the provisions
7 of Section 16 of this Act as to referees, judges, managers,
8 matchmakers, timekeepers, or promoters and any felony
9 conviction of the applicant, but such a conviction shall not
10 operate as a bar to licensure. No license issued under this Act
11 is transferable.

12 ~~The Department may issue temporary licenses as provided by~~
13 ~~rule.~~

14 (Source: P.A. 96-663, eff. 8-25-09; 97-119, eff. 7-14-11.)

15 (225 ILCS 105/12) (from Ch. 111, par. 5012)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 12. Professional or amateur contests.

18 (a) The professional or amateur contest, or a combination
19 of both, shall be held in an area where adequate neurosurgical
20 facilities are immediately available for skilled emergency
21 treatment of an injured professional or amateur.

22 (b) Each professional or amateur shall be examined before
23 the contest and promptly after each bout by a physician. The
24 physician shall determine, prior to the contest, if each
25 professional or amateur is physically fit to compete in the

1 contest. After the bout the physician shall examine the
2 professional or amateur to determine possible injury. If the
3 professional's or amateur's physical condition so indicates,
4 the physician shall recommend to the Department immediate
5 medical suspension. The physician or a licensed paramedic must
6 check the vital signs of all contestants as established by
7 rule.

8 (c) The physician may, at any time during the professional
9 or amateur bout, stop the professional or amateur bout to
10 examine a professional or amateur contestant and may direct
11 the referee to terminate the bout when, in the physician's
12 opinion, continuing the bout could result in serious injury to
13 the professional or amateur. If the professional's or
14 amateur's physical condition so indicates, the physician shall
15 recommend to the Department immediate medical suspension. The
16 physician shall certify to the condition of the professional
17 or amateur in writing, over his or her signature on forms
18 prescribed ~~provided~~ by the Department. Such reports shall be
19 submitted to the Department in a timely manner.

20 (d) No professional or amateur contest, or a combination
21 of both, shall be allowed to begin or be held unless at least
22 one physician, at least one EMT and one paramedic, and one
23 ambulance have been contracted with solely for the care of
24 professionals or amateurs who are competing as defined by
25 rule.

26 (e) No professional boxing bout shall be more than 12

1 rounds in length. The rounds shall not be more than 3 minutes
2 each with a minimum one-minute ~~one-minute~~ interval between
3 them, and no professional boxer shall be allowed to
4 participate in more than one contest within a 7-day period.

5 The number and length of rounds for all other professional
6 or amateur boxing or full-contact martial arts contests, or a
7 combination of both, shall be determined by rule.

8 (f) The number and types of officials required for each
9 professional or amateur contest, or a combination of both,
10 shall be determined by rule.

11 (g) The Department or its representative shall have
12 discretion to declare a price, remuneration, or purse or any
13 part of it belonging to the professional withheld if in the
14 judgment of the Department or its representative the
15 professional is not honestly competing.

16 (h) The Department shall have the authority to prevent a
17 professional or amateur contest, or a combination of both,
18 from being held and shall have the authority to stop a
19 professional or amateur contest, or a combination of both, for
20 noncompliance with any part of this Act or rules or when, in
21 the judgment of the Department, or its representative,
22 continuation of the event would endanger the health, safety,
23 and welfare of the professionals or amateurs or spectators.
24 The Department's authority to stop a contest on the basis that
25 the professional or amateur contest, or a combination of both,
26 would endanger the health, safety, and welfare of the

1 professionals or amateurs or spectators shall extend to any
2 professional or amateur contest, or a combination of both,
3 regardless of whether that amateur contest is exempted from
4 the prohibition in Section 6 of this Act. ~~Department staff, or~~
5 ~~its representative, may be present at any full contact martial~~
6 ~~arts contest with scheduled amateur bouts.~~

7 (i) A professional shall only compete against another
8 professional. An amateur shall only compete against another
9 amateur.

10 (Source: P.A. 97-119, eff. 7-14-11; 98-973, eff. 8-15-14.)

11 (225 ILCS 105/13) (from Ch. 111, par. 5013)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 13. Tickets; tax. ~~Tickets to professional or amateur~~
14 ~~contests, or a combination of both, shall be printed in such~~
15 ~~form as the Department shall prescribe. A certified inventory~~
16 ~~of all tickets printed for any professional or amateur~~
17 ~~contest, or a combination of both, shall be mailed to the~~
18 ~~Department by the promoter not less than 7 days before the~~
19 ~~contest.~~ The total number of tickets sold ~~printed~~ shall not
20 exceed the total seating capacity of the premises in which the
21 professional or amateur contest, or a combination of both, is
22 to be held. No tickets of admission to any professional or
23 amateur contest, or a combination of both, shall be sold
24 except those declared on an official ticket inventory as
25 described in this Section.

1 A promoter who conducts a professional contest, an amateur
2 contest, or a combination of both ~~a professional and amateur~~
3 ~~contest~~ under this Act shall, within 7 business days ~~24 hours~~
4 after such a contest:

5 (1) furnish to the Department a written or electronic
6 report verified by the promoter or his or her authorized
7 designee showing the number of tickets sold for such a
8 contest or the actual ticket stubs of tickets sold and the
9 amount of the gross proceeds thereof; and

10 (2) pay to the Department a tax of 5% of gross receipts
11 from the sale of admission tickets, not to exceed \$75,000
12 ~~\$52,500,~~ to be collected by the Department and placed in
13 the General Professions Dedicated ~~Athletics Supervision~~
14 ~~and Regulation~~ Fund, ~~a special fund created in the State~~
15 ~~Treasury to be administered by the Department.~~

16 Moneys in the General Professions Dedicated ~~Athletics~~
17 ~~Supervision and Regulation~~ Fund shall be used by the
18 Department, subject to appropriation, for expenses incurred in
19 administering this Act. Moneys in the Fund may be transferred
20 to the Professions Indirect Cost Fund, as authorized under
21 Section 2105-300 of the Department of Professional Regulation
22 Law.

23 In addition to the payment of any other taxes and money due
24 under this Section, every promoter of a professional or a
25 combination of a professional and amateur contest shall pay to
26 the Department 3% of the first \$500,000 and 4% thereafter,

1 which shall not exceed \$50,000 ~~\$35,000~~ in total from the total
2 gross receipts from the sale, lease, or other exploitation of
3 broadcasting, including, but not limited to, Internet, cable,
4 television, and motion picture rights for that professional
5 contest, amateur contest, ~~or professional and amateur~~
6 combination of both, ~~contest~~ or exhibition without any
7 deductions for commissions, brokerage fees, distribution fees,
8 advertising, professional contestants' purses, or any other
9 expenses or charges. These fees shall be paid to the
10 Department within 7 business days ~~72 hours~~ after the
11 conclusion of the broadcast of the contest and placed in the
12 General Professions Dedicated Athletics Supervision and
13 Regulation Fund.

14 (Source: P.A. 97-119, eff. 7-14-11; 97-813, eff. 7-13-12.)

15 (225 ILCS 105/15) (from Ch. 111, par. 5015)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 15. Inspectors. The Secretary may appoint inspectors
18 to assist the Department staff in the administration of the
19 Act. Each inspector appointed by the Secretary shall receive
20 compensation for each day he or she is engaged in the
21 transacting of business of the Department. ~~Each inspector~~
22 ~~shall carry a card issued by the Department to authorize him or~~
23 ~~her to act in such capacity.~~ The inspector or inspectors shall
24 supervise each professional contest, amateur contest, or
25 combination of both and, at the Department's discretion, may

1 supervise any contest to ensure that the provisions of the Act
2 are strictly enforced.

3 (Source: P.A. 97-119, eff. 7-14-11.)

4 (225 ILCS 105/16) (from Ch. 111, par. 5016)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 16. Discipline and sanctions.

7 (a) The Department may refuse to issue a permit or
8 license~~7~~ or ~~registration~~, refuse to renew, suspend, revoke,
9 reprimand, place on probation, or take such other disciplinary
10 or non-disciplinary action as the Department may deem proper,
11 including the imposition of fines not to exceed \$10,000 for
12 each violation, with regard to any permit or license~~7~~~~or~~
13 ~~registration~~ for one or any combination of the following
14 reasons:

15 (1) gambling, betting, or wagering on the result of or
16 a contingency connected with a professional or amateur
17 contest, or a combination of both, or permitting such
18 activity to take place;

19 (2) participating in or permitting a sham or fake
20 professional or amateur contest, or a combination of both;

21 (3) holding the professional or amateur contest, or a
22 combination of both, at any other time or place than is
23 stated on the permit application;

24 (4) permitting any professional or amateur other than
25 those stated on the permit application to participate in a

1 professional or amateur contest, or a combination of both,
2 except as provided in Section 9;

3 (5) violation or aiding in the violation of any of the
4 provisions of this Act or any rules or regulations
5 promulgated thereto;

6 (6) violation of any federal, State or local laws of
7 the United States or other jurisdiction governing
8 professional or amateur contests or any regulation
9 promulgated pursuant thereto;

10 (7) charging a greater rate or rates of admission than
11 is specified on the permit application;

12 (8) failure to obtain all the necessary permits,
13 ~~registrations,~~ or licenses as required under this Act;

14 (9) failure to file the necessary bond or to pay the
15 gross receipts or broadcast tax as required by this Act;

16 (10) engaging in dishonorable, unethical or
17 unprofessional conduct of a character likely to deceive,
18 defraud or harm the public, or which is detrimental to
19 honestly conducted contests;

20 (11) employment of fraud, deception or any unlawful
21 means in applying for or securing a permit or license
22 under this Act;

23 (12) permitting a physician making the physical
24 examination to knowingly certify falsely to the physical
25 condition of a professional or amateur;

26 (13) permitting professionals or amateurs of widely

1 disparate weights or abilities to engage in professional
2 or amateur contests, respectively;

3 (14) participating in a ~~professional~~ contest ~~as a~~
4 ~~professional~~ while under medical suspension in this State
5 or in any other state, territory or country;

6 (15) physical illness, including, but not limited to,
7 deterioration through the aging process, or loss of motor
8 skills which results in the inability to participate in
9 contests with reasonable judgment, skill, or safety;

10 (16) allowing one's license or permit issued under
11 this Act to be used by another person;

12 (17) failing, within a reasonable time, to provide any
13 information requested by the Department as a result of a
14 formal or informal complaint;

15 (18) professional incompetence;

16 (19) failure to file a return, or to pay the tax,
17 penalty or interest shown in a filed return, or to pay any
18 final assessment of tax, penalty or interest, as required
19 by any tax Act administered by the Illinois Department of
20 Revenue, until such time as the requirements of any such
21 tax Act are satisfied;

22 (20) (blank);

23 (21) habitual or excessive use or addiction to
24 alcohol, narcotics, stimulants, or any other chemical
25 agent or drug that results in an inability to participate
26 in an event;

1 (22) failure to stop a professional or amateur
2 contest, or a combination of both, when requested to do so
3 by the Department;

4 (23) failure of a promoter to adequately supervise and
5 enforce this Act and its rules as applicable to amateur
6 contests, as set forth in rule; or

7 (24) a finding by the Department that the licensee,
8 after having his or her license placed on probationary
9 status, has violated the terms of probation.

10 (b) The determination by a circuit court that a licensee
11 is subject to involuntary admission or judicial admission as
12 provided in the Mental Health and Developmental Disabilities
13 Code operates as an automatic suspension. The suspension will
14 end only upon a finding by a court that the licensee is no
15 longer subject to involuntary admission or judicial admission,
16 issuance of an order so finding and discharging the licensee.

17 (c) In enforcing this Section, the Department, upon a
18 showing of a possible violation, may compel any individual
19 licensed to practice under this Act, or who has applied for
20 licensure pursuant to this Act, to submit to a mental or
21 physical examination, or both, as required by and at the
22 expense of the Department. The examining physicians or
23 clinical psychologists shall be those specifically designated
24 by the Department. The Department may order the examining
25 physician or clinical psychologist to present testimony
26 concerning this mental or physical examination of the licensee

1 or applicant. No information shall be excluded by reason of
2 any common law or statutory privilege relating to
3 communications between the licensee or applicant and the
4 examining physician or clinical psychologist. Eye examinations
5 may be provided by a physician licensed to practice medicine
6 in all of its branches or a licensed and certified therapeutic
7 optometrist. The individual to be examined may have, at his or
8 her own expense, another physician of his or her choice
9 present during all aspects of the examination. Failure of any
10 individual to submit to a mental or physical examination, when
11 directed, shall be grounds for suspension or revocation of a
12 license.

13 (d) A contestant who tests positive for a banned
14 substance, as defined by rule, shall have his or her license
15 immediately suspended. The license shall be subject to other
16 discipline as authorized in this Section.

17 (Source: P.A. 96-663, eff. 8-25-09; 97-119, eff. 7-14-11.)

18 (225 ILCS 105/17) (from Ch. 111, par. 5017)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 17. Administrative Procedure Act. The Illinois
21 Administrative Procedure Act is hereby expressly adopted and
22 incorporated herein as if all of the provisions of that Act
23 were included in this Act. The Department shall not be
24 required to annually verify email addresses as specified in
25 paragraph (2) subsection (a) of Section 10-75 of the Illinois

1 Administrative Procedure Act. For the purposes of this Act the
2 notice required under Section 10-25 of the Illinois
3 Administrative Procedure Act is deemed sufficient when mailed
4 to the last known address of record or emailed to the email
5 address of record ~~a party~~.

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

7 (225 ILCS 105/17.7)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 17.7. Restoration of license from discipline.

10 (a) At any time after the successful completion of a term
11 of indefinite probation, suspension, or revocation of a
12 license under this Act, the Department may restore the license
13 to the licensee unless, after an investigation and a hearing,
14 the Secretary determines that restoration is not in the public
15 interest.

16 (b) If circumstances of suspension or revocation so
17 indicate, the Department may require an examination of the
18 licensee prior to restoring his or her license.

19 (c) No person whose license has been revoked as authorized
20 in this Act may apply for restoration of that license until
21 allowed under the Civil Administrative Code of Illinois.

22 (d) A license that has been suspended or revoked shall be
23 considered nonrenewed for purposes of restoration under this
24 Section and a licensee restoring his or her license from
25 suspension or revocation must comply with the requirements for

1 renewal as set forth in this Act and its rules.

2 ~~At any time after the successful completion of a term of~~
3 ~~indefinite probation, suspension, or revocation of a license,~~
4 ~~the Department may restore the license to the licensee, unless~~
5 ~~after an investigation and hearing the Secretary determines~~
6 ~~that restoration is not in the public interest. No person or~~
7 ~~entity whose license, certificate, or authority has been~~
8 ~~revoked as authorized in this Act may apply for restoration of~~
9 ~~that license, certification, or authority until such time as~~
10 ~~provided for in the Civil Administrative Code of Illinois.~~

11 (Source: P.A. 97-119, eff. 7-14-11.)

12 (225 ILCS 105/17.8)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 17.8. Surrender of license. Upon the revocation or
15 suspension of a license ~~or registration~~, the licensee shall
16 immediately surrender his or her license to the Department. If
17 the licensee fails to do so, the Department has the right to
18 seize the license.

19 (Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

20 (225 ILCS 105/17.9)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 17.9. Summary suspension of a license ~~or~~
23 ~~registration~~. The Secretary may summarily suspend a license ~~or~~
24 ~~registration~~ without a hearing if the Secretary finds that

1 evidence in the Secretary's possession indicates that the
2 continuation of practice would constitute an imminent danger
3 to the public, participants, including any professional
4 contest officials, or the individual involved or cause harm to
5 the profession. If the Secretary summarily suspends the
6 license without a hearing, a hearing must be commenced within
7 30 days after the suspension has occurred and concluded as
8 expeditiously as practical.

9 (Source: P.A. 97-119, eff. 7-14-11.)

10 (225 ILCS 105/18) (from Ch. 111, par. 5018)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 18. Investigations; notice and hearing.

13 (a) The Department may investigate the actions of any
14 applicant or of any person or entity holding or claiming to
15 hold a license under this Act.

16 (b) The Department shall, before disciplining an applicant
17 or licensee, at least 30 days prior to the date set for the
18 hearing: (i) notify, in writing, the accused of the charges
19 made and the time and place for the hearing on the charges;
20 (ii) direct him or her to file a written answer to the charges,
21 under oath, within 20 days after service of the notice; and
22 (iii) inform the applicant or licensee that failure to file an
23 answer will result in a default being entered against the
24 applicant or licensee.

25 (c) Written or electronic notice, and any notice in the

1 subsequent proceedings, may be served by personal delivery, by
2 email, or by mail to the applicant or licensee at his or her
3 address of record or email address of record.

4 (d) At the time and place fixed in the notice, the hearing
5 officer appointed by the Secretary shall proceed to hear the
6 charges, and the parties or their counsel shall be accorded
7 ample opportunity to present any statement, testimony,
8 evidence, and argument as may be pertinent to the charges or to
9 their defense. The hearing officer may continue the hearing
10 from time to time.

11 (e) If the licensee or applicant, after receiving the
12 notice, fails to file an answer, his or her license may, in the
13 discretion of the Secretary, be suspended, revoked, or placed
14 on probationary status or be subject to whatever disciplinary
15 action the Secretary considers proper, including limiting the
16 scope, nature, or extent of the person's practice or
17 imposition of a fine, without hearing, if the act or acts
18 charged constitute sufficient grounds for the action under
19 this Act.

20 ~~The Department may investigate the actions of any applicant or~~
21 ~~of any person or persons promoting or participating in a~~
22 ~~professional or amateur contest or any person holding or~~
23 ~~claiming to hold a license. The Department shall, before~~
24 ~~revoking, suspending, placing on probation, reprimanding, or~~
25 ~~taking any other disciplinary action under this Act, at least~~
26 ~~30 days before the date set for the hearing, (i) notify the~~

1 ~~accused in writing of the charges made and the time and place~~
2 ~~for the hearing on the charges, (ii) direct him or her to file~~
3 ~~a written answer to the charges with the Department under oath~~
4 ~~within 20 days after the service on him or her of the notice,~~
5 ~~and (iii) inform the accused that, if he or she fails to~~
6 ~~answer, default will be taken against him or her or that his or~~
7 ~~her license may be suspended, revoked, or placed on~~
8 ~~probationary status or that other disciplinary action may be~~
9 ~~taken with regard to the license, including limiting the~~
10 ~~scope, nature, or extent of his or her practice, as the~~
11 ~~Department may consider proper. At the time and place fixed in~~
12 ~~the notice, the hearing officer shall proceed to hear the~~
13 ~~charges, and the parties or their counsel shall be accorded~~
14 ~~ample opportunity to present any pertinent statements,~~
15 ~~testimony, evidence, and arguments. The hearing officer may~~
16 ~~continue the hearing from time to time. In case the person,~~
17 ~~after receiving the notice, fails to file an answer, his or her~~
18 ~~license may, in the discretion of the Department, be~~
19 ~~suspended, revoked, or placed on probationary status or the~~
20 ~~Department may take whatever disciplinary action considered~~
21 ~~proper, including limiting the scope, nature, or extent of the~~
22 ~~person's practice or the imposition of a fine, without a~~
23 ~~hearing, if the act or acts charged constitute sufficient~~
24 ~~grounds for that action under this Act. The written notice may~~
25 ~~be served by personal delivery or by certified mail to the~~
26 ~~person's address of record.~~

1 (Source: P.A. 97-119, eff. 7-14-11.)

2 (225 ILCS 105/19) (from Ch. 111, par. 5019)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 19. Hearing; Motion for rehearing ~~Findings and~~
5 ~~recommendations.~~

6 (a) The hearing officer appointed by the Secretary shall
7 hear evidence in support of the formal charges and evidence
8 produced by the applicant or licensee. At the conclusion of
9 the hearing, the hearing officer shall present to the
10 Secretary a written report of his or her findings of fact,
11 conclusions of law, and recommendations.

12 (b) A copy of the hearing officer's report shall be served
13 upon the applicant or licensee, either personally or as
14 provided in this Act for the service of the notice of hearing.
15 Within 20 calendar days after such service, the applicant or
16 licensee may present to the Department a motion, in writing,
17 for a rehearing that shall specify the particular grounds for
18 rehearing. The Department may respond to the motion for
19 rehearing within 20 calendar days after its service on the
20 Department. If no motion for rehearing is filed, then upon the
21 expiration of the time specified for filing such a motion, or
22 upon denial of a motion for rehearing, the Secretary may enter
23 an order in accordance with the recommendations of the hearing
24 officer. If the applicant or licensee orders from the
25 reporting service and pays for a transcript of the record

1 within the time for filing a motion for rehearing, the 20
2 calendar day period within which a motion may be filed shall
3 commence upon delivery of the transcript to the applicant or
4 licensee.

5 (c) If the Secretary disagrees in any regard with the
6 report of the hearing officer, the Secretary may issue an
7 order contrary to the report.

8 (d) Whenever the Secretary is not satisfied that
9 substantial justice has been done, the Secretary may order a
10 hearing by the same or another hearing officer.

11 (e) At any point in any investigation or disciplinary
12 proceeding provided for in this Act, both parties may agree to
13 a negotiated consent order. The consent order shall be final
14 upon signature of the Secretary.

15 ~~At the conclusion of the hearing, the hearing officer shall~~
16 ~~present to the Secretary a written report of its findings,~~
17 ~~conclusions of law, and recommendations. The report shall~~
18 ~~contain a finding of whether the accused person violated this~~
19 ~~Act or its rules or failed to comply with the conditions~~
20 ~~required in this Act or its rules. The hearing officer shall~~
21 ~~specify the nature of any violations or failure to comply and~~
22 ~~shall make its recommendations to the Secretary. In making~~
23 ~~recommendations for any disciplinary actions, the hearing~~
24 ~~officer may take into consideration all facts and~~
25 ~~circumstances bearing upon the reasonableness of the conduct~~
26 ~~of the accused and the potential for future harm to the public~~

1 ~~including, but not limited to, previous discipline of the~~
2 ~~accused by the Department, intent, degree of harm to the~~
3 ~~public and likelihood of harm in the future, any restitution~~
4 ~~made by the accused, and whether the incident or incidents~~
5 ~~contained in the complaint appear to be isolated or represent~~
6 ~~a continuing pattern of conduct. In making its recommendations~~
7 ~~for discipline, the hearing officer shall endeavor to ensure~~
8 ~~that the severity of the discipline recommended is reasonably~~
9 ~~related to the severity of the violation.~~

10 ~~The report of findings of fact, conclusions of law, and~~
11 ~~recommendation of the hearing officer shall be the basis for~~
12 ~~the Department's order refusing to issue, restore, or renew a~~
13 ~~license, or otherwise disciplining a licensee. If the~~
14 ~~Secretary disagrees with the recommendations of the hearing~~
15 ~~officer, the Secretary may issue an order in contravention of~~
16 ~~the hearing officer's recommendations. The finding is not~~
17 ~~admissible in evidence against the person in a criminal~~
18 ~~prosecution brought for a violation of this Act, but the~~
19 ~~hearing and finding are not a bar to a criminal prosecution~~
20 ~~brought for a violation of this Act.~~

21 (Source: P.A. 97-119, eff. 7-14-11.)

22 (225 ILCS 105/19.1) (from Ch. 111, par. 5019.1)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 19.1. Hearing officer ~~Appointment of a hearing~~
25 ~~officer. Notwithstanding any provision of this Act, the~~

1 Secretary has the authority to appoint an attorney duly
2 licensed to practice law in the State of Illinois to serve as
3 the hearing officer in any action for refusal to issue or renew
4 a license or discipline a license. The hearing officer shall
5 have full authority to conduct the hearing. The hearing
6 officer shall report his or her findings of fact, conclusions
7 of law, and recommendations to the Secretary ~~The Secretary has~~
8 ~~the authority to appoint any attorney duly licensed to~~
9 ~~practice law in the State of Illinois to serve as the hearing~~
10 ~~officer in any action for refusal to issue, restore, or renew a~~
11 ~~license or discipline of a licensee. The hearing officer has~~
12 ~~full authority to conduct the hearing. The hearing officer~~
13 ~~shall report his or her findings of fact, conclusions of law,~~
14 ~~and recommendations to the Secretary. If the Secretary~~
15 ~~determines that the hearing officer's report is contrary to~~
16 ~~the manifest weight of the evidence, he may issue an order in~~
17 ~~contravention of the recommendation.~~

18 (Source: P.A. 97-119, eff. 7-14-11.)

19 (225 ILCS 105/19.5)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 19.5. Order or certified copy; prima facie proof. An
22 order or certified copy thereof, over the seal of the
23 Department and purporting to be signed by the Secretary, is
24 prima facie proof that:

25 (1) the signature is the genuine signature of the

1 Secretary; ~~and~~

2 (2) the Secretary is duly appointed and qualified;
3 and-

4 (3) the hearing officer is qualified to act.

5 (Source: P.A. 97-119, eff. 7-14-11.)

6 (225 ILCS 105/20) (from Ch. 111, par. 5020)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 20. Record of proceeding ~~Stenographer; transcript.~~

9 (a) The Department, at its expense, shall provide a
10 certified shorthand reporter to take down the testimony and
11 preserve a record of all proceedings at the hearing of any case
12 in which a licensee may be revoked, suspended, placed on
13 probationary status, reprimanded, fined, or subjected to other
14 disciplinary action with reference to the license when a
15 disciplinary action is authorized under this Act and rules.
16 The notice of hearing, complaint, and all other documents in
17 the nature of pleadings and written portions filed in the
18 proceedings, the transcript of the testimony, the report of
19 the hearing officer, and the orders of the Department shall be
20 the record of the proceedings. The record may be made
21 available to any person interested in the hearing upon payment
22 of the fee required by Section 2105-115 of the Department of
23 Professional Regulation Law of the Civil Administrative Code
24 of Illinois.

25 (b) The Department may contract for court reporting

1 services, and, if it does so, the Department shall provide the
2 name and contact information for the certified shorthand
3 reporter who transcribed the testimony at a hearing to any
4 person interested, who may obtain a copy of the transcript of
5 any proceedings at a hearing upon payment of the fee specified
6 by the certified shorthand reporter.

7 ~~The Department, at its expense, shall provide a stenographer~~
8 ~~to take down the testimony and preserve a record of all~~
9 ~~proceedings at the hearing of any case wherein a license or~~
10 ~~permit is subjected to disciplinary action. The notice of~~
11 ~~hearing, complaint and all other documents in the nature of~~
12 ~~pleadings and written motions filed in the proceedings, the~~
13 ~~transcript of testimony, the report of the hearing officer and~~
14 ~~the orders of the Department shall be the record of the~~
15 ~~proceedings. The Department shall furnish a transcript of the~~
16 ~~record to any person interested in the hearing upon payment of~~
17 ~~the fee required under Section 2105 115 of the Department of~~
18 ~~Professional Regulation Law (20 ILCS 2105/2105 115).~~

19 (Source: P.A. 97-119, eff. 7-14-11.)

20 (225 ILCS 105/21) (from Ch. 111, par. 5021)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 21. Injunctive action; cease and desist order.

23 (a) If a person violates the provisions of this Act, the
24 Secretary ~~Director~~, in the name of the People of the State of
25 Illinois, through the Attorney General or the State's Attorney

1 of the county in which the violation is alleged to have
2 occurred, may petition for an order enjoining the violation or
3 for an order enforcing compliance with this Act. Upon the
4 filing of a verified petition, the court with appropriate
5 jurisdiction may issue a temporary restraining order, without
6 notice or bond, and may preliminarily and permanently enjoin
7 the violation. If it is established that the person has
8 violated or is violating the injunction, the court may punish
9 the offender for contempt of court. Proceedings under this
10 Section are in addition to, and not in lieu of, all other
11 remedies and penalties provided by this Act.

12 (b) Whenever, in the opinion of the Department, a person
13 violates any provision of this Act, the Department may issue a
14 rule to show cause why an order to cease and desist should not
15 be entered against that person. The rule shall clearly set
16 forth the grounds relied upon by the Department and shall
17 allow at least 7 days from the date of the rule to file an
18 answer satisfactory to the Department. Failure to answer to
19 the satisfaction of the Department shall cause an order to
20 cease and desist to be issued.

21 (Source: P.A. 91-408, eff. 1-1-00.)

22 (225 ILCS 105/22) (from Ch. 111, par. 5022)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 22. The expiration date and renewal period for each
25 license issued under this Act shall be set by rule. The holder

1 of a license may renew such license during the month preceding
2 the expiration date thereof by paying the required fee and
3 meeting additional requirements as determined by rule.

4 (Source: P.A. 82-522.)

5 (225 ILCS 105/23) (from Ch. 111, par. 5023)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 23. Fees.

8 (a) The fees for the administration and enforcement of
9 this Act including, but not limited to, original licensure,
10 renewal, and restoration shall be set by rule. The fees shall
11 not be refundable. ~~All Beginning July 1, 2003, all~~ of the fees,
12 taxes, and fines collected under this Act shall be deposited
13 into the General Professions Dedicated Fund.

14 (b) Before January 1, 2023, there shall be no fees for
15 amateur full-contact martial arts events; except that until
16 January 1, 2023, the applicant fees for promoters of amateur
17 events where only amateur bouts are held shall be \$300.

18 (Source: P.A. 92-16, eff. 6-28-01; 92-499, eff. 1-1-02; 93-32,
19 eff. 7-1-03.)

20 (225 ILCS 105/23.1) (from Ch. 111, par. 5023.1)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 23.1. Returned checks; fines. Any person who delivers
23 a check or other payment to the Department that is returned to
24 the Department unpaid by the financial institution upon which

1 it is drawn shall pay to the Department, in addition to the
2 amount already owed to the Department, a fine of \$50. The fines
3 imposed by this Section are in addition to any other
4 discipline provided under this Act for unlicensed practice or
5 practice on a nonrenewed license. The Department shall notify
6 the person that payment of fees and fines shall be paid to the
7 Department by certified check or money order within 30
8 calendar days of the notification. If, after the expiration of
9 30 days from the date of the notification, the person has
10 failed to submit the necessary remittance, the Department
11 shall automatically terminate the license or deny the
12 application, without hearing. If, after termination or denial,
13 the person seeks a license, he or she shall apply to the
14 Department for restoration or issuance of the license and pay
15 all fees and fines due to the Department. The Department may
16 establish a fee for the processing of an application for
17 restoration of a license to pay all expenses of processing
18 this application. The Secretary ~~Director~~ may waive the fines
19 due under this Section in individual cases where the Secretary
20 ~~Director~~ finds that the fines would be unreasonable or
21 unnecessarily burdensome.

22 (Source: P.A. 92-146, eff. 1-1-02; 92-499, eff. 1-1-02.)

23 (225 ILCS 105/24) (from Ch. 111, par. 5024)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 24. Unlicensed practice; violations; civil penalty.

1 (a) Any person who practices, offers to practice, attempts
2 to practice, or holds himself or herself out as being able to
3 engage in practices requiring a license under this Act without
4 being licensed or exempt under this Act shall, in addition to
5 any other penalty provided by law, pay a civil penalty to the
6 Department in an amount not to exceed \$10,000 for each
7 offense, as determined by the Department. The civil penalty
8 shall be assessed by the Department after a hearing is held in
9 accordance with the provision set forth in this Act regarding
10 the provision of a hearing for the discipline of a licensee.

11 (b) The Department may investigate any actual, alleged, or
12 suspected unlicensed activity.

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

18 (d) A person or entity not licensed under this Act who has
19 violated any provision of this Act or its rules is guilty of a
20 Class A misdemeanor for the first offense and a Class 4 felony
21 for a second and subsequent offenses.

22 ~~A person who violates a provision of this Act is guilty of a~~
23 ~~Class A Misdemeanor. On conviction of a second or subsequent~~
24 ~~offense the violator shall be guilty of a Class 4 felony.~~

25 (Source: P.A. 86-615.)

1 (225 ILCS 105/24.5)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 24.5. Confidentiality. All information collected by
4 the Department in the course of an examination or
5 investigation of a licensee, ~~registrant,~~ or applicant,
6 including, but not limited to, any complaint against a
7 licensee ~~or registrant~~ filed with the Department and
8 information collected to investigate any such complaint, shall
9 be maintained for the confidential use of the Department and
10 shall not be disclosed. The Department may not disclose such
11 information to anyone other than law enforcement officials,
12 other regulatory agencies that have an appropriate regulatory
13 interest as determined by the Secretary, or a party presenting
14 a lawful subpoena to the Department. Information and documents
15 disclosed to a federal, State, county, or local law
16 enforcement agency shall not be disclosed by the agency for
17 any purpose to any other agency or person. A formal complaint
18 filed against a licensee ~~or registrant~~ by the Department or
19 any order issued by the Department against a licensee, ~~registrant,~~
20 ~~registrant,~~ or applicant shall be a public record, except as
21 otherwise prohibited by law.

22 (Source: P.A. 97-119, eff. 7-14-11.)

23 (225 ILCS 105/25.1)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 25.1. Medical Suspension.

1 (a) A licensee ~~or registrant~~ who is determined by the
2 examining physician or Department to be unfit to compete or
3 officiate shall be prohibited from participating in a contest
4 in Illinois and, if actively licensed, shall be medically
5 suspended ~~immediately suspended~~ until it is shown that he or
6 she is fit for further competition or officiating. ~~If the~~
7 ~~licensee or registrant disagrees with a medical suspension set~~
8 ~~at the discretion of the ringside physician, he or she may~~
9 ~~request a hearing to show proof of fitness. The hearing shall~~
10 ~~be provided at the earliest opportunity after the Department~~
11 ~~receives a written request from the licensee.~~

12 (b) If the referee has stopped the bout or rendered a
13 decision of technical knockout against a professional or
14 amateur ~~or if the professional or amateur is knocked out other~~
15 ~~than by a blow to the head,~~ the professional or amateur shall
16 be medically ~~immediately~~ suspended immediately for a period of
17 not less than 30 days.

18 (c) In a full-contact martial arts contest, if the
19 professional or amateur has tapped out, ~~or~~ has submitted, or
20 the referee has stopped the bout, ~~shall stop the professional~~
21 ~~or amateur contest and~~ the ringside physician shall determine
22 the length of suspension.

23 (d) If the professional or amateur has been knocked
24 unconscious ~~out by a blow to the head,~~ he or she shall be
25 medically suspended immediately for a period of not less than
26 45 days.

1 (e) A licensee may receive a medical suspension for any
2 injury sustained as a result of a bout that shall not be less
3 than 7 days.

4 (f) A licensee may receive additional terms and conditions
5 for a medical suspension beyond a prescribed passage of time
6 as authorized under this Section.

7 (g) If a licensee receives a medical suspension that
8 includes terms and conditions in addition to the prescribed
9 passage of time as authorized under this Section, before the
10 removal of the medical suspension, a licensee shall:

11 (1) satisfactorily pass a medical examination;

12 (2) provide those examination results to the
13 Department;

14 (3) provide any additional requested documentation as
15 directed by the licensee's examining physician or
16 Department where applicable; and

17 (4) if the licensee's examining physician requires any
18 necessary additional medical procedures during the
19 examination related to the injury that resulted in the
20 medical suspension, those results shall be provided to the
21 Department.

22 (h) Any medical suspension imposed as authorized under
23 this Act against a licensee shall be reported to the
24 Department's record keeper as determined by rule.

25 (i) A medical suspension as authorized under this Section
26 shall not be considered a suspension under Section 16 of this

1 Act. A violation of the terms of a medical suspension
2 authorized under this Section shall subject a licensee to
3 discipline under Section 16 of this Act.

4 (j) A professional or amateur contestant who has been
5 placed on medical suspension under the laws of another state,
6 the District of Columbia, or a territory of the United States
7 for substantially similar reasons as this Section shall be
8 prohibited from participating in a contest as authorized under
9 this Act until the requirements of subsection (g) of this
10 Section have been met or the medical suspension has been
11 removed by that jurisdiction.

12 (k) A medical suspension authorized under this Section
13 shall begin the day after the bout a licensee participated in.

14 ~~Prior to reinstatement, any professional or amateur~~
15 ~~suspended for his or her medical protection shall~~
16 ~~satisfactorily pass a medical examination upon the direction~~
17 ~~of the Department. The examining physician may require any~~
18 ~~necessary medical procedures during the examination.~~

19 (Source: P.A. 96-663, eff. 8-25-09; 97-119, eff. 7-14-11.)

20 (225 ILCS 105/0.10 rep.)

21 (225 ILCS 105/10.1 rep.)

22 (225 ILCS 105/10.5 rep.)

23 (225 ILCS 105/11.5 rep.)

24 (225 ILCS 105/17.11 rep.)

25 (225 ILCS 105/17.12 rep.)

1 (225 ILCS 105/19.4 rep.)

2 Section 30. The Boxing and Full-contact Martial Arts Act
3 is amended by repealing Sections 0.10, 10.1, 10.5, 11.5,
4 17.11, 17.12, and 19.4.

5 Section 35. The Registered Interior Designers Act is
6 amended by changing Section 3, 4, 4.5, 6, 7, 11, 14, 20, 23,
7 29, 30 and by adding Section 3.1 as follows:

8 (225 ILCS 310/3) (from Ch. 111, par. 8203)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 3. Definitions. As used in this Act:

11 "Address of record" means the designated address recorded
12 by the Department in the applicant's application file or the
13 registrant's registration file as maintained by the
14 Department's licensure maintenance unit.

15 "Board" means the Board of Registered Interior Design
16 Professionals established under Section 6 of this Act.

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

19 "Email address of record" means the designated email
20 address recorded by the Department in the applicant's
21 application file or the registrant's registration file as
22 maintained by the Department's licensure maintenance unit.

23 "The profession of interior design", within the meaning
24 and intent of this Act, refers to persons qualified by

1 education, experience, and examination, who administer
2 contracts for fabrication, procurement, or installation in the
3 implementation of designs, drawings, and specifications for
4 any interior design project and offer or furnish professional
5 services, such as consultations, studies, drawings, and
6 specifications in connection with the location of lighting
7 fixtures, lamps and specifications of ceiling finishes as
8 shown in reflected ceiling plans, space planning, furnishings,
9 or the fabrication of non-loadbearing structural elements
10 within and surrounding interior spaces of buildings but
11 specifically excluding mechanical and electrical systems,
12 except for specifications of fixtures and their location
13 within interior spaces.

14 "Public member" means a person who is not an interior
15 designer, educator in the field, architect, structural
16 engineer, or professional engineer. For purposes of board
17 membership, any person with a significant financial interest
18 in the design or construction service or profession is not a
19 public member.

20 "Registered interior designer" means a person who has
21 received registration under Section 8 of this Act. A person
22 represents himself or herself to be a "registered interior
23 designer" within the meaning of this Act if he or she holds
24 himself or herself out to the public by any title
25 incorporating the words "registered interior designer" or any
26 title that includes the words "registered interior design".

1 "Secretary" means the Secretary of Financial and
2 Professional Regulation.

3 (Source: P.A. 100-920, eff. 8-17-18.)

4 (225 ILCS 310/3.1 new)

5 Sec. 3.1. Address of record; email address of record. All
6 applicants and registrants shall:

7 (1) provide a valid address and email address to the
8 Department, which shall serve as the address of record and
9 email address of record, respectively, at the time of
10 application for registration or renewal of a registration;
11 and

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

16 (225 ILCS 310/4) (from Ch. 111, par. 8204)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 4. Title; application of Act.

