



Sen. Emil Jones, III

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10200HB0806sam001

LRB102 02614 SPS 26970 a

1 AMENDMENT TO HOUSE BILL 806

2 AMENDMENT NO. _____. Amend House Bill 806 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.32 and 4.37 and by adding Section 4.41 as
6 follows:

7 (5 ILCS 80/4.32)

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 Acts repealed on January 1, 2022.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9 Acts are repealed on January 1, 2022:

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

11 ~~The Cemetery Oversight Act.~~

12 The Collateral Recovery Act.

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

15 The Crematory Regulation Act.

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

1 ~~The Home Inspector License Act.~~

2 The Illinois Health Information Exchange and Technology
3 Act.

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

5 ~~The Registered Interior Designers Act.~~

6 ~~The Massage Licensing Act.~~

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

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

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

10 The Water Well and Pump Installation Contractor's License
11 Act.

12 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;
13 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

14 (5 ILCS 80/4.37)

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 Acts and Articles repealed on January 1, 2027.

16 The following are repealed on January 1, 2027:

17 The Clinical Psychologist Licensing Act.

18 The Illinois Optometric Practice Act of 1987.

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

21 The Boiler and Pressure Vessel Repairer Regulation Act.

22 The Marriage and Family Therapy Licensing Act.

23 The Boxing and Full-contact Martial Arts Act.

24 The Cemetery Oversight Act.

25 The Community Association Manager Licensing and

1 Disciplinary Act.

2 The Home Inspector License Act.

3 The Massage Licensing Act.

4 The Medical Practice Act of 1987.

5 The Petroleum Equipment Contractors Licensing Act.

6 The Radiation Protection Act of 1990.

7 The Real Estate Appraiser Licensing Act of 2002.

8 The Registered Interior Designers Act.

9 (Source: P.A. 99-572, eff. 7-15-16; 99-909, eff. 12-16-16;
10 99-910, eff. 12-16-16; 99-911, eff. 12-16-16; 100-201, eff.
11 8-18-17; 100-372, eff. 8-25-17.)

12 (5 ILCS 80/4.41 new)

13 Sec. 4.41. Act repealed on January 1, 2032. The following
14 Act is repealed on January 1, 2032:

15 The Detection of Deception Examiners Act.

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

19 (20 ILCS 2105/2105-35)

20 Sec. 2105-35. Prohibited uses of roster of information.
21 Notwithstanding any other provision of law to the contrary,
22 any roster of information including, but not limited to, the
23 licensee's name, address, and profession, shall not be used by

1 a third party for the purpose of marketing goods or services
2 not related to the licensee's profession. Rosters provided by