19 (a) No individual shall, without a valid registration as
20 an interior designer issued by the Department, in any manner
21 hold himself or herself out to the public as a registered
22 interior designer or attach the title "registered interior
23 designer" or any other name or designation which would in any
24 way imply that he or she is able to use the title "registered

1 interior designer" as defined in this Act.

2 (a-5) Nothing in this Act shall be construed as preventing
3 or restricting the services offered or advertised by an
4 interior designer who is registered under this Act.

5 (b) Nothing in this Act shall prevent the employment, by a
6 registered interior designer association, partnership, or a
7 corporation furnishing interior design services for
8 remuneration, of persons not registered as interior designers
9 to perform services in various capacities as needed, provided
10 that the persons do not represent themselves as, or use the
11 title of, "registered interior designer".

12 (c) Nothing in this Act shall be construed to limit the
13 activities and use of the title "interior designer" on the
14 part of a person not registered under this Act who is a
15 graduate of an interior design program and a full-time
16 employee of a duly chartered institution of higher education
17 insofar as such person engages in public speaking, with or
18 without remuneration, provided that such person does not
19 represent himself or herself to be a registered interior
20 designer or use the title "registered interior designer".

21 (d) Nothing contained in this Act shall restrict any
22 person not registered under this Act from carrying out any of
23 the activities listed in the definition of "the profession of
24 interior design" in Section 3 if such person does not
25 represent himself or herself or his or her services in any
26 manner prohibited by this Act.

1 (e) Nothing in this Act shall be construed as preventing
2 or restricting the practice, services, or activities of any
3 person licensed in this State under any other law from
4 engaging in the profession or occupation for which he or she is
5 licensed.

6 (f) Nothing in this Act shall be construed as preventing
7 or restricting the practice, services, or activities of
8 engineers licensed under the Professional Engineering Practice
9 Act of 1989 or the Structural Engineering Practice Act of
10 1989; architects licensed pursuant to the Illinois
11 Architectural Practice Act of 1989; any interior decorator or
12 individual offering interior decorating services including,
13 but not limited to, the selection of surface materials, window
14 treatments, wall coverings, furniture, accessories, paint,
15 floor coverings, and lighting fixtures; or builders, home
16 furnishings salespersons, and similar purveyors of goods and
17 services relating to homemaking.

18 (g) Nothing in this Act or any other Act shall prevent a
19 licensed architect from practicing interior design services.
20 Nothing in this Act shall be construed as requiring the
21 services of a registered interior designer for the interior
22 designing of a single family residence.

23 (h) Nothing in this Act shall authorize registered
24 interior designers to perform services, including life safety
25 services that they are prohibited from performing, or any
26 practice (i) that is restricted in the Illinois Architecture

1 Practice Act of 1989, the Professional Engineering Practice
2 Act of 1989, or the Structural Engineering Practice Act of
3 1989, or (ii) that they are not authorized to perform under the
4 Environmental Barriers Act.

5 (i) Nothing in this Act shall authorize registered
6 interior designers to advertise services that they are
7 prohibited to perform, including architecture or engineering
8 services, nor to use the title "architect" in any form.

9 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

10 (225 ILCS 310/4.5)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 4.5. Unregistered practice; violation; civil penalty.

13 (a) Any person who holds himself or herself out to be a
14 registered interior designer without being registered under
15 this Act shall, in addition to any other penalty provided by
16 law, pay a civil penalty to the Department in an amount not to
17 exceed \$5,000 for each offense as determined by the
18 Department. The civil penalty shall be assessed by the
19 Department after a hearing is held in accordance with the
20 provisions set forth in this Act regarding the provision of a
21 hearing for the discipline of a registrant ~~licensee~~.

22 (b) The Department has the authority and power to
23 investigate any illegal use of the title of registered
24 interior designer.

25 (c) The civil penalty shall be paid within 60 days after

1 the effective date of the order imposing the civil penalty.
2 The order shall constitute a judgment and may be filed and
3 execution had thereon in the same manner as any judgment from
4 any court of record.

5 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

6 (225 ILCS 310/6) (from Ch. 111, par. 8206)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 6. Board of Registered Interior Design Professionals.
9 The Secretary shall appoint a Board of Registered Interior
10 Design Professionals consisting of 5 members who shall serve
11 in an advisory capacity to the Secretary. All members of the
12 Board shall be residents of Illinois. Four members shall (i)
13 hold a valid registration as an interior designer in Illinois
14 and have held the registration under this Act for the
15 preceding 10 years; and (ii) not have been disciplined within
16 the preceding 10 years under this Act. In addition to the 4
17 registered interior designer members, there shall be one
18 public member. The public member shall be a voting member and
19 shall not be licensed or registered under this Act or any other
20 design profession licensing Act that the Department
21 administers.

22 Board members shall serve 5-year terms and until their
23 successors are appointed and qualified. In appointing members
24 to the Board, the Secretary shall give due consideration to
25 recommendations by members and organizations of the interior

1 design profession.

2 The membership of the Board should reasonably reflect
3 representation from the geographic areas in this State.

4 No member shall be reappointed to the Board for a term that
5 would cause his or her continuous service on the Board to be
6 longer than 2 consecutive 5-year terms.

7 Appointments to fill vacancies shall be made in the same
8 manner as original appointments for the unexpired portion of
9 the vacated term.

10 Three members of the Board shall constitute a quorum. A
11 quorum is required for Board decisions.

12 The Secretary may remove any member of the Board for
13 misconduct, incompetence, or neglect of duty or for reasons
14 prescribed by law for removal of State officials.

15 The Secretary may remove a member of the Board who does not
16 attend 2 consecutive meetings.

17 Notice of proposed rulemaking may be transmitted to the
18 Board and the Department may review the response of the Board
19 and any recommendations made therein. The Department may, at
20 any time, seek the expert advice and knowledge of the Board on
21 any matter relating to the administration or enforcement of
22 this Act.

23 Members of the Board are not liable for damages in any
24 action or proceeding as a result of activities performed as
25 members of the Board, except upon proof of actual malice.

26 Members of the Board shall be reimbursed for all

1 legitimate, necessary, and authorized expenses.

2 ~~There is created a Board of Registered Interior Design~~
3 ~~Professionals to be composed of persons designated from time~~
4 ~~to time by the Director, as follows:~~

5 ~~(a) For the first year, 5 persons, 4 of whom have been~~
6 ~~interior designers for a period of 5 years or more who~~
7 ~~would qualify upon application to the Department under~~
8 ~~this Act to be registered interior designers, and one~~
9 ~~public member. After the initial appointments, each~~
10 ~~interior design member shall hold a valid registration as~~
11 ~~a registered interior designer. The Board shall annually~~
12 ~~elect a chairman.~~

13 ~~(b) Terms for all members shall be 3 years. For~~
14 ~~initial appointments, one member shall be appointed to~~
15 ~~serve for one year, 2 shall be appointed to serve for 2~~
16 ~~years, and the remaining shall be appointed to serve for 3~~
17 ~~years and until their successors are appointed and~~
18 ~~qualified. Initial terms shall begin on the effective date~~
19 ~~of this Act. Partial terms over 2 years in length shall be~~
20 ~~considered as full terms. A member may be reappointed for~~
21 ~~a successive term, but no member shall serve more than 2~~
22 ~~full terms.~~

23 ~~(c) The membership of the Board should reasonably~~
24 ~~reflect representation from the various geographic areas~~
25 ~~of the State.~~

26 ~~(d) In making appointments to the Board, the Director~~

1 ~~shall give due consideration to recommendations by~~
2 ~~national and state organizations of the interior design~~
3 ~~profession and shall promptly give due notice to such~~
4 ~~organizations of any vacancy in the membership of the~~
5 ~~Board. The Director may terminate the appointment of any~~
6 ~~member for any cause, which in the opinion of the~~
7 ~~Director, reasonably justifies such termination.~~

8 ~~(e) Three members shall constitute a quorum. A quorum~~
9 ~~is required for all Board decisions.~~

10 ~~(f) The members of the Board shall each receive as~~
11 ~~compensation a reasonable sum as determined by the~~
12 ~~Director for each day actually engaged in the duties of~~
13 ~~the office, and all legitimate and necessary expenses~~
14 ~~incurred in attending the meeting of the Board.~~

15 ~~(g) Members of the Board shall be immune from suit in~~
16 ~~any action based upon any disciplinary proceedings or~~
17 ~~other activities performed in good faith as members of the~~
18 ~~Board.~~

19 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

20 (225 ILCS 310/7) (from Ch. 111, par. 8207)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 7. Board recommendations. The Secretary ~~Director~~
23 shall consider the recommendations of the Board in
24 establishing guidelines for professional conduct, for the
25 conduct of formal disciplinary proceedings brought under this

1 Act, and for establishing guidelines for qualifications of
2 applicants. Notice of proposed rulemaking may ~~shall~~ be
3 transmitted to the Board and the Department shall review the
4 response of the Board and any recommendations made in their
5 response. The Department, at any time, may seek the expert
6 advice and knowledge of the Board on any matter relating to the
7 administration or enforcement of this Act.

8 (Source: P.A. 86-1404.)

9 (225 ILCS 310/11) (from Ch. 111, par. 8211)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 11. Fees. The Department shall provide by rule for a
12 schedule of fees for the administration and enforcement of
13 this Act, including but not limited to original registration
14 ~~licensure~~, renewal, and restoration. The fees shall be
15 nonrefundable.

16 All fees collected under this Act shall be deposited into
17 the General Professions Dedicated Fund and shall be
18 appropriated to the Department for the ordinary and contingent
19 expenses of the Department in the administration of this Act.

20 (Source: P.A. 91-454, eff. 1-1-00.)

21 (225 ILCS 310/14) (from Ch. 111, par. 8214)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 14. Investigations; Notice of hearing. Upon the
24 motion of either the Department or the Board, or upon the

1 verified complaint in writing of any person setting forth
2 facts which, if proven, would constitute grounds for refusal,
3 suspension, or revocation of registration under this Act, the
4 Board shall investigate the actions of any person, hereinafter
5 called the "registrant", who holds or represents that he holds
6 a certificate of registration. All such motions or complaints
7 shall be brought to the Board.

8 The Director shall, before suspending, revoking, placing
9 on probationary status, or taking any other disciplinary
10 action as the Director may deem proper with regard to any
11 registration, at least 30 days prior to the date set for the
12 hearing, notify the registrant in writing of any charges made
13 and the time and place for a hearing on the charges before the
14 Board. The Board shall also direct the registrant to file his
15 written answer to the charges with the Board under oath within
16 20 days after the service on him of such notice, and inform him
17 that if he fails to file such answer, his certificate of
18 registration may be suspended, revoked, placed on probationary
19 status or other disciplinary action may be taken with regard
20 thereto, as the Director may deem proper.

21 The written notice and any notice in such proceeding may
22 be served by delivery personally to the registrant, by email,
23 or by registered or certified mail to the address specified by
24 the registrant in his last notification to the Director.

25 The Department, at its expense, shall preserve a record of
26 all proceedings at the formal hearing of any case involving

1 the refusal to issue or renew a registration, or discipline of
2 a registrant. The notice of hearing, complaint, and all other
3 documents in the nature of pleadings and written motions filed
4 in the proceedings, the transcript of testimony, the report of
5 the Board, and the orders of the Department shall be the record
6 of such proceedings.

7 (Source: P.A. 86-1404.)

8 (225 ILCS 310/20) (from Ch. 111, par. 8220)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 20. Restoration. At any time after suspension,
11 revocation, placement on probationary status, or the taking of
12 any other disciplinary action with regard to any registration,
13 the Department may restore the certificate of registration, or
14 take any other action to reinstate the registration to good
15 standing, without further examination, ~~upon the written~~
16 ~~recommendation of the Board.~~

17 (Source: P.A. 86-1404.)

18 (225 ILCS 310/23) (from Ch. 111, par. 8223)

19 (Section scheduled to be repealed on January 1, 2022)

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

1 collected to investigate any such complaint, shall be
2 maintained for the confidential use of the Department and may
3 not be disclosed. The Department may not disclose the
4 information to anyone other than law enforcement officials,
5 other regulatory agencies that have an appropriate regulatory
6 interest as determined by the Secretary, or a party presenting
7 a lawful subpoena to the Department. Information and documents
8 disclosed to a federal, State, county, or local law
9 enforcement agency may not be disclosed by the agency for any
10 purpose to any other agency or person. A formal complaint
11 filed by the Department against a registrant or applicant is a
12 public record, except as otherwise prohibited by law. ~~In~~
13 ~~hearings conducted under this Act, information presented into~~
14 ~~evidence that was acquired by an interior designer in serving~~
15 ~~any individual in a professional capacity, and necessary to~~
16 ~~professionally serve such individual, shall be deemed strictly~~
17 ~~confidential and shall only be made available either as part~~
18 ~~of the record of a hearing hereunder or otherwise:~~

19 ~~(a) when the record is required, in its entirety, for~~
20 ~~purposes of judicial review;~~

21 ~~(b) upon the express written consent of the individual~~
22 ~~served, or in the case of his or her death or disability, the~~
23 ~~consent of his or her personal representative.~~

24 (Source: P.A. 86-1404.)

25 (225 ILCS 310/29) (from Ch. 111, par. 8229)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 29. Illinois Administrative Procedure Act. The
3 Illinois Administrative Procedure Act is hereby expressly
4 adopted and incorporated herein as if all of the provisions of
5 that Act were included in this Act, except that the provision
6 of subsection (d) of Section 10-65 of the Illinois
7 Administrative Procedure Act that provides that at hearings
8 the registrant has the right to show compliance with all
9 lawful requirements for retention, continuation, or renewal of
10 the registration is specifically excluded. For the purposes of
11 this Act, the notice required under Section 10-25 of the
12 Illinois Administrative Procedure Act is deemed sufficient
13 when mailed or emailed to the last known address of a party.

14 (Source: P.A. 91-357, eff. 7-29-99.)

15 (225 ILCS 310/30) (from Ch. 111, par. 8230)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 30. Fund; appropriations; investments; audits
18 ~~Interior Design Administration and Investigation Fund.~~ All of
19 the fees collected pursuant to this Act shall be deposited
20 into the General Professions Dedicated Fund.

21 ~~On January 1, 2000 the State Comptroller shall transfer~~
22 ~~the balance of the monies in the Interior Design~~
23 ~~Administration and Investigation Fund into the General~~
24 ~~Professions Dedicated Fund. Amounts appropriated for fiscal~~
25 ~~year 2000 out of the Interior Design Administration and~~

1 ~~Investigation Fund may be paid out of the General Professions~~
2 ~~Dedicated Fund.~~

3 The moneys ~~monies~~ deposited in the General Professions
4 Dedicated Fund may be used for the expenses of the Department
5 in the administration of this Act.

6 Moneys from the Fund may also be used for direct and
7 allocable indirect costs related to the public purposes of the
8 Department of Professional Regulation. Moneys in the Fund may
9 be transferred to the Professions Indirect Cost Fund as
10 authorized by Section 2105-300 of the Department of
11 Professional Regulation Law ~~(20 ILCS 2105/2105-300)~~.

12 Upon the completion of any audit of the Department as
13 prescribed by the Illinois State Auditing Act that includes an
14 audit of the General Professions Dedicated Fund ~~Interior~~
15 ~~Design Administration and Investigation Fund~~, the Department
16 shall make the audit open to inspection by any interested
17 person. The copy of the audit report required to be submitted
18 to the Department by this Section is in addition to copies of
19 audit reports required to be submitted to other State officers
20 and agencies by Section 3-14 of the Illinois State Auditing
21 Act.

22 (Source: P.A. 91-239, eff. 1-1-00; 91-454, eff. 1-1-00; 92-16,
23 eff. 6-28-01.)

24 Section 40. The Cemetery Oversight Act is amended by
25 changing Sections 5-15, 5-20, 5-25, 10-20, 10-21, 10-25,

1 10-40, 10-55, 20-10, 25-3, 25-5, 25-10, 25-15, 25-25, 25-30,
2 25-35, 25-90, 25-95, 25-105, 25-115, 35-5, 35-15, and 75-45
3 and by adding Sections 5-16, 5-26, and 25-26 as follows:

4 (225 ILCS 411/5-15)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 5-15. Definitions. In this Act:

7 "Address of record" means the designated address recorded
8 by the Department in the applicant's or licensee's application
9 file or license file. ~~It is the duty of the applicant or~~
10 ~~licensee to inform the Department of any change of address~~
11 ~~within 14 days either through the Department's website or by~~
12 ~~contacting the Department's licensure maintenance unit.~~ The
13 address of record for a cemetery authority shall be the
14 permanent street address of the cemetery.

15 "Applicant" means a person applying for licensure under
16 this Act as a cemetery authority, cemetery manager, or
17 customer service employee. Any applicant or any person who
18 holds himself or herself out as an applicant is considered a
19 licensee for purposes of enforcement, investigation, hearings,
20 and the Illinois Administrative Procedure Act.

21 "Burial permit" means a permit provided by a licensed
22 funeral director for the disposition of a dead human body.

23 "Care" means the maintenance of a cemetery and of the
24 lots, graves, crypts, niches, family mausoleums, memorials,
25 and markers therein, including: (i) the cutting and trimming

1 of lawn, shrubs, and trees at reasonable intervals; (ii)
2 keeping in repair the drains, water lines, roads, buildings,
3 fences, and other structures, in keeping with a
4 well-maintained cemetery as provided for in Section 20-5 of
5 this Act and otherwise as required by rule; (iii) maintenance
6 of machinery, tools, and equipment for such care; (iv)
7 compensation of cemetery workers, any discretionary payment of
8 insurance premiums, and any reasonable payments for workers'
9 pension and other benefits plans; and (v) the payment of
10 expenses necessary for such purposes and for maintaining
11 necessary records of lot ownership, transfers, and burials.

12 "Cemetery" means any land or structure in this State
13 dedicated to and used, or intended to be used, for the
14 interment, inurnment, or entombment of human remains.

15 "Cemetery authority" means any individual or legal entity
16 that owns or controls cemetery lands or property.

17 "Cemetery manager" means an individual directly
18 responsible or holding himself or herself directly responsible
19 for the operation, maintenance, development, or improvement of
20 a cemetery that is ~~or shall be~~ licensed under this Act or shall
21 be licensed pursuant to Section 10-39 of this Act,
22 irrespective of whether the individual is paid by the licensed
23 cemetery authority or a third party. ~~This definition does not~~
24 ~~include a volunteer who receives no compensation, either~~
25 ~~directly or indirectly, for his or her work as a cemetery~~
26 ~~manager.~~

1 "Cemetery merchandise" means items of personal property
2 normally sold by a cemetery authority not covered under the
3 Illinois Funeral or Burial Funds Act, including, but not
4 limited to: (1) memorials, (2) markers, (3) monuments, (4)
5 foundations and installations, and (5) outer burial
6 containers.

7 "Cemetery operation" means to engage in any or all of the
8 following, whether on behalf of, or in the absence of, a
9 cemetery authority: (i) the interment, entombment, or
10 inurnment of human remains, (ii) the sale of interment,
11 entombment, or inurnment rights, cemetery merchandise, or
12 cemetery services, (iii) the maintenance of interment rights
13 ownership records, (iv) the maintenance of or reporting of
14 interment, entombment, or inurnment records, (v) the
15 maintenance of cemetery property, (vi) the development or
16 improvement of cemetery grounds, or (vii) the maintenance and
17 execution of business documents, including State and federal
18 government reporting and the payment of taxes, for a cemetery
19 business entity.

20 "Cemetery Oversight Database" means a database certified
21 by the Department as effective in tracking the interment,
22 entombment, or inurnment of human remains.

23 "Cemetery services" means those services customarily
24 performed by cemetery personnel in connection with the
25 interment, entombment, or inurnment of a dead human body.

26 "Certificate of organization" means the document received

1 by a cemetery association from the Secretary of State that
2 indicates that the cemetery association shall be deemed fully
3 organized as a body corporate under the name adopted and in its
4 corporate name may sue and be sued.

5 "Comptroller" means the Comptroller of the State of
6 Illinois.

7 "Confidential information" means unique identifiers,
8 including a person's Social Security number, home address,
9 home phone number, personal phone number, personal email
10 address, personal financial information, and any other
11 information protected by law.

12 "Consumer" means an individual who purchases or who is
13 considering purchasing cemetery, burial, or cremation products
14 or services from a cemetery authority, whether for themselves
15 or for another person.

16 "Customer service employee" means an individual who has
17 direct contact with consumers to explain cemetery merchandise,
18 services, and interment rights and to execute the sale of
19 those items to consumers, whether at the cemetery or an
20 off-site location, irrespective of whether compensation is
21 paid by the cemetery authority or a third party. ~~This~~
22 ~~definition does not include a volunteer who receives no~~
23 ~~compensation, either directly or indirectly, for his or her~~
24 ~~work as a customer service employee.~~

25 "Department" means the Department of Financial and
26 Professional Regulation.

1 "Email address of record" means the designated email
2 address recorded by the Department in the applicant's
3 application file or the licensee's license file as maintained
4 by the Department's licensure maintenance unit.

5 "Employee" means an individual who works for a cemetery
6 authority where the cemetery authority has the right to
7 control what work is performed and the details of how the work
8 is performed regardless of whether federal or State payroll
9 taxes are withheld.

10 "Entombment right" means the right to place individual
11 human remains or individual cremated human remains in a
12 specific mausoleum crypt or lawn crypt selected by a consumer
13 for use as a final resting place.

14 "Family burying ground" means a cemetery in which no lots,
15 crypts, or niches are sold to the public and in which
16 interments, inurnments, and entombments are restricted to the
17 immediate family or a group of individuals related to each
18 other by blood or marriage.

19 "Full exemption" means an exemption granted to a cemetery
20 authority pursuant to subsection (a) of Section 5-20.

21 "Funeral director" means a funeral director as defined by
22 the Funeral Directors and Embalmers Licensing Code.

23 "Grave" means a space of ground in a cemetery used or
24 intended to be used for burial.

25 "Green burial or cremation disposition" means burial or
26 cremation practices that reduce the greenhouse gas emissions,

1 waste, and toxic chemicals ordinarily created in burial or
2 cremation or, in the case of greenhouse gas emissions,
3 mitigate or offset emissions. Such practices include any
4 standards or method for burial or cremation that the
5 Department may name by rule.

6 "Immediate family" means the designated agent of a person
7 or the persons given priority for the disposition of a
8 person's remains under the Disposition of Remains Act and
9 shall include a person's spouse, parents, grandparents,
10 children, grandchildren and siblings.

11 "Individual" means a natural person.

12 "Interment right" means the right to place individual
13 human remains or cremated human remains in a specific
14 underground location selected by a consumer for use as a final
15 resting place.

16 "Inurnment right" means the right to place individual
17 cremated human remains in a specific niche selected by the
18 consumer for use as a final resting place.

19 "Lawn crypt" means a permanent underground crypt installed
20 in multiple units for the entombment of human remains.

21 "Licensee" means a person licensed under this Act as a
22 cemetery authority, cemetery manager, or customer service
23 employee. Anyone who holds himself or herself out as a
24 licensee or who is accused of unlicensed practice is
25 considered a licensee for purposes of enforcement,
26 investigation, hearings, and the Illinois Administrative

1 Procedure Act.

2 "Mausoleum crypt" means a grouping of spaces constructed
3 of reinforced concrete or similar material constructed or
4 assembled above the ground for entombing remains.

5 "Niche" means a space in a columbarium or mausoleum used,
6 or intended to be used, for inurnment of cremated human
7 remains.

8 "Partial exemption" means an exemption granted to a
9 cemetery authority pursuant to subsection (b) of Section 5-20.

10 "Parcel identification number" means a unique number
11 assigned by the Cemetery Oversight Database to a grave, plot,
12 crypt, or niche that enables the Department to ascertain the
13 precise location of a decedent's remains interred, entombed,
14 or inurned after the effective date of this Act.

15 "Person" means any individual, firm, partnership,
16 association, corporation, limited liability company, trustee,
17 government or political subdivision, or other entity.

18 "Public cemetery" means a cemetery owned, operated,
19 controlled, or managed by the federal government, by any
20 state, county, city, village, incorporated town, township,
21 multi-township, public cemetery district, or other municipal
22 corporation, political subdivision, or instrumentality thereof
23 authorized by law to own, operate, or manage a cemetery.

24 "Religious burying ground" means a cemetery in which no
25 lots, crypts, or niches are sold and in which interments,
26 inurnments, and entombments are restricted to a group of

1 individuals all belonging to a religious order or granted
2 burial rights by special consideration of the religious order.

3 "Religious cemetery" means a cemetery owned, operated,
4 controlled, and managed by any recognized church, religious
5 society, association, or denomination, or by any cemetery
6 authority or any corporation administering, or through which
7 is administered, the temporalities of any recognized church,
8 religious society, association, or denomination.

9 "Secretary" means the Secretary of Financial and
10 Professional Regulation or a person authorized by the
11 Secretary to act in the Secretary's stead.

12 "Term burial" means a right of interment sold to a
13 consumer in which the cemetery authority retains the right to
14 disinter and relocate the remains, subject to the provisions
15 of subsection (d) of Section 35-15 of this Act.

16 "Trustee" means any person authorized to hold funds under
17 this Act.

18 "Unique personal identifier" means the parcel
19 identification number in addition to the term of burial in
20 years; the numbered level or depth in the grave, plot, crypt,
21 or niche; and the year of death for human remains interred,
22 entombed, or inurned after the effective date of this Act. The
23 unique personal identifier is assigned by the Cemetery
24 Oversight Database.

25 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

1 (225 ILCS 411/5-16 new)

2 Sec. 5-16. Address of record; email address of record. All
3 applicants and licensees shall:

4 (1) provide a valid address and email address to the
5 Department, which shall serve as the address of record and
6 email address of record, respectively, at the time of
7 application for licensure or renewal of a license; and

8 (2) inform the Department of any change of address of
9 record or email address of record within 14 days after
10 such change either through the Department's website or by
11 contacting the Department's licensure maintenance unit.

12 (225 ILCS 411/5-20)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 5-20. Exemptions.

15 (a) Full exemption. Except as provided in this subsection,
16 this Act does not apply to (1) any cemetery authority
17 operating as a family burying ground or religious burying
18 ground, (2) any cemetery authority that has not engaged in an
19 interment, inurnment, or entombment of human remains within
20 the last 10 years, or (3) any cemetery authority that is less
21 than 3 acres. For purposes of determining the applicability of
22 this subsection, the number of interments, inurnments, and
23 entombments shall be aggregated for each calendar year. A
24 cemetery authority claiming a full exemption shall apply for
25 exempt status as provided for in Section 10-20 of this Act. A

1 cemetery authority claiming a full exemption shall be subject
2 to Sections 10-40, 10-55, and 10-60 of this Act. A cemetery
3 authority that performs activities that would disqualify it
4 from a full exemption is required to apply for licensure
5 within one year following the date on which its activities
6 would disqualify it for a full exemption. A cemetery authority
7 that previously qualified for and maintained a full exemption
8 that fails to timely apply for licensure shall be deemed to
9 have engaged in unlicensed practice and shall be subject to
10 discipline in accordance with Article 25 of this Act.

11 (b) Partial exemption. If a cemetery authority does not
12 qualify for a full exemption and (1) engages in 25 or fewer
13 interments, inurnments, or entombments of human remains for
14 each of the preceding 2 calendar years, (2) operates as a
15 public cemetery, or (3) operates as a religious cemetery, then
16 the cemetery authority is partially exempt from this Act but
17 shall be required to comply with Sections 10-23, 10-40, 10-55,
18 10-60, subsections (a), (b), (b-5), (c), (d), (f), (g), and
19 (h) of Section 20-5, Sections 20-6, 20-8, 20-10, 20-12, 20-30,
20 20-35, 20-40, 25-3, and 25-120, and Article 35 of this Act.
21 Cemetery authorities claiming a partial exemption shall apply
22 for the partial exemption as provided in Section 10-20 of this
23 Act. A cemetery authority that changes to a status that would
24 disqualify it from a partial exemption is required to apply
25 for licensure within one year following the date on which it
26 changes its status. A cemetery authority that maintains a

1 partial exemption that fails to timely apply for licensure
2 shall be deemed to have engaged in unlicensed practice and
3 shall be subject to discipline in accordance with Article 25
4 of this Act.

5 (c) Nothing in this Act applies to the City of Chicago in
6 its exercise of its powers under the O'Hare Modernization Act
7 or limits the authority of the City of Chicago to acquire
8 property or otherwise exercise its powers under the O'Hare
9 Modernization Act, or requires the City of Chicago, or any
10 person acting on behalf of the City of Chicago, to comply with
11 the licensing, regulation, or investigation, ~~or mediation~~
12 requirements of this Act in exercising its powers under the
13 O'Hare Modernization Act.

14 (d) A cemetery manager and customer service employee
15 license may be in active status only during the period that
16 such a licensee is employed by a cemetery authority that is
17 licensed under this Act. In the event that a cemetery manager
18 or customer service employee commences work for a cemetery
19 granted an exemption under this Section, it shall be a duty of
20 both the cemetery authority and the individual licensee to
21 immediately notify the Department so that the license may be
22 placed on inactive status. During the period that a license is
23 in inactive status, the involved person may not hold himself
24 or herself out as licensed. Upon returning to employment by a
25 cemetery licensed under this Act, such a cemetery manager or
26 customer service employee may reinstate the license to active

1 status simply by notifying the Department and paying the
2 applicable fee.

3 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

4 (225 ILCS 411/5-25)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 5-25. Powers and duties of the Department. The
7 Department shall, subject ~~Subject~~ to the provisions of this
8 Act, ~~the Department may~~ exercise the following functions,
9 powers, and duties:

10 (1) Authorize certification programs to ascertain the
11 qualifications and fitness of applicants for licensing as
12 a licensed cemetery manager or as a customer service
13 employee to ascertain whether they possess the requisite
14 level of knowledge for such position.

15 (2) Examine a licensed cemetery authority's records
16 from any year or any other aspects of cemetery operation
17 as the Department deems appropriate.

18 (3) Investigate any and all cemetery operations.

19 (4) Conduct hearings on proceedings to refuse to
20 issue, ~~or~~ renew, or restore licenses or to revoke,
21 suspend, place on probation, or reprimand, ~~or otherwise~~
22 ~~discipline~~ a licensee license under this Act ~~or take other~~
23 ~~non-disciplinary action.~~

24 (5) Adopt ~~reasonable~~ rules required for the
25 administration of this Act.

1 (6) Prescribe forms to be issued for the
2 administration and enforcement of this Act.

3 (7) (Blank). ~~Maintain rosters of the names and~~
4 ~~addresses of all licensees and all persons whose licenses~~
5 ~~have been suspended, revoked, denied renewal, or otherwise~~
6 ~~disciplined within the previous calendar year. These~~
7 ~~rosters shall be available upon written request and~~
8 ~~payment of the required fee as established by rule.~~

9 (8) Work with the Office of the Comptroller and the
10 Department of Public Health, Division of Vital Records to
11 exchange information and request additional information
12 relating to a licensed cemetery authority.

13 (9) Investigate cemetery contracts, grounds, or
14 employee records.

15 (10) Issue licenses to those who meet the requirements
16 of this Act.

17 (11) Conduct investigations related to possible
18 violations of this Act.

19 If the Department exercises its authority to conduct
20 investigations under this Section, the Department shall
21 provide the cemetery authority with information sufficient to
22 challenge the allegation. If the complainant consents, then
23 the Department shall provide the cemetery authority with the
24 identity of and contact information for the complainant so as
25 to allow the cemetery authority and the complainant to resolve
26 the complaint directly. Except as otherwise provided in this

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

16 (Source: P.A. 99-78, eff. 7-20-15.)

17 (225 ILCS 411/5-26 new)

18 Sec. 5-26. Confidentiality. All information collected by
19 the Department in the course of an examination or
20 investigation of a licensee or applicant, including, but not
21 limited to, any complaint against a licensee filed with the
22 Department and information collected to investigate any such
23 complaint, shall be maintained for the confidential use of the
24 Department and shall not be disclosed. The Department may not
25 disclose the information to anyone other than law enforcement

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

11 (225 ILCS 411/10-20)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 10-20. Application for original license or exemption.

14 (a) Applications for original licensure as a cemetery
15 authority, cemetery manager, or customer service employee
16 authorized by this Act, or application for exemption from
17 licensure as a cemetery authority, shall be made to the
18 Department in writing on forms or electronically as prescribed
19 by the Department, ~~which shall include the applicant's Social~~
20 ~~Security number or FEIN number, or both,~~ and shall be
21 accompanied by the required fee that shall not be refundable.
22 ~~as set by Section 10-55 of this Act and further refined by~~
23 ~~rule. Applications for partial or full exemption from~~
24 ~~licensure as a cemetery authority shall be submitted to the~~
25 ~~Department within 6 months after the Department adopts rules~~

1 ~~under this Act. If the person fails to submit the application~~
2 ~~for partial or full exemption within this period, the person~~
3 ~~shall be subject to discipline in accordance with Article 25~~
4 ~~of this Act. The process for renewing a full or partial~~
5 ~~exemption shall be set by rule.~~ If a cemetery authority seeks
6 to practice at more than one location, it shall meet all
7 licensure requirements at each location as required by this
8 Act and by rule, including submission of an application and
9 fee. All applications shall contain information that, in the
10 judgment of the Department, will enable the Department to pass
11 on the qualifications of the applicant for a license under
12 this Act.

13 (b) (Blank).

14 (c) After initial licensure, if any person comes to obtain
15 at least 51% of the ownership over the licensed cemetery
16 authority, then the cemetery authority shall have to apply for
17 a new license and receive licensure in the required time as set
18 by rule. The current license remains in effect until the
19 Department takes action on the application for a new license.

20 (d) (Blank). ~~All applications shall contain the~~
21 ~~information that, in the judgment of the Department, will~~
22 ~~enable the Department to pass on the qualifications of the~~
23 ~~applicant for an exemption from licensure or for a license to~~
24 ~~practice as a cemetery authority, cemetery manager, or~~
25 ~~customer service employee as set by rule.~~

26 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

1 (225 ILCS 411/10-21)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 10-21. Qualifications for licensure.

4 (a) ~~A cemetery authority shall apply for licensure on~~
5 ~~forms prescribed by the Department and pay the required fee.~~

6 An applicant is qualified for licensure as a cemetery
7 authority if the applicant meets all of the following
8 qualifications:

9 (1) The applicant has not committed any act or offense
10 in any jurisdiction that would constitute the basis for
11 discipline under this Act. When considering such license,
12 the Department shall take into consideration the
13 following:

14 (A) the applicant's record of compliance with the
15 Code of Professional Conduct and Ethics, and whether
16 the applicant has been found to have engaged in any
17 unethical or dishonest practices in the cemetery
18 business;

19 (B) whether the applicant has been adjudicated,
20 civilly or criminally, to have committed fraud or to
21 have violated any law of any state involving unfair
22 trade or business practices, has been convicted of a
23 misdemeanor of which fraud is an essential element or
24 which involves any aspect of the cemetery business, or
25 has been convicted of any felony;

1 (C) whether the applicant has willfully violated
2 any provision of this Act or a predecessor law or any
3 regulations relating thereto;

4 (D) whether the applicant has been permanently or
5 temporarily suspended, enjoined, or barred by any
6 court of competent jurisdiction in any state from
7 engaging in or continuing any conduct or practice
8 involving any aspect of the cemetery or funeral
9 business; and

10 (E) whether the applicant has ever had any license
11 to practice any profession or occupation suspended,
12 denied, fined, or otherwise acted against or
13 disciplined by the applicable licensing authority.

14 If the applicant is a corporation, limited liability
15 company, partnership, or other entity permitted by law,
16 then the Department shall determine whether each
17 principal, owner, member, officer, and shareholder holding
18 25% or more of corporate stock has met the requirements of
19 this item (1) of subsection (a) of this Section.

20 (2) The applicant must provide a statement of its
21 assets and liabilities to the Department.

22 (3) The applicant has not, within the preceding 10
23 years, been convicted of or entered a plea of guilty or
24 nolo contendere to (i) a Class X felony or (ii) a felony,
25 an essential element of which was fraud or dishonesty
26 under the laws of this State, another state, the United

1 States, or a foreign jurisdiction that is directly related
2 to the practice of cemetery operations. If the applicant
3 is a corporation, limited liability company, partnership,
4 or other entity permitted by law, then each principal,
5 owner, member, officer, and shareholder holding 25% or
6 more of corporate stock has not, within the preceding 10
7 years, been convicted of or entered a plea of guilty or
8 nolo contendere to (i) a Class X felony or (ii) a felony,
9 an essential element of which was fraud or dishonesty
10 under the laws of this State, another state, the United
11 States, or a foreign jurisdiction that is directly related
12 to the practice of cemetery operations.

13 (4) The applicant shall authorize the Department to
14 conduct a criminal background check that does not involve
15 fingerprinting.

16 (5) In the case of a person or entity applying for
17 renewal of his, her, or its license, the applicant has
18 complied with all other requirements of this Act and the
19 rules adopted for the implementation of this Act.

20 (b) ~~The cemetery manager and customer service employees of~~
21 ~~a licensed cemetery authority shall apply for licensure as a~~
22 ~~cemetery manager or customer service employee on forms~~
23 ~~prescribed by the Department and pay the required fee. A~~
24 person is qualified for licensure as a cemetery manager or
25 customer service employee if he or she meets all of the
26 following requirements:

1 (1) Is at least 18 years of age.

2 (2) Has acted in an ethical manner as set forth in
3 Section 10-23 of this Act. In determining qualifications
4 of licensure, the Department shall take into consideration
5 the factors outlined in item (1) of subsection (a) of this
6 Section.

7 (3) Submits proof of successful completion of a high
8 school education or its equivalent as established by rule.

9 (4) The applicant shall authorize the Department to
10 conduct a criminal background check that does not involve
11 fingerprinting.

12 (5) Has not committed a violation of this Act or any
13 rules adopted under this Act that, in the opinion of the
14 Department, renders the applicant unqualified to be a
15 cemetery manager.

16 (6) Submits proof of successful completion of a
17 certification course recognized by the Department for a
18 cemetery manager or customer service employee, whichever
19 the case may be.

20 (7) Has not, within the preceding 10 years, been
21 convicted of or entered a plea of guilty or nolo
22 contendere to (i) a Class X felony or (ii) a felony, an
23 essential element of which was fraud or dishonesty under
24 the laws of this State, another state, the United States,
25 or a foreign jurisdiction that is directly related to the
26 practice of cemetery operations.

1 (8) (Blank).

2 (9) In the case of a person applying for renewal of his
3 or her license, has complied with all other requirements
4 of this Act and the rules adopted for implementation of
5 this Act.

6 (c) Each applicant for a cemetery authority, cemetery
7 manager, or customer service employee license shall authorize
8 the Department to conduct a criminal background check that
9 does not involve fingerprinting. The Department must, in turn,
10 conduct the criminal background check on each applicant. The
11 Department shall adopt rules to implement this subsection (c),
12 but in no event shall the Department impose a fee upon the
13 applicant for the background check.

14 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

15 (225 ILCS 411/10-25)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 10-25. Certification.

18 (a) The Department shall authorize certification programs
19 for cemetery manager and customer service employee applicants.
20 The certification programs must consist of education and
21 training in cemetery ethics, cemetery law, and cemetery
22 practices. Cemetery ethics shall include, without limitation,
23 the Code of Professional Conduct and Ethics as set forth in
24 Section 10-23 of this Act. Cemetery law shall include, without
25 limitation, the Cemetery Oversight Act, the Cemetery Care Act,

1 the Disposition of Remains Act, and the Cemetery Protection
2 Act. Cemetery practices shall include, without limitation,
3 treating the dead and their family members with dignity and
4 respect. The certification program shall include an
5 examination administered by the entity providing the
6 certification.

7 (a-5) An entity seeking to offer a certification program
8 to cemetery manager applicants and customer service employee
9 applicants must receive approval of its program from the
10 Department in a manner and form prescribed by the Department
11 by rule. As part of this process, the entity must submit to the
12 Department the examination it offers or intends to offer as
13 part of its certification program.

14 (a-10) A cemetery manager applicant or customer service
15 employee applicant may choose any entity that has been
16 approved by the Department from which to obtain certification.

17 (b) Cemetery manager applicants and customer service
18 employee applicants shall pay the fee for the certification
19 program directly to the entity offering the program.

20 (c) If the cemetery manager applicant or customer service
21 employee applicant neglects, fails, or refuses to become
22 certified within one year after filing an application, then
23 the application shall be denied. However, the applicant may
24 thereafter submit a new application accompanied by the
25 required fee. The applicant shall meet the requirements in
26 force at the time of making the new application.

1 (d) A cemetery manager applicant or customer service
2 employee applicant who has completed a certification program
3 offered by an entity that has not received the Department's
4 approval as required by this Section has not met the
5 qualifications for licensure as set forth in Section 10-21 of
6 this Act.

7 (e) The Department may approve ~~shall recognize~~ any
8 certification program that is conducted by a death care trade
9 association in Illinois that has been in existence for more
10 than 5 years that, in the determination of the Department,
11 provides adequate education and training in cemetery law,
12 cemetery ethics, and cemetery practices and administers an
13 examination covering the same.

14 (f) The Department may, without a hearing, summarily
15 withdraw its approval of a certification program that, in the
16 judgment of the Department, fails to meet the requirements of
17 this Act or the rules adopted under this Act. A certification
18 program that has had its approval withdrawn by the Department
19 may reapply for approval, but shall provide such additional
20 information as may be required by the Department, including,
21 but not limited to, evidence to the Department's satisfaction
22 that the program is in compliance with this Act and the rules
23 adopted under this Act.

24 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 10-40. Renewal, reinstatement, or restoration of
3 license ~~Expiration and renewal of license.~~

4 (a) The expiration date and renewal period for each
5 license issued under this Act shall be set by rule. The holder
6 of a license may renew such license during the month preceding
7 the expiration date thereof by paying the required fee.

8 (b) A licensee under this Act who has permitted his or her
9 license to expire or has had his or her license placed on
10 inactive status may have his or her license restored by making
11 application to the Department and filing proof acceptable to
12 the Department of his or her fitness of having his or her
13 license restored, including, but not limited to, sworn
14 evidence certifying to active practice in another jurisdiction
15 satisfactory to the Department, and by paying the required fee
16 as determined by rule. ~~Every cemetery authority, cemetery~~
17 ~~manager, and customer service employee license shall expire~~
18 ~~every 2 years. Every registration as a fully exempt cemetery~~
19 ~~authority or partially exempt cemetery authority shall expire~~
20 ~~every 4 years. The expiration date, renewal period, and other~~
21 ~~requirements for each license and registration shall be~~
22 ~~further refined by rule.~~

23 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

24 (225 ILCS 411/10-55)

25 (Section scheduled to be repealed on January 1, 2022)

1 Sec. 10-55. Fees.

2 (a) Except as provided in this Section, the fees for the
3 administration and enforcement of this Act shall be set by the
4 Department by rule. The fees ~~shall be reasonable and~~ shall not
5 be refundable.

6 (b) Cemetery manager applicants and customer service
7 employee applicants shall pay any certification program or
8 continuing education program fee directly to the entity
9 offering the program.

10 (c) The Department may waive fees based upon hardship.

11 (d) Nothing shall prohibit a cemetery authority from
12 paying, on behalf of its cemetery managers or customer service
13 employees, their application, renewal, or restoration fees.

14 (e) All fees and other moneys collected under this Act
15 shall be deposited in the Cemetery Oversight Licensing and
16 Disciplinary Fund.

17 (f) The fee for application as a cemetery authority
18 seeking a full exemption is \$0.

19 (g) The fee to renew registration as a fully exempt
20 cemetery authority is \$0. ~~As provided in Section 10-40 of this~~
21 ~~Act and as further refined by rule, each registration as a~~
22 ~~fully exempt cemetery authority shall expire every 4 years.~~

23 (h) The fee for application as a cemetery authority
24 seeking a partial exemption is \$150.

25 (i) The fee to renew registration as a partially exempt
26 cemetery authority is \$150. ~~As provided in Section 10-40 of~~

1 ~~this Act and as further refined by rule, each registration as a~~
2 ~~partially exempt cemetery authority shall expire every 4~~
3 ~~years.~~

4 (j) The fee for original licensure, renewal, and
5 restoration as a cemetery authority not seeking a full or
6 partial exemption is \$75. ~~As provided in Section 10-40 of this~~
7 ~~Act and as further refined by rule, each cemetery authority~~
8 ~~license shall expire every 2 years.~~

9 (k) The fee for original licensure, renewal, and
10 restoration as a cemetery manager is \$25. ~~As provided in~~
11 ~~Section 10-40 of this Act and as further refined by rule, each~~
12 ~~cemetery manager license shall expire every 2 years.~~

13 (l) The fee for original licensure, renewal, and
14 restoration as a customer service employee is \$25. ~~As provided~~
15 ~~in Section 10-40 of this Act and as further refined by rule,~~
16 ~~each customer service employee license shall expire every 2~~
17 ~~years.~~

18 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

19 (225 ILCS 411/20-10)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 20-10. Contract. At the time cemetery arrangements
22 are made and prior to rendering the cemetery services, a
23 cemetery authority shall create a completed written contract
24 to be provided to the consumer, signed by both parties by their
25 actual written signatures on either paper or electronic form,

1 that shall contain: (i) the date on which the arrangements
2 were made; (ii) the price of the service selected and the
3 services and merchandise included for that price; (iii) the
4 supplemental items of service and merchandise requested and
5 the price of each item; (iv) the terms or method of payment
6 agreed upon; and (v) a statement as to any monetary advances
7 made on behalf of the family. The cemetery authority shall
8 maintain a copy of such written contract in its permanent
9 records.

10 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

11 (225 ILCS 411/25-3)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 25-3. Exemption, ~~investigation, mediation.~~ All
14 cemetery authorities maintaining a partial exemption must
15 submit to the following investigation ~~and mediation~~ procedure
16 by the Department in the event of a consumer complaint:

17 (a) Complaints to cemetery:

18 (1) the cemetery authority shall make every effort
19 to first resolve a consumer complaint; and

20 (2) if the complaint is not resolved, then the
21 cemetery authority shall advise the consumer of his or
22 her right to file a complaint with ~~seek investigation~~
23 ~~and mediation by~~ the Department.

24 (b) Complaints to the Department:

25 (1) if the Department receives a complaint, the

1 Department shall make an initial determination as to
2 whether the complaint has a reasonable basis and
3 pertains to this Act;

4 (2) if the Department determines that the
5 complaint has a reasonable basis and pertains to this
6 Act, it shall inform the cemetery authority of the
7 complaint and give it 30 days to tender a response;

8 (3) upon receiving the cemetery authority's
9 response, or after the 30 days provided in subsection
10 (2) of this subsection, whichever comes first, the
11 Department shall attempt to resolve the complaint
12 telephonically with the parties involved;

13 (4) if the complaint still is not resolved, then
14 the Department shall conduct an investigation ~~and~~
15 ~~mediate the complaint~~ as provided for by rule;

16 (5) if the Department conducts an on-site
17 investigation ~~and face to face mediation~~ with the
18 parties, then it may charge the cemetery authority a
19 single investigation ~~and mediation~~ fee, which fee
20 shall be set by rule and shall be calculated on an
21 hourly basis; and

22 (6) if all attempts to resolve the consumer
23 complaint as provided for in paragraphs (1) through
24 (5) fail, then the cemetery authority may be subject
25 to proceedings for penalties and discipline under this
26 Article when it is determined by the Department that

1 the cemetery authority may have engaged in any of the
2 following: (i) gross malpractice; (ii) dishonorable,
3 unethical, or unprofessional conduct of a character
4 likely to deceive, defraud, or harm the public; (iii)
5 gross, willful, or continued overcharging for
6 services; (iv) incompetence; (v) unjustified failure
7 to honor its contracts; or (vi) failure to adequately
8 maintain its premises. The Department may issue a
9 citation or institute disciplinary action and cause
10 the matter to be prosecuted and may thereafter issue
11 and enforce its final order as provided in this Act.

12 (Source: P.A. 96-863, eff. 3-1-10.)

13 (225 ILCS 411/25-5)

14 (Section scheduled to be repealed on January 1, 2022)

15 Sec. 25-5. Citations.

16 (a) The Department may adopt rules to permit the issuance
17 of citations for non-frivolous complaints. The citation shall
18 be issued to the licensee and shall contain the licensee's
19 name and address, the licensee's license number, a brief
20 factual statement, the Sections of the law allegedly violated,
21 and the penalty imposed. The citation must clearly state that
22 the licensee may choose, in lieu of accepting the citation, to
23 request a hearing. If the licensee does not dispute the matter
24 in the citation with the Department within 30 days after the
25 citation is served, then the citation shall become a final

1 order and shall constitute discipline. The penalty shall be a
2 fine or other conditions as established by rule.

3 (b) The Department shall adopt rules designating
4 violations for which a citation may be issued. Such rules
5 shall designate as citation violations those violations for
6 which there is no substantial threat to the public health,
7 safety, and welfare. Citations shall not be utilized if there
8 was any significant consumer harm resulting from the
9 violation.

10 (c) A citation must be issued within 6 months after the
11 reporting of a violation that is the basis for the citation.

12 (d) Service of a citation may be made by personal service,
13 regular mail, or email ~~or certified mail~~ to the licensee at the
14 licensee's address of record.

15 (Source: P.A. 96-863, eff. 3-1-10.)

16 (225 ILCS 411/25-10)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 25-10. Grounds for disciplinary action.

19 (a) The Department may refuse to issue or renew a license
20 or may revoke, suspend, place on probation, reprimand, or take
21 other disciplinary or non-disciplinary action as the
22 Department may deem appropriate, including ~~imposing~~ fines not
23 to exceed \$10,000 ~~\$8,000~~ for each violation, with regard to
24 any license under this Act, for any one or combination of the
25 following:

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

3 (2) Violations of this Act, except for Section 20-8,
4 ~~or of the rules adopted under this Act.~~

5 (3) Conviction of or entry of a plea of guilty or nolo
6 contendere, finding of guilt, jury verdict, or entry of
7 judgment or sentencing, including, but not limited to,
8 convictions, preceding sentences of supervision,
9 conditional discharge, or first offender probation under
10 the law of any jurisdiction of the United States that is
11 (i) a Class X felony or (ii) a felony, an essential element
12 of which is fraud or dishonesty that is directly related
13 to the practice of cemetery operations. ~~Conviction of, or~~
14 ~~entry of a plea of guilty or nolo contendere to, any crime~~
15 ~~within the last 10 years that is a Class X felony or higher~~
16 ~~or is a felony involving fraud and dishonesty under the~~
17 ~~laws of the United States or any state or territory~~
18 ~~thereof.~~

19 (4) Fraud or any misrepresentation in applying for or
20 procuring a license under this Act or in connection with
21 applying for renewal. ~~Making any misrepresentation for the~~
22 ~~purpose of obtaining licensure or violating any provision~~
23 ~~of this Act or the rules adopted under this Act.~~

24 (5) Incompetence or misconduct in the practice of
25 cemetery operations. ~~Professional incompetence.~~

26 (6) Gross malpractice.

1 (7) Aiding or assisting another person in violating
2 any provision of this Act or rules adopted under this Act.

3 (8) Failing, within 10 business days, to provide
4 information in response to a written request made by the
5 Department.

6 (9) Engaging in dishonorable, unethical, or
7 unprofessional conduct of a character likely to deceive,
8 defraud, or harm the public.

9 (10) Habitual or excessive use or abuse of drugs
10 defined in law as controlled substances, alcohol,
11 narcotics, stimulants, or any other substances that
12 results in the inability to practice pursuant to the
13 provisions of this Act with reasonable judgment, skill, or
14 safety while acting under the provisions of this Act.
15 ~~Inability to practice with reasonable judgment, skill, or~~
16 ~~safety as a result of habitual or excessive use of~~
17 ~~alcohol, narcotics, stimulants, or any other chemical~~
18 ~~agent or drug.~~

19 (11) Discipline by another ~~agency,~~ state, territory,
20 foreign country, the District of Columbia, the United
21 States government ~~territory,~~ or any other government
22 agency ~~foreign nation,~~ if at least one of the grounds for
23 the discipline is the same or substantially equivalent to
24 those set forth in this Act ~~Section.~~

25 (12) Directly or indirectly giving to or receiving
26 from any person, firm, corporation, partnership, or

1 association any fee, commission, rebate, or other form of
2 compensation for professional services not actually or
3 personally rendered.

4 (13) A finding by the Department that the licensee,
5 after having his or her license placed on probationary
6 status, has violated the terms of probation or failed to
7 comply with such terms.

8 (14) Willfully making or filing false records or
9 reports in his or her practice, including, but not limited
10 to, false records filed with any governmental agency or
11 department.

12 (15) Inability to practice the profession with
13 reasonable judgment, skill, or safety as a result of
14 physical illness, including, but not limited to, loss of
15 motor skill, mental illness, or disability.

16 (16) Failure to comply with an order, decision, or
17 finding of the Department made pursuant to this Act.

18 (17) Directly or indirectly receiving compensation for
19 any professional services not actually performed.

20 (18) Practicing under a false or, except as provided
21 by law, an assumed name.

22 (19) Using or attempting to use an expired, inactive,
23 suspended, or revoked license or impersonating another
24 licensee. ~~Fraud or misrepresentation in applying for, or~~
25 ~~procuring, a license under this Act or in connection with~~
26 ~~applying for renewal of a license under this Act.~~

1 (20) A finding by the Department that an applicant or
2 licensee has failed to pay a fine imposed by the
3 Department. ~~Cheating on or attempting to subvert the~~
4 ~~licensing examination administered under this Act.~~

5 (21) Unjustified failure to honor its contracts.

6 (22) Negligent supervision of a cemetery manager,
7 customer service employee, employee, or independent
8 contractor.

9 (23) (Blank). ~~A pattern of practice or other behavior~~
10 ~~which demonstrates incapacity or incompetence to practice~~
11 ~~under this Act.~~

12 (24) (Blank). ~~Allowing an individual who is not, but~~
13 ~~is required to be, licensed under this Act to perform work~~
14 ~~for the cemetery authority.~~

15 (25) (Blank).

16 (b) No action may be taken under this Act against a person
17 licensed under this Act for an occurrence or alleged
18 occurrence that predates the enactment of this Act ~~unless the~~
19 ~~action is commenced within 5 years after the occurrence of the~~
20 ~~alleged violations, except for a violation of item (3) of~~
21 ~~subsection (a) of this Section. If a person licensed under~~
22 ~~this Act violates item (3) of subsection (a) of this Section,~~
23 ~~then the action may commence within 10 years after the~~
24 ~~occurrence of the alleged violation. A continuing violation~~
25 ~~shall be deemed to have occurred on the date when the~~
26 ~~circumstances last existed that give rise to the alleged~~

1 ~~violation.~~

2 (c) In enforcing this Section, the Department, upon a
3 showing of a possible violation, may order a licensee or
4 applicant to submit to a mental or physical examination, or
5 both, at the expense of the Department. The Department may
6 order the examining physician to present testimony concerning
7 his or her examination of the licensee or applicant. No
8 information shall be excluded by reason of any common law or
9 statutory privilege relating to communications between the
10 licensee or applicant and the examining physician. The
11 examining physicians shall be specifically designated by the
12 Department. The licensee or applicant may have, at his or her
13 own expense, another physician of his or her choice present
14 during all aspects of the examination. Failure of a licensee
15 or applicant to submit to any such examination when directed,
16 without reasonable cause, shall be grounds for either
17 immediate suspending of his or her license or immediate denial
18 of his or her application.

19 (1) If the Secretary immediately suspends the license
20 of a licensee for his or her failure to submit to a mental
21 or physical examination when directed, a hearing must be
22 convened by the Department within 15 days after the
23 suspension and completed without appreciable delay.

24 (2) If the Secretary otherwise suspends a license
25 pursuant to the results of the licensee's mental or
26 physical examination, a hearing must be convened by the

1 Department within 15 days after the suspension and
2 completed without appreciable delay. The Department shall
3 have the authority to review the licensee's record of
4 treatment and counseling regarding the relevant impairment
5 or impairments to the extent permitted by applicable
6 federal statutes and regulations safeguarding the
7 confidentiality of medical records.

8 (3) Any licensee suspended under this subsection shall
9 be afforded an opportunity to demonstrate to the
10 Department that he or she can resume practice in
11 compliance with the acceptable and prevailing standards
12 under the provisions of his or her license.

13 (d) The determination by a circuit court that a licensee
14 is subject to involuntary admission or judicial admission, as
15 provided in the Mental Health and Developmental Disabilities
16 Code, operates as an automatic suspension. Such suspension may
17 end only upon a finding by a court that the patient is no
18 longer subject to involuntary admission or judicial admission,
19 the issuance of an order so finding and discharging the
20 patient, and the filing of a petition for restoration
21 demonstrating fitness to practice.

22 (e) In cases where the Department of Healthcare and Family
23 Services has previously determined that a licensee or a
24 potential licensee is more than 30 days delinquent in the
25 payment of child support and has subsequently certified the
26 delinquency to the Department, the Department shall refuse to

1 issue or renew or shall revoke or suspend that person's
2 license or shall take other disciplinary action against that
3 person based solely upon the certification of delinquency made
4 by the Department of Healthcare and Family Services under
5 paragraph (5) of subsection (a) of Section 2105-15 of the
6 Department of Professional Regulation Law of the Civil
7 Administrative Code of Illinois.

8 (f) The Department shall refuse to issue or renew or shall
9 revoke or suspend a person's license or shall take other
10 disciplinary action against that person for his or her failure
11 to file a return, to pay the tax, penalty, or interest shown in
12 a filed return, or to pay any final assessment of tax, penalty,
13 or interest as required by any tax Act administered by the
14 Department of Revenue, until the requirements of the tax Act
15 are satisfied in accordance with subsection (g) of Section
16 2105-15 of the Department of Professional Regulation Law of
17 the Civil Administrative Code of Illinois.

18 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

19 (225 ILCS 411/25-15)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 25-15. Injunction; cease ~~Cease~~ and desist order.

22 (a) If any person or entity violates a provision of this
23 Act, the Secretary may, in the name of the People of the State
24 of Illinois, through the Attorney General of the State of
25 Illinois, petition for an order enjoining such violation or

1 for an order enforcing compliance with this Act. Upon the
2 filing of a verified petition in such court, the court may
3 issue a temporary restraining order, without notice or bond,
4 and may preliminarily and permanently enjoin such violation.
5 If it is established that such person or entity has violated or
6 is violating the injunction, the court may punish the offender
7 for contempt of court. Proceedings under this Section are in
8 addition to, and not in lieu of, all other remedies and
9 penalties provided by this Act. ~~The Secretary may issue an~~
10 ~~order to cease and desist to any licensee or other person doing~~
11 ~~business without the required license when, in the opinion of~~
12 ~~the Secretary, the licensee or other person is violating or is~~
13 ~~about to violate any provision of this Act or any rule or~~
14 ~~requirement imposed in writing by the Department.~~

15 (b) Whenever in the opinion of the Department any person
16 or entity violates any provision of this Act, the Department
17 may issue a rule to show cause why an order to cease and desist
18 should not be entered against them. The rule shall clearly set
19 forth the grounds relied upon by the Department and shall
20 provide a period of 7 days from the date of the rule to file an
21 answer to the satisfaction of the Department. Failure to
22 answer to the satisfaction of the Department shall cause an
23 order to cease and desist to be issued immediately. ~~The~~
24 ~~Secretary may issue an order to cease and desist prior to a~~
25 ~~hearing and such order shall be in full force and effect until~~
26 ~~a final administrative order is entered.~~

1 ~~(e) The Secretary shall serve notice of his or her action,~~
2 ~~designated as an order to cease and desist made pursuant to~~
3 ~~this Section, including a statement of the reasons for the~~
4 ~~action, either personally or by certified mail, return receipt~~
5 ~~requested. Service by certified mail shall be deemed completed~~
6 ~~when the notice is deposited in the United States mail and sent~~
7 ~~to the address of record or, in the case of unlicensed~~
8 ~~activity, the address known to the Department.~~

9 ~~(d) Within 15 days after service of the order to cease and~~
10 ~~desist, the licensee or other person may request, in writing,~~
11 ~~a hearing.~~

12 ~~(e) The Secretary shall schedule a hearing within 30 days~~
13 ~~after the request for a hearing unless otherwise agreed to by~~
14 ~~the parties.~~

15 ~~(f) The Secretary shall have the authority to prescribe~~
16 ~~rules for the administration of this Section.~~

17 ~~(g) If, after hearing, it is determined that the Secretary~~
18 ~~has the authority to issue the order to cease and desist, he or~~
19 ~~she may issue such orders as may be reasonably necessary to~~
20 ~~correct, eliminate, or remedy such conduct.~~

21 ~~(h) The powers vested in the Secretary by this Section are~~
22 ~~additional to any and all other powers and remedies vested in~~
23 ~~the Secretary by law and nothing in this Section shall be~~
24 ~~construed as requiring that the Secretary shall employ the~~
25 ~~power conferred in this Section instead of or as a condition~~
26 ~~precedent to the exercise of any other power or remedy vested~~

1 ~~in the Secretary.~~

2 (Source: P.A. 96-863, eff. 3-1-10.)

3 (225 ILCS 411/25-25)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 25-25. Investigations, notice, hearings.

6 (a) The Department may investigate the actions of any
7 applicant or of any person or entity holding or claiming to
8 hold a license under this Act. ~~The Department may at any time~~
9 ~~investigate the actions of any applicant or of any person or~~
10 ~~persons rendering or offering to render services as a cemetery~~
11 ~~authority, cemetery manager, or customer service employee of~~
12 ~~or any person holding or claiming to hold a license as a~~
13 ~~licensed cemetery authority, cemetery manager, or customer~~
14 ~~service employee. If it appears to the Department that a~~
15 ~~person has engaged in, is engaging in, or is about to engage in~~
16 ~~any practice declared to be unlawful by this Act, then the~~
17 ~~Department may: (1) require that person to file on such terms~~
18 ~~as the Department prescribes a statement or report in writing,~~
19 ~~under oath or otherwise, containing all information the~~
20 ~~Department may consider necessary to ascertain whether a~~
21 ~~licensee is in compliance with this Act, or whether an~~
22 ~~unlicensed person is engaging in activities for which a~~
23 ~~license is required; (2) examine under oath any individual in~~
24 ~~connection with the books and records pertaining to or having~~
25 ~~an impact upon the operation of a cemetery; (3) examine any~~

1 ~~books and records of the licensee that the Department may~~
2 ~~consider necessary to ascertain compliance with this Act; and~~
3 ~~(4) require the production of a copy of any record, book,~~
4 ~~document, account, or paper that is produced in accordance~~
5 ~~with this Act and retain it in his or her possession until the~~
6 ~~completion of all proceedings in connection with which it is~~
7 ~~produced.~~

8 (b) The Department shall, before disciplining an applicant
9 or licensee, at least 30 days prior to the date set for the
10 hearing: (i) notify, in writing, the accused of the charges
11 made and the time and place for the hearing on the charges,
12 (ii) direct him or her to file a written answer to the charges
13 under oath within 20 days after service of the notice, and
14 (iii) inform the applicant or licensee that failure to file an
15 answer will result in a default being entered against the
16 applicant or licensee. ~~The Secretary may, after 10 days notice~~
17 ~~by certified mail with return receipt requested to the~~
18 ~~licensee at the address of record or to the last known address~~
19 ~~of any other person stating the contemplated action and in~~
20 ~~general the grounds therefor, fine such licensee an amount not~~
21 ~~exceeding \$10,000 per violation or revoke, suspend, refuse to~~
22 ~~renew, place on probation, or reprimand any license issued~~
23 ~~under this Act if he or she finds that:~~

24 ~~(1) the licensee has failed to comply with any~~
25 ~~provision of this Act or any order, decision, finding,~~
26 ~~rule, regulation, or direction of the Secretary lawfully~~

1 ~~made pursuant to the authority of this Act; or~~

2 ~~(2) any fact or condition exists which, if it had~~
3 ~~existed at the time of the original application for the~~
4 ~~license, clearly would have warranted the Secretary in~~
5 ~~refusing to issue the license.~~

6 (c) Written or electronic notice, and any notice in the
7 subsequent proceedings, may be served by personal delivery, by
8 email, or by mail to the applicant or licensee at his or her
9 address of record or email address of record. ~~The Secretary~~
10 ~~may fine, revoke, suspend, refuse to renew, place on~~
11 ~~probation, reprimand, or take any other disciplinary action as~~
12 ~~to the particular license with respect to which grounds for~~
13 ~~the fine, revocation, suspension, refuse to renew, probation,~~
14 ~~or reprimand, or other disciplinary action occur or exist, but~~
15 ~~if the Secretary finds that grounds for revocation are of~~
16 ~~general application to all offices or to more than one office~~
17 ~~of the licensee, the Secretary shall fine, revoke, suspend,~~
18 ~~refuse to renew, place on probation, reprimand, or otherwise~~
19 ~~discipline every license to which such grounds apply.~~

20 (d) At the time and place fixed in the notice, the hearing
21 officer appointed by the Secretary shall proceed to hear the
22 charges and the parties or their counsel shall be accorded
23 ample opportunity to present any statement, testimony,
24 evidence, and argument as may be pertinent to the charges or to
25 their defense. The hearing officer may continue the hearing
26 from time to time. ~~In every case in which a license is revoked,~~

1 ~~suspended, placed on probation, reprimanded, or otherwise~~
2 ~~disciplined, the Secretary shall serve the licensee with~~
3 ~~notice of his or her action, including a statement of the~~
4 ~~reasons for his or her actions, either personally or by~~
5 ~~certified mail, return receipt requested. Service by certified~~
6 ~~mail shall be deemed completed when the notice is deposited in~~
7 ~~the United States mail and sent to the address of record.~~

8 (e) In case the licensee or applicant, after receiving the
9 notice, fails to file an answer, his or her license may, in the
10 discretion of the Secretary, be suspended, revoked, or placed
11 on probationary status, or be subject to whatever disciplinary
12 action the Secretary considers proper, including limiting the
13 scope, nature, or extent of the person's practice or
14 imposition of a fine, without hearing, if the act or acts
15 charged constitute sufficient grounds for the action under
16 this Act. An order assessing a fine, an order revoking,
17 suspending, placing on probation, or reprimanding a license
18 or, an order denying renewal of a license shall take effect
19 upon service of the order unless the licensee requests, in
20 writing, within 20 days after the date of service, a hearing.
21 In the event a hearing is requested, an order issued under this
22 Section shall be stayed until a final administrative order is
23 entered.

24 ~~(f) If the licensee requests a hearing, then the Secretary~~
25 ~~shall schedule a hearing within 30 days after the request for a~~
26 ~~hearing unless otherwise agreed to by the parties. The~~

1 ~~Secretary shall have the authority to appoint an attorney duly~~
2 ~~licensed to practice law in the State of Illinois to serve as~~
3 ~~the hearing officer in any disciplinary action with regard to~~
4 ~~a license. The hearing officer shall have full authority to~~
5 ~~conduct the hearing.~~

6 ~~(g) The hearing shall be held at the time and place~~
7 ~~designated by the Secretary.~~

8 ~~(h) The Secretary shall have the authority to prescribe~~
9 ~~rules for the administration of this Section.~~

10 ~~(i) Fines imposed and any costs assessed shall be paid~~
11 ~~within 60 days.~~

12 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

13 (225 ILCS 411/25-26 new)

14 Sec. 25-26. Hearing officer. Notwithstanding any provision
15 of this Act, the Secretary has the authority to appoint an
16 attorney licensed to practice law in the State of Illinois to
17 serve as the hearing officer in any action for refusal to issue
18 or renew a license or discipline a license. The hearing
19 officer shall have full authority to conduct the hearing. The
20 hearing officer shall report his or her findings of fact,
21 conclusions of law, and recommendations to the Secretary.

22 (225 ILCS 411/25-30)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 25-30. Hearing; motion for rehearing ~~Consent order.~~

1 (a) The hearing officer appointed by the Secretary shall
2 hear evidence in support of the formal charges and evidence
3 produced by the licensee. At the conclusion of the hearing,
4 the hearing officer shall present to the Secretary a written
5 report of his or her findings of fact, conclusions of law, and
6 recommendations.

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

25 (c) If the Secretary disagrees in any regard with the
26 report of the hearing officer, the Secretary may issue an

1 order contrary to the report.

2 (d) Whenever the Secretary is not satisfied that
3 substantial justice has been done, the Secretary may order a
4 hearing by the same or another hearing officer.

5 (e) At any point in any investigation or disciplinary
6 proceeding provided for in this Act, both parties may agree to
7 a negotiated consent order. The consent order shall be final
8 upon signature of the Secretary.

9 ~~At any point in any investigation or disciplinary proceeding~~
10 ~~provided for in this Act, both parties may agree to a~~
11 ~~negotiated consent order. The consent order shall be final~~
12 ~~upon signature of the Secretary.~~

13 (Source: P.A. 96-863, eff. 3-1-10.)

14 (225 ILCS 411/25-35)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 25-35. Record of proceedings, ~~transcript.~~

17 (a) The Department, at its expense, shall provide a
18 certified shorthand reporter to take down the testimony and
19 preserve a record of all proceedings at the hearing of any case
20 in which a licensee may be revoked, suspended, placed on
21 probationary status, reprimanded, fined, or subjected to other
22 disciplinary action with reference to the license when a
23 disciplinary action is authorized under this Act and rules.
24 The notice of hearing, complaint, and all other documents in
25 the nature of pleadings and written portions filed in the

1 proceedings, the transcript of the testimony, the report of
2 the hearing officer, and the orders of the Department shall be
3 the record of the proceedings. The record may be made
4 available to any person interested in the hearing upon payment
5 of the fee required by Section 2105-115 of the Department of
6 Professional Regulation Law shall preserve a record of all
7 proceedings at the formal hearing of any case. Any notice, all
8 documents in the nature of pleadings, written motions filed in
9 the proceedings, the transcripts of testimony, and orders of
10 the Department shall be in the record of the proceeding.

11 (b) The Department may contract for court reporting
12 services, and, if it does so, the Department shall provide the
13 name and contact information for the certified shorthand
14 reporter who transcribed the testimony at a hearing to any
15 person interested, who may obtain a copy of the transcript of
16 any proceedings at a hearing upon payment of the fee specified
17 by the certified shorthand reporter.

18 (Source: P.A. 96-863, eff. 3-1-10.)

19 (225 ILCS 411/25-90)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 25-90. Restoration of license from discipline.

22 (a) At any time after the successful completion of a term
23 of indefinite probation, suspension, or revocation of a
24 license under this Act, the Department may restore the license
25 to the licensee, unless after an investigation and a hearing

1 the Secretary determines that restoration is not in the public
2 interest.

3 (b) Where circumstances of suspension or revocation so
4 indicate, the Department may require an examination of the
5 licensee prior to restoring his or her license.

6 (c) No person whose license has been revoked as authorized
7 in this Act may apply for restoration of that license until
8 such time as provided for in the Civil Administrative Code of
9 Illinois.

10 (d) A license that has been suspended or revoked shall be
11 considered non-renewed for purposes of restoration and a
12 licensee restoring his or her license from suspension or
13 revocation must comply with the requirements for restoration
14 as set forth in Section 10-40.

15 (Source: P.A. 96-863, eff. 3-1-10.)

16 (225 ILCS 411/25-95)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 25-95. Administrative review; venue.

19 (a) All final administrative decisions of the Department
20 are subject to judicial review under the Administrative Review
21 Law and its rules. The term "administrative decision" is
22 defined as in Section 3-101 of the Code of Civil Procedure.

23 (b) Proceedings for judicial review shall be commenced in
24 the circuit court of the county in which the party applying for
25 review resides, but if the party is not a resident of Illinois,

1 the venue shall be in Sangamon County.

2 (c) The Department shall not be required to certify any
3 record to the court or file any answer in court, or to
4 otherwise appear in any court in a judicial review proceeding,
5 unless and until the Department has received from the
6 plaintiff payment of the costs of furnishing and certifying
7 the record, which costs shall be determined by the Department.

8 (d) Failure on the part of the plaintiff to file a receipt
9 in court shall be grounds for dismissal of the action.

10 (Source: P.A. 96-863, eff. 3-1-10.)

11 (225 ILCS 411/25-105)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 25-105. Unlicensed practice; violations; civil
14 penalty ~~Violations.~~

15 (a) Any person who practices, offers to practice, attempts
16 to practice, or hold himself or herself out as a cemetery
17 manager or customer service employee as provided in this Act
18 without being licensed or exempt under this Act shall, in
19 addition to any other penalty provided by law, pay a civil
20 penalty to the Department in an amount not to exceed \$10,000
21 for each offense, as determined by the Department. The civil
22 penalty shall be assessed by the Department after a hearing is
23 held in accordance with the provision set forth in this Act
24 regarding the provision of a hearing for the discipline of a
25 licensee.

1 (b) The Department may investigate any actual, alleged, or
2 suspected unlicensed activity.

3 (c) The civil penalty shall be paid within 60 days after
4 the effective date of the order imposing the civil penalty.
5 The order shall constitute a judgment and may be filed and
6 execution had thereon in the same manner as any judgment from
7 any court of record.

8 (d) A person or entity not licensed under this Act who has
9 violated any provision of this Act or its rules is guilty of a
10 Class A misdemeanor for the first offense and a Class 4 felony
11 for a second and subsequent offenses.

12 ~~Each of the following acts is a Class A misdemeanor for the~~
13 ~~first offense and a Class 4 felony for each subsequent~~
14 ~~offense:~~

15 ~~(1) the practice of or attempted practice of or~~
16 ~~holding out as available to practice as a cemetery~~
17 ~~authority, cemetery manager, or customer service employee~~
18 ~~without a license; or~~

19 ~~(2) the obtaining of or the attempt to obtain any~~
20 ~~license or authorization under this Act by fraud or~~
21 ~~misrepresentation.~~

22 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

23 (225 ILCS 411/25-115)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 25-115. Illinois Administrative Procedure Act;

1 application. The Illinois Administrative Procedure Act is
2 expressly adopted and incorporated in this Act as if all of the
3 provisions of that Act were included in this Act, except that
4 the provision of paragraph (d) of Section 10-65 of the
5 Illinois Administrative Procedure Act, which provides that at
6 hearings the licensee has the right to show compliance with
7 all lawful requirements for retention or continuation or
8 renewal of the license, is specifically excluded. The
9 Department shall not be required to annually verify email
10 addresses as specified in paragraph (a) of subsection (2) of
11 Section 10-75 of the Illinois Administrative Procedure Act.
12 For the purpose of this Act, the notice required under Section
13 10-25 of the Illinois Administrative Procedure Act is
14 considered sufficient when mailed to the address of record or
15 emailed to the email address of record.

16 (Source: P.A. 96-863, eff. 3-1-10.)

17 (225 ILCS 411/35-5)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 35-5. Penalties. Cemetery authorities shall respect
20 the rights of consumers of cemetery products and services as
21 put forth in this Article. Failure to abide by the cemetery
22 duties listed in this Article or to comply with a request by a
23 consumer based on a consumer's privileges under this Article
24 may activate the ~~mediation, citation, or~~ disciplinary
25 processes in Article 25 of this Act.

1 (Source: P.A. 96-863, eff. 3-1-10.)

2 (225 ILCS 411/35-15)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 35-15. Cemetery duties.

5 (a) Prices for all cemetery-related products offered for
6 sale by the cemetery authority must be disclosed to the
7 consumer in writing on a standardized price list.
8 Memorialization pricing may be disclosed in price ranges. The
9 price list shall include the effective dates of the prices.
10 The price list shall include not only the range of interment,
11 inurnment, and entombment rights, and the cost of extending
12 the term of any term burial, but also any related merchandise
13 or services offered by the cemetery authority. Charges for
14 installation of markers, monuments, and vaults in cemeteries
15 must be the same without regard to where the item is purchased.

16 (b) A contract for the interment, inurnment, or entombment
17 of human remains must be signed by both parties: the consumer
18 and the cemetery authority or its representative. Such
19 signature shall be personally signed by the signor on either
20 paper or electronic format and shall not include a stamp or
21 electronic facsimile of the signature. Before a contract is
22 signed, the prices for the purchased services and merchandise
23 must be disclosed on the contract and in plain language. If a
24 contract is for a term burial, the term, the option to extend
25 the term, and the subsequent disposition of the human remains

1 post-term must be in bold print and discussed with the
2 consumer. Any contract for the sale of a burial plot, when
3 designated, must disclose the exact location of the burial
4 plot based on the survey of the cemetery map or plat on file
5 with the cemetery authority.

6 (c) A cemetery authority that has the legal right to
7 extend a term burial shall, prior to disinterment, provide the
8 family or other authorized agent under the Disposition of
9 Remains Act the opportunity to extend the term of a term burial
10 for the cost as stated on the cemetery authority's current
11 price list. Regardless of whether the family or other
12 authorized agent chooses to extend the term burial, the
13 cemetery authority shall, prior to disinterment, provide
14 notice to the family or other authorized agent under the
15 Disposition of Remains Act of the cemetery authority's
16 intention to disinter the remains and to inter different human
17 remains in that space.

18 (d) If any rules or regulations, including the operational
19 or maintenance requirements, of a cemetery change after the
20 date a contract is signed for the purchase of cemetery-related
21 or funeral-related products or services, the cemetery may not
22 require the consumer, purchaser, or such individual's relative
23 or representative to purchase any merchandise or service not
24 included in the original contract or in the rules and
25 regulations in existence when the contract was entered unless
26 the purchase is reasonable or required to make the cemetery

1 authority compliant with applicable law.

2 (e) No cemetery authority or its agent may engage in
3 deceptive or unfair practices. The cemetery authority and its
4 agents may not misrepresent legal or cemetery requirements.

5 (f) The Department may adopt rules regarding green burial
6 certification, green cremation products and methods, and
7 consumer education.

8 (g) The contractual requirements contained in this Section
9 only apply to contracts executed after the effective date of
10 this Act.

11 (Source: P.A. 96-863, eff. 3-1-10.)

12 (225 ILCS 411/75-45)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 75-45. Fees. The Department shall by rule provide for
15 fees for the administration and enforcement of this Act, and
16 those fees are nonrefundable. All of the fees, ~~and fines,~~ and
17 all other moneys collected under this Act and fees collected
18 on behalf of the Department under subsection (1) of Section 25
19 of the Vital Records Act shall be deposited into the Cemetery
20 Oversight Licensing and Disciplinary Fund and be appropriated
21 to the Department for the ordinary and contingent expenses of
22 the Department in the administration and enforcement of this
23 Act.

24 (Source: P.A. 96-863, eff. 3-1-10.)

1 (225 ILCS 411/25-1 rep.)
2 (225 ILCS 411/25-50 rep.)
3 (225 ILCS 411/25-55 rep.)
4 (225 ILCS 411/25-60 rep.)
5 (225 ILCS 411/25-100 rep.)
6 (225 ILCS 411/25-110 rep.)
7 (225 ILCS 411/25-120 rep.)
8 (225 ILCS 411/25-125 rep.)
9 (225 ILCS 411/75-20 rep.)
10 (225 ILCS 411/75-35 rep.)

11 Section 45. The Cemetery Oversight Act is amended by
12 repealing Sections 25-1, 25-50, 25-55, 25-60, 25-100, 25-110,
13 25-120, 25-125, 75-20, and 75-35.

14 Section 50. The Community Association Manager Licensing
15 and Disciplinary Act is amended by changing Sections 10, 15,
16 20, 25, 27, 30, 40, 45, 50, 55, 60, 65, 70, 75, 85, 90, 92, 95,
17 115, 120, 140, 145, 155, and 165 and by adding Sections 12, 41,
18 85.1, 86, 161, and 162 as follows:

19 (225 ILCS 427/10)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 10. Definitions. As used in this Act:

22 "Address of record" means the designated street address,
23 which may not be a post office box, recorded by the Department
24 in the applicant's or licensee's application file or license

1 file maintained by the Department ~~Department's licensure~~
2 ~~maintenance unit. It is the duty of the applicant or licensee~~
3 ~~to inform the Department of any change of address, and such~~
4 ~~changes must be made either through the Department's website~~
5 ~~or by contacting the Department's licensure maintenance unit.~~

6 "Advertise" means, but is not limited to, issuing or
7 causing to be distributed any card, sign or device to any
8 person; or causing, permitting or allowing any sign or marking
9 on or in any building, structure, newspaper, magazine or
10 directory, or on radio or television; or advertising by any
11 other means designed to secure public attention, including,
12 but not limited to, print, electronic, social media, and
13 digital forums.

14 "Board" means the Community Association Manager Licensing
15 and Disciplinary Board.

16 "Community association" means an association in which
17 membership is a condition of ownership or shareholder interest
18 of a unit in a condominium, cooperative, townhouse, villa, or
19 other residential unit which is part of a residential
20 development plan and that is authorized to impose an
21 assessment, rents, or other costs that may become a lien on the
22 unit or lot.

23 "Community association funds" means any assessments, fees,
24 fines, or other funds collected by the community association
25 manager from the community association, or its members, other
26 than the compensation paid to the community association

1 manager for performance of community association management
2 services.

3 "Community association management firm" means a company,
4 corporation, limited liability company, partnership, or other
5 entity that engages in community association management
6 services.

7 "Community association management services" means those
8 services listed in the definition of community association
9 manager in this Section.

10 "Community association manager" means an individual who:

11 (1) has an ownership interest in or is employed by a
12 community association management firm, or is directly
13 employed by or provides services as an independent
14 contractor to a community association; and

15 (2) administers for remuneration the financial,
16 administrative, maintenance, or other duties for the
17 community association, including the following services:

18 (A) collecting, controlling or disbursing funds of
19 the community association or having the authority to
20 do so;

21 (B) preparing budgets or other financial documents
22 for the community association;

23 (C) assisting in the conduct of community
24 association meetings;

25 (D) maintaining association records; ~~and~~

26 (E) administering ~~administrating~~ association

1 contracts or procuring goods and services in
2 accordance with, ~~as stated in~~ the declaration, bylaws,
3 proprietary lease, declaration of covenants, or other
4 governing document of the community association or at
5 the direction of the board of managers; and

6 (F) coordinating financial, administrative,
7 maintenance, or other duties called for in the
8 management contract, including individuals who are
9 direct employees of the community association.

10 "Community association manager" does not mean support
11 staff, including, but not limited to bookkeepers,
12 administrative assistants, secretaries, property inspectors,
13 or customer service representatives.

14 "Department" means the Department of Financial and
15 Professional Regulation.

16 "Designated community association manager" means a
17 licensed community association manager who: (1) has an
18 ownership interest in or is employed by a community
19 association management firm to act as a controlling person;
20 and (2) is the authorized signatory or has delegated signing
21 authority for the firm on community association accounts; and
22 (3) supervises, manages, and is responsible for the firm's
23 community association manager activities pursuant to Section
24 50 of this Act.

25 "Email address of record" means the designated email
26 address recorded by the Department in the applicant's

1 application file or the licensee's license file, as maintained
2 by the Department.

3 "License" means the privilege conferred by the Department
4 to a person that has fulfilled all requirements prerequisite
5 to any type of licensure under this Act ~~license issued to a~~
6 ~~person, corporation, partnership, limited liability company,~~
7 ~~or other legal entity under this Act to provide community~~
8 ~~association management services.~~

9 "Licensee" means a community association manager or a
10 community association management firm.

11 "Person" means any individual, corporation, partnership,
12 limited liability company, or other legal entity.

13 "Secretary" means the Secretary of Financial and
14 Professional Regulation or the Secretary's designee.

15 ~~"Supervising community association manager" means an~~
16 ~~individual licensed as a community association manager who~~
17 ~~manages and supervises a firm.~~

18 (Source: P.A. 100-201, eff. 8-18-17.)

19 (225 ILCS 427/12 new)

20 Sec. 12. Address of record; email address of record. All
21 applicants and licensees shall:

22 (1) provide a valid address and email address to the
23 Department, which shall serve as the address of record and
24 email address of record, respectively, at the time of
25 application for licensure or renewal of a license; and

1 (2) inform the Department of any change of address of
2 record or email address of record within 14 days after
3 such change through the Department's website or in a
4 manner prescribed by the Department.

5 (225 ILCS 427/15)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 15. License required. It shall be unlawful for any
8 ~~person, corporation, partnership, limited liability company,~~
9 ~~or other entity~~ to provide community association management
10 services, provide services as a community association manager,
11 or hold the person ~~himself, herself, or itself~~ out as a
12 community association manager or community association
13 management firm to any community association in this State,
14 unless the person holds ~~he, she, or it holds~~ a current and
15 valid license issued ~~licensed~~ by the Department or the person
16 is otherwise exempt from licensure under this Act.

17 (Source: P.A. 98-365, eff. 1-1-14.)

18 (225 ILCS 427/20)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 20. Exemptions.

21 (a) The requirement for holding a license under this Act
22 shall not apply to any of the following:

23 (1) Any director or, ~~officer, or member~~ of a community
24 association providing one or more of the services of a

1 community association manager to a community association
2 without compensation for such services to the association.

3 (2) Any person, ~~corporation, partnership, or limited~~
4 ~~liability company~~ providing one or more of the services of
5 a community association manager to a community association
6 of 10 units or less.

7 (3) A licensed attorney acting solely as an incident
8 to the practice of law.

9 (4) An individual ~~A person~~ acting as a receiver,
10 trustee in bankruptcy, administrator, executor, or
11 guardian acting under a court order or under the authority
12 of a court will ~~or of a trust instrument~~.

13 (5) A person licensed in this State under any other
14 Act who engages in practices or activities specifically
15 authorized by the Act pursuant to which the license was
16 granted ~~from engaging the practice for which he or she is~~
17 ~~licensed~~.

18 (b) A licensed community association manager may not
19 perform or engage in any activities for which a real estate
20 managing broker, ~~or~~ real estate broker, or residential leasing
21 agent ~~broker's~~ license is required under the Real Estate
22 License Act of 2000, unless the licensee ~~he or she~~ also
23 possesses a current and valid license under the Real Estate
24 License Act of 2000 and is providing those services as
25 provided for in the Real Estate License Act of 2000 and the
26 applicable rules.

1 (c) (Blank). ~~A person may temporarily act as, or provide~~
2 ~~services as, a community association manager without being~~
3 ~~licensed under this Act if the person (i) is a community~~
4 ~~association manager regulated under the laws of another state~~
5 ~~or territory of the United States or another country and (ii)~~
6 ~~has applied in writing to the Department, on forms prepared~~
7 ~~and furnished by the Department, for licensure under this Act.~~
8 ~~This temporary right to act as a community association manager~~
9 ~~shall expire 6 months after the filing of his or her written~~
10 ~~application to the Department; upon the withdrawal of the~~
11 ~~application for licensure under this Act; or upon delivery of~~
12 ~~a notice of intent to deny the application from the~~
13 ~~Department; or upon the denial of the application by the~~
14 ~~Department, whichever occurs first.~~

15 (Source: P.A. 98-365, eff. 1-1-14.)

16 (225 ILCS 427/25)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 25. Community Association Manager Licensing and
19 Disciplinary Board.

20 (a) There is hereby created the Community Association
21 Manager Licensing and Disciplinary Board, which shall consist
22 of 7 members appointed by the Secretary. All members must be
23 residents of the State and must have resided in the State for
24 at least 5 years immediately preceding the date of
25 appointment. Five members of the Board must be licensees under

1 this Act, ~~at least two members of which shall be supervising~~
2 ~~community association managers~~. Two members of the Board shall
3 be owners of, or hold a shareholder's interest in, a unit in a
4 community association at the time of appointment who are not
5 licensees under this Act and have no direct affiliation ~~or~~
6 ~~work experience~~ with the community association's community
7 association manager. This Board shall act in an advisory
8 capacity to the Department.

9 (b) The term of each member ~~Members serving on the Board on~~
10 ~~the effective date of this amendatory Act of the 100th General~~
11 ~~Assembly may serve the remainder of their unexpired terms.~~
12 ~~Thereafter, the members' terms~~ shall be for 4 years or until
13 that member's successor is appointed ~~and expire upon~~
14 ~~completion of the term~~. No member shall be reappointed to the
15 Board for a term that would cause the member's ~~his or her~~
16 cumulative service to the Board to exceed 10 years.
17 Appointments to fill vacancies shall be made by the Secretary
18 for the unexpired portion of the term. The Secretary shall
19 remove from the Board any member whose license has become void
20 or has been revoked or suspended and may remove any member of
21 the Board for neglect of duty, misconduct, or incompetence. A
22 member who is subject to formal disciplinary proceedings shall
23 be disqualified ~~disqualify himself or herself~~ from all Board
24 business until the charge is resolved. A member also shall be
25 disqualified ~~disqualify himself or herself~~ from any matter on
26 which the member cannot act objectively.

1 (c) Four Board members shall constitute a quorum. A quorum
2 is required for all Board decisions.

3 (d) The Board shall elect annually, at its first meeting
4 of the fiscal year, a chairperson and vice chairperson.

5 (e) Each member shall receive reimbursement as set by the
6 Governor's Travel Control Board for expenses incurred in
7 carrying out the duties as a Board member. The Board shall be
8 compensated as determined by the Secretary.

9 (f) The Board may recommend policies, procedures, and
10 rules relevant to the administration and enforcement of this
11 Act.

12 (Source: P.A. 100-886, eff. 8-14-18.)

13 (225 ILCS 427/27)

14 (Section scheduled to be repealed on January 1, 2022)

15 Sec. 27. Immunity from liability. Any member of the Board,
16 any attorney providing advice to the Board or Department, any
17 person acting as a consultant to the Board or Department, and
18 any witness testifying in a proceeding authorized under this
19 Act, excluding the party making the complaint, shall be immune
20 from liability in any civil action brought ~~against him or her~~
21 for acts occurring while acting in one's ~~his or her~~ capacity as
22 a Board member, attorney, consultant, or witness,
23 respectively, unless the conduct that gave rise to the action
24 was willful or wanton misconduct.

25 (Source: P.A. 98-365, eff. 1-1-14.)

1 (225 ILCS 427/30)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 30. Powers and duties of the Department. The
4 Department may exercise the following functions, powers and
5 duties:

6 (a) formulate rules for the administration and
7 enforcement of this Act;

8 (b) prescribe forms to be issued for the
9 administration and enforcement of this Act and utilize
10 regular or electronic mail, at the discretion of the
11 Department, to send notices and other information to
12 applicants and licensees;

13 (c) conduct hearings or proceedings to refuse to issue
14 or renew, or to suspend, revoke, place on probation,
15 reprimand, or take disciplinary or non-disciplinary action
16 as the Department may deem appropriate under this Act;

17 (d) (blank); ~~maintain a roster of the names and~~
18 ~~addresses of all licensees in a manner as deemed~~
19 ~~appropriate by the Department; and~~

20 (e) seek the advice and expert knowledge of the Board
21 on any matter relating to the administration and
22 enforcement of this Act; and

23 (f) exercise any and all general powers and duties set
24 forth in Section 2105-15 of the Department of Professional
25 Regulation Law of the Civil Administrative Code of

1 Illinois.

2 (Source: P.A. 96-726, eff. 7-1-10.)

3 (225 ILCS 427/40)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 40. Qualifications for licensure as a community
6 association manager.

7 (a) No person shall be qualified for licensure as a
8 community association manager under this Act, unless the
9 person ~~he or she~~ has applied in writing on the prescribed forms
10 and has paid the required, nonrefundable fees and has met
11 ~~meets~~ all of the following qualifications:

12 (1) Is ~~He or she is~~ at least 18 years of age.

13 (1.5) Successfully completed a 4-year course of study
14 in a high school, secondary school, or an equivalent
15 course of study approved by the state in which the school
16 is located, or possess a high school equivalency
17 certificate, which shall be verified under oath by the
18 applicant.

19 (2) Provided ~~He or she provides~~ satisfactory evidence
20 of having completed at least 20 classroom hours in
21 community association management courses approved by the
22 Board.

23 (3) Passed ~~He or she has passed~~ an examination
24 authorized by the Department.

25 (4) Has ~~He or she has~~ not committed an act or acts, in

1 this or any other jurisdiction, that would be a violation
2 of this Act.

3 (5) Is ~~He or she is~~ of good moral character. In
4 determining moral character under this Section, the
5 Department may take into consideration whether the
6 applicant has engaged in conduct or activities that would
7 constitute grounds for discipline under this Act. Good
8 moral character is a continuing requirement of licensure.
9 Conviction of crimes may be used in determining moral
10 character, but shall not constitute an absolute bar to
11 licensure.

12 (6) Has ~~He or she has~~ not been declared by any court of
13 competent jurisdiction to be incompetent by reason of
14 mental or physical defect or disease, unless ~~a court has~~
15 subsequently declared by a court ~~him or her~~ to be
16 competent.

17 (7) Complies ~~He or she complies~~ with any additional
18 qualifications for licensure as determined by rule of the
19 Department.

20 (b) (Blank). ~~The education requirement set forth in item~~
21 ~~(2) of subsection (a) of this Section shall not apply to~~
22 ~~persons holding a real estate managing broker or real estate~~
23 ~~broker license in good standing issued under the Real Estate~~
24 ~~License Act of 2000.~~

25 (c) (Blank). ~~The examination and initial education~~
26 ~~requirement of items (2) and (3) of subsection (a) of this~~

~~Section shall not apply to any person who within 6 months from the effective date of the requirement for licensure, as set forth in Section 170 of this Act, applies for a license by providing satisfactory evidence to the Department of qualifying experience or education, as may be set forth by rule, including without limitation evidence that he or she has practiced community association management for a period of 5 years.~~

(d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within the 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of re-application.

(e) The Department shall not require applicants to report the following information and shall not consider the following criminal history records in connection with an application for licensure:

(1) juvenile adjudications of delinquent minors as defined in Section 5-105 of the Juvenile Court Act of 1987 subject to the restrictions set forth in Section 5-130 of that Act;

(2) law enforcement records, court records, and conviction records of an individual who was 17 years old at the time of the offense and before January 1, 2014, unless the nature of the offense required the individual

1 to be tried as an adult;

2 (3) records of arrest not followed by a charge or
3 conviction;

4 (4) records of arrest in which the charges were
5 dismissed unless related to the practice of the
6 profession; however, applicants shall not be asked to
7 report any arrests, and an arrest not followed by a
8 conviction shall not be the basis of a denial and may be
9 used only to assess an applicant's rehabilitation;

10 (5) convictions overturned by a higher court; or

11 (6) convictions or arrests that have been sealed or
12 expunged.

13 (f) An applicant or licensee shall report to the
14 Department, in a manner prescribed by the Department, and
15 within 30 days after the occurrence if during the term of
16 licensure: (i) any conviction of or plea of guilty or nolo
17 contendere to forgery, embezzlement, obtaining money under
18 false pretenses, larceny, extortion, conspiracy to defraud, or
19 any similar offense or offenses or any conviction of a felony
20 involving moral turpitude; (ii) the entry of an administrative
21 sanction by a government agency in this State or any other
22 jurisdiction that has as an essential element dishonesty or
23 fraud or involves larceny, embezzlement, or obtaining money,
24 property, or credit by false pretenses; or (iii) any
25 conviction of or plea of guilty or nolo contendere to a crime
26 that subjects the licensee to compliance with the requirements

1 of the Sex Offender Registration Act.

2 (Source: P.A. 100-892, eff. 8-14-18.)

3 (225 ILCS 427/41 new)

4 Sec. 41. Qualifications for licensure as a community
5 association management firm. Any person who desires to obtain
6 a community association management firm license must:

7 (1) apply to the Department on forms prescribed by the
8 Department and pay the required fee;

9 (2) provide evidence to the Department that the
10 community association management firm has a licensed and
11 designated community association manager;

12 (3) be authorized to conduct business in the State of
13 Illinois and provide proof of such authorization to the
14 Department; and

15 (4) comply with all requirements as may be set forth
16 by rule.

17 (225 ILCS 427/45)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 45. Examinations.

20 (a) The Department shall authorize examinations of
21 applicants for licensure as a community association manager at
22 such times and places as it may determine. The examination of
23 applicants shall be of a character to give a fair test of the
24 qualifications of the applicant to practice as a community

1 association manager.

2 (b) Applicants for examination shall be required to pay,
3 either to the Department or the designated testing service, a
4 fee covering the cost of providing the examination.

5 (c) The Department may employ consultants to prepare and
6 conduct ~~for the purpose of preparing and conducting~~
7 examinations.

8 (d) An applicant shall be eligible to take the examination
9 only after successfully completing the education requirements
10 set forth in this Act and attaining the minimum education and
11 age required under this Act.

12 (e) (Blank). ~~The examination approved by the Department~~
13 ~~should utilize the basic principles of professional testing~~
14 ~~standards utilizing psychometric measurement. The examination~~
15 ~~shall use standards set forth by the National Organization for~~
16 ~~Competency Assurances and shall be approved by the Department.~~

17 (Source: P.A. 96-726, eff. 7-1-10.)

18 (225 ILCS 427/50)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 50. Community association management firm.

21 (a) No corporation, partnership, limited liability
22 company, or other legal entity shall provide or offer to
23 provide community association management services, unless it
24 has applied in writing on the prescribed forms and has paid the
25 required nonrefundable fees and provided evidence to the

1 Department that the firm has designated a licensed ~~supervising~~
2 community association manager to supervise and manage the
3 firm. Having a ~~A~~ designated ~~supervising~~ community association
4 manager shall be a continuing requirement of firm licensure.
5 ~~No supervising community association manager may be the~~
6 ~~supervising community association manager for more than one~~
7 ~~firm.~~

8 (b) Any corporation, partnership, limited liability
9 company, or other legal entity that is providing, or offering
10 to provide, community association management services and is
11 not in compliance with this Section ~~50~~ and other provisions of
12 this Act shall be subject to the civil penalties ~~fines,~~
13 injunctions, cease and desist provisions, and penalties
14 provided for in Sections 90, 92, and 155 of this Act.

15 (c) No community association manager may be the designated
16 community association manager ~~licensee in charge~~ for more than
17 one firm, corporation, limited liability company, partnership,
18 or other legal entity. The designated community association
19 manager shall supervise and manage all licensed and unlicensed
20 employees acting on behalf of the community association
21 management firm. The designated community association manager
22 shall supervise and manage all independent contractors
23 providing community association management services on behalf
24 of the community association management firm. The community
25 association management firm and the designated community
26 association manager shall be responsible for all actions of

1 which they had knowledge taken on behalf of the community
2 association management firm.

3 (d) The Department may adopt rules and set all necessary
4 requirements for the implementation of this Section.

5 (Source: P.A. 98-365, eff. 1-1-14.)

6 (225 ILCS 427/55)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 55. Fidelity insurance; segregation of accounts.

9 (a) The designated ~~supervising~~ community association
10 manager or the community association management firm that
11 employs the designated community association manager ~~with~~
12 ~~which he or she is employed~~ shall not have access to and
13 disburse community association funds unless each of the
14 following conditions occur:

15 (1) There is fidelity insurance in place to insure
16 against loss or ~~for~~ theft of community association funds.

17 (2) The fidelity insurance is in the maximum amount of
18 coverage available to protect funds in the custody or ~~not~~
19 ~~less than all moneys under the control of the~~ designated
20 ~~supervising~~ community association manager or ~~the employing~~
21 community association management firm providing service to
22 ~~for~~ the association.

23 (3) During the term and coverage period of the
24 insurance, the ~~The~~ fidelity insurance shall cover ~~covers~~
25 ~~the:~~

1 (A) the designated community association manager;~~;~~
2 ~~supervising community association manager, and~~

3 (B) the community association management firm;

4 (C) all community association managers;

5 (D) all ~~all~~ partners, officers, and employees of
6 the community association management firm; and ~~during~~
7 ~~the term of the insurance coverage, which shall be at~~
8 ~~least for the same term as the service agreement~~
9 ~~between the community association management firm or~~
10 ~~supervising community association manager as well as~~

11 (E) the community association officers, directors,
12 and employees.

13 (4) The insurance company issuing the fidelity
14 insurance may not cancel or refuse to renew the bond
15 without giving at least 10 days' prior written notice.

16 (5) Unless an agreement between the community
17 association and the designated ~~supervising~~ community
18 association manager or the community association
19 management firm provides to the contrary, a community
20 association may secure and pay for the fidelity insurance
21 required by this Section. The designated ~~supervising~~
22 community association manager, all other licensees, and ~~or~~
23 the community association management firm must be named as
24 additional insured parties on the community association
25 policy.

26 (b) A community association management firm that provides

1 community association management services for more than one
2 community association shall maintain separate, segregated
3 accounts for each community association ~~or, with the consent~~
4 ~~of the community association, combine the accounts of one or~~
5 ~~more community associations, but in that event, separately~~
6 ~~account for the funds of each community association.~~ The funds
7 shall not, in any event, be commingled with the supervising
8 community association manager's or community association
9 management firm's funds. The funds shall not, in any event, be
10 commingled with the funds of the community association
11 manager, the community association management firm, or any
12 other community association. The maintenance of such accounts
13 shall be custodial, and such accounts shall be in the name of
14 the respective community association ~~or community association~~
15 ~~manager or Community Association Management Agency as the~~
16 ~~agent for the association.~~

17 (c) The designated ~~supervising~~ community association
18 manager or community association management firm shall obtain
19 the appropriate general liability and errors and omissions
20 insurance, as determined by the Department, to cover any
21 losses or claims against a ~~the supervising~~ community
22 association manager, the designated community association
23 manager, or the community association management firm.

24 (d) The Department shall have authority to promulgate
25 additional rules regarding insurance, fidelity insurance and
26 all accounts maintained and to be maintained by a community

1 association manager, designated ~~supervising~~ community
2 association manager, or community association management firm.
3 (Source: P.A. 98-365, eff. 1-1-14.)

4 (225 ILCS 427/60)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 60. Licenses; renewals; restoration; person in
7 military service.

8 (a) The expiration date, fees, and renewal period for each
9 license issued under this Act shall be set by rule. The
10 Department may promulgate rules requiring continuing education
11 and set all necessary requirements for such, including but not
12 limited to fees, approved coursework, number of hours, and
13 waivers of continuing education.

14 (b) Any licensee who has an expired ~~permitted his, her, or~~
15 ~~its~~ license ~~to expire~~ may have the license restored by
16 applying ~~making application~~ to the Department and filing proof
17 acceptable to the Department of fitness to have the expired
18 ~~his, her, or its~~ license restored, by which may include sworn
19 evidence certifying to active practice in another jurisdiction
20 satisfactory to the Department, complying with any continuing
21 education requirements, and paying the required restoration
22 fee.

23 (c) Any ~~If the person has not maintained an active~~
24 ~~practice in another jurisdiction satisfactory to the~~
25 ~~Department, the Department shall determine, by an evaluation~~

1 ~~program established by rule, the person's fitness to resume~~
2 ~~active status and may require the person to complete a period~~
3 ~~of evaluated clinical experience and successful completion of~~
4 ~~a practical examination. However, any person whose license~~
5 expired while (i) in federal service on active duty with the
6 Armed Forces of the United States or called into service or
7 training with the State Militia or (ii) in training or
8 education under the supervision of the United States
9 preliminary to induction into the military service may have
10 the ~~his or her~~ license renewed or restored without paying any
11 lapsed renewal fees if, within 2 years after honorable
12 termination of the service, training or education, except
13 under condition other than honorable, the licensee ~~he or she~~
14 furnishes the Department with satisfactory evidence of
15 engagement ~~to the effect that he or she has been so engaged~~ and
16 that the service, training, or education has been so honorably
17 terminated.

18 (d) A community association manager ~~or~~ community
19 association management firm that ~~or supervising community~~
20 ~~association manager who~~ notifies the Department, in a manner
21 ~~writing on forms~~ prescribed by the Department, may place the
22 ~~his, her, or its~~ license on inactive status for a period not to
23 exceed 2 years and shall be excused from the payment of renewal
24 fees until the person notifies the Department in writing of
25 the intention to resume active practice.

26 (e) A community association manager, community association

1 management firm, ~~or supervising community association manager~~
2 requesting that the ~~his, her, or its~~ license be changed from
3 inactive to active status shall be required to pay the current
4 renewal fee and shall also demonstrate compliance with the
5 continuing education requirements.

6 (f) No ~~Any~~ licensee with a nonrenewed or ~~on~~ inactive
7 license status or community association management firm
8 operation without a designated community association manager
9 shall ~~not~~ provide community association management services as
10 set forth in this Act.

11 (g) Any person violating subsection (f) of this Section
12 shall be considered to be practicing without a license and
13 will be subject to the disciplinary provisions of this Act.

14 (h) The Department shall not renew a license if the
15 licensee has an unpaid fine from a disciplinary matter or an
16 unpaid fee from a non-disciplinary action imposed by the
17 Department until the fine or fee is paid to the Department or
18 the licensee has entered into a payment plan and is current on
19 the required payments.

20 (i) The Department shall not issue a license if the
21 applicant has an unpaid fine imposed by the Department for
22 unlicensed practice until the fine is paid to the Department
23 or the applicant has entered into a payment plan and is current
24 on the required payments.

25 (Source: P.A. 98-365, eff. 1-1-14.)

1 (225 ILCS 427/65)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 65. Fees; Community Association Manager Licensing and
4 Disciplinary Fund.

5 (a) The fees for the administration and enforcement of
6 this Act, including, but not limited to, initial licensure,
7 renewal, and restoration, shall be set by rule of the
8 Department. The fees shall be nonrefundable.

9 (b) In addition to the application fee, applicants for the
10 examination are required to pay, either to the Department or
11 the designated testing service, a fee covering the cost of
12 determining an applicant's eligibility and providing the
13 examination. Failure to appear for the examination on the
14 scheduled date, at the time and place specified, after the
15 applicant's application and fee for examination have been
16 received and acknowledged by the Department or the designated
17 testing service, shall result in the forfeiture of the fee.

18 (c) All fees, fines, penalties, or other monies received
19 or collected pursuant to this Act shall be deposited in the
20 Community Association Manager Licensing and Disciplinary Fund.

21 (d) Moneys in the Community Association Manager Licensing
22 and Disciplinary Fund may be transferred to the Professions
23 Indirect Cost Fund, as authorized under Section 2105-300 of
24 the Department of Professional Regulation Law of the Civil
25 Administrative Code of Illinois.

26 (Source: P.A. 97-1021, eff. 8-17-12; 98-365, eff. 1-1-14.)

1 (225 ILCS 427/70)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 70. Penalty for insufficient funds; payments. Any
4 person who:

5 (1) delivers a check or other payment to the
6 Department that is returned to the Department unpaid by
7 the financial institution upon which it is drawn; or

8 (2) presents a credit or debit card for payment that
9 is invalid or expired or against which charges by the
10 Department are declined or dishonored;

11 shall pay to the Department, in addition to the amount already
12 owed to the Department, a fine of \$50. The Department shall
13 notify the person that payment of fees and fines shall be paid
14 to the Department by certified check or money order within 30
15 calendar days after notification. If, after the expiration of
16 30 days from the date of the notification, the person has
17 failed to submit the necessary remittance, the Department
18 shall automatically terminate the license or deny the
19 application, without hearing. After ~~If, after~~ termination or
20 denial, the person seeking ~~seeks~~ a license, ~~he, she, or it~~
21 shall apply to the Department for restoration or issuance of
22 the license and pay all fees and fines due to the Department.
23 The Department may establish a fee for the processing of an
24 application for restoration of a license to pay all expenses
25 of processing this application. The Secretary may waive the

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

4 (Source: P.A. 98-365, eff. 1-1-14.)

5 (225 ILCS 427/75)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 75. Endorsement. The Department may issue a
8 community association manager ~~or supervising community~~
9 ~~association manager~~ license, without the required examination,
10 to an applicant licensed under the laws of another state if the
11 requirements for licensure in that state are, on the date of
12 licensure, substantially equal to the requirements of this Act
13 or to a person who, at the time of ~~his or her~~ application for
14 licensure, possessed individual qualifications that were
15 substantially equivalent to the requirements then in force in
16 this State. An applicant under this Section shall pay all of
17 the required fees.

18 All applicants under this Act ~~Applicants~~ have 3 years from
19 the date of application to complete the application process.
20 If the process has not been completed within the 3 years, the
21 application shall be denied, the fee shall be forfeited, and
22 the applicant must reapply and meet the requirements in effect
23 at the time of reapplication.

24 (Source: P.A. 98-365, eff. 1-1-14.)

1 (225 ILCS 427/85)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 85. Grounds for discipline; refusal, revocation, or
4 suspension.

5 (a) The Department may refuse to issue or renew a license,
6 or may place on probation, reprimand, suspend, or revoke any
7 license, or take any other disciplinary or non-disciplinary
8 action as the Department may deem proper and impose a fine not
9 to exceed \$10,000 for each violation upon any licensee or
10 applicant under this Act or any person or entity who holds
11 oneself ~~himself, herself, or itself~~ out as an applicant or
12 licensee for any one or combination of the following causes:

13 (1) Material misstatement in furnishing information to
14 the Department.

15 (2) Violations of this Act or its rules.

16 (3) Conviction of or entry of a plea of guilty or plea
17 of nolo contendere, as set forth in subsection (f) of
18 Section 40, to (i) a felony or a misdemeanor under the laws
19 of the United States, any state, or any other jurisdiction
20 or entry of an administrative sanction by a government
21 agency in this State or any other jurisdiction or (ii) a
22 crime that subjects the licensee to compliance with the
23 requirements of the Sex Offender Registration Act; or the
24 entry of an administrative sanction by a government agency
25 in this State or any other jurisdiction. ~~Action taken~~
26 ~~under this paragraph (3) for a misdemeanor or an~~

1 ~~administrative sanction is limited to a misdemeanor or~~
2 ~~administrative sanction that has as an essential element~~
3 ~~dishonesty or fraud, that involves larceny, embezzlement,~~
4 ~~or obtaining money, property, or credit by false pretenses~~
5 ~~or by means of a confidence game, or that is directly~~
6 ~~related to the practice of the profession.~~

7 (4) Making any misrepresentation for the purpose of
8 obtaining a license or violating any provision of this Act
9 or its rules.

10 (5) Professional incompetence.

11 (6) Gross negligence.

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

14 (8) Failing, within 30 days, to provide information in
15 response to a request made by the Department.

16 (9) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud or harm the public as defined by the rules of the
19 Department, or violating the rules of professional conduct
20 adopted by the Department.

21 (10) Habitual or excessive use or addiction to
22 alcohol, narcotics, stimulants, or any other chemical
23 agent or drug that results in the inability to practice
24 with reasonable judgment, skill, or safety.

25 (11) Having been disciplined by another state, the
26 District of Columbia, a territory, a foreign nation, or a

1 governmental agency authorized to impose discipline if at
2 least one of the grounds for the discipline is the same or
3 substantially equivalent of one of the grounds for which a
4 licensee may be disciplined under this Act. A certified
5 copy of the record of the action by the other state or
6 jurisdiction shall be prima facie evidence thereof.

7 (12) Directly or indirectly giving to or receiving
8 from any person, firm, corporation, partnership or
9 association any fee, commission, rebate, or other form of
10 compensation for any ~~professional~~ services not actually or
11 personally rendered.

12 (13) A finding by the Department that the licensee,
13 after having the ~~his, her, or its~~ license placed on
14 probationary status, has violated the terms of probation.

15 (14) Willfully making or filing false records or
16 reports relating to a licensee's practice, including but
17 not limited to false records filed with any State or
18 federal agencies or departments.

19 (15) Being named as a perpetrator in an indicated
20 report by the Department of Children and Family Services
21 under the Abused and Neglected Child Reporting Act and
22 upon proof by clear and convincing evidence that the
23 licensee has caused a child to be an abused child or
24 neglected child as defined in the Abused and Neglected
25 Child Reporting Act.

26 (16) Physical illness or mental illness or impairment,

1 ~~including, but not limited to, deterioration through the~~
2 ~~aging process or loss of motor skill~~ that results in the
3 inability to practice the profession with reasonable
4 judgment, skill, or safety.

5 (17) Solicitation of professional services by using
6 false or misleading advertising.

7 (18) A finding that licensure has been applied for or
8 obtained by fraudulent means.

9 (19) Practicing or attempting to practice under a name
10 other than the full name as shown on the license or any
11 other legally authorized name unless approved by the
12 Department.

13 (20) Gross overcharging for professional services
14 including, but not limited to, (i) collection of fees or
15 moneys for services that are not rendered; and (ii)
16 charging for services that are not in accordance with the
17 contract between the licensee and the community
18 association.

19 (21) Improper commingling of personal and client funds
20 in violation of this Act or any rules promulgated thereto.

21 (22) Failing to account for or remit any moneys or
22 documents coming into the licensee's possession that
23 belong to another person or entity.

24 (23) Giving differential treatment to a person that is
25 to that person's detriment on the basis ~~because~~ of race,
26 color, ~~creed,~~ sex, ancestry, age, order of protection

1 status, marital status, physical or mental disability,
2 military status, unfavorable discharge from military
3 status, sexual orientation, pregnancy, religion, or
4 national origin.

5 (24) Performing and charging for services without
6 reasonable authorization to do so from the person or
7 entity for whom service is being provided.

8 (25) Failing to make available to the Department, upon
9 request, any books, records, or forms required by this
10 Act.

11 (26) Purporting to be a designated ~~supervising~~
12 community association manager of a firm without active
13 participation in the firm and having been designated as
14 such.

15 (27) Failing to make available to the Department at
16 the time of the request any indicia of licensure ~~or~~
17 ~~registration~~ issued under this Act.

18 (28) Failing to maintain and deposit funds belonging
19 to a community association in accordance with subsection
20 (b) of Section 55 of this Act.

21 (29) Violating the terms of a disciplinary order
22 issued by the Department.

23 (30) Operating a community association management firm
24 without a designated community association manager who
25 holds an active community association manager license.

26 (31) For a designated community association manager,

1 failing to meet the requirements for acting as a
2 designated community association manager.

3 (32) Failing to disclose to a community association
4 any compensation received by a licensee from a third party
5 in connection with or related to a transaction entered
6 into by the licensee on behalf of the community
7 association.

8 (33) Failing to disclose to a community association,
9 at the time of making the referral, that a licensee (A) has
10 greater than a 1% ownership interest in a third party to
11 which it refers the community association; or (B) receives
12 or may receive dividends or other profit sharing
13 distributions from a third party, other than a publicly
14 held or traded company, to which it refers the community
15 association.

16 (b) (Blank).

17 (c) The determination by a circuit court that a licensee
18 is subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. The suspension will
21 terminate only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission
23 and the issuance of an order so finding and discharging the
24 patient, and upon the recommendation of the Board to the
25 Secretary that the licensee be allowed to resume ~~his or her~~
26 practice as a licensed community association manager.

1 (d) In accordance with subsection (g) of Section 2105-15
2 of the Department of Professional Regulation Law of the Civil
3 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
4 Department may refuse to issue or renew or may suspend the
5 license of any person who fails to file a return, to pay the
6 tax, penalty, or interest shown in a filed return, or to pay
7 any final assessment of tax, penalty, or interest, as required
8 by any tax Act administered by the Department of Revenue,
9 until such time as the requirements of that tax Act are
10 satisfied.

11 (e) In accordance with subdivision (a)(5) of Section
12 2105-15 of the Department of Professional Regulation Law of
13 the Civil Administrative Code of Illinois (20 ILCS
14 2105/2105-15) and in cases where the Department of Healthcare
15 and Family Services (formerly Department of Public Aid) has
16 previously determined that a licensee or a potential licensee
17 is more than 30 days delinquent in the payment of child support
18 and has subsequently certified the delinquency to the
19 Department, the Department may refuse to issue or renew or may
20 revoke or suspend that person's license or may take other
21 disciplinary action against that person based solely upon the
22 certification of delinquency made by the Department of
23 Healthcare and Family Services.

24 (f) (Blank). ~~In enforcing this Section, the Department or~~
25 ~~Board upon a showing of a possible violation may compel a~~
26 ~~licensee or an individual licensed to practice under this Act,~~

1 ~~er who has applied for licensure under this Act, to submit to a~~
2 ~~mental or physical examination, or both, as required by and at~~
3 ~~the expense of the Department. The Department or Board may~~
4 ~~order the examining physician to present testimony concerning~~
5 ~~the mental or physical examination of the licensee or~~
6 ~~applicant. No information shall be excluded by reason of any~~
7 ~~common law or statutory privilege relating to communications~~
8 ~~between the licensee or applicant and the examining physician.~~
9 ~~The examining physicians shall be specifically designated by~~
10 ~~the Board or Department. The individual to be examined may~~
11 ~~have, at his or her own expense, another physician of his or~~
12 ~~her choice present during all aspects of this examination.~~
13 ~~Failure of an individual to submit to a mental or physical~~
14 ~~examination, when directed, shall be grounds for suspension of~~
15 ~~his or her license or denial of his or her application or~~
16 ~~renewal until the individual submits to the examination if the~~
17 ~~Department finds, after notice and hearing, that the refusal~~
18 ~~to submit to the examination was without reasonable cause.~~

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

1 ~~Department to file, a complaint to immediately suspend,~~
2 ~~revoke, deny, or otherwise discipline the license of the~~
3 ~~individual. An individual whose license was granted,~~
4 ~~continued, reinstated, renewed, disciplined or supervised~~
5 ~~subject to such terms, conditions, or restrictions, and who~~
6 ~~fails to comply with such terms, conditions, or restrictions,~~
7 ~~shall be referred to the Secretary for a determination as to~~
8 ~~whether the individual shall have his or her license suspended~~
9 ~~immediately, pending a hearing by the Department.~~

10 ~~In instances in which the Secretary immediately suspends a~~
11 ~~person's license under this Section, a hearing on that~~
12 ~~person's license must be convened by the Department within 30~~
13 ~~days after the suspension and completed without appreciable~~
14 ~~delay. The Department and Board shall have the authority to~~
15 ~~review the subject individual's record of treatment and~~
16 ~~counseling regarding the impairment to the extent permitted by~~
17 ~~applicable federal statutes and regulations safeguarding the~~
18 ~~confidentiality of medical records.~~

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

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

1 Sec. 85.1. Citations.

2 (a) The Department may adopt rules to permit the issuance
3 of citations to any licensee for failure to comply with the
4 continuing education requirements set forth in this Act or as
5 established by rule. The citation shall be issued to the
6 licensee and a copy sent to the licensee's designated
7 community association manager, and shall contain the
8 licensee's name, the licensee's address, the licensee's
9 license number, the number of required hours of continuing
10 education that have not been successfully completed by the
11 licensee within the renewal period, and the penalty imposed,
12 which shall not exceed \$2,000. The issuance of any such
13 citation shall not excuse the licensee from completing all
14 continuing education required for that renewal period.

15 (b) Service of a citation shall be made in person,
16 electronically, or by mail to the licensee at the licensee's
17 address of record or email address of record, and the citation
18 must clearly state that if the cited licensee wishes to
19 dispute the citation, the cited licensee may make a written
20 request, within 30 days after the citation is served, for a
21 hearing before the Department. If the cited licensee does not
22 request a hearing within 30 days after the citation is served,
23 then the citation shall become a final, non-disciplinary
24 order, and any fine imposed is due and payable within 60 days
25 after that final order. If the cited licensee requests a
26 hearing within 30 days after the citation is served, the

1 Department shall afford the cited licensee a hearing conducted
2 in the same manner as a hearing provided for in this Act for
3 any violation of this Act and shall determine whether the
4 cited licensee committed the violation as charged and whether
5 the fine as levied is warranted. If the violation is found, any
6 fine shall constitute non-public discipline and be due and
7 payable within 30 days after the order of the Secretary, which
8 shall constitute a final order of the Department. No change in
9 license status may be made by the Department until a final
10 order of the Department has been issued.

11 (c) Payment of a fine that has been assessed pursuant to
12 this Section shall not constitute disciplinary action
13 reportable on the Department's website or elsewhere unless a
14 licensee has previously received 2 or more citations and been
15 assessed 2 or more fines.

16 (d) Nothing in this Section shall prohibit or limit the
17 Department from taking further action pursuant to this Act and
18 rules for additional, repeated, or continuing violations.

19 (225 ILCS 427/86 new)

20 Sec. 86. Illegal discrimination. When there has been an
21 adjudication in a civil or criminal proceeding that a
22 community association manager or community association
23 management firm has illegally discriminated while engaged in
24 any activity for which a license is required under this Act,
25 the Department, upon the recommendation of the Board as to the

1 extent of the suspension or revocation, shall suspend or
2 revoke the license of that licensee in a timely manner, unless
3 the adjudication is in the appeal process. When there has been
4 an order in an administrative proceeding finding that a
5 licensee has illegally discriminated while engaged in any
6 activity for which a license is required under this Act, the
7 Department, upon recommendation of the Board as to the nature
8 and extent of the discipline, shall take one or more of the
9 disciplinary actions provided for in Section 85 in a timely
10 manner, unless the administrative order is in the appeal
11 process.

12 (225 ILCS 427/90)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 90. Violations; injunctions; cease and desist orders.

15 (a) If any person violates a provision of this Act, the
16 Secretary may, in the name of the People of the State of
17 Illinois, through the Attorney General of the State of
18 Illinois, petition for an order enjoining the violation or for
19 an order enforcing compliance with this Act. Upon the filing
20 of a verified petition in court, the court may issue a
21 temporary restraining order, without notice or bond, and may
22 preliminarily and permanently enjoin the violation. If it is
23 established that the person has violated or is violating the
24 injunction, the Court may punish the offender for contempt of
25 court. Proceedings under this Section are in addition to, and

1 not in lieu of, all other remedies and penalties provided by
2 this Act.

3 (b) If any person provides, ~~entity or other business may~~
4 ~~provide~~ community association management services or provides
5 ~~provide~~ services as a community association manager to any
6 community association in this State without having a valid
7 license under this Act or, in the case of a community
8 association management firm, without a designated community
9 association manager, then any licensee, any interested party,
10 or any person injured thereby may, in addition to the
11 Secretary, petition for relief as provided in subsection (a)
12 of this Section.

13 (c) Whenever in the opinion of the Department any person,
14 entity or other business violates any provision of this Act,
15 the Department may issue a rule to show cause why an order to
16 cease and desist should not be entered against such person,
17 firm or other entity. The rule shall clearly set forth the
18 grounds relied upon by the Department and shall provide a
19 period of at least 7 days from the date of the rule to file an
20 answer to the satisfaction of the Department. If the person,
21 firm or other entity fails to file an answer satisfactory to
22 the Department, the matter shall be considered as a default
23 and the Department may cause an order to cease and desist to be
24 issued immediately.

25 (Source: P.A. 96-726, eff. 7-1-10.)

1 (225 ILCS 427/92)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 92. Unlicensed practice; violation; civil penalty.

4 (a) Any person, entity or other business who practices,
5 offers to practice, attempts to practice, or holds oneself
6 ~~himself, herself or itself~~ out to practice as a community
7 association manager or community association management firm
8 or provides ~~provide~~ services as a community association
9 manager or community association management firm to any
10 community association in this State without being licensed
11 under this Act or, in the case of a community association
12 management firm, without a designated community association
13 manager shall, in addition to any other penalty provided by
14 law, pay a civil penalty to the Department in an amount not to
15 exceed \$10,000 for each offense, as determined by the
16 Department. The civil penalty shall be assessed by the
17 Department after a hearing is held in accordance with the
18 provisions set forth in this Act regarding the provision of a
19 hearing for the discipline of a licensee.

20 (b) The Department may investigate any and all unlicensed
21 activity.

22 (c) The civil penalty shall be paid within 60 days after
23 the effective date of the order imposing the civil penalty.
24 The order shall constitute a judgment and may be filed and
25 execution had thereon in the same manner as any judgment from
26 any court of record.

1 (Source: P.A. 98-365, eff. 1-1-14.)

2 (225 ILCS 427/95)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 95. Investigation; notice and hearing. The
5 Department may investigate the actions or qualifications of a
6 person, entity or other business applying for, holding or
7 claiming to hold, or holding oneself out as having a license or
8 rendering or offering to render services for which a license
9 is required by this Act and may notify their designated
10 community association manager, if any, of the pending
11 investigation. Before suspending, revoking, placing on
12 probationary status, or taking any other disciplinary action
13 as the Department may deem proper with regard to any license,
14 at least 30 days before the date set for the hearing, the
15 Department shall (i) notify the accused and their designated
16 community association manager, if any, in writing of any
17 charges made and the time and place for a hearing on the
18 charges before the Board, (ii) direct the accused ~~individual~~
19 ~~or entity~~ to file a written answer to the charges with the
20 Board under oath within 20 days after the service on the
21 accused ~~him or her~~ of such notice, and (iii) inform the accused
22 ~~person, entity or other business~~ that if the accused ~~the~~
23 ~~person, entity, or other business~~ fails to file an answer,
24 default will be taken against the accused ~~such person, entity,~~
25 ~~or other business~~ and the license of the accused ~~such person,~~

1 ~~entity, or other business~~ may be suspended, revoked, placed on
2 probationary status, or other disciplinary action taken with
3 regard to the license, including limiting the scope, nature,
4 or extent of related ~~his or her~~ practice, as the Department may
5 deem proper. The Department shall serve notice under this
6 Section by regular or electronic ~~Written notice may be served~~
7 ~~by personal delivery or by registered or certified~~ mail to the
8 applicant's or licensee's ~~applicant or licensee at his or her~~
9 last address of record or email address of record as provided
10 to ~~with~~ the Department. If the accused ~~In case the person~~ fails
11 to file an answer after receiving notice, the ~~his or her~~
12 license may, in the discretion of the Department, be
13 suspended, revoked, or placed on probationary status, or the
14 Department may take whatever disciplinary action deemed
15 proper, including limiting the scope, nature, or extent of the
16 person's practice or the imposition of a fine, without a
17 hearing, if the act or acts charged constitute sufficient
18 grounds for such action under this Act. The ~~written~~ answer
19 shall be served by personal delivery or regular, ~~certified~~
20 ~~delivery, or certified or registered~~ mail to the Department.
21 At the time and place fixed in the notice, the Department shall
22 proceed to hear the charges and the parties or their counsel
23 shall be accorded ample opportunity to present such
24 statements, testimony, evidence, and argument as may be
25 pertinent to the charges or to the defense thereto. The
26 Department may continue such hearing from time to time. At the

1 discretion of the Secretary after having first received the
2 recommendation of the Board, the accused person's license may
3 be suspended, ~~or~~ revoked, or placed on probationary status or
4 the Department may take whatever disciplinary action
5 considered proper, including limiting the scope, nature, or
6 extent of the person's practice or the imposition of a fine if
7 the act or acts charged constitute sufficient grounds for that
8 action under this Act. A copy of the Department's final order
9 shall be delivered to the accused's designated community
10 association manager or, if the accused is directly employed by
11 a community association, to the board of managers of that
12 association if known to the Department, ~~if the evidence~~
13 ~~constitutes sufficient grounds for such action under this Act.~~
14 (Source: P.A. 96-726, eff. 7-1-10; 97-333, eff. 8-12-11.)

15 (225 ILCS 427/115)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 115. Rehearing. At the conclusion of a hearing and
18 following deliberation by the Board, a copy of the Board's
19 report shall be served upon the applicant, licensee, or
20 unlicensed person by the Department, either personally or as
21 provided in this Act for the service of a notice of hearing. ~~In~~
22 ~~any hearing involving disciplinary action against a licensee,~~
23 ~~a copy of the Board's report shall be served upon the~~
24 ~~respondent by the Department, either personally or as provided~~
25 ~~in this Act for the service of the notice of hearing.~~ Within 20

1 calendar days after service, the respondent may present to the
2 Department a motion in writing for a rehearing that shall
3 specify the particular grounds for rehearing. If no motion for
4 rehearing is filed, then upon the expiration of the time
5 specified for filing a motion, or if a motion for rehearing is
6 denied, then upon denial, the Secretary may enter an order in
7 accordance with recommendations of the Board, except as
8 provided in this Act. If the respondent orders from the
9 reporting service, and pays for, a transcript of the record
10 within the time for filing a motion for rehearing, the 20
11 calendar day period within which a motion may be filed shall
12 commence upon the delivery of the transcript to the
13 respondent.

14 (Source: P.A. 96-726, eff. 7-1-10.)

15 (225 ILCS 427/120)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 120. Appointment of a hearing officer. The Secretary
18 has the authority to appoint any attorney duly licensed to
19 practice law in the State of Illinois to serve as the hearing
20 officer in any action for refusal to issue or renew a license,
21 or to discipline a licensee. The hearing officer has full
22 authority to conduct the hearing. The hearing officer shall
23 report the ~~his~~ findings and recommendations to the Board and
24 the Secretary. At its next meeting following ~~The Board has 60~~
25 ~~calendar days from~~ receipt of the report, the Board shall ~~to~~

1 review the report of the hearing officer and present its
2 findings of fact, conclusions of law, and recommendations to
3 the Secretary.

4 If the Board fails to present its report within 30
5 calendar days following its next meeting after receiving the
6 report ~~within the 60 calendar day period~~, the respondent may
7 request in writing a direct appeal to the Secretary, in which
8 case the Secretary shall, within 7 calendar days after the
9 request, issue an order directing the Board to issue its
10 findings of fact, conclusions of law, and recommendations to
11 the Secretary within 30 calendar days after such order.

12 If the Board fails to issue its findings of fact,
13 conclusions of law, and recommendations within that time frame
14 to the Secretary after the entry of such order, the Secretary
15 shall, within 30 calendar days thereafter, issue an order
16 based upon the report of the hearing officer and the record of
17 the proceedings or issue an order remanding the matter back to
18 the hearing officer for additional proceedings in accordance
19 with the order.

20 If (i) a direct appeal is requested, (ii) the Board fails
21 to issue its findings of fact, conclusions of law, and
22 recommendations within the 30-day mandate from the Secretary
23 or the Secretary fails to order the Board to do so, and (iii)
24 the Secretary fails to issue an order within 30 calendar days
25 thereafter, then the hearing officer's report is deemed
26 accepted and a final decision of the Secretary.

1 Notwithstanding any other provision of this Section, if
2 the Secretary, upon review, determines that substantial
3 justice has not been done in the revocation, suspension, or
4 refusal to issue or renew a license or other disciplinary
5 action taken as the result of the entry of the hearing
6 officer's report, the Secretary may order a rehearing by the
7 same or other examiners. If the Secretary disagrees with the
8 recommendation of the Board or the hearing officer, the
9 Secretary may issue an order in contravention of either
10 recommendation.

11 (Source: P.A. 96-726, eff. 7-1-10.)

12 (225 ILCS 427/140)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 140. Summary suspension. The Secretary may summarily
15 suspend a license without a hearing, simultaneously with the
16 institution of proceedings for a hearing provided for in this
17 Act, if the Secretary finds ~~that~~ evidence indicating ~~in his or~~
18 ~~her possession indicates~~ that a continuation in practice would
19 constitute an imminent danger to the public. In the event that
20 the Secretary summarily suspends a license without a hearing,
21 a hearing by the Department must be held within 30 calendar
22 days after the suspension has occurred.

23 (Source: P.A. 96-726, eff. 7-1-10.)

24 (225 ILCS 427/145)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 145. Judicial review. All final administrative
3 decisions of the Department are subject to judicial review
4 under the Administrative Review Law and its rules. The term
5 "administrative decision" is defined as in Section 3-101 of
6 the Code of Civil Procedure. Proceedings for judicial review
7 shall be commenced in the circuit court of the county in which
8 the party applying for review resides; but if the party is not
9 a resident of this State, the venue shall be in Sangamon County
10 or Cook County.

11 (Source: P.A. 96-726, eff. 7-1-10.)

12 (225 ILCS 427/155)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 155. Violations; penalties.

15 (a) A person who violates any of the following provisions
16 shall be guilty of a Class A misdemeanor; a person who commits
17 a second or subsequent violation of these provisions is guilty
18 of a Class 4 felony:

19 (1) Practicing or attempting to ~~The practice of or~~
20 ~~attempted practice of~~ or holding oneself out as available
21 to practice as a community association manager ~~or~~
22 ~~supervising community association manager~~ without a
23 license.

24 (2) Operating or attempting ~~Operation of or attempt~~ to
25 operate a community association management firm without a

1 firm license or a designated ~~supervising~~ community
2 association manager.

3 (3) Obtaining or attempting ~~The obtaining of or the~~
4 ~~attempt~~ to obtain any license or authorization issued
5 under this Act by fraudulent misrepresentation.

6 (b) Whenever a licensee is convicted of a felony related
7 to the violations set forth in this Section, ~~the clerk of the~~
8 ~~court in any jurisdiction shall promptly report the conviction~~
9 ~~to the Department and~~ the Department shall immediately revoke
10 any license authorized under this Act held by that licensee.
11 The licensee shall not be eligible for licensure under this
12 Act until at least 5 years have elapsed since a felony
13 conviction or 3 years since release from confinement for the
14 conviction, whichever is later, without a subsequent 10 years
15 have elapsed since the time of full discharge from any
16 sentence imposed for a felony conviction. If any person in
17 making any oath or affidavit required by this Act swears
18 falsely, the person is guilty of perjury and may be punished
19 accordingly.

20 (Source: P.A. 98-365, eff. 1-1-14; 99-78, eff. 7-20-15.)

21 (225 ILCS 427/161 new)

22 Sec. 161. Statute of limitations. No action may be taken
23 under this Act against a person or entity licensed under this
24 Act unless the action is commenced within 5 years after the
25 occurrence of the alleged violation. A continuing violation is

1 deemed to have occurred on the date when the circumstances
2 last existed that gave rise to the alleged continuing
3 violation.

4 (225 ILCS 427/162 new)

5 Sec. 162. No private right of action. Except as otherwise
6 expressly provided for in this Act, nothing in this Act shall
7 be construed to grant to any person a private right of action
8 to enforce the provisions of this Act or the rules adopted
9 under this Act.

10 (225 ILCS 427/165)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 165. Home rule. The regulation and licensing of
13 community association managers, ~~supervising community~~
14 ~~association managers,~~ and community association management
15 firms are exclusive powers and functions of the State. A home
16 rule unit may not regulate or license community association
17 managers, ~~supervising community association managers,~~ or
18 community association management firms. This Section is a
19 denial and limitation of home rule powers and functions under
20 subsection (h) of Section 6 of Article VII of the Illinois
21 Constitution.

22 (Source: P.A. 98-365, eff. 1-1-14.)

23 (225 ILCS 427/42 rep.)

1 (225 ILCS 427/80 rep.)

2 (225 ILCS 427/135 rep.)

3 (225 ILCS 427/170 rep.)

4 Section 55. The Community Association Manager Licensing
5 and Disciplinary Act is amended by repealing Sections 42, 80,
6 135, and 170.

7 Section 60. The Detection of Deception Examiners Act is
8 amended by changing Sections 1, 7.1, 7.3, 17, and 20 and by
9 adding Section 10.2 as follows:

10 (225 ILCS 430/1) (from Ch. 111, par. 2401)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 1. Definitions. As used in this Act, unless the
13 context otherwise requires:

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

21 "Detection of Deception Examination", hereinafter referred
22 to as "Examination" means any examination in which a device or
23 instrument is used to test or question individuals for the
24 purpose of evaluating truthfulness or untruthfulness.

1 "Email address of record" means the designated email
2 address recorded by the Department in the applicant's
3 application file or the licensee's license file, as maintained
4 by the Department's licensure maintenance unit.

5 "Examiner" means any person licensed under this Act.

6 "Person" includes any natural person, partnership,
7 association, corporation or trust.

8 "Department" means the Department of Financial and
9 Professional Regulation.

10 "Law enforcement agency" means an agency of the State or a
11 unit of local government that is vested by law or ordinance
12 with the power to maintain public order and to enforce
13 criminal laws and ordinances.

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation.

16 (Source: P.A. 97-168, eff. 7-22-11.)

17 (225 ILCS 430/7.1) (from Ch. 111, par. 2408)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 7.1. Administrative Procedure Act. The Illinois
20 Administrative Procedure Act is hereby expressly adopted and
21 incorporated herein as if all of the provisions of that Act
22 were included in this Act, except that the provision of
23 subsection (d) of Section 10-65 of the Illinois Administrative
24 Procedure Act that provides that at hearings the licensee has
25 the right to show compliance with all lawful requirements for

1 retention, continuation, or renewal of the license is
2 specifically excluded. For the purposes of this Act, the
3 notice required under Section 10-25 of the Illinois
4 Administrative Procedure Act is deemed sufficient when mailed
5 or emailed to the last known address of a party.

6 (Source: P.A. 100-201, eff. 8-18-17.)

7 (225 ILCS 430/7.3)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 7.3. Appointment of a Hearing Officer. The Secretary
10 has the authority to appoint an attorney, licensed to practice
11 law in the State of Illinois, to serve as a Hearing Officer in
12 any action for refusal to issue or renew a license or to
13 discipline a license. The Hearing Officer has full authority
14 to conduct the hearing. ~~The appointed Detection of Deception~~
15 ~~Coordinator may attend hearings and advise the Hearing Officer~~
16 ~~on technical matters involving Detection of Deception~~
17 ~~examinations.~~

18 (Source: P.A. 97-168, eff. 7-22-11.)

19 (225 ILCS 430/10.2 new)

20 Sec. 10.2. Address of record; email address of record.
21 All applicants and licensees shall:

22 (1) provide a valid address and email address to the
23 Department, which shall serve as the address of record and
24 email address of record, respectively, at the time of

1 application for licensure or renewal of a license; and
2 (2) inform the Department of any change of address of
3 record or email address of record within 14 days after
4 such change either through the Department's website or by
5 contacting the Department's licensure maintenance unit.

6 (225 ILCS 430/17) (from Ch. 111, par. 2418)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 17. Investigations; notice and hearing. The
9 Department may investigate the actions of any applicant or any
10 person or persons rendering or offering to render detection of
11 deception services or any person holding or claiming to hold a
12 license as a licensed examiner. The Department shall, before
13 refusing to issue or renew a license or to discipline a
14 licensee under Section 14, at least 30 days prior to the date
15 set for the hearing, (i) notify the accused in writing of the
16 charges made and the time and place for the hearing on the
17 charges, (ii) direct him or her to file a written answer with
18 the Department under oath within 20 days after the service of
19 the notice, and (iii) inform the applicant or licensee that
20 failure to file an answer will result in default being taken
21 against the applicant or licensee. At the time and place fixed
22 in the notice, the Department shall proceed to hear the
23 charges and the parties or their counsel shall be accorded
24 ample opportunity to present any pertinent statements,
25 testimony, evidence, and arguments. The Department may

1 continue the hearing from time to time. In case the person,
2 after receiving the notice, fails to file an answer, his or her
3 license, may, in the discretion of the Department, be revoked,
4 suspended, placed on probationary status, or the Department
5 may take whatever disciplinary action considered proper,
6 including limiting the scope, nature, or extent of the
7 person's practice or the imposition of a fine, without a
8 hearing, if the act or acts charged constitute sufficient
9 grounds for that action under the Act. The written notice may
10 be served by email, by personal delivery, or by ~~certified~~ mail
11 to the accused's address of record.

12 (Source: P.A. 97-168, eff. 7-22-11.)

13 (225 ILCS 430/20) (from Ch. 111, par. 2421)

14 (Section scheduled to be repealed on January 1, 2022)

15 Sec. 20. Any person affected by a final administrative
16 decision of the Department may have such decision reviewed
17 judicially by the circuit court of the county wherein such
18 person resides. If the plaintiff in the review proceeding is
19 not a resident of this State, the venue shall be in Sangamon
20 County. The provisions of the Administrative Review Law, and
21 all amendments and modifications thereof, and the rules
22 adopted pursuant thereto, shall apply to and govern all
23 proceedings for the judicial review of final administrative
24 decisions of the Department hereunder. The term
25 "administrative decision" is defined as in Section 3-101 of

1 the Code of Civil Procedure.

2 The Department shall not be required to certify any record
3 to the court or file any answer in court or otherwise appear in
4 any court in a judicial ~~Judicial~~ review proceeding, unless and
5 until the Department has received from the plaintiff payment
6 of the costs of furnishing and certifying the record which
7 costs shall be determined by the Department. ~~Exhibits shall be~~
8 ~~certified without cost.~~ Failure on the part of the plaintiff
9 to file a receipt in court is grounds for dismissal of the
10 action.

11 (Source: P.A. 97-168, eff. 7-22-11.)

12 (225 ILCS 430/7.2 rep.)

13 (225 ILCS 430/16 rep.)

14 Section 65. The Detection of Deception Examiners Act is
15 amended by repealing Sections 7.2 and 16.

16 Section 70. The Home Inspector License Act is amended by
17 changing Sections 1-10, 5-5, 5-10, 5-12, 5-16, 5-17, 5-20,
18 5-25, 5-30, 10-10, 15-10, 15-15, 15-20, 15-55, 15-60, 20-5,
19 25-15, and 25-27 and by adding Sections 1-12, 5-50, 15-10.1,
20 and 15-36 as follows:

21 (225 ILCS 441/1-10)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 1-10. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 "Address of record" means the designated street address,
3 which may not be a post office box, recorded by the Department
4 in the applicant's or licensee's application file or license
5 file as maintained by the ~~Department's licensure maintenance~~
6 ~~unit. It is the duty of the applicant or licensee to inform the~~
7 ~~Department of any change of address and those changes must be~~
8 ~~made either through the Department's website or by contacting~~
9 ~~the~~ Department.

10 "Applicant" means a person who applies to the Department
11 for a license under this Act.

12 "Client" means a person who engages or seeks to engage the
13 services of a home inspector for an inspection assignment.

14 "Department" means the Department of Financial and
15 Professional Regulation.

16 "Email address of record" means the designated email
17 address recorded by the Department in the applicant's
18 application file or the licensee's license file, as maintained
19 by the Department.

20 "Home inspection" means the examination and evaluation of
21 the exterior and interior components of residential real
22 property, which includes the inspection of any 2 or more of the
23 following components of residential real property in
24 connection with or to facilitate the sale, lease, or other
25 conveyance of, or the proposed sale, lease or other conveyance
26 of, residential real property:

- 1 (1) heating, ventilation, and air conditioning system;
- 2 (2) plumbing system;
- 3 (3) electrical system;
- 4 (4) structural composition;
- 5 (5) foundation;
- 6 (6) roof;
- 7 (7) masonry structure; or
- 8 (8) any other residential real property component as
- 9 established by rule.

10 "Home inspector" means a person or entity who, for another
11 and for compensation either direct or indirect, performs home
12 inspections.

13 "Home inspection report" or "inspection report" means a
14 written evaluation prepared and issued by a home inspector
15 upon completion of a home inspection, which meets the
16 standards of practice as established by the Department.

17 "Inspection assignment" means an engagement for which a
18 home inspector is employed or retained to conduct a home
19 inspection and prepare a home inspection report.

20 "License" means the privilege conferred by the Department
21 to a person who has fulfilled all requirements prerequisite to
22 any type of licensure under this Act.

23 "Licensee" means a home inspector, home inspector entity,
24 or home inspector education provider.

25 "Person" means individuals, entities, corporations,
26 limited liability companies, registered limited liability

1 partnerships, and partnerships, foreign or domestic, except
2 that when the context otherwise requires, the term may refer
3 to a single individual or other described entity.

4 "Residential real property" means real property that is
5 used or intended to be used as a residence by one or more
6 individuals.

7 "Secretary" means the Secretary of Financial and
8 Professional Regulation or the Secretary's designee.

9 "Standards of practice" means recognized standards ~~and~~
10 ~~codes~~ to be used in a home inspection, as determined by the
11 Department and established by rule.

12 (Source: P.A. 97-226, eff. 7-28-11.)

13 (225 ILCS 441/1-12 new)

14 Sec. 1-12. Address of record; email address of record. All
15 applicants and licensees shall:

16 (1) provide a valid address and email address to the
17 Department, which shall serve as the address of record and
18 email address of record, respectively, at the time of
19 application for licensure or renewal of a license; and

20 (2) inform the Department of any change of address of
21 record or email address of record within 14 days after
22 such change through the Department's website or by
23 contacting the Department.

24 (225 ILCS 441/5-5)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 5-5. Necessity of license; use of title; exemptions.

3 (a) It is unlawful for any person, including any entity,
4 to act or assume to act as a home inspector, to engage in the
5 business of home inspection, to develop a home inspection
6 report, to practice as a home inspector, or to advertise or
7 hold oneself ~~himself, herself, or itself~~ out to be a home
8 inspector without a home inspector license issued under this
9 Act. A person who violates this subsection is guilty of a Class
10 A misdemeanor for the first offense and a Class 4 felony for
11 the second and any subsequent offenses.

12 (b) It is unlawful for any person, other than a person who
13 holds a valid home inspector license issued pursuant to this
14 Act, to use the title "home inspector" or any other title,
15 designation, or abbreviation likely to create the impression
16 that the person is licensed as a home inspector pursuant to
17 this Act. A person who violates this subsection is guilty of a
18 Class A misdemeanor.

19 (c) The licensing requirements of this Article do not
20 apply to:

21 (1) any person who is employed as a code enforcement
22 official by the State of Illinois or any unit of local
23 government, while acting within the scope of that
24 government employment;

25 (2) any person licensed in this State by any other law
26 who is engaging in the profession or occupation for which

1 ~~the person is licensed by the State of Illinois while~~
2 ~~acting within the scope of his or her license; or~~

3 (3) any person engaged by the owner or lessor of
4 residential real property for the purpose of preparing a
5 bid or estimate as to the work necessary or the costs
6 associated with performing home construction, home
7 remodeling, or home repair work on the residential real
8 property, provided such person does not ~~hold himself or~~
9 ~~herself out, or advertise or hold oneself out as himself~~
10 ~~or herself, as being~~ engaged in business as a home
11 inspector.

12 (d) The licensing of home inspector entities required
13 under this Act does not apply to an entity whose ownership
14 structure is one licensed home inspector operating a sole
15 proprietorship, a single member limited liability company, or
16 a single shareholder corporation, and that home inspector is
17 the only licensed home inspector performing inspections on the
18 entity's behalf. The licensed home inspector who is the sole
19 proprietor, sole shareholder, or single member of the company
20 or entity shall comply with all other provisions of this Act.

21 (Source: P.A. 97-226, eff. 7-28-11.)

22 (225 ILCS 441/5-10)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 5-10. Application for home inspector license.

25 (a) Every natural person who desires to obtain a home

1 inspector license shall:

2 (1) apply to the Department in a manner ~~on forms~~
3 prescribed by the Department and accompanied by the
4 required fee; all applications shall contain the
5 information that, in the judgment of the Department,
6 enables the Department to pass on the qualifications of
7 the applicant for a license to practice as a home
8 inspector as set by rule;

9 (2) be at least 18 years of age;

10 (3) successfully complete a 4-year course of study in
11 a high school or secondary school or an equivalent course
12 of study approved by the state in which the school is
13 located, or possess a high school equivalency certificate,
14 which shall be verified under oath by the applicant
15 ~~provide evidence of having attained a high school diploma~~
16 ~~or completed an equivalent course of study as determined~~
17 ~~by an examination conducted by the Illinois State Board of~~
18 ~~Education;~~

19 (4) personally take and pass a written examination and
20 a field ~~an~~ examination authorized by the Department; and

21 (5) prior to taking the examination, provide evidence
22 to the Department that the applicant ~~he or she~~ has
23 successfully completed the prerequisite classroom hours of
24 instruction in home inspection, as established by rule.

25 (b) The Department shall not require applicants to report
26 the following information and shall not consider the following

1 criminal history records in connection with an application for
2 licensure or registration:

3 (1) juvenile adjudications of delinquent minors as
4 defined in Section 5-105 of the Juvenile Court Act of 1987
5 subject to the restrictions set forth in Section 5-130 of
6 that Act;

7 (2) law enforcement records, court records, and
8 conviction records of an individual who was 17 years old
9 at the time of the offense and before January 1, 2014,
10 unless the nature of the offense required the individual
11 to be tried as an adult;

12 (3) records of arrest not followed by a charge or
13 conviction;

14 (4) records of arrest where the charges were dismissed
15 unless related to the practice of the profession; however,
16 applicants shall not be asked to report any arrests, and
17 an arrest not followed by a conviction shall not be the
18 basis of denial and may be used only to assess an
19 applicant's rehabilitation;

20 (5) convictions overturned by a higher court; or

21 (6) convictions or arrests that have been sealed or
22 expunged.

23 (c) An applicant or licensee shall report to the
24 Department, in a manner prescribed by the Department, upon
25 application and within 30 days after the occurrence, if during
26 the term of licensure, (i) any conviction of or plea of guilty

1 or nolo contendere to forgery, embezzlement, obtaining money
2 under false pretenses, larceny, extortion, conspiracy to
3 defraud, or any similar offense or offenses or any conviction
4 of a felony involving moral turpitude, (ii) the entry of an
5 administrative sanction by a government agency in this State
6 or any other jurisdiction that has as an essential element
7 dishonesty or fraud or involves larceny, embezzlement, or
8 obtaining money, property, or credit by false pretenses, or
9 (iii) a crime that subjects the licensee to compliance with
10 the requirements of the Sex Offender Registration Act.

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

17 (Source: P.A. 100-892, eff. 8-14-18.)

18 (225 ILCS 441/5-12)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 5-12. Application for home inspector license; entity.
21 Every entity that is not a natural person that desires to
22 obtain a home inspector license shall apply to the Department
23 in a manner prescribed ~~on forms provided~~ by the Department and
24 accompanied by the required fee.

25 Applicants have 3 years after the date of the application

1 to complete the application process. If the process has not
2 been completed within 3 years, the application shall be
3 denied, the fee forfeited, and the applicant must reapply and
4 meet the requirements in effect at the time of reapplication.

5 A corporation, limited liability company, partnership, or
6 entity shall, as a condition of licensure, designate a
7 managing licensed home inspector. The managing home inspector
8 of any home inspector entity shall be responsible for the
9 actions of all licensed and unlicensed employees, agents, and
10 representatives of that home inspector entity while it is
11 providing a home inspection or home inspection service. All
12 other requirements for home inspector entities shall be
13 established by rule.

14 (Source: P.A. 97-226, eff. 7-28-11.)

15 (225 ILCS 441/5-16)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 5-16. Renewal of license.

18 (a) The expiration date and renewal period for a home
19 inspector license issued under this Act shall be set by rule.
20 Except as otherwise provided in subsections (b) and (c) of
21 this Section, the holder of a license may renew the license
22 within 90 days preceding the expiration date by:

23 (1) completing and submitting to the Department a
24 renewal application in a manner prescribed ~~form as~~
25 ~~provided~~ by the Department;

1 (2) paying the required fees; and

2 (3) providing evidence of successful completion of the
3 continuing education requirements through courses approved
4 by the Department given by education providers licensed by
5 the Department, as established by rule.

6 (b) A home inspector whose license under this Act has
7 expired may renew the license for a period of 2 years following
8 the expiration date by complying with the requirements of
9 subparagraphs (1), (2), and (3) of subsection (a) of this
10 Section and paying any late penalties established by rule.

11 (c) Notwithstanding subsection (b), a home inspector whose
12 license under this Act has expired may renew the license
13 without paying any lapsed renewal fees or late penalties if
14 (i) the license expired while the home inspector was on active
15 duty with the United States Armed Services, (ii) application
16 for renewal is made within 2 years following the termination
17 of the military service or related education, training, or
18 employment, and (iii) the applicant furnishes to the
19 Department an affidavit that the applicant ~~he or she~~ was so
20 engaged.

21 (d) The Department shall provide reasonable care and due
22 diligence to ensure that each licensee under this Act is
23 provided a renewal application at least 90 days prior to the
24 expiration date, but it is the responsibility of each licensee
25 to renew the ~~his or her~~ license prior to its expiration date.

26 (Source: P.A. 97-226, eff. 7-28-11.)

1 (225 ILCS 441/5-17)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 5-17. Renewal of home inspector license; entity.

4 (a) The expiration date and renewal period for a home
5 inspector license for an entity that is not a natural person
6 shall be set by rule. The holder of a license may renew the
7 license within 90 days preceding the expiration date by
8 completing and submitting to the Department a renewal
9 application in a manner prescribed ~~form as provided~~ by the
10 Department and paying the required fees.

11 (b) An entity that is not a natural person whose license
12 under this Act has expired may renew the license for a period
13 of 2 years following the expiration date by complying with the
14 requirements of subsection (a) of this Section and paying any
15 late penalties established by rule.

16 (Source: P.A. 97-226, eff. 7-28-11.)

17 (225 ILCS 441/5-20)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 5-20. Endorsement. The Department may, in its
20 discretion, license as a home inspector, by endorsement, on
21 payment of the required fee, an applicant who is a home
22 inspector licensed under the laws of another state or
23 territory, if (i) the requirements for licensure in the state
24 or territory in which the applicant was licensed were, at the

1 date of ~~his or her~~ licensure, substantially equivalent to the
2 requirements in force in this State on that date or (ii) there
3 were no requirements in force in this State on the date of ~~his~~
4 ~~or her~~ licensure and the applicant possessed individual
5 qualifications on that date that are substantially similar to
6 the requirements under this Act. The Department may adopt any
7 rules necessary to implement this Section.

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

13 (Source: P.A. 97-226, eff. 7-28-11.)

14 (225 ILCS 441/5-25)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 5-25. Pre-license education requirements. The
17 prerequisite curriculum and classroom hours necessary for a
18 person to be approved to sit for the examination for a home
19 inspector shall be established by rule. Approved education, as
20 prescribed by this Act and its associated administrative rules
21 for licensure as a home inspector, shall be valid for 2 years
22 after the date of satisfactory completion of the education.

23 (Source: P.A. 92-239, eff. 8-3-01.)

24 (225 ILCS 441/5-30)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 5-30. Continuing education renewal requirements. The
3 continuing education requirements for a person to renew a
4 license as a home inspector shall be established by rule. ~~The~~
5 ~~Department shall establish a continuing education completion~~
6 ~~deadline for home inspector licensees and require evidence of~~
7 ~~compliance with continuing education requirements in a manner~~
8 ~~established by rule before the renewal of a license.~~

9 (Source: P.A. 100-831, eff. 1-1-19.)

10 (225 ILCS 441/5-50 new)

11 Sec. 5-50. Insurance.

12 (a) All applicants for a home inspector license and all
13 licensees shall maintain general liability insurance in an
14 amount of not less than \$100,000.

15 (b) Failure of an applicant or a licensee to carry and
16 maintain the insurance required by this Section, to timely
17 submit proof of coverage upon the Department's request, or to
18 timely report any claims made against such policies of
19 insurance shall be grounds for the denial of an application to
20 renew a license, or the suspension or revocation of the
21 license.

22 (c) The policies of insurance submitted by an applicant
23 for a new license or an applicant for renewal of a license must
24 include the name of the applicant as it appears or will appear
25 on the license.

1 (d) A home inspector shall maintain the insurance required
2 by this Section for at least one year after the latest home
3 inspection report the home inspector delivered.

4 (e) The Department may adopt rules to implement this
5 Section.

6 (225 ILCS 441/10-10)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 10-10. Retention of records. A person licensed under
9 this Act shall retain the original or a true and exact copy of
10 all written contracts that engage the licensee's ~~engaging his~~
11 ~~or her~~ services as a home inspector and all home inspection
12 reports, including any supporting data used to develop the
13 home inspection report, for a period of 5 years or 2 years
14 after the final disposition of any judicial proceeding, which
15 includes any appeal, in which testimony was given, whichever
16 is longer.

17 (Source: P.A. 97-226, eff. 7-28-11.)

18 (225 ILCS 441/15-10)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 15-10. Grounds for disciplinary action.

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

1 \$25,000 for each violation, with regard to any license for any
2 one or combination of the following:

3 (1) Fraud or misrepresentation in applying for, or
4 procuring a license under this Act or in connection with
5 applying for renewal of a license under this Act.

6 (2) Failing to meet the minimum qualifications for
7 licensure as a home inspector established by this Act.

8 (3) Paying money, other than for the fees provided for
9 by this Act, or anything of value to an employee of the
10 Department to procure licensure under this Act.

11 (4) Conviction of, or by plea of guilty or nolo
12 contendere, or finding as enumerated in subsection (c) of
13 Section 5-10, of guilt, jury verdict, or entry of judgment
14 or by sentencing of any crime, including, but not limited
15 to, convictions, preceding sentences of supervision,
16 conditional discharge, or first offender probation, under
17 the laws of any jurisdiction of the United States: (i)
18 that is a felony, ~~;~~ (ii) ~~that is a misdemeanor, or~~
19 administrative sanction, or (ii) an essential element of
20 ~~which is dishonesty, or that is directly related to the~~
21 ~~practice of the profession; or (iii) that is a crime that~~
22 subjects the licensee to compliance with the requirements
23 of the Sex Offender Registration Act.

24 (5) Committing an act or omission involving
25 dishonesty, fraud, or misrepresentation with the intent to
26 substantially benefit the licensee or another person or

1 with the intent to substantially injure another person.

2 (6) Violating a provision or standard for the
3 development or communication of home inspections as
4 provided in Section 10-5 of this Act or as defined in the
5 rules.

6 (7) Failing or refusing to exercise reasonable
7 diligence in the development, reporting, or communication
8 of a home inspection report, as defined by this Act or the
9 rules.

10 (8) Violating a provision of this Act or the rules.

11 (9) Having been disciplined by another state, the
12 District of Columbia, a territory, a foreign nation, a
13 governmental agency, or any other entity authorized to
14 impose discipline if at least one of the grounds for that
15 discipline is the same as or substantially equivalent to
16 one of the grounds for which a licensee may be disciplined
17 under this Act.

18 (10) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (11) Accepting an inspection assignment when the
22 employment itself is contingent upon the home inspector
23 reporting a predetermined analysis or opinion, or when the
24 fee to be paid is contingent upon the analysis, opinion,
25 or conclusion reached or upon the consequences resulting
26 from the home inspection assignment.

1 (12) Developing home inspection opinions or
2 conclusions based on the race, color, religion, sex,
3 national origin, ancestry, age, marital status, family
4 status, physical or mental disability, military status, ~~or~~
5 unfavorable discharge from military status ~~discharge~~,
6 sexual orientation, order of protection status, or
7 pregnancy, as defined under the Illinois Human Rights Act,
8 of the prospective or present owners or occupants of the
9 area or property under home inspection.

10 (13) Being adjudicated liable in a civil proceeding on
11 grounds of fraud, misrepresentation, or deceit. In a
12 disciplinary proceeding based upon a finding of civil
13 liability, the home inspector shall be afforded an
14 opportunity to present mitigating and extenuating
15 circumstances, but may not collaterally attack the civil
16 adjudication.

17 (14) Being adjudicated liable in a civil proceeding
18 for violation of a State or federal fair housing law.

19 (15) Engaging in misleading or untruthful advertising
20 or using a trade name or insignia of membership in a home
21 inspection organization of which the licensee is not a
22 member.

23 (16) Failing, within 30 days, to provide information
24 in response to a written request made by the Department.

25 (17) Failing to include within the home inspection
26 report the home inspector's license number and the date of

1 expiration of the license. The names of (i) all persons
2 who conducted the home inspection; and (ii) all persons
3 who prepared the subsequent written evaluation or any part
4 thereof must be disclosed in the report. ~~All home~~
5 ~~inspectors providing significant contribution to the~~
6 ~~development and reporting of a home inspection must be~~
7 ~~disclosed in the home inspection report.~~ It is a violation
8 of this Act for a home inspector to sign a home inspection
9 report knowing that the names of all such persons have a
10 ~~person providing a significant contribution to the report~~
11 ~~has~~ not been disclosed in the home inspection report.

12 (18) Advising a client as to whether the client should
13 or should not engage in a transaction regarding the
14 residential real property that is the subject of the home
15 inspection.

16 (19) Performing a home inspection in a manner that
17 damages or alters the residential real property that is
18 the subject of the home inspection without the consent of
19 the owner.

20 (20) Performing a home inspection when the home
21 inspector is providing or may also provide other services
22 in connection with the residential real property or
23 transaction, or has an interest in the residential real
24 property, without providing prior written notice of the
25 potential or actual conflict and obtaining the prior
26 consent of the client as provided by rule.

1 (21) Aiding or assisting another person in violating
2 any provision of this Act or rules adopted under this Act.

3 (22) Inability to practice with reasonable judgment,
4 skill, or safety as a result of habitual or excessive use
5 or addiction to alcohol, narcotics, stimulants, or any
6 other chemical agent or drug.

7 (23) A finding by the Department that the licensee,
8 after having the ~~his or her~~ license placed on probationary
9 status, has violated the terms of probation.

10 (24) Willfully making or filing false records or
11 reports related to the ~~in his or her~~ practice of home
12 inspection, including, but not limited to, false records
13 filed with State agencies or departments.

14 (25) Charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered.

17 (26) Practicing under a false or, except as provided
18 by law, an assumed name.

19 (27) Cheating on or attempting to subvert the
20 licensing examination administered under this Act.

21 (28) Engaging in any of the following prohibited
22 fraudulent, false, deceptive, or misleading advertising
23 practices:

24 (i) advertising as a home inspector or operating a
25 home inspection business entity unless there is a duly
26 licensed home inspector responsible for all inspection

1 activities and all inspections;

2 (ii) advertising that contains a misrepresentation
3 of facts or false statements regarding the licensee's
4 professional achievements, degrees, training, skills,
5 or qualifications in the home inspection profession or
6 any other profession requiring licensure;

7 (iii) advertising that makes only a partial
8 disclosure of relevant facts related to pricing or
9 home inspection services; and

10 (iv) advertising that claims this State or any of
11 its political subdivisions endorse the home inspection
12 report or its contents.

13 (29) Disclosing, except as otherwise required by law,
14 inspection results or client information obtained without
15 the client's written consent. A home inspector shall not
16 deliver a home inspection report to any person other than
17 the client of the home inspector without the client's
18 written consent.

19 (30) Providing fees, gifts, waivers of liability, or
20 other forms of compensation or gratuities to persons
21 licensed under any real estate professional licensing act
22 in this State as consideration or inducement for the
23 referral of business.

24 (b) The Department may suspend, revoke, or refuse to issue
25 or renew an education provider's license, may reprimand, place
26 on probation, or otherwise discipline an education provider

1 licensee, and may suspend or revoke the course approval of any
2 course offered by an education provider, for any of the
3 following:

4 (1) Procuring or attempting to procure licensure by
5 knowingly making a false statement, submitting false
6 information, making any form of fraud or
7 misrepresentation, or refusing to provide complete
8 information in response to a question in an application
9 for licensure.

10 (2) Failing to comply with the covenants certified to
11 on the application for licensure as an education provider.

12 (3) Committing an act or omission involving
13 dishonesty, fraud, or misrepresentation or allowing any
14 such act or omission by any employee or contractor under
15 the control of the education provider.

16 (4) Engaging in misleading or untruthful advertising.

17 (5) Failing to retain competent instructors in
18 accordance with rules adopted under this Act.

19 (6) Failing to meet the topic or time requirements for
20 course approval as the provider of a pre-license
21 curriculum course or a continuing education course.

22 (7) Failing to administer an approved course using the
23 course materials, syllabus, and examinations submitted as
24 the basis of the course approval.

25 (8) Failing to provide an appropriate classroom
26 environment for presentation of courses, with

1 consideration for student comfort, acoustics, lighting,
2 seating, workspace, and visual aid material.

3 (9) Failing to maintain student records in compliance
4 with the rules adopted under this Act.

5 (10) Failing to provide a certificate, transcript, or
6 other student record to the Department or to a student as
7 may be required by rule.

8 (11) Failing to fully cooperate with a Department
9 investigation by knowingly making a false statement,
10 submitting false or misleading information, or refusing to
11 provide complete information in response to written
12 interrogatories or a written request for documentation
13 within 30 days of the request.

14 (c) (Blank). ~~In appropriate cases, the Department may~~
15 ~~resolve a complaint against a licensee through the issuance of~~
16 ~~a Consent to Administrative Supervision order. A licensee~~
17 ~~subject to a Consent to Administrative Supervision order shall~~
18 ~~be considered by the Department as an active licensee in good~~
19 ~~standing. This order shall not be reported as or considered by~~
20 ~~the Department to be a discipline of the licensee. The records~~
21 ~~regarding an investigation and a Consent to Administrative~~
22 ~~Supervision order shall be considered confidential and shall~~
23 ~~not be released by the Department except as mandated by law.~~
24 ~~The complainant shall be notified that his or her complaint~~
25 ~~has been resolved by a Consent to Administrative Supervision~~
26 ~~order.~~

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

11 (e) (Blank).

12 (f) In cases where the Department of Healthcare and Family
13 Services has previously determined that a licensee or a
14 potential licensee is more than 30 days delinquent in the
15 payment of child support and has subsequently certified the
16 delinquency to the Department, the Department may refuse to
17 issue or renew or may revoke or suspend that person's license
18 or may take other disciplinary action against that person
19 based solely upon the certification of delinquency made by the
20 Department of Healthcare and Family Services in accordance
21 with item (5) of subsection (a) of Section 2105-15 of the Civil
22 Administrative Code of Illinois.

23 (g) The determination by a circuit court that a licensee
24 is subject to involuntary admission or judicial admission, as
25 provided in the Mental Health and Developmental Disabilities
26 Code, operates as an automatic suspension. The suspension will

1 end only upon a finding by a court that the patient is no
2 longer subject to involuntary admission or judicial admission
3 and the issuance of a court order so finding and discharging
4 the patient.

5 (h) (Blank). ~~In enforcing this Act, the Department, upon a~~
6 ~~showing of a possible violation, may compel an individual~~
7 ~~licensed to practice under this Act, or who has applied for~~
8 ~~licensure under this Act, to submit to a mental or physical~~
9 ~~examination, or both, as required by and at the expense of the~~
10 ~~Department. The Department may order the examining physician~~
11 ~~to present testimony concerning the mental or physical~~
12 ~~examination of the licensee or applicant. No information shall~~
13 ~~be excluded by reason of any common law or statutory privilege~~
14 ~~relating to communications between the licensee or applicant~~
15 ~~and the examining physician. The examining physician shall be~~
16 ~~specifically designated by the Department. The individual to~~
17 ~~be examined may have, at his or her own expense, another~~
18 ~~physician of his or her choice present during all aspects of~~
19 ~~this examination. The examination shall be performed by a~~
20 ~~physician licensed to practice medicine in all its branches.~~
21 ~~Failure of an individual to submit to a mental or physical~~
22 ~~examination, when directed, shall result in an automatic~~
23 ~~suspension without hearing.~~

24 ~~A person holding a license under this Act or who has~~
25 ~~applied for a license under this Act, who, because of a~~
26 ~~physical or mental illness or disability, including, but not~~

1 ~~limited to, deterioration through the aging process or loss of~~
2 ~~motor skill, is unable to practice the profession with~~
3 ~~reasonable judgment, skill, or safety, may be required by the~~
4 ~~Department to submit to care, counseling, or treatment by~~
5 ~~physicians approved or designated by the Department as a~~
6 ~~condition, term, or restriction for continued, reinstated, or~~
7 ~~renewed licensure to practice. Submission to care, counseling,~~
8 ~~or treatment as required by the Department shall not be~~
9 ~~considered discipline of a license. If the licensee refuses to~~
10 ~~enter into a care, counseling, or treatment agreement or fails~~
11 ~~to abide by the terms of the agreement, the Department may file~~
12 ~~a complaint to revoke, suspend, or otherwise discipline the~~
13 ~~license of the individual. The Secretary may order the license~~
14 ~~suspended immediately, pending a hearing by the Department.~~
15 ~~Fines shall not be assessed in disciplinary actions involving~~
16 ~~physical or mental illness or impairment.~~

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

26 ~~An individual licensed under this Act and affected under~~

1 ~~this Section shall be afforded an opportunity to demonstrate~~
2 ~~to the Department that he or she can resume practice in~~
3 ~~compliance with acceptable and prevailing standards under the~~
4 ~~provisions of his or her license.~~

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

6 (225 ILCS 441/15-10.1 new)

7 Sec. 15-10.1. Citations.

8 (a) The Department may adopt rules to permit the issuance
9 of citations to any licensee for failure to comply with the
10 continuing education requirements set forth in this Act or as
11 established by rule. The citation shall be issued to the
12 licensee and shall contain the licensee's name, the licensee's
13 address, the licensee's license number, the number of required
14 hours of continuing education that have not been successfully
15 completed by the licensee within the renewal period, and the
16 penalty imposed, which shall not exceed \$2,000. The issuance
17 of a citation shall not excuse the licensee from completing
18 all continuing education required for that renewal period.

19 (b) Service of a citation shall be made in person,
20 electronically, or by mail to the licensee at the licensee's
21 address of record or email address of record, and the citation
22 must clearly state that if the cited licensee wishes to
23 dispute the citation, the cited licensee may make a written
24 request, within 30 days after the citation is served, for a
25 hearing before the Department. If the cited licensee does not

1 request a hearing within 30 days after the citation is served,
2 then the citation shall become a final, non-disciplinary
3 order, and any fine imposed is due and payable within 60 days
4 after that final order. If the cited licensee requests a
5 hearing within 30 days after the citation is served, the
6 Department shall afford the cited licensee a hearing conducted
7 in the same manner as a hearing provided for in this Act for
8 any violation of this Act and shall determine whether the
9 cited licensee committed the violation as charged and whether
10 the fine as levied is warranted. If the violation is found, any
11 fine shall constitute non-public discipline and be due and
12 payable within 30 days after the order of the Secretary, which
13 shall constitute a final order of the Department. No change in
14 license status may be made by the Department until a final
15 order of the Department has been issued.

16 (c) Payment of a fine that has been assessed pursuant to
17 this Section shall not constitute disciplinary action
18 reportable on the Department's website or elsewhere unless a
19 licensee has previously received 2 or more citations and been
20 assessed 2 or more fines.

21 (d) Nothing in this Section shall prohibit or limit the
22 Department from taking further action pursuant to this Act and
23 rules for additional, repeated, or continuing violations.

24 (225 ILCS 441/15-15)

25 (Section scheduled to be repealed on January 1, 2022)

1 Sec. 15-15. Investigation; notice; hearing. The Department
2 may investigate the actions of any applicant or licensee or of
3 any person or persons rendering or offering to render home
4 inspection services or any person holding or claiming to hold
5 a license as a home inspector. The Department shall, before
6 refusing to issue or renew a license or to discipline a
7 licensee pursuant to Section 15-10, at least 30 days prior to
8 the date set for the hearing, (i) notify the accused in
9 writing, of the charges made and the time and place for the
10 hearing on the charges, (ii) direct the licensee or applicant
11 ~~him or her~~ to file a written answer with the Department under
12 oath within 20 days after the service of the notice, and (iii)
13 inform the applicant or licensee that failure to file an
14 answer will result in a default judgment being entered against
15 the applicant or licensee. At the time and place fixed in the
16 notice, the Department shall proceed to hear the charges and
17 the parties of their counsel shall be accorded ample
18 opportunity to present any pertinent statements, testimony,
19 evidence, and arguments. The Department may continue the
20 hearing from time to time. In case the person, after receiving
21 the notice, fails to file an answer, the ~~his or her~~ license,
22 may, in the discretion of the Department, be revoked,
23 suspended, placed on probationary status, or the Department
24 may take whatever disciplinary actions considered proper,
25 including limiting the scope, nature, or extent of the
26 person's practice or the imposition of a fine, without a

1 hearing, if the act or acts charged constitute sufficient
2 grounds for that action under the Act. The notice may be served
3 by personal delivery, by mail, or, at the discretion of the
4 Department, by electronic means to the address of record or
5 email address of record specified by the accused as last
6 updated with the Department. ~~The written notice may be served~~
7 ~~by personal delivery or by certified mail to the accused's~~
8 ~~address of record.~~

9 A copy of the hearing officer's report or any Order of
10 Default, along with a copy of the original complaint giving
11 rise to the action, shall be served upon the applicant,
12 licensee, or unlicensed person by the Department to the
13 applicant, licensee, or unlicensed individual in the manner
14 provided in this Act for the service of a notice of hearing.
15 Within 20 days after service, the applicant or licensee may
16 present to the Department a motion in writing for a rehearing,
17 which shall specify the particular grounds for rehearing. The
18 Department may respond to the motion, or if a motion for
19 rehearing is denied, then upon denial, the Secretary may enter
20 an order in accordance with the recommendations of the hearing
21 officer. If the applicant or licensee orders from the
22 reporting service and pays for a transcript of the record
23 within the time for filing a motion for rehearing, then the
24 20-day period during which a motion may be filed shall
25 commence upon the delivery of the transcript to the applicant
26 or licensee.

1 (Source: P.A. 97-226, eff. 7-28-11.)

2 (225 ILCS 441/15-20)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 15-20. Administrative Review Law; certification fees;
5 Illinois Administrative Procedure Act.

6 (a) All final administrative decisions of the Department
7 under this Act are subject to judicial review pursuant to the
8 provisions of the Administrative Review Law and the rules
9 adopted pursuant thereto. The term "administrative decision"
10 has the meaning ascribed to it in Section 3-101 of the
11 Administrative Review Law.

12 (b) The Department shall not be required to certify any
13 record to the court or file any answer in court or otherwise
14 appear in any court in a judicial review proceeding, unless
15 and until the Department has received from the plaintiff
16 payment of the costs of furnishing and certifying the record,
17 which costs shall be determined by the Department. Exhibits
18 shall be certified without cost. Failure on the part of the
19 plaintiff to file a receipt in court is grounds for dismissal
20 of the action.

21 (c) The Illinois Administrative Procedure Act is hereby
22 expressly adopted and incorporated herein. In the event of a
23 conflict between this Act and the Illinois Administrative
24 Procedure Act, this Act shall control.

25 (d) Proceedings for judicial review shall be commenced in

1 the circuit court of the county in which the party applying for
2 review resides, but if the party is not a resident of Illinois,
3 the venue shall be in Sangamon County or Cook County.

4 (Source: P.A. 97-226, eff. 7-28-11.)

5 (225 ILCS 441/15-36 new)

6 Sec. 15-36. No private right of action. Except as
7 otherwise expressly provided for in this Act, nothing in this
8 Act shall be construed to grant to any person a private right
9 of action to enforce the provisions of this Act or the rules
10 adopted under this Act.

11 (225 ILCS 441/15-55)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 15-55. Returned checks and dishonored credit card
14 charges; penalty fee; ~~revocation~~ termination. A person who (1)
15 delivers a check or other payment to the Department that is
16 returned to the Department unpaid by the financial institution
17 upon which it was drawn shall pay to the Department; or (2)
18 presents a credit or debit card for payment that is invalid or
19 expired or against which charges by the Department are
20 declined or dishonored, in addition to the amount already
21 owed, a penalty fee of \$50. The Department shall notify the
22 person, ~~by certified mail return receipt requested,~~ that the
23 ~~his or her~~ check or payment was returned or that the credit
24 card charge was dishonored and that the person shall pay to the

1 Department by certified check or money order the amount of the
2 returned check plus a \$50 penalty fee within 30 calendar days
3 after the date of the notification. If, after the expiration
4 of 30 calendar days of the notification, the person has failed
5 to remit the necessary funds and penalty, the Department shall
6 automatically revoke ~~terminate~~ the license or deny the
7 application without hearing. If the returned check or other
8 payment was for issuance of a license under this Act and that
9 person practices as a home inspector, that person may be
10 subject to discipline for unlicensed practice as provided in
11 this Act. If, after revocation ~~termination~~ or denial, the
12 person seeks a license, the applicant or licensee ~~he or she~~
13 shall petition the Department for restoration or issuance of
14 the license and ~~he or she~~ may be subject to additional
15 discipline or fines. The Secretary may waive the penalties or
16 fines due under this Section in individual cases where the
17 Secretary finds that the penalties or fines would be
18 unreasonable or unnecessarily burdensome.

19 (Source: P.A. 97-226, eff. 7-28-11.)

20 (225 ILCS 441/15-60)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 15-60. Violations; injunction; cease and desist
23 orders.

24 (a) If any person violates a provision of this Act, the
25 Secretary may, in the name of the People of the State of

1 Illinois, through the Attorney General of the State of
2 Illinois or the State's Attorney in the county in which the
3 offense occurs, petition for an order enjoining the violation
4 or for an order enforcing compliance with this Act. Upon the
5 filing of a verified petition in court, the court may issue a
6 temporary restraining order, without notice or bond, and may
7 preliminarily and permanently enjoin the violation. If it is
8 established that the person has violated or is violating the
9 injunction, the court may punish the offender for contempt of
10 court. Proceedings under this Section shall be in addition to,
11 and not in lieu of, all other remedies and penalties provided
12 by this Act.

13 (b) If any person practices as a home inspector or holds
14 oneself ~~himself or herself~~ out as a home inspector without
15 being licensed under the provisions of this Act, then the
16 Secretary, any licensed home inspector, any interested party,
17 or any person injured thereby may petition for relief as
18 provided in subsection (a) of this Section or may apply to the
19 circuit court of the county in which the violation or some part
20 thereof occurred, or in which the person complained of resides
21 or has a ~~his or her~~ principal place of business ~~or resides~~, to
22 prevent the violation. The court has jurisdiction to enforce
23 obedience by injunction or by other process restricting the
24 person complained of from further violation and may enjoin
25 ~~enjoining~~ upon the person ~~him or her~~ obedience.

26 (c) Whoever knowingly practices or offers to practice home

1 inspection in this State without a license for that purpose
2 shall be guilty of a Class A misdemeanor for the first offense
3 and shall be guilty of a Class 4 felony for the second and any
4 subsequent offense.

5 (d) Whenever, in the opinion of the Department, a person
6 violates any provision of this Act, the Department may issue a
7 rule to show cause why an order to cease and desist should not
8 be entered against that person. The rule shall clearly set
9 forth the grounds relied upon by the Department and shall
10 provide a period of 7 days from the date of the rule to file an
11 answer to the satisfaction of the Department. Failure to
12 answer to the satisfaction of the Department shall cause an
13 order to cease and desist to be issued.

14 (Source: P.A. 97-226, eff. 7-28-11.)

15 (225 ILCS 441/20-5)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 20-5. Education provider.

18 (a) Only education providers licensed by the Department
19 may provide the pre-license and continuing education courses
20 required for licensure under this Act.

21 (b) A person or entity seeking to be licensed as an
22 education provider under this Act shall provide satisfactory
23 evidence of the following:

24 (1) a sound financial base for establishing,
25 promoting, and delivering the necessary courses;

- 1 (2) a sufficient number of qualified instructors;
- 2 (3) adequate support personnel to assist with
3 administrative matters and technical assistance;
- 4 (4) a written policy dealing with procedures for
5 management of grievances and fee refunds;
- 6 (5) a qualified school administrator, who is
7 responsible for the administration of the school, courses,
8 and the actions of the instructors; and
- 9 (6) any other requirements provided by rule.

10 (c) All applicants for an education provider's license
11 shall make initial application to the Department in a manner
12 prescribed ~~on forms provided~~ by the Department and pay the
13 appropriate fee as provided by rule. In addition to any other
14 information required to be contained in the application as
15 prescribed by rule, every application for an original or
16 renewed license shall include the applicant's tax
17 identification number. The term, expiration date, and renewal
18 of an education provider's license shall be established by
19 rule.

20 (d) An education provider shall provide each successful
21 course participant with a certificate of completion signed by
22 the school administrator. The format and content of the
23 certificate shall be specified by rule.

24 (e) All education providers shall provide to the
25 Department a monthly roster of all successful course
26 participants as provided by rule.

1 (Source: P.A. 97-226, eff. 7-28-11.)

2 (225 ILCS 441/25-15)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 25-15. Liaison; duties. The Secretary shall appoint
5 an employee of the Department to:

6 (1) (blank);

7 (2) be the direct liaison between the Department, ~~peer~~
8 ~~review advisers,~~ the profession, home inspectors, and
9 related industry organizations and associations; and

10 (3) prepare and circulate to licensees such
11 educational and informational material as the Department
12 deems necessary for providing guidance or assistance to
13 licensees.

14 (Source: P.A. 97-226, eff. 7-28-11.)

15 (225 ILCS 441/25-27)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 25-27. Subpoenas; depositions; oaths.

18 (a) The Department may subpoena and bring before it any
19 person to take oral or written testimony or compel the
20 production of any books, papers, records, or any other
21 documents the Secretary or the Secretary's ~~his or her~~ designee
22 deems relevant or material to any investigation or hearing
23 conducted by the Department with the same fees and in the same
24 manner as prescribed in civil cases in the courts of this

1 State.

2 (b) Any circuit court, upon the application of the
3 licensee or the Department, may order the attendance and
4 testimony of witnesses and the production of relevant
5 documents, files, records, books, and papers in connection
6 with any hearing or investigation. The circuit court may
7 compel obedience to its order by proceedings for contempt.

8 (c) The Secretary, the hearing officer, any member of the
9 Board, or a certified shorthand court reporter may administer
10 oaths at any hearing the Department conducts. Notwithstanding
11 any other statute or Department rule to the contrary, all
12 requests for testimony, production of documents, or records
13 shall be in accordance with this Act.

14 (Source: P.A. 97-226, eff. 7-28-11.)

15 (225 ILCS 441/25-17 rep.)

16 Section 75. The Home Inspector License Act is amended by
17 repealing Section 25-17.

18 Section 80. The Real Estate Appraiser Licensing Act of
19 2002 is amended by changing Sections 1-10, 5-5, 5-10, 5-15,
20 5-20, 5-20.5, 5-22, 5-25, 5-30, 5-35, 10-5, 10-10, 15-5,
21 15-10, 15-15, 15-55, 20-5, 20-10, 25-10, 25-15, 25-16, 25-20,
22 25-25, and 30-5 and by adding Sections 1-12, 5-26, 15-10.1,
23 15-11, and 25-35 as follows:

1 (225 ILCS 458/1-10)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 1-10. Definitions. As used in this Act, unless the
4 context otherwise requires:

5 "Accredited college or university, junior college, or
6 community college" means a college or university, junior
7 college, or community college that is approved or accredited
8 by the Board of Higher Education, a regional or national
9 accreditation association, or by an accrediting agency that is
10 recognized by the U.S. Secretary of Education.

11 "Address of record" means the designated street address,
12 which may not be a post office box, recorded by the Department
13 in the applicant's or licensee's application file or license
14 file as maintained by the ~~Department's licensure maintenance~~
15 ~~unit. It is the duty of the applicant or licensee to inform the~~
16 ~~Department of any change of address and those changes must be~~
17 ~~made either through the Department's website or by contacting~~
18 ~~the~~ Department.

19 "Applicant" means person who applies to the Department for
20 a license under this Act.

21 "Appraisal" means (noun) the act or process of developing
22 an opinion of value; an opinion of value (adjective) of or
23 pertaining to appraising and related functions, such as
24 appraisal practice or appraisal services.

25 "Appraisal assignment" means a valuation service provided
26 pursuant to ~~as a consequence of~~ an agreement between an

1 appraiser and a client.

2 ~~"Appraisal consulting" means the act or process of~~
3 ~~developing an analysis, recommendation, or opinion to solve a~~
4 ~~problem, where an opinion of value is a component of the~~
5 ~~analysis leading to the assignment results.~~

6 "Appraisal firm" means an appraisal entity that is 100%
7 owned and controlled by a person or persons licensed in
8 Illinois as a certified general real estate appraiser or a
9 certified residential real estate appraiser. "Appraisal firm"
10 does not include an appraisal management company.

11 "Appraisal management company" means any corporation,
12 limited liability company, partnership, sole proprietorship,
13 subsidiary, unit, or other business entity that directly or
14 indirectly: (1) provides appraisal management services to
15 creditors or secondary mortgage market participants, including
16 affiliates; (2) provides appraisal management services in
17 connection with valuing the consumer's principal dwelling as
18 security for a consumer credit transaction (including consumer
19 credit transactions incorporated into securitizations); and
20 (3) ~~within a given year, oversees an appraiser panel of any~~
21 ~~size of State-certified appraisers in Illinois; and (4) any~~
22 appraisal management company that, within a given 12-month
23 period ~~year~~, oversees an appraiser panel of 16 or more
24 State-certified appraisers in Illinois or 25 or more
25 State-certified or State-licensed appraisers in 2 or more
26 jurisdictions ~~shall be subject to the appraisal management~~

1 ~~company national registry fee in addition to the appraiser~~
2 ~~panel fee.~~ "Appraisal management company" includes a hybrid
3 entity.

4 "Appraisal practice" means valuation services performed by
5 an individual acting as an appraiser, including, but not
6 limited to, appraisal or appraisal review, ~~or appraisal~~
7 ~~consulting.~~

8 "Appraisal report" means any communication, written or
9 oral, of an appraisal or appraisal review that is transmitted
10 to a client upon completion of an assignment.

11 "Appraisal review" means the act or process of developing
12 and communicating an opinion about the quality of another
13 appraiser's work that was performed as part of an appraisal,
14 appraisal review, or appraisal assignment.

15 "Appraisal Subcommittee" means the Appraisal Subcommittee
16 of the Federal Financial Institutions Examination Council as
17 established by Title XI.

18 "Appraiser" means a person who performs real estate or
19 real property appraisals competently and in a manner that is
20 independent, impartial, and objective.

21 "Appraiser panel" means a network, list, or roster of
22 licensed or certified appraisers approved by the appraisal
23 management company or by the end-user client to perform
24 appraisals as independent contractors for the appraisal
25 management company. "Appraiser panel" includes both appraisers
26 accepted by an appraisal management company for consideration

1 for future appraisal assignments and appraisers engaged by an
2 appraisal management company to perform one or more
3 appraisals. For the purposes of determining the size of an
4 appraiser panel, only independent contractors of hybrid
5 entities shall be counted towards the appraiser panel.

6 "AQB" means the Appraisal Qualifications Board of the
7 Appraisal Foundation.

8 "Associate real estate trainee appraiser" means an
9 entry-level appraiser who holds a license of this
10 classification under this Act with restrictions as to the
11 scope of practice in accordance with this Act.

12 "Automated valuation model" means an automated system that
13 is used to derive a property value through the use of available
14 property records and various analytic methodologies such as
15 comparable sales prices, home characteristics, and price
16 changes.

17 "Board" means the Real Estate Appraisal Administration and
18 Disciplinary Board.

19 "Broker price opinion" means an estimate or analysis of
20 the probable selling price of a particular interest in real
21 estate, which may provide a varying level of detail about the
22 property's condition, market, and neighborhood and information
23 on comparable sales. The activities of a real estate broker or
24 managing broker engaging in the ordinary course of business as
25 a broker, as defined in this Section, shall not be considered a
26 broker price opinion if no compensation is paid to the broker

1 or managing broker, other than compensation based upon the
2 sale or rental of real estate.

3 "Classroom hour" means 50 minutes of instruction out of
4 each 60 minute segment of coursework.

5 "Client" means the party or parties who engage an
6 appraiser by employment or contract in a specific appraisal
7 assignment.

8 "Comparative market analysis" is an analysis or opinion
9 regarding pricing, marketing, or financial aspects relating to
10 a specified interest or interests in real estate that may be
11 based upon an analysis of comparative market data, the
12 expertise of the real estate broker or managing broker, and
13 such other factors as the broker or managing broker may deem
14 appropriate in developing or preparing such analysis or
15 opinion. The activities of a real estate broker or managing
16 broker engaging in the ordinary course of business as a
17 broker, as defined in this Section, shall not be considered a
18 comparative market analysis if no compensation is paid to the
19 broker or managing broker, other than compensation based upon
20 the sale or rental of real estate.

21 "Coordinator" means the ~~Coordinator of~~ Real Estate
22 Appraisal Coordinator created in Section 25-15 ~~of the Division~~
23 ~~of Professional Regulation of the Department of Financial and~~
24 ~~Professional Regulation.~~

25 "Department" means the Department of Financial and
26 Professional Regulation.

1 "Email address of record" means the designated email
2 address recorded by the Department in the applicant's
3 application file or the licensee's license file maintained by
4 the Department.

5 "Evaluation" means a valuation permitted by the appraisal
6 regulations of the Federal Financial Institutions Examination
7 Council and its federal agencies for transactions that qualify
8 for the appraisal threshold exemption, business loan
9 exemption, or subsequent transaction exemption.

10 "Federal financial institutions regulatory agencies" means
11 the Board of Governors of the Federal Reserve System, the
12 Federal Deposit Insurance Corporation, the Office of the
13 Comptroller of the Currency, the Consumer Financial Protection
14 Bureau, and the National Credit Union Administration.

15 "Federally related transaction" means any real
16 estate-related financial transaction in which a federal
17 financial institutions regulatory agency engages in, contracts
18 for, or regulates and requires the services of an appraiser.

19 "Financial institution" means any bank, savings bank,
20 savings and loan association, credit union, mortgage broker,
21 mortgage banker, licensee under the Consumer Installment Loan
22 Act or the Sales Finance Agency Act, or a corporate fiduciary,
23 subsidiary, affiliate, parent company, or holding company of
24 any such licensee, or any institution involved in real estate
25 financing that is regulated by state or federal law.

26 "Hybrid entity" means an appraisal management company that

1 hires an appraiser as an employee to perform an appraisal and
2 engages an independent contractor to perform an appraisal.

3 "License" means the privilege conferred by the Department
4 to a person that has fulfilled all requirements prerequisite
5 to any type of licensure under this Act.

6 "Licensee" means any person, as defined in this Section,
7 who holds a valid unexpired license.

8 "Multi-state licensing system" means a web-based platform
9 that allows an applicant to submit the ~~his or her~~ application
10 or license renewal application to the Department online.

11 "Person" means an individual, entity, sole proprietorship,
12 corporation, limited liability company, partnership, and joint
13 venture, foreign or domestic, except that when the context
14 otherwise requires, the term may refer to more than one
15 individual or other described entity.

16 "Real estate" means an identified parcel or tract of land,
17 including any improvements.

18 "Real estate related financial transaction" means any
19 transaction involving:

20 (1) the sale, lease, purchase, investment in, or
21 exchange of real property, including interests in property
22 or the financing thereof;

23 (2) the refinancing of real property or interests in
24 real property; and

25 (3) the use of real property or interest in property
26 as security for a loan or investment, including mortgage

1 backed securities.

2 "Real property" means the interests, benefits, and rights
3 inherent in the ownership of real estate.

4 "Secretary" means the Secretary of Financial and
5 Professional Regulation or the Secretary's designee.

6 "State certified general real estate appraiser" means an
7 appraiser who holds a license of this classification under
8 this Act and such classification applies to the appraisal of
9 all types of real property without restrictions as to the
10 scope of practice.

11 "State certified residential real estate appraiser" means
12 an appraiser who holds a license of this classification under
13 this Act and such classification applies to the appraisal of
14 one to 4 units of residential real property without regard to
15 transaction value or complexity, but with restrictions as to
16 the scope of practice in a federally related transaction in
17 accordance with Title XI, the provisions of USPAP, criteria
18 established by the AQB, and further defined by rule.

19 "Supervising appraiser" means either (i) an appraiser who
20 holds a valid license under this Act as either a State
21 certified general real estate appraiser or a State certified
22 residential real estate appraiser, who co-signs an appraisal
23 report for an associate real estate trainee appraiser or (ii)
24 a State certified general real estate appraiser who holds a
25 valid license under this Act who co-signs an appraisal report
26 for a State certified residential real estate appraiser on

1 properties other than one to 4 units of residential real
2 property without regard to transaction value or complexity.

3 "Title XI" means Title XI of the federal Financial
4 Institutions Reform, Recovery and Enforcement Act of 1989.

5 "USPAP" means the Uniform Standards of Professional
6 Appraisal Practice as promulgated by the Appraisal Standards
7 Board pursuant to Title XI and by rule.

8 "Valuation services" means services pertaining to aspects
9 of property value.

10 (Source: P.A. 100-604, eff. 7-13-18.)

11 (225 ILCS 458/1-12 new)

12 Sec. 1-12. Address of record; email address of record. All
13 applicants and licensees shall:

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

18 (2) inform the Department of any change of address of
19 record or email address of record within 14 days after
20 such change through the Department's website.

21 (225 ILCS 458/5-5)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 5-5. Necessity of license; use of title; exemptions.

24 (a) It is unlawful for a person to (i) act, offer services,

1 or advertise services as a State certified general real estate
2 appraiser, State certified residential real estate appraiser,
3 or associate real estate trainee appraiser, (ii) develop a
4 real estate appraisal, (iii) practice as a real estate
5 appraiser, or (iv) advertise as ~~or hold himself or herself out~~
6 ~~to be~~ a real estate appraiser without a license issued under
7 this Act. A person who violates this subsection is guilty of a
8 Class A misdemeanor for a first offense and a Class 4 felony
9 for any subsequent offense.

10 (a-5) It is unlawful for a person, unless registered as an
11 appraisal management company, to solicit clients or enter into
12 an appraisal engagement with clients without either a
13 certified residential real estate appraiser license or a
14 certified general real estate appraiser license issued under
15 this Act. A person who violates this subsection is guilty of a
16 Class A misdemeanor for a first offense and a Class 4 felony
17 for any subsequent offense.

18 (b) It is unlawful for a person, other than a person who
19 holds a valid license issued pursuant to this Act as a State
20 certified general real estate appraiser, a State certified
21 residential real estate appraiser, or an associate real estate
22 trainee appraiser to use these titles or any other title,
23 designation, or abbreviation likely to create the impression
24 that the person is licensed as a real estate appraiser
25 pursuant to this Act. A person who violates this subsection is
26 guilty of a Class A misdemeanor for a first offense and a Class

1 4 felony for any subsequent offense.

2 (c) This Act does not apply to a person who holds a valid
3 license as a real estate broker or managing broker pursuant to
4 the Real Estate License Act of 2000 who prepares or provides a
5 broker price opinion or comparative market analysis in
6 compliance with Section 10-45 of the Real Estate License Act
7 of 2000.

8 (d) Nothing in this Act shall preclude a State certified
9 general real estate appraiser, a State certified residential
10 real estate appraiser, or an associate real estate trainee
11 appraiser from rendering appraisals for or on behalf of a
12 partnership, association, corporation, firm, or group.
13 However, no State appraisal license or certification shall be
14 issued under this Act to a partnership, association,
15 corporation, firm, or group.

16 (e) This Act does not apply to a county assessor, township
17 assessor, multi-township assessor, county supervisor of
18 assessments, or any deputy or employee of any county assessor,
19 township assessor, multi-township assessor, or county
20 supervisor of assessments in performance of ~~who is performing~~
21 ~~his or her~~ respective duties in accordance with the provisions
22 of the Property Tax Code.

23 (e-5) For the purposes of this Act, valuation waivers may
24 be prepared by a licensed appraiser notwithstanding any other
25 provision of this Act, and the following types of valuations
26 are not appraisals and may not be represented to be

1 appraisals, and a license is not required under this Act to
2 perform such valuations if the valuations are performed by (1)
3 an employee of the Illinois Department of Transportation who
4 has completed a minimum of 45 hours of course work in real
5 estate appraisal, including the principles ~~principals~~ of real
6 estate appraisals, appraisal of partial acquisitions, easement
7 valuation, reviewing appraisals in eminent domain, appraisal
8 for federal aid highway programs, and appraisal review for
9 federal aid highway programs and has at least 2 years'
10 experience in a field closely related to real estate; (2) a
11 county engineer who is a registered professional engineer
12 under the Professional Engineering Practice Act of 1989; (3)
13 an employee of a municipality who has (i) completed a minimum
14 of 45 hours of coursework in real estate appraisal, including
15 the principles ~~principals~~ of real estate appraisals, appraisal
16 of partial acquisitions, easement valuation, reviewing
17 appraisals in eminent domain, appraisal for federal aid
18 highway programs, and appraisal review for federal aid highway
19 programs and (ii) has either 2 years' experience in a field
20 clearly related to real estate or has completed 20 hours of
21 additional coursework that is sufficient for a person to
22 complete waiver valuations as approved by the Federal Highway
23 Administration; or (4) a municipal engineer who has completed
24 coursework that is sufficient for ~~his or her~~ waiver valuations
25 to be approved by the Federal Highway Administration and who
26 is a registered professional engineer under the Professional

1 Engineering Act of 1989, under the following circumstances:

2 (A) a valuation waiver in an amount not to exceed
3 \$20,000 ~~\$10,000~~ prepared pursuant to the federal Uniform
4 Relocation Assistance and Real Property Acquisition
5 Policies Act of 1970, or prepared pursuant to the federal
6 Uniform Relocation Assistance and Real Property
7 Acquisition for Federal and Federally-Assisted Programs
8 regulations and which is performed by (1) an employee of
9 the Illinois Department of Transportation and co-signed,
10 with a license number affixed, by another employee of the
11 Illinois Department of Transportation who is a registered
12 professional engineer under the Professional Engineering
13 Practice Act of 1989 or (2) an employee of a municipality
14 and co-signed with a license number affixed by a county or
15 municipal engineer who is a registered professional
16 engineer under the Professional Engineering Practice Act
17 of 1989; and

18 (B) a valuation waiver in an amount not to exceed
19 \$20,000 ~~\$10,000~~ prepared pursuant to the federal Uniform
20 Relocation Assistance and Real Property Acquisition
21 Policies Act of 1970, or prepared pursuant to the federal
22 Uniform Relocation Assistance and Real Property
23 Acquisition for Federal and Federally-Assisted Programs
24 regulations and which is performed by a county or
25 municipal engineer who is employed by a county or
26 municipality and is a registered professional engineer

1 under the Professional Engineering Practice Act of 1989.
2 The valuation shall include ~~In addition to his or her~~
3 ~~signature,~~ the county or municipal engineer's signature
4 and ~~engineer shall affix his or her license number to the~~
5 ~~valuation.~~

6 Nothing in this subsection (e-5) shall be construed to
7 allow the State of Illinois, a political subdivision thereof,
8 or any public body to acquire real estate by eminent domain in
9 any manner other than provided for in the Eminent Domain Act.

10 (f) A State real estate appraisal certification or license
11 is not required under this Act for any ~~of the following:~~ (1) A
12 person, partnership, association, or corporation that performs
13 appraisals of property owned by that person, partnership,
14 association, or corporation for the sole use of that person,
15 partnership, association, or corporation.

16 ~~(2) A court appointed commissioner who conducts an~~
17 ~~appraisal pursuant to a judicially ordered evaluation of~~
18 ~~property.~~

19 Any ~~However,~~ any person who is certified or licensed under
20 this Act and who performs any of the activities set forth in
21 this subsection (f) must comply with the provisions of this
22 Act. A person who violates this subsection (f) is guilty of a
23 Class A misdemeanor for a first offense and a Class 4 felony
24 for any subsequent offense.

25 (g) This Act does not apply to an employee, officer,
26 director, or member of a credit or loan committee of a

1 financial institution or any other person engaged by a
2 financial institution when performing an evaluation of real
3 property for the sole use of the financial institution in a
4 transaction for which the financial institution would not be
5 required to use the services of a State licensed or State
6 certified appraiser pursuant to federal regulations adopted
7 under Title XI of the federal Financial Institutions Reform,
8 Recovery, and Enforcement Act of 1989, ~~nor does this Act apply~~
9 ~~to the procurement of an automated valuation model.~~

10 (h) This Act does not apply to the procurement of an
11 automated valuation model.

12 ~~"Automated valuation model" means an automated system that~~
13 ~~is used to derive a property value through the use of publicly~~
14 ~~available property records and various analytic methodologies~~
15 ~~such as comparable sales prices, home characteristics, and~~
16 ~~historical home price appreciations.~~

17 (Source: P.A. 98-444, eff. 8-16-13; 98-933, eff. 1-1-15;
18 98-1109, eff. 1-1-15; 99-78, eff. 7-20-15.)

19 (225 ILCS 458/5-10)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 5-10. Application for State certified general real
22 estate appraiser.

23 (a) Every person who desires to obtain a State certified
24 general real estate appraiser license shall:

25 (1) apply to the Department on forms provided by the

1 Department, or through a multi-state licensing system as
2 designated by the Secretary, accompanied by the required
3 fee;

4 (2) be at least 18 years of age;

5 (3) (blank);

6 (4) personally take and pass an examination authorized
7 by the Department and endorsed by the AQB;

8 (5) prior to taking the examination, provide evidence
9 to the Department, or through a multi-state licensing
10 system as designated by the Secretary, of successful
11 completion of ~~in Modular Course format, with each module~~
12 ~~conforming to the Required Core Curriculum established and~~
13 ~~adopted by the AQB, that he or she has successfully~~
14 ~~completed~~ the prerequisite classroom hours of instruction
15 in appraising as established by the AQB and by rule;
16 evidence shall be in a Modular Course format with each
17 module conforming to the Required Core Curriculum
18 established and adopted by the AQB; and

19 (6) prior to taking the examination, provide evidence
20 to the Department, or through a multi-state licensing
21 system as designated by the Secretary, of successful
22 completion of ~~that he or she has successfully completed~~
23 the prerequisite experience and educational requirements
24 in appraising as established by AQB and by rule.

25 (b) Applicants must provide evidence to the Department, or
26 through a multi-state licensing system as designated by the

1 Secretary, of holding a Bachelor's degree or higher from an
2 accredited college or university.

3 (Source: P.A. 100-604, eff. 7-13-18.)

4 (225 ILCS 458/5-15)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 5-15. Application for State certified residential
7 real estate appraiser. Every person who desires to obtain a
8 State certified residential real estate appraiser license
9 shall:

10 (1) apply to the Department on forms provided by the
11 Department, or through a multi-state licensing system as
12 designated by the Secretary, accompanied by the required
13 fee;

14 (2) be at least 18 years of age;

15 (3) (blank);

16 (4) personally take and pass an examination authorized
17 by the Department and endorsed by the AQB;

18 (5) prior to taking the examination, provide evidence
19 to the Department, or through a multi-state licensing
20 system as designated by the Secretary, of successful
21 completion of ~~in Modular Course format, with each module~~
22 ~~conforming to the Required Core Curriculum established and~~
23 ~~adopted by the AQB, that he or she has successfully~~
24 ~~completed~~ the prerequisite classroom hours of instruction
25 in appraising as established by the AQB and by rule;

1 evidence shall be in a Modular Course format with each
2 module conforming to the Required Core Curriculum
3 established and adopted by the AQB; and

4 (6) prior to taking the examination, provide evidence
5 to the Department, or through a multi-state licensing
6 system as designated by the Secretary, of successful
7 completion of ~~that he or she has successfully completed~~
8 the prerequisite experience and educational requirements
9 as established by AQB and by rule.

10 (Source: P.A. 100-201, eff. 8-18-17; 100-604, eff. 7-13-18.)

11 (225 ILCS 458/5-20)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 5-20. Application for associate real estate trainee
14 appraiser. Every person who desires to obtain an associate
15 real estate trainee appraiser license shall:

16 (1) apply to the Department on forms provided by the
17 Department, or through a multi-state licensing system as
18 designated by the Secretary, accompanied by the required
19 fee;

20 (2) be at least 18 years of age;

21 (3) provide evidence of having attained a high school
22 diploma or completed an equivalent course of study as
23 determined by an examination conducted or accepted by the
24 Illinois State Board of Education;

25 (4) (blank); and

1 (5) provide evidence to the Department, or through a
2 multi-state licensing system as designated by the
3 Secretary, of successful completion of ~~that he or she has~~
4 ~~successfully completed~~ the prerequisite qualifying and any
5 conditional education requirements as established by rule.
6 (Source: P.A. 100-604, eff. 7-13-18; 100-832, eff. 1-1-19;
7 101-81, eff. 7-12-19.)

8 (225 ILCS 458/5-20.5)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 5-20.5. Duration of application. Applicants have 3
11 years from the date of application to complete the application
12 process. If the process has not been completed within 3 years,
13 the application shall expire ~~be denied~~, the fee shall be
14 forfeited, and the applicant must reapply and meet the
15 requirements in effect at the time of reapplication.

16 (Source: P.A. 96-844, eff. 12-23-09.)

17 (225 ILCS 458/5-22)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 5-22. Criminal history records check.

20 (a) An application ~~Each applicant~~ for licensure by
21 examination or restoration shall include the applicant's ~~have~~
22 ~~his or her~~ fingerprints submitted to the Department of State
23 Police in an electronic format that complies with the form and
24 manner for requesting and furnishing criminal history record

1 information as prescribed by the Department of State Police.
2 These fingerprints shall be checked against the Department of
3 State Police and Federal Bureau of Investigation criminal
4 history record databases now and hereafter filed. The
5 Department of State Police shall charge applicants a fee for
6 conducting the criminal history records check, which shall be
7 deposited into the State Police Services Fund and shall not
8 exceed the actual cost of the records check. The Department of
9 State Police shall furnish, pursuant to positive
10 identification, records of Illinois convictions to the
11 Department. The Department may require applicants to pay a
12 separate fingerprinting fee, either to the Department or to a
13 vendor. The Department may adopt any rules necessary to
14 implement this Section.

15 (b) The Secretary may designate a multi-state licensing
16 system to perform the functions described in subsection (a).
17 The Department may require applicants to pay a separate
18 fingerprinting fee, either to the Department or to the
19 multi-state licensing system. The Department may adopt any
20 rules necessary to implement this subsection.

21 (c) The Department shall not consider the following
22 criminal history records in connection with an application for
23 licensure:

24 (1) juvenile adjudications of delinquent minors as
25 defined in Section 5-105 of the Juvenile Court Act of 1987
26 subject to the restrictions set forth in Section 5-130 of

1 that Act;

2 (2) law enforcement records, court records, and
3 conviction records of an individual who was 17 years old
4 at the time of the offense and before January 1, 2014,
5 unless the nature of the offense required the individual
6 to be tried as an adult;

7 (3) records of arrest not followed by a charge or
8 conviction;

9 (4) records of arrest in which the charges were
10 dismissed unless related to the practice of the
11 profession; however, applicants shall not be asked to
12 report any arrests, and an arrest not followed by a
13 conviction shall not be the basis of a denial and may be
14 used only to assess an applicant's rehabilitation;

15 (5) convictions overturned by a higher court; or

16 (6) convictions or arrests that have been sealed or
17 expunged.

18 (d) If an applicant makes a false statement of material
19 fact on the application, the false statement may in itself be
20 sufficient grounds to revoke or refuse to issue a license.

21 (e) An applicant or licensee shall report to the
22 Department, in a manner prescribed by the Department, upon
23 application and within 30 days after the occurrence, if during
24 the term of licensure, (i) any conviction of or plea of guilty
25 or nolo contendere to forgery, embezzlement, obtaining money
26 under false pretenses, larceny, extortion, conspiracy to

1 defraud, or any similar offense or offenses or any conviction
2 of a felony involving moral turpitude, (ii) the entry of an
3 administrative sanction by a government agency in this State
4 or any other jurisdiction that has as an essential element
5 dishonesty or fraud or involves larceny, embezzlement, or
6 obtaining money, property, or credit by false pretenses, or
7 (iii) a crime that subjects the licensee to compliance with
8 the requirements of the Sex Offender Registration Act.

9 (Source: P.A. 100-604, eff. 7-13-18.)

10 (225 ILCS 458/5-25)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 5-25. Renewal of license.

13 (a) The expiration date and renewal period for a State
14 certified general real estate appraiser license or a State
15 certified residential real estate appraiser license issued
16 under this Act shall be set by rule. Except as otherwise
17 provided in subsections (b) and (f) of this Section, the
18 holder of a license may renew the license within 90 days
19 preceding the expiration date by:

20 (1) completing and submitting to the Department, or
21 through a multi-state licensing system as designated by
22 the Secretary, a renewal application form as provided by
23 the Department;

24 (2) paying the required fees; and

25 (3) providing evidence to the Department, or through a

1 multi-state licensing system as designated by the
2 Secretary, of successful completion of the continuing
3 education requirements through courses approved by the
4 Department from education providers licensed by the
5 Department, as established by the AQB and by rule.

6 (b) A State certified general real estate appraiser or
7 State certified residential real estate appraiser whose
8 license under this Act has expired may renew the license for a
9 period of 2 years following the expiration date by complying
10 with the requirements of paragraphs (1), (2), and (3) of
11 subsection (a) of this Section and paying any late penalties
12 established by rule.

13 (c) (Blank).

14 (d) The expiration date and renewal period for an
15 associate real estate trainee appraiser license issued under
16 this Act shall be set by rule. Except as otherwise provided in
17 subsections (e) and (f) of this Section, the holder of an
18 associate real estate trainee appraiser license may renew the
19 license within 90 days preceding the expiration date by:

20 (1) completing and submitting to the Department, or
21 through a multi-state licensing system as designated by
22 the Secretary, a renewal application form as provided by
23 the Department;

24 (2) paying the required fees; and

25 (3) providing evidence to the Department, or through a
26 multi-state licensing system as designated by the

1 Secretary, of successful completion of the continuing
2 education requirements through courses approved by the
3 Department from education providers approved by the
4 Department, as established by rule.

5 (e) Any associate real estate trainee appraiser ~~trainee~~
6 whose license under this Act has expired may renew the license
7 for a period of 2 years following the expiration date by
8 complying with the requirements of paragraphs (1), (2), and
9 (3) of subsection (d) of this Section and paying any late
10 penalties as established by rule.

11 (f) Notwithstanding subsections (c) and (e), an appraiser
12 whose license under this Act has expired may renew or convert
13 the license without paying any lapsed renewal fees or late
14 penalties if the license expired while the appraiser was:

15 (1) on active duty with the United States Armed
16 Services;

17 (2) serving as the Coordinator ~~of Real Estate~~
18 ~~Appraisal~~ or an employee of the Department who was
19 required to surrender the ~~his or her~~ license during the
20 term of employment.

21 Application for renewal must be made within 2 years
22 following the termination of the military service or related
23 education, training, or employment and shall include an
24 affidavit from the licensee of engagement. ~~The licensee shall~~
25 ~~furnish the Department with an affidavit that he or she was so~~
26 ~~engaged.~~

1 (g) The Department shall provide reasonable care and due
2 diligence to ensure that each licensee under this Act is
3 provided with a renewal application at least 90 days prior to
4 the expiration date, but ~~each licensee is responsible to~~
5 timely renewal or conversion of the ~~renew or convert his or her~~
6 license prior to its expiration date is the responsibility of
7 the licensee.

8 (h) The Department shall not renew a license if the
9 licensee has an unpaid fine from a disciplinary matter or an
10 unpaid fee from a non-disciplinary action imposed by the
11 Department until the fine or fee is paid to the Department or
12 the licensee has entered into a payment plan and is current on
13 the required payments.

14 (i) The Department shall not issue a license if the
15 applicant has an unpaid fine imposed by the Department for
16 unlicensed practice until the fine is paid to the Department
17 or the applicant has entered into a payment plan and is current
18 on the required payments.

19 (Source: P.A. 100-604, eff. 7-13-18; 100-832, eff. 1-1-19;
20 101-81, eff. 7-12-19.)

21 (225 ILCS 458/5-26 new)

22 Sec. 5-26. Inactive licenses. Any licensee who notifies
23 the Department, in writing on forms prescribed by the
24 Department, may elect to place the license on an inactive
25 status and shall, subject to the rules of the Department, be

1 excused from payment of renewal fees until notification in
2 writing to the Department of the desire to resume active
3 status. Any licensee requesting reinstatement from inactive
4 status shall pay the current renewal fee, provide proof of
5 meeting the continuing education requirements for the period
6 of time the license is inactive (not to exceed 2 renewal
7 periods), and follow the requirements for reinstatement as
8 provided by rule. Any licensee whose license is in an inactive
9 status shall not practice in the State of Illinois. The
10 Department will update the licensee's record in the National
11 Registry to show that the license is inactive.

12 (225 ILCS 458/5-30)

13 (Section scheduled to be repealed on January 1, 2022)

14 Sec. 5-30. Endorsement. The Department may issue an
15 appraiser license, without the required examination, to an
16 applicant licensed by another state, territory, possession of
17 the United States, or the District of Columbia, if (i) the
18 licensing requirements of that licensing authority are, on the
19 date of licensure, substantially equal to the requirements set
20 forth under this Act or to a person who, at the time of the his
21 ~~or her~~ application, possessed individual qualifications that
22 were substantially equivalent to the requirements of this Act
23 or (ii) the applicant provides the Department with evidence of
24 good standing from the Appraisal Subcommittee National
25 Registry report and a criminal history records check in

1 accordance with Section 5-22. An applicant under this Section
2 shall pay all of the required fees.

3 (Source: P.A. 98-1109, eff. 1-1-15.)

4 (225 ILCS 458/5-35)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 5-35. Qualifying education requirements. ~~(a)~~ The
7 prerequisite classroom hours necessary for a person to be
8 approved to sit for the examination for licensure as a State
9 certified general real estate appraiser or a State certified
10 residential real estate appraiser shall be in accordance with
11 AQB criteria and established by rule.

12 ~~(b) The prerequisite classroom hours necessary for a~~
13 ~~person to sit for the examination for licensure as an~~
14 ~~associate real estate trainee appraiser shall be established~~
15 ~~by rule.~~

16 (Source: P.A. 98-1109, eff. 1-1-15.)

17 (225 ILCS 458/10-5)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 10-5. Scope of practice.

20 (a) This Act does not limit a State certified general real
21 estate appraiser's ~~appraiser in his or her~~ scope of practice
22 in a federally related transaction. A State certified general
23 real estate appraiser may independently provide appraisal
24 services, review, or consult related ~~consulting relating~~ to

1 any type of property for which there is related ~~he or she has~~
2 experience or competency by the appraiser ~~is competent~~. All
3 such appraisal practice must be made in accordance with the
4 provisions of USPAP, criteria established by the AQB, and
5 rules adopted pursuant to this Act.

6 (b) A State certified residential real estate appraiser is
7 limited in ~~his or her~~ scope of practice to the provisions of
8 USPAP, criteria established by the AQB, and the rules adopted
9 pursuant to this Act.

10 (c) A State certified residential real estate appraiser
11 must have a State certified general real estate appraiser who
12 holds a valid license under this Act co-sign all appraisal
13 reports on properties other than one to 4 units of residential
14 real property without regard to transaction value or
15 complexity.

16 (d) An associate real estate trainee appraiser is limited
17 in ~~his or her~~ scope of practice in all transactions in
18 accordance with the provisions of USPAP, this Act, and the
19 rules adopted pursuant to this Act. In addition, an associate
20 real estate trainee appraiser shall be required to have a
21 State certified general real estate appraiser or State
22 certified residential real estate appraiser who holds a valid
23 license under this Act to co-sign all appraisal reports. A
24 supervising appraiser may not supervise more than 3 associate
25 real estate trainee appraisers at one time. Associate real
26 estate trainee appraisers shall not be limited in the number

1 of concurrent supervising appraisers. A chronological
2 appraisal log on an approved log form shall be maintained by
3 the associate real estate trainee appraiser and shall be made
4 available to the Department upon request.

5 (Source: P.A. 97-602, eff. 8-26-11; 98-1109, eff. 1-1-15.)

6 (225 ILCS 458/10-10)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 10-10. Standards of practice. All persons licensed
9 under this Act must comply with standards of professional
10 appraisal practice adopted by the Department. The Department
11 must adopt, as part of its rules, the Uniform Standards of
12 Professional Appraisal Practice (USPAP) as published from time
13 to time by the Appraisal Standards Board of the Appraisal
14 Foundation. The Department shall consider federal laws and
15 regulations regarding the licensure of real estate appraisers
16 prior to adopting its rules for the administration of this
17 Act. When an appraisal obtained through an appraisal
18 management company is used for loan purposes, the borrower or
19 loan applicant shall be provided with a written disclosure of
20 the total compensation to the appraiser or appraisal firm
21 within the body ~~certification~~ of the appraisal report and it
22 shall not be redacted or otherwise obscured.

23 (Source: P.A. 96-844, eff. 12-23-09; 97-602, eff. 8-26-11.)

24 (225 ILCS 458/15-5)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 15-5. Unlicensed practice; civil penalty; injunctive
3 relief; unlawful influence.

4 (a) A person who violates Section 5-5 of this Act shall, in
5 addition to any other penalty provided by law, pay a civil
6 penalty to the Department in an amount not to exceed \$25,000
7 for each violation as determined by the Secretary. The civil
8 penalty shall be assessed by the Secretary after a hearing in
9 accordance with the provisions of this Act regarding the
10 provision of a hearing for the discipline of a license.

11 (b) The Department has the authority to investigate any
12 activity that may violate this Act.

13 (c) A civil penalty imposed pursuant to subsection (a)
14 shall be paid within 60 days after the effective date of the
15 order imposing the civil penalty. The order shall constitute a
16 judgment and may be filed and executed in the same manner as
17 any judgment from any court of record. Any civil penalty
18 collected under this Act shall be made payable to the
19 Department of Financial and Professional Regulation and
20 deposited into the Appraisal Administration Fund. In addition
21 to or in lieu of the imposition of a civil penalty, the
22 Department may report a violation of this Act or the failure or
23 refusal to comply with an order of the Department to the
24 Attorney General or to the appropriate State's Attorney.

25 (d) Practicing as an appraiser without holding an active ~~a~~
26 ~~valid~~ license as required under this Act is declared to be

1 adverse to the public welfare, to constitute a public
2 nuisance, and to cause irreparable harm to the public welfare.
3 The Secretary, the Attorney General, or the State's Attorney
4 of any county in the State may maintain an action for
5 injunctive relief in any circuit court to enjoin any person
6 from engaging in such practice.

7 Upon the filing of a verified petition in a circuit court,
8 the court, if satisfied by affidavit or otherwise that a
9 person has been engaged in the practice of real estate
10 appraisal without an active ~~a valid~~ license, may enter a
11 temporary restraining order without notice or bond enjoining
12 the defendant from further practice. The showing of
13 non-licensure, by affidavit or otherwise, is sufficient for
14 the issuance of a temporary injunction. If it is established
15 that the defendant has been or is engaged in unlawful
16 practice, the court may enter an order or judgment perpetually
17 enjoining the defendant from further unlawful practice. In all
18 proceedings under this Section, the court, in its discretion,
19 may apportion the costs among the parties interested in the
20 action, including the cost of filing the complaint, service of
21 process, witness fees and expenses, court reporter charges,
22 and reasonable attorneys' fees. These injunction proceedings
23 shall be in addition to, and not in lieu of, all penalties and
24 other remedies provided in this Act.

25 (e) No person shall influence or attempt to influence
26 through coercion, extortion, or bribery the independent

1 judgment of an appraiser licensed or certified under this Act
2 in the development, reporting, result, or review of a real
3 estate appraisal. A person who violates this subsection (e) is
4 guilty of a Class A misdemeanor for the first offense and a
5 Class 4 felony for any subsequent offense.

6 (Source: P.A. 96-844, eff. 12-23-09.)

7 (225 ILCS 458/15-10)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 15-10. Grounds for disciplinary action.

10 (a) The Department may suspend, revoke, refuse to issue,
11 renew, or restore a license and may reprimand place on
12 probation or administrative supervision, or take any
13 disciplinary or non-disciplinary action, including imposing
14 conditions limiting the scope, nature, or extent of the real
15 estate appraisal practice of a licensee or reducing the
16 appraisal rank of a licensee, and may impose an administrative
17 fine not to exceed \$25,000 for each violation upon a licensee
18 for any one or combination of the following:

19 (1) Procuring or attempting to procure a license by
20 knowingly making a false statement, submitting false
21 information, engaging in any form of fraud or
22 misrepresentation, or refusing to provide complete
23 information in response to a question in an application
24 for licensure.

25 (2) Failing to meet the minimum qualifications for

1 licensure as an appraiser established by this Act.

2 (3) Paying money, other than for the fees provided for
3 by this Act, or anything of value to a member or employee
4 of the Board or the Department to procure licensure under
5 this Act.

6 (4) Conviction of, or by plea of guilty or nolo
7 contendere, as enumerated in subsection (e) of Section
8 5-22 finding of guilt, jury verdict, or entry of judgment
9 or by sentencing of any crime, including, but not limited
10 to, convictions, preceding sentences of supervision,
11 conditional discharge, or first offender probation, under
12 the laws of any jurisdiction of the United States: (i)
13 that is a felony, ~~;~~ ~~or~~ (ii) ~~that is a misdemeanor, or~~
14 administrative sanction or (ii) that is a crime that
15 subjects the licensee to compliance with the requirements
16 of the Sex Offender Registration Act ~~an essential element~~
17 ~~of which is dishonesty, or that is directly related to the~~
18 ~~practice of the profession.~~

19 (5) Committing an act or omission involving
20 dishonesty, fraud, or misrepresentation with the intent to
21 substantially benefit the licensee or another person or
22 with intent to substantially injure another person as
23 defined by rule.

24 (6) Violating a provision or standard for the
25 development or communication of real estate appraisals as
26 provided in Section 10-10 of this Act or as defined by

1 rule.

2 (7) Failing or refusing without good cause to exercise
3 reasonable diligence in developing, reporting, or
4 communicating an appraisal, as defined by this Act or by
5 rule.

6 (8) Violating a provision of this Act or the rules
7 adopted pursuant to this Act.

8 (9) Having been disciplined by another state, the
9 District of Columbia, a territory, a foreign nation, a
10 governmental agency, or any other entity authorized to
11 impose discipline if at least one of the grounds for that
12 discipline is the same as or the equivalent of one of the
13 grounds for which a licensee may be disciplined under this
14 Act.

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

18 (11) Accepting an appraisal assignment when the
19 employment itself is contingent upon the appraiser
20 reporting a predetermined estimate, analysis, or opinion
21 or when the fee to be paid is contingent upon the opinion,
22 conclusion, or valuation reached or upon the consequences
23 resulting from the appraisal assignment.

24 (12) Developing valuation conclusions based on the
25 race, color, religion, sex, national origin, ancestry,
26 age, marital status, family status, physical or mental

1 disability, sexual orientation, pregnancy, order of
2 protection status, military status, or unfavorable
3 military discharge, as defined under the Illinois Human
4 Rights Act, of the prospective or present owners or
5 occupants of the area or property under appraisal.

6 (13) Violating the confidential nature of government
7 records to which the licensee gained access through
8 employment or engagement as an appraiser by a government
9 agency.

10 (14) Being adjudicated liable in a civil proceeding on
11 grounds of fraud, misrepresentation, or deceit. In a
12 disciplinary proceeding based upon a finding of civil
13 liability, the appraiser shall be afforded an opportunity
14 to present mitigating and extenuating circumstances, but
15 may not collaterally attack the civil adjudication.

16 (15) Being adjudicated liable in a civil proceeding
17 for violation of a state or federal fair housing law.

18 (16) Engaging in misleading or untruthful advertising
19 or using a trade name or insignia of membership in a real
20 estate appraisal or real estate organization of which the
21 licensee is not a member.

22 (17) Failing to fully cooperate with a Department
23 investigation by knowingly making a false statement,
24 submitting false or misleading information, or refusing to
25 provide complete information in response to written
26 interrogatories or a written request for documentation

1 within 30 days of the request.

2 (18) Failing to include within the certificate of
3 appraisal for all written appraisal reports the
4 appraiser's license number and licensure title. All
5 appraisers providing significant contribution to the
6 development and reporting of an appraisal must be
7 disclosed in the appraisal report. It is a violation of
8 this Act for an appraiser to sign a report, transmittal
9 letter, or appraisal certification knowing that a person
10 providing a significant contribution to the report has not
11 been disclosed in the appraisal report.

12 (19) Violating the terms of a disciplinary order or
13 consent to administrative supervision order.

14 (20) Habitual or excessive use or addiction to
15 alcohol, narcotics, stimulants, or any other chemical
16 agent or drug that results in a licensee's inability to
17 practice with reasonable judgment, skill, or safety.

18 (21) A physical or mental illness or disability which
19 results in the inability to practice under this Act with
20 reasonable judgment, skill, or safety.

21 (22) Gross negligence in developing an appraisal or in
22 communicating an appraisal or failing to observe one or
23 more of the Uniform Standards of Professional Appraisal
24 Practice.

25 (23) A pattern of practice or other behavior that
26 demonstrates incapacity or incompetence to practice under

1 this Act.

2 (24) Using or attempting to use the seal, certificate,
3 or license of another as one's ~~his or her~~ own; falsely
4 impersonating any duly licensed appraiser; using or
5 attempting to use an inactive, expired, suspended, or
6 revoked license; or aiding or abetting any of the
7 foregoing.

8 (25) Solicitation of professional services by using
9 false, misleading, or deceptive advertising.

10 (26) Making a material misstatement in furnishing
11 information to the Department.

12 (27) Failure to furnish information to the Department
13 upon written request.

14 (b) The Department may reprimand suspend, revoke, or
15 refuse to issue or renew an education provider's license, may
16 reprimand, place on probation, or otherwise discipline an
17 education provider and may suspend or revoke the course
18 approval of any course offered by an education provider and
19 may impose an administrative fine not to exceed \$25,000 upon
20 an education provider, for any of the following:

21 (1) Procuring or attempting to procure licensure by
22 knowingly making a false statement, submitting false
23 information, engaging in any form of fraud or
24 misrepresentation, or refusing to provide complete
25 information in response to a question in an application
26 for licensure.

1 (2) Failing to comply with the covenants certified to
2 on the application for licensure as an education provider.

3 (3) Committing an act or omission involving
4 dishonesty, fraud, or misrepresentation or allowing any
5 such act or omission by any employee or contractor under
6 the control of the provider.

7 (4) Engaging in misleading or untruthful advertising.

8 (5) Failing to retain competent instructors in
9 accordance with rules adopted under this Act.

10 (6) Failing to meet the topic or time requirements for
11 course approval as the provider of a qualifying curriculum
12 course or a continuing education course.

13 (7) Failing to administer an approved course using the
14 course materials, syllabus, and examinations submitted as
15 the basis of the course approval.

16 (8) Failing to provide an appropriate classroom
17 environment for presentation of courses, with
18 consideration for student comfort, acoustics, lighting,
19 seating, workspace, and visual aid material.

20 (9) Failing to maintain student records in compliance
21 with the rules adopted under this Act.

22 (10) Failing to provide a certificate, transcript, or
23 other student record to the Department or to a student as
24 may be required by rule.

25 (11) Failing to fully cooperate with an investigation
26 by the Department by knowingly making a false statement,

1 submitting false or misleading information, or refusing to
2 provide complete information in response to written
3 interrogatories or a written request for documentation
4 within 30 days of the request.

5 (c) In appropriate cases, the Department may resolve a
6 complaint against a licensee through the issuance of a Consent
7 to Administrative Supervision order. A licensee subject to a
8 Consent to Administrative Supervision order shall be
9 considered by the Department as an active licensee in good
10 standing. This order shall not be reported or considered by
11 the Department to be a discipline of the licensee. The records
12 regarding an investigation and a Consent to Administrative
13 Supervision order shall be considered confidential and shall
14 not be released by the Department except as mandated by law. A
15 complainant shall be notified if the ~~his or her~~ complaint has
16 been resolved by a Consent to Administrative Supervision
17 order.

18 (Source: P.A. 97-602, eff. 8-26-11; 97-877, eff. 8-2-12;
19 98-1109, eff. 1-1-15.)

20 (225 ILCS 458/15-10.1 new)

21 Sec. 15-10.1. Citations.

22 (a) The Department may adopt rules to permit the issuance
23 of citations to any licensee for failure to comply with the
24 continuing education requirements set forth in this Act or as
25 established by rule. The citation shall be issued to the

1 licensee. For associate real estate trainee appraisers, a copy
2 shall also be sent to the licensee's supervising appraiser of
3 record. The citation shall contain the licensee's name, the
4 licensee's address, the licensee's license number, the number
5 of required hours of continuing education that have not been
6 successfully completed by the licensee within the renewal
7 period, and the penalty imposed, which shall not exceed
8 \$2,000. The issuance of a citation shall not excuse the
9 licensee from completing all continuing education required for
10 that renewal period.

11 (b) Service of a citation shall be made in person,
12 electronically, or by mail to the licensee at the licensee's
13 address of record or email address of record. Service of a
14 citation must clearly state that if the cited licensee wishes
15 to dispute the citation, the cited licensee may make a written
16 request, within 30 days after the citation is served, for a
17 hearing before the Department. If the cited licensee does not
18 request a hearing within 30 days after the citation is served,
19 then the citation shall become a final, non-disciplinary
20 order, and any fine imposed is due and payable within 60 days
21 after that final order. If the cited licensee requests a
22 hearing within 30 days after the citation is served, the
23 Department shall afford the cited licensee a hearing conducted
24 in the same manner as a hearing provided for in this Act for
25 any violation of this Act and shall determine whether the
26 cited licensee committed the violation as charged and whether

1 the fine as levied is warranted. If the violation is found, any
2 fine shall constitute non-public discipline and be due and
3 payable within 30 days after the order of the Secretary, which
4 shall constitute a final order of the Department. No change in
5 license status may be made by the Department until a final
6 order of the Department has been issued.

7 (c) Payment of a fine that has been assessed pursuant to
8 this Section shall not constitute disciplinary action
9 reportable on the Department's website or elsewhere unless a
10 licensee has previously received 2 or more citations and been
11 assessed 2 or more fines.

12 (d) Nothing in this Section shall prohibit or limit the
13 Department from taking further action pursuant to this Act and
14 rules for additional, repeated, or continuing violations.

15 (225 ILCS 458/15-11 new)

16 Sec. 15-11. Illegal discrimination. When there has been
17 an adjudication in a civil or criminal proceeding that a
18 licensee has illegally discriminated while engaged in any
19 activity for which a license is required under this Act, the
20 Department, upon the recommendation of the Board as to the
21 extent of the suspension or revocation, shall suspend or
22 revoke the license of that licensee in a timely manner, unless
23 the adjudication is in the appeal process. When there has been
24 an order in an administrative proceeding finding that a
25 licensee has illegally discriminated while engaged in any

1 activity for which a license is required under this Act, the
2 Department, upon recommendation of the Board as to the nature
3 and extent of the discipline, shall take one or more of the
4 disciplinary actions provided for in Section 15-10 in a timely
5 manner, unless the administrative order is in the appeal
6 process.

7 (225 ILCS 458/15-15)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 15-15. Investigation; notice; hearing.

10 (a) Upon the motion of the Department or the Board or upon
11 a complaint in writing of a person setting forth facts that, if
12 proven, would constitute grounds for suspension, revocation,
13 or other disciplinary action against a licensee or applicant
14 for licensure, the Department shall investigate the actions of
15 the licensee or applicant. If, upon investigation, the
16 Department believes that there may be cause for suspension,
17 revocation, or other disciplinary action, the Department shall
18 use the services of a State certified general real estate
19 appraiser, a State certified residential real estate
20 appraiser, or the Real Estate Coordinator to assist in
21 determining whether grounds for disciplinary action exist
22 prior to commencing formal disciplinary proceedings.

23 (b) Formal disciplinary proceedings shall commence upon
24 the issuance of a written complaint describing the charges
25 that are the basis of the disciplinary action and delivery of

1 the detailed complaint to the address of record of the
2 licensee or applicant. For an associate real estate trainee
3 appraiser, a copy shall also be sent to the licensee's
4 supervising appraiser of record. The Department shall notify
5 the licensee or applicant to file a verified written answer
6 within 20 days after the service of the notice and complaint.
7 The notification shall inform the licensee or applicant of the
8 ~~his or her~~ right to be heard in person or by legal counsel;
9 that the hearing will be afforded not sooner than 20 ~~30~~ days
10 after service of the complaint; that failure to file an answer
11 will result in a default being entered against the licensee or
12 applicant; that the license may be suspended, revoked, or
13 placed on probationary status; and that other disciplinary
14 action may be taken pursuant to this Act, including limiting
15 the scope, nature, or extent of the licensee's practice. If
16 the licensee or applicant fails to file an answer after
17 service of notice, the respective ~~his or her~~ license may, at
18 the discretion of the Department, be suspended, revoked, or
19 placed on probationary status and the Department may take
20 whatever disciplinary action it deems proper, including
21 limiting the scope, nature, or extent of the person's
22 practice, without a hearing.

23 (c) At the time and place fixed in the notice, the Board
24 shall conduct hearing of the charges, providing both the
25 accused person and the complainant ample opportunity to
26 present in person or by counsel such statements, testimony,

1 evidence, and argument as may be pertinent to the charges or to
2 a defense thereto.

3 (d) The Board shall present to the Secretary a written
4 report of its findings of fact and recommendations. A copy of
5 the report shall be served upon the licensee or applicant,
6 either personally, ~~or by certified mail, or, at the discretion~~
7 of the Department, by electronic means. For associate real
8 estate trainee appraisers, a copy shall also be sent to the
9 licensee's supervising appraiser of record. Within 20 days
10 after the service, the licensee or applicant may present the
11 Secretary with a motion in writing for ~~either a rehearing, a~~
12 ~~proposed finding of fact, a conclusion of law, or an~~
13 ~~alternative sanction,~~ and shall specify the particular grounds
14 for the request. If the accused orders a transcript of the
15 record as provided in this Act, the time elapsing thereafter
16 and before the transcript is ready for delivery to the accused
17 shall not be counted as part of the 20 days. If the Secretary
18 is not satisfied that substantial justice has been done, the
19 Secretary may order a rehearing by the Board or other special
20 committee appointed by the Secretary, may remand the matter to
21 the Board for its reconsideration of the matter based on the
22 pleadings and evidence presented to the Board, or may enter a
23 final order in contravention of the Board's recommendation.
24 Notwithstanding a licensee's or applicant's failure to file a
25 motion for rehearing, the Secretary shall have the right to
26 take any of the actions specified in this subsection (d). Upon

1 the suspension or revocation of a license, the licensee shall
2 be required to surrender the respective ~~his or her~~ license to
3 the Department, and upon failure or refusal to do so, the
4 Department shall have the right to seize the license.

5 (e) The Department has the power to issue subpoenas and
6 subpoenas duces tecum to bring before it any person in this
7 State, to take testimony, or to require production of any
8 records relevant to an inquiry or hearing by the Board in the
9 same manner as prescribed by law in judicial proceedings in
10 the courts of this State. In a case of refusal of a witness to
11 attend, testify, or to produce books or papers concerning a
12 matter upon which the witness ~~he or she~~ might be lawfully
13 examined, the circuit court of the county where the hearing is
14 held, upon application of the Department or any party to the
15 proceeding, may compel obedience by proceedings as for
16 contempt.

17 (f) Any license that is ~~suspended indefinitely or~~ revoked
18 may not be restored for a minimum period of 3 ~~2~~ years, ~~or as~~
19 ~~otherwise ordered by the Secretary.~~

20 (g) In addition to the provisions of this Section
21 concerning the conduct of hearings and the recommendations for
22 discipline, the Department has the authority to negotiate
23 disciplinary and non-disciplinary settlement agreements
24 concerning any license issued under this Act. All such
25 agreements shall be recorded as Consent Orders or Consent to
26 Administrative Supervision Orders.

1 (h) The Secretary shall have the authority to appoint an
2 attorney duly licensed to practice law in the State of
3 Illinois to serve as the hearing officer in any action to
4 suspend, revoke, or otherwise discipline any license issued by
5 the Department. The Hearing Officer shall have full authority
6 to conduct the hearing.

7 (i) The Department, at its expense, shall preserve a
8 record of all formal hearings of any contested case involving
9 the discipline of a license. At all hearings or pre-hearing
10 conferences, the Department and the licensee shall be entitled
11 to have the proceedings transcribed by a certified shorthand
12 reporter. A copy of the transcribed proceedings shall be made
13 available to the licensee by the certified shorthand reporter
14 upon payment of the prevailing contract copy rate.

15 (Source: P.A. 100-831, eff. 1-1-19.)

16 (225 ILCS 458/15-55)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 15-55. Checks, credit card charges, or orders to
19 Department dishonored because of insufficient funds. Any
20 person who:

21 (1) delivers a check or other payment to the
22 Department that is returned to the Department unpaid by
23 the financial institution upon which it was drawn; or

24 (2) presents a credit card or debit card for payment
25 that is invalid or expired or against which charges by the

1 Department are declined or dishonored;
2 shall pay to the Department, in addition to the amount already
3 owed to the Department, a fine of \$50. The fines imposed by
4 this Section are in addition to any other discipline provided
5 under this Act for unlicensed practice or practice on a
6 non-renewed license. The Department shall notify the applicant
7 or licensee that payment of fees and fines shall be paid to the
8 Department by certified check or money order within 30
9 calendar days after the notification. If, after the expiration
10 of 30 days from the date of the notification, the person has
11 failed to submit the necessary remittance, the Department
12 shall automatically terminate the license or deny the
13 application, without hearing. After ~~If, after~~ termination or
14 denial, the person seeking ~~seeks~~ a license, ~~he or she~~ must
15 apply to the Department for restoration or issuance of the
16 license and pay all fees and fines due to the Department. The
17 Department may establish a fee for the processing of an
18 application for restoration of a license to pay all of the
19 expenses of processing the application. The Secretary may
20 waive the fines due under this Section in individual cases
21 where the Secretary finds that the penalties or fines would be
22 unreasonable or unnecessarily burdensome.

23 (Source: P.A. 96-844, eff. 12-23-09.)

24 (225 ILCS 458/20-5)

25 (Section scheduled to be repealed on January 1, 2022)

1 Sec. 20-5. Education providers.

2 (a) No person shall operate an education provider entity
3 without possessing an active license issued by the Department.
4 Only ~~Beginning July 1, 2002, only~~ education providers licensed
5 or otherwise approved by the Department may provide the
6 qualifying and continuing education courses required for
7 licensure under this Act. Every person that desires to obtain
8 an education provider license shall make application to the
9 Department in a manner prescribed by the Department and pay
10 the fee prescribed by rule.

11 (b) A person or entity seeking to be licensed as an
12 education provider under this Act shall provide satisfactory
13 evidence of the following:

14 (1) a sound financial base for establishing,
15 promoting, and delivering the necessary courses;

16 (2) (blank); ~~a sufficient number of qualified~~
17 ~~instructors;~~

18 (3) (blank); ~~adequate support personnel to assist with~~
19 ~~administrative matters and technical assistance;~~

20 (4) (blank); ~~a written policy dealing with procedures~~
21 ~~for management of grievances and fee refunds;~~

22 (5) a qualified administrator, who is responsible for
23 the administration of the education provider, courses, and
24 the actions of the instructors; ~~and~~

25 (6) any other requirements as provided by rule; and-

26 (7) proof of good standing with the Secretary of State

1 and authority to conduct businesses in this State.

2 (c) All applicants for an education provider's license
3 shall make initial application to the Department on forms
4 provided by the Department, or through a multi-state licensing
5 system as designated by the Secretary, and pay the appropriate
6 fee as provided by rule. The term, expiration date, and
7 renewal of an education provider's license shall be
8 established by rule.

9 (d) An education provider shall provide each successful
10 course participant with a certificate of completion signed by
11 the school administrator. The format and content of the
12 certificate shall be specified by rule.

13 (e) All education providers shall provide to the
14 Department a monthly roster of all successful course
15 participants as provided by rule.

16 (Source: P.A. 100-604, eff. 7-13-18.)

17 (225 ILCS 458/20-10)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 20-10. Course approval.

20 (a) Only courses offered by licensed education providers
21 and approved by the Department, courses approved by the AQB,
22 or courses approved by jurisdictions monitored ~~regulated~~ by
23 the Appraisal Subcommittee shall be used to meet the
24 requirements of this Act and rules.

25 (b) An education provider licensed under this Act may

1 submit courses to the Department, or through a multi-state
2 licensing system as designated by the Secretary, for approval.
3 The criteria, requirements, and fees for courses shall be
4 established by rule in accordance with this Act and the
5 criteria established by the AQB.

6 (c) For each course approved, the Department shall issue a
7 license to the education provider. The term, expiration date,
8 and renewal of a course approval shall be established by rule.

9 (d) An education provider must use an instructor for each
10 course approved by the Department who (i) holds a valid real
11 estate appraisal license in good standing as a State certified
12 general real estate appraiser or a State certified residential
13 real estate appraiser in Illinois or any other jurisdiction
14 monitored by the Appraisal Subcommittee, (ii) holds a valid
15 teaching certificate issued by the State of Illinois, (iii) is
16 a faculty member in good standing with an accredited college
17 or university or community college, or (iv) satisfies
18 requirements established by rule ~~is an approved appraisal~~
19 ~~instructor from an appraisal organization that is a member of~~
20 ~~the Appraisal Foundation.~~

21 (Source: P.A. 100-604, eff. 7-13-18.)

22 (225 ILCS 458/25-10)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 25-10. Real Estate Appraisal Administration and
25 Disciplinary Board; appointment.

1 (a) There is hereby created the Real Estate Appraisal
2 Administration and Disciplinary Board. The Board shall be
3 composed of the Coordinator and 10 persons appointed by the
4 Governor, ~~plus the Coordinator of the Real Estate Appraisal~~
5 ~~Division~~. Members shall be appointed to the Board subject to
6 the following conditions:

7 (1) All appointed members shall have been residents
8 and citizens of this State for at least 5 years prior to
9 the date of appointment.

10 (2) The appointed membership of the Board should
11 reasonably reflect the geographic distribution of the
12 population of the State.

13 (3) Four appointed members shall have been actively
14 engaged and currently licensed as State certified general
15 real estate appraisers for a period of not less than 5
16 years.

17 (4) Three ~~Two~~ appointed members shall have been
18 actively engaged and currently licensed as State certified
19 residential real estate appraisers for a period of not
20 less than 5 years.

21 (5) One ~~Two~~ appointed member ~~members~~ shall hold a
22 valid license as a real estate broker for at least 3 ~~10~~
23 years prior to the date of the appointment ~~and, one of whom~~
24 shall hold either a valid State certified general real
25 estate appraiser license or a valid State certified
26 residential appraiser license issued under this Act or a

1 predecessor Act for a period of at least 5 years prior to
2 the appointment ~~and one of whom shall hold a valid State~~
3 ~~certified residential real estate appraiser license issued~~
4 ~~under this Act or a predecessor Act for a period of at~~
5 ~~least 5 years prior to the appointment.~~

6 (6) One appointed member shall be a representative of
7 a financial institution, as evidenced by proof of ~~his or~~
8 ~~her~~ employment with a financial institution.

9 (7) One appointed member shall represent the interests
10 of the general public. This member or the member's ~~his or~~
11 ~~her~~ spouse shall not be licensed under this Act nor be
12 employed by or have any financial interest in an appraisal
13 business, appraisal management company, real estate
14 brokerage business, or a financial institution.

15 In making appointments as provided in paragraphs (3) and
16 (4) of this subsection, the Governor shall give due
17 consideration to recommendations by members and organizations
18 representing the profession.

19 In making the appointments as provided in paragraph (5) of
20 this subsection, the Governor shall give due consideration to
21 the recommendations by members and organizations representing
22 the real estate industry.

23 In making the appointment as provided in paragraph (6) of
24 this subsection, the Governor shall give due consideration to
25 the recommendations by members and organizations representing
26 financial institutions.

1 (b) The members' terms shall be for 4 years or until a
2 successor is appointed ~~and expire upon completion of the term.~~

3 No member shall be reappointed to the Board for a term that
4 would cause the member's ~~his or her~~ cumulative service to the
5 Board to exceed 10 years. Appointments to fill vacancies shall
6 be for the unexpired portion of the term.

7 (c) The Governor may terminate the appointment of a member
8 for cause that, in the opinion of the Governor, reasonably
9 justifies the termination. Cause for termination may include,
10 without limitation, misconduct, incapacity, neglect of duty,
11 or missing 4 Board meetings during any one fiscal ~~calendar~~
12 year.

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

17 (e) The Board shall meet at least monthly ~~quarterly~~ and
18 may be convened by the Chairperson, Vice-Chairperson, or 3
19 members of the Board upon 10 days written notice.

20 (f) The Board shall, annually at the first meeting of the
21 fiscal year, elect a Chairperson and Vice-Chairperson from its
22 members. The Chairperson shall preside over the meetings and
23 shall coordinate with the Coordinator in developing and
24 distributing an agenda for each meeting. In the absence of the
25 Chairperson, the Vice-Chairperson shall preside over the
26 meeting.

1 (g) The Coordinator ~~of the Real Estate Appraisal Division~~
2 shall serve as a member of the Board without vote.

3 (h) The Board shall advise and make recommendations to the
4 Department on the education and experience qualifications of
5 any applicant for initial licensure as a State certified
6 general real estate appraiser or a State certified residential
7 real estate appraiser. The Department shall not make any
8 decisions concerning education or experience qualifications of
9 an applicant for initial licensure as a State certified
10 general real estate appraiser or a State certified residential
11 real estate appraiser without having first received the advice
12 and recommendation of the Board and shall give due
13 consideration to all such advice and recommendations; however,
14 if the Board does not render advice or make a recommendation
15 within a reasonable amount of time, then the Department may
16 render a decision.

17 (i) Except as provided in Section 15-17 of this Act, the
18 Board shall hear and make recommendations to the Secretary on
19 disciplinary matters that require a formal evidentiary
20 hearing. The Secretary shall give due consideration to the
21 recommendations of the Board involving discipline and
22 questions involving standards of professional conduct of
23 licensees.

24 (j) The Department shall seek and the Board shall provide
25 recommendations to the Department consistent with the
26 provisions of this Act and for the administration and

1 enforcement of all rules adopted pursuant to this Act. The
2 Department shall give due consideration to such
3 recommendations prior to adopting rules.

4 (k) The Department shall seek and the Board shall provide
5 recommendations to the Department on the approval of all
6 courses submitted to the Department pursuant to this Act and
7 the rules adopted pursuant to this Act. The Department shall
8 not approve any courses without having first received the
9 recommendation of the Board and shall give due consideration
10 to such recommendations prior to approving and licensing
11 courses; however, if the Board does not make a recommendation
12 within a reasonable amount of time, then the Department may
13 approve courses.

14 (l) Each voting member of the Board shall receive a per
15 diem stipend in an amount to be determined by the Secretary.
16 While engaged in the performance of duties, each ~~Each~~ member
17 shall be paid the ~~his or her~~ necessary expenses ~~while engaged~~
18 ~~in the performance of his or her duties.~~

19 (m) Members of the Board shall be immune from suit in an
20 action based upon any disciplinary proceedings or other acts
21 performed in good faith as members of the Board.

22 (n) If the Department disagrees with any advice or
23 recommendation provided by the Board under this Section to the
24 Secretary or the Department, then notice of such disagreement
25 must be provided to the Board by the Department.

26 (o) (Blank). ~~Upon resolution adopted at any Board meeting,~~

1 ~~the exercise of any Board function, power, or duty enumerated~~
2 ~~in this Section or in subsection (d) of Section 15-10 of this~~
3 ~~Act may be suspended. The exercise of any suspended function,~~
4 ~~power, or duty of the Board may be reinstated by a resolution~~
5 ~~adopted at a subsequent Board meeting. Any resolution adopted~~
6 ~~pursuant to this Section shall take effect immediately.~~

7 (Source: P.A. 100-886, eff. 8-14-18.)

8 (225 ILCS 458/25-15)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 25-15. ~~Coordinator of~~ Real Estate Appraisal
11 Coordinator; appointment; duties. The Secretary shall appoint,
12 ~~subject to the Personnel Code,~~ a Coordinator ~~of Real Estate~~
13 ~~Appraisal~~. In appointing the Coordinator, the Secretary shall
14 give due consideration to recommendations made by members,
15 organizations, and associations of the real estate appraisal
16 industry. The ~~On or after January 1, 2010,~~ the Coordinator
17 must hold a current, valid State certified general real estate
18 appraiser license for a period of at least 5 years prior to
19 appointment. The Coordinator shall not practice during the
20 term of the ~~his or her~~ appointment. ~~The Coordinator must take~~
21 ~~the 30-hour National Instructors Course on Uniform Standards~~
22 ~~of Professional Appraisal Practice~~. The Coordinator shall be
23 credited with all fees that came due during the Coordinator's
24 ~~his or her~~ employment. The Coordinator shall:

25 (1) serve as a member of the Real Estate Appraisal

1 Administration and Disciplinary Board without vote;

2 (2) be the direct liaison between the Department, the
3 profession, and the real estate appraisal industry
4 organizations and associations;

5 (3) prepare and circulate to licensees such
6 educational and informational material as the Department
7 deems necessary for providing guidance or assistance to
8 licensees;

9 (4) appoint necessary committees to assist in the
10 performance of the functions and duties of the Department
11 under this Act;

12 (5) (blank); and

13 (6) be authorized to investigate and determine the
14 facts of a complaint; the coordinator may interview
15 witnesses, the complainant, and any licensees involved in
16 the alleged matter and make a recommendation as to the
17 findings of fact.

18 (Source: P.A. 97-602, eff. 8-26-11; 98-1109, eff. 1-1-15.)

19 (225 ILCS 458/25-16)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 25-16. Staff. The Department shall employ a minimum
22 of one investigator ~~with an active certified appraiser license~~
23 per 2,000 licensees in order to have sufficient staff to
24 perform the Department's obligations under this Act.

25 (Source: P.A. 100-832, eff. 1-1-19.)

1 (225 ILCS 458/25-20)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 25-20. Department; powers and duties. The Department
4 of Financial and Professional Regulation shall exercise the
5 powers and duties prescribed by the Civil Administrative Code
6 of Illinois for the administration of licensing Acts and shall
7 exercise such other powers and duties as are prescribed by
8 this Act for the administration of this Act. The Department
9 may contract with third parties for services necessary for the
10 proper administration of this Act, including without
11 limitation, investigators with the proper knowledge, training,
12 and skills to ~~properly~~ investigate complaints against real
13 estate appraisers.

14 The Department shall maintain and update a registry of the
15 names and addresses of all licensees and a listing of
16 disciplinary orders issued pursuant to this Act and shall
17 transmit the registry, along with any national registry fees
18 that may be required, to the entity specified by, and in a
19 manner consistent with, Title XI of the federal Financial
20 Institutions Reform, Recovery and Enforcement Act of 1989.

21 (Source: P.A. 96-844, eff. 12-23-09.)

22 (225 ILCS 458/25-25)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 25-25. Rules. The Department, after notifying and

1 considering any recommendations of the Board, if any, shall
2 adopt rules that may be necessary for administration,
3 implementation, and enforcement of the Act.

4 (Source: P.A. 96-844, eff. 12-23-09.)

5 (225 ILCS 458/25-35 new)

6 Sec. 25-35. No private right of action. Except as
7 otherwise expressly provided for in this Act, nothing in this
8 Act shall be construed to grant to any person a private right
9 of action to enforce the provisions of this Act or the rules
10 adopted under this Act.

11 (225 ILCS 458/30-5)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 30-5. Savings provisions.

14 (a) This Act is intended to replace the Real Estate
15 Appraiser Licensing Act in all respects.

16 (b) Beginning July 1, 2002, the rights, powers, and duties
17 exercised by the Office of Banks and Real Estate under the Real
18 Estate Appraiser Licensing Act shall continue to be vested in,
19 to be the obligation of, and to be exercised by the Division of
20 Real Estate of the Department of Financial and Professional
21 Regulation ~~Office of Banks and Real Estate~~ under the
22 provisions of this Act.

23 (c) This Act does not affect any act done, ratified, or
24 cancelled, any right occurring or established, or any action

1 or proceeding commenced in an administrative, civil, or
2 criminal cause before July 1, 2002 by the Office of Banks and
3 Real Estate under the Real Estate Appraiser Licensing Act.
4 Those actions or proceedings may be prosecuted and continued
5 by the Division of Real Estate of the Department of Financial
6 and Professional Regulation ~~Office of Banks and Real Estate~~
7 under this Act.

8 (d) This Act does not affect any license, certificate,
9 permit, or other form of licensure issued by the Office of
10 Banks and Real Estate under the Real Estate Appraiser
11 Licensing Act, except as provided in subsection (c) of Section
12 5-25. All such licenses, certificates, permits, or other form
13 of licensure shall continue to be valid under the terms and
14 conditions of this Act.

15 (e) The rules adopted by the Office of Banks and Real
16 Estate relating to the Real Estate Appraiser Licensing Act,
17 unless inconsistent with the provisions of this Act, are not
18 affected by this Act, and on July 1, 2002, those rules become
19 rules under this Act. ~~The Office of Banks and Real Estate~~
20 ~~shall, as soon as practicable, adopt new or amended rules~~
21 ~~consistent with the provisions of this Act.~~

22 (f) This Act does not affect any discipline, suspension,
23 or termination that has occurred under the Real Estate
24 Appraiser Licensing Act or other predecessor Act. Any action
25 for discipline, suspension, or termination instituted under
26 the Real Estate Appraiser Licensing Act shall be continued

1 under this Act.

2 (Source: P.A. 92-180, eff. 7-1-02.)

3 (225 ILCS 458/10-17 rep.)

4 (225 ILCS 458/30-10 rep.)

5 Section 85. The Real Estate Appraiser Licensing Act of
6 2002 is amended by repealing Sections 10-17 and 30-10.

7 Section 90. The Appraisal Management Company Registration
8 Act is amended by changing Sections 10 and 15 as follows:

9 (225 ILCS 459/10)

10 Sec. 10. Definitions. In this Act:

11 "Address of record" means the principal address recorded
12 by the Department in the applicant's or registrant's
13 application file or registration file maintained by the
14 Department's registration maintenance unit.

15 "Applicant" means a person or entity who applies to the
16 Department for a registration under this Act.

17 "Appraisal" means (noun) the act or process of developing
18 an opinion of value; an opinion of value (adjective) of or
19 pertaining to appraising and related functions.

20 "Appraisal firm" means an appraisal entity that is 100%
21 owned and controlled by a person or persons licensed in
22 Illinois as a certified general real estate appraiser or a
23 certified residential real estate appraiser. An appraisal firm

1 does not include an appraisal management company.

2 "Appraisal management company" means any corporation,
3 limited liability company, partnership, sole proprietorship,
4 subsidiary, unit, or other business entity that directly or
5 indirectly: (1) provides appraisal management services to
6 creditors or secondary mortgage market participants, including
7 affiliates; (2) provides appraisal management services in
8 connection with valuing the consumer's principal dwelling as
9 security for a consumer credit transaction (including consumer
10 credit transactions incorporated into securitizations); and
11 ~~(3) within a given year, oversees an appraiser panel of any~~
12 ~~size of State-certified appraisers in Illinois; and (4) any~~
13 appraisal management company that, within a given 12-month
14 period ~~year~~, oversees an appraiser panel of 16 or more
15 State-certified appraisers in Illinois or 25 or more
16 State-certified or State-licensed appraisers in 2 or more
17 jurisdictions ~~shall be subject to the appraisal management~~
18 ~~company national registry fee in addition to the appraiser~~
19 ~~panel fee~~. "Appraisal management company" includes a hybrid
20 entity.

21 "Appraisal management company national registry fee" means
22 the fee implemented pursuant to Title XI of the federal
23 Financial Institutions Reform, Recovery and Enforcement Act of
24 1989 for an appraiser management company's national registry.

25 "Appraisal management services" means one or more of the
26 following:

- 1 (1) recruiting, selecting, and retaining appraisers;
- 2 (2) contracting with State-certified or State-licensed
- 3 appraisers to perform appraisal assignments;
- 4 (3) managing the process of having an appraisal
- 5 performed, including providing administrative services
- 6 such as receiving appraisal orders and appraisal reports;
- 7 submitting completed appraisal reports to creditors and
- 8 secondary market participants; collecting compensation
- 9 from creditors, underwriters, or secondary market
- 10 participants for services provided; or paying appraisers
- 11 for services performed; or
- 12 (4) reviewing and verifying the work of appraisers.

13 "Appraiser panel" means a network, list, or roster of

14 licensed or certified appraisers approved by the appraisal

15 management company or by the end-user client to perform

16 appraisals as independent contractors for the appraisal

17 management company. "Appraiser panel" includes both appraisers

18 accepted by an appraisal management company for consideration

19 for future appraisal assignments and appraisers engaged by an

20 appraisal management company to perform one or more

21 appraisals. For the purposes of determining the size of an

22 appraiser panel, only independent contractors of hybrid

23 entities shall be counted towards the appraiser panel.

24 "Appraiser panel fee" means the amount collected from a

25 registrant that, where applicable, includes an appraisal

26 management company's national registry fee.

1 "Appraisal report" means a written appraisal by an
2 appraiser to a client.

3 "Appraisal practice service" means valuation services
4 performed by an individual acting as an appraiser, including,
5 but not limited to, appraisal or appraisal review.

6 "Appraisal subcommittee" means the appraisal subcommittee
7 of the Federal Financial Institutions Examination Council as
8 established by Title XI.

9 "Appraiser" means a person who performs real estate or
10 real property appraisals.

11 "Assignment result" means an appraiser's opinions and
12 conclusions developed specific to an assignment.

13 "Audit" includes, but is not limited to, an annual or
14 special audit, visit, or review necessary under this Act or
15 required by the Secretary or the Secretary's authorized
16 representative in carrying out the duties and responsibilities
17 under this Act.

18 "Client" means the party or parties who engage an
19 appraiser by employment or contract in a specific appraisal
20 assignment.

21 "Controlling Person" means:

22 (1) an owner, officer, or director of an entity
23 seeking to offer appraisal management services;

24 (2) an individual employed, appointed, or authorized
25 by an appraisal management company who has the authority
26 to:

1 (A) enter into a contractual relationship with a
2 client for the performance of an appraisal management
3 service or appraisal practice service; and

4 (B) enter into an agreement with an appraiser for
5 the performance of a real estate appraisal activity;

6 (3) an individual who possesses, directly or
7 indirectly, the power to direct or cause the direction of
8 the management or policies of an appraisal management
9 company; or

10 (4) an individual who will act as the sole compliance
11 officer with regard to this Act and any rules adopted
12 under this Act.

13 ~~"Coordinator" means the Coordinator of the Appraisal~~
14 ~~Management Company Registration Unit of the Department or his~~
15 ~~or her designee.~~

16 "Covered transaction" means a consumer credit transaction
17 secured by a consumer's principal dwelling.

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

20 "Email address of record" means the designated email
21 address recorded by the Department in the applicant's
22 application file or the registrant's registration file
23 maintained by the Department's registration maintenance unit.

24 "Entity" means a corporation, a limited liability company,
25 partnership, a sole proprietorship, or other entity providing
26 services or holding itself out to provide services as an

1 appraisal management company or an appraisal management
2 service.

3 "End-user client" means any person who utilizes or engages
4 the services of an appraiser through an appraisal management
5 company.

6 "Federally regulated appraisal management company" means
7 an appraisal management company that is owned and controlled
8 by an insured depository institution, as defined in 12 U.S.C.
9 1813, or an insured credit union, as defined in 12 U.S.C. 1752,
10 and regulated by the Office of the Comptroller of the
11 Currency, the Federal Reserve Board, the National Credit Union
12 Association, or the Federal Deposit Insurance Corporation.

13 "Financial institution" means any bank, savings bank,
14 savings and loan association, credit union, mortgage broker,
15 mortgage banker, registrant under the Consumer Installment
16 Loan Act or the Sales Finance Agency Act, or a corporate
17 fiduciary, subsidiary, affiliate, parent company, or holding
18 company of any registrant, or any institution involved in real
19 estate financing that is regulated by State or federal law.

20 "Foreign appraisal management company" means any appraisal
21 management company organized under the laws of any other state
22 of the United States, the District of Columbia, or any other
23 jurisdiction of the United States.

24 "Hybrid entity" means an appraisal management company that
25 hires an appraiser as an employee to perform an appraisal and
26 engages an independent contractor to perform an appraisal.

1 "Multi-state licensing system" means a web-based platform
2 that allows an applicant to submit the ~~his or her~~ application
3 or registration renewal to the Department online.

4 "Person" means individuals, entities, sole
5 proprietorships, corporations, limited liability companies,
6 and alien, foreign, or domestic partnerships, except that when
7 the context otherwise requires, the term may refer to a single
8 individual or other described entity.

9 "Principal dwelling" means a residential structure that
10 contains one to 4 units, whether or not that structure is
11 attached to real property. "Principal dwelling" includes an
12 individual condominium unit, cooperative unit, manufactured
13 home, mobile home, and trailer, if it is used as a residence.

14 "Principal office" means the actual, physical business
15 address, which shall not be a post office box or a virtual
16 business address, of a registrant, at which (i) the Department
17 may contact the registrant and (ii) records required under
18 this Act are maintained.

19 "Qualified to transact business in this State" means being
20 in compliance with the requirements of the Business
21 Corporation Act of 1983.

22 "Quality control review" means a review of an appraisal
23 report for compliance and completeness, including grammatical,
24 typographical, or other similar errors, unrelated to
25 developing an opinion of value.

26 "Real estate" means an identified parcel or tract of land,

1 including any improvements.

2 "Real estate related financial transaction" means any
3 transaction involving:

4 (1) the sale, lease, purchase, investment in, or
5 exchange of real property, including interests in property
6 or the financing thereof;

7 (2) the refinancing of real property or interests in
8 real property; and

9 (3) the use of real property or interest in property
10 as security for a loan or investment, including mortgage
11 backed securities.

12 "Real property" means the interests, benefits, and rights
13 inherent in the ownership of real estate.

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation.

16 "USPAP" means the Uniform Standards of Professional
17 Appraisal Practice as adopted by the Appraisal Standards Board
18 under Title XI.

19 "Valuation" means any estimate of the value of real
20 property in connection with a creditor's decision to provide
21 credit, including those values developed under a policy of a
22 government sponsored enterprise or by an automated valuation
23 model or other methodology or mechanism.

24 "Written notice" means a communication transmitted by mail
25 or by electronic means that can be verified between an
26 appraisal management company and a licensed or certified real

1 estate appraiser.

2 (Source: P.A. 100-604, eff. 7-13-18.)

3 (225 ILCS 459/15)

4 Sec. 15. Exemptions.

5 (a) Nothing in this Act shall apply to any of the
6 following:

7 (1) an agency of the federal, State, county, or
8 municipal government or an officer or employee of a
9 government agency, or person, described in this Section
10 when acting within the scope of employment of the officer
11 or employee;

12 (2) a corporate relocation company when the appraisal
13 is not used for mortgage purposes and the end user client
14 is an employer company;

15 (3) any person licensed in this State under any other
16 Act while engaged in the activities or practice for which
17 he or she is licensed;

18 (4) any person licensed to practice law in this State
19 who is working with or on behalf of a client of that person
20 in connection with one or more appraisals for that client;

21 (5) an appraiser that enters into an agreement,
22 whether written or otherwise, with another appraiser for
23 the performance of an appraisal, and upon the completion
24 of the appraisal, the report of the appraiser performing
25 the appraisal is signed by both the appraiser who

1 completed the appraisal and the appraiser who requested
2 the completion of the appraisal, except that an appraisal
3 management company may not avoid the requirement of
4 registration under this Act by requiring an employee of
5 the appraisal management company who is an appraiser to
6 sign an appraisal that was completed by another appraiser
7 who is part of the appraisal panel of the appraisal
8 management company;

9 (6) any person acting as an agent of the Illinois
10 Department of Transportation in the acquisition or
11 relinquishment of land for transportation issues to the
12 extent of their contract scope;

13 (7) a design professional entity when the appraisal is
14 not used for mortgage purposes and the end user client is
15 an agency of State government or a unit of local
16 government;

17 (8) an appraiser firm whose ownership is appropriately
18 certified under the Real Estate Appraiser Licensing Act of
19 2002; ~~or~~

20 (9) an appraisal management company solely engaged in
21 non-residential appraisal management services; or

22 (10) a department or division of an entity that
23 provides appraisal management services only to that
24 entity.

25 (b) A federally regulated appraisal management company
26 shall register with the Department for the sole purpose of

1 collecting required information for, and to pay all fees
2 associated with, the State of Illinois' obligation to register
3 the federally regulated appraisal management company with the
4 Appraisal Management Companies National Registry, but the
5 federally regulated appraisal management company is otherwise
6 exempt from all other provisions in this Act.

7 (c) In the event that the Final Interim Rule of the federal
8 Dodd-Frank Wall Street Reform and Consumer Protection Act
9 provides that an appraisal management company is a subsidiary
10 owned and controlled by a financial institution regulated by a
11 federal financial institution's regulatory agency and is
12 exempt from State appraisal management company registration
13 requirements, the Department, shall, by rule, provide for the
14 implementation of such an exemption.

15 (Source: P.A. 100-604, eff. 7-13-18.)

16 Section 95. The Petroleum Equipment Contractors Licensing
17 Act is amended by changing Sections 35, 45, 60, and 65 and by
18 adding Section 73 as follows:

19 (225 ILCS 729/35)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 35. Licensure qualifications and fees.

22 (a) Applicants for a license must submit to the Office all
23 of the following:

24 (1) fees as established by the Office;

1 (2) evidence of current registration as an Illinois
2 corporation or other business entity and, when applicable,
3 evidence of compliance with the Assumed Business Name Act;
4 if the corporation or business entity does not have
5 evidence of current registration, such as a Secretary of
6 State issued Certificate of Good Standing, the Office has
7 the authority to deny or revoke the license of such a
8 corporation or business entity;

9 (3) evidence of financial responsibility in a minimum
10 amount of \$1,000,000 through liability insurance,
11 self-insurance, group insurance, group self-insurance, or
12 risk retention groups that must include completed
13 operations and environmental impairment; and

14 (4) evidence of compliance with the qualifications and
15 standards established by the Office.

16 (b) The contractor must possess a license from the Office
17 to perform the following types of activity:

18 (1) installation of underground storage tanks;

19 (2) repair of USTs, which shall include retrofitting
20 and installation of cathodic protection systems;

21 (3) decommissioning of USTs including abandonment in
22 place;

23 (4) relining of USTs;

24 (5) tank and piping tightness testing;

25 (6) testing of cathodic protection systems; and

26 (7) any other category established by the Office of

1 the State Fire Marshal.

2 (c) (Blank).

3 (Source: P.A. 97-428, eff. 8-16-11.)

4 (225 ILCS 729/45)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 45. Issuance of license; renewal.

7 (a) The State Fire Marshal shall, upon the applicant's
8 satisfactory completion of the requirements authorized under
9 this Act, and upon receipt of the requisite fees, issue the
10 appropriate license showing the name and business location of
11 the licensee and the dates of issuance and expiration.

12 (b) Each licensee may apply for renewal of his or her
13 license upon payment of the requisite fee. The expiration date
14 and renewal period for each license issued under this Act
15 shall be set by rule. Failure to renew by the expiration date
16 shall cause the license to lapse. A lapsed license may not be
17 reinstated until an ~~a written~~ application is filed, the
18 renewal fee is paid, and a \$50 reinstatement fee is paid. The
19 renewal and reinstatement fees shall be waived for persons who
20 did not renew while on active duty in the military and who file
21 for renewal or restoration within one year after discharge
22 from the active duty service.

23 (c) All fees paid pursuant to this Act are non-refundable.
24 This shall not preclude the State Fire Marshal from refunding
25 accidental overpayment of fees.

1 (Source: P.A. 97-428, eff. 8-16-11.)

2 (225 ILCS 729/60)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 60. License renewal; display of license; inspection.

5 (a) As a condition of renewal of a license, the State Fire
6 Marshal may require the licensee to report information
7 pertaining to his or her practice that the State Fire Marshal
8 determines to be in the interest of public safety.

9 (b) A licensee shall report a change in home or office
10 address within 10 days.

11 (c) Each licensee shall prominently display his or her
12 license to practice at each place from which the practice is
13 being performed. If more than one location is used, branch
14 office certificates shall be issued upon payment of the fees
15 to be established by the State Fire Marshal.

16 ~~(d) If a license or certificate is lost, a duplicate shall~~
17 ~~be issued upon payment of the required fee to be established by~~
18 ~~the State Fire Marshal.~~ If a licensee wishes to change his or
19 her name, the State Fire Marshal shall issue a license in the
20 new name upon payment of the required fee and upon receipt of
21 satisfactory proof that the change was done in accordance with
22 law.

23 (e) Each licensee shall permit his or her facilities to be
24 inspected by representatives of the Office of the State Fire
25 Marshal.

1 (Source: P.A. 97-428, eff. 8-16-11.)

2 (225 ILCS 729/65)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 65. Disciplinary actions. Licensees shall be subject
5 to disciplinary action for any of the following:

6 (1) obtaining or renewing a license by the use of
7 fraud or material deception;

8 (2) being professionally incompetent as manifested by
9 poor standards of service;

10 (3) engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public in the course of professional
13 services or activities;

14 (4) being convicted of a crime that has a substantial
15 relationship to his or her practice or an essential
16 element of which is misstatement, fraud, or dishonesty,
17 being convicted in this or another state of any crime that
18 is a felony under the laws of Illinois or of that state, or
19 being convicted of a felony in a federal court, unless the
20 licensee demonstrates that he or she has been sufficiently
21 rehabilitated to warrant the public trust;

22 (5) performing any service in a grossly negligent
23 manner or permitting any licensed employee to perform
24 services in a grossly negligent manner, regardless of
25 whether actual damage or damage to the public is

1 established;

2 (6) (blank); ~~being a habitual drunk or having a~~
3 ~~habitual addiction to the use of morphine, cocaine,~~
4 ~~controlled substances, or other habit-forming drugs;~~

5 (7) willfully receiving compensation, directly or
6 indirectly, for any professional service not actually
7 rendered;

8 (8) having disciplinary action taken against his or
9 her license in another State;

10 (9) contracting or assisting unlicensed persons to
11 perform services for which a license is required under
12 this Act;

13 (10) permitting the use of his or her license to
14 enable an unlicensed person or agency to operate as a
15 licensee;

16 (11) performing and charging for services without
17 having authorization to do so from the member of the
18 public being served; or

19 (12) failing to comply with any provision of this Act
20 or the rules adopted under this Act.

21 (Source: P.A. 92-618, eff. 7-11-02.)

22 (225 ILCS 729/73 new)

23 Sec. 73. Citations.

24 (a) The Office of the State Fire Marshal may adopt rules to
25 permit the issuance of citations for certain violations of

1 this Act or the rules adopted under this Act. The citation
2 shall be issued to the licensee and shall contain the
3 licensee's name and address, the licensee's license number, a
4 brief factual statement, the Sections of the law or rules
5 allegedly violated, and the penalty imposed. The citation must
6 clearly state that the licensee may choose, in lieu of
7 accepting the citation, to request a hearing to appeal the
8 citation. If the licensee does not file a written appeal of the
9 citation with the Office of the State Fire Marshal within 15
10 days after the citation is served, then the citation shall
11 become a final order imposing a monetary penalty. The penalty
12 shall be a monetary civil fine. In the event of a timely
13 written appeal, the Office of the State Fire Marshal shall
14 conduct an administrative hearing governed by the Illinois
15 Administrative Procedure Act and enter an order to sustain,
16 modify, or revoke such citation. Any appeal from such hearing
17 order shall be to the circuit court of the county in which the
18 violation took place and shall be governed by the
19 Administrative Review Law.

20 (b) The Office of the State Fire Marshal shall adopt rules
21 designating violations for which a citation may be issued,
22 which may specify separate hearing procedures for appeals of
23 such citations so long as the hearing procedures are not
24 inconsistent with the Illinois Administrative Procedure Act.

25 (c) Service of a citation may be made by personal service
26 or certified mail to the licensee at the licensee's last known

1 address as listed with the Office of the State Fire Marshal.

2 Section 100. The Mercury Thermostat Collection Act is
3 amended by changing Section 55 as follows:

4 (415 ILCS 98/55)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 55. Repealer. This Act is repealed on January 1, 2023
7 ~~2022~~.

8 (Source: P.A. 101-639, eff. 6-12-20.)

9 Section 105. The Professional Service Corporation Act is
10 amended by changing Section 3.6 as follows:

11 (805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

12 Sec. 3.6. "Related professions" and "related professional
13 services" mean more than one personal service which requires
14 as a condition precedent to the rendering thereof the
15 obtaining of a license and which prior to October 1, 1973 could
16 not be performed by a corporation by reason of law; provided,
17 however, that these terms shall be restricted to:

18 (1) a combination of 2 or more of the following
19 personal services: (a) "architecture" as defined in
20 Section 5 of the Illinois Architecture Practice Act of
21 1989, (b) "professional engineering" as defined in Section
22 4 of the Professional Engineering Practice Act of 1989,

1 (c) "structural engineering" as defined in Section 5 of
2 the Structural Engineering Practice Act of 1989, (d) "land
3 surveying" as defined in Section 2 of the Illinois
4 Professional Land Surveyor Act of 1989;

5 (2) a combination of the following personal services:

6 (a) the practice of medicine by persons licensed under the
7 Medical Practice Act of 1987, (b) the practice of podiatry
8 as defined in the Podiatric Medical Practice Act of 1987,
9 (c) the practice of dentistry as defined in the Illinois
10 Dental Practice Act, (d) the practice of optometry as
11 defined in the Illinois Optometric Practice Act of 1987;

12 (3) a combination of 2 or more of the following
13 personal services: (a) the practice of clinical psychology
14 by persons licensed under the Clinical Psychologist
15 Licensing Act, (b) the practice of social work or clinical
16 social work by persons licensed under the Clinical Social
17 Work and Social Work Practice Act, (c) the practice of
18 marriage and family therapy by persons licensed under the
19 Marriage and Family Therapy Licensing Act, (d) the
20 practice of professional counseling or clinical
21 professional counseling by persons licensed under the
22 Professional Counselor and Clinical Professional Counselor
23 Licensing and Practice Act, or (e) the practice of sex
24 offender evaluations by persons licensed under the Sex
25 Offender Evaluation and Treatment Provider Act; or

26 (4) a combination of 2 or more of the following

1 personal services: (a) the practice of acupuncture by
2 persons licensed under the Acupuncture Practice Act, (b)
3 the practice of massage by persons licensed under the
4 Massage Therapy Practice ~~Licensing~~ Act, (c) the practice
5 of naprapathy by persons licensed under the Naprapathic
6 Practice Act, (d) the practice of occupational therapy by
7 persons licensed under the Illinois Occupational Therapy
8 Practice Act, (e) the practice of physical therapy by
9 persons licensed under the Illinois Physical Therapy Act,
10 or (f) the practice of speech-language therapy by persons
11 licensed under the Illinois Speech-Language Pathology and
12 Audiology Practice Act.

13 (Source: P.A. 101-95, eff. 7-19-19.)

14 Section 999. Effective date. This Act takes effect January
15 1, 2022, except that this Section and Sections 5, 10, 40, and
16 45 take effect upon becoming law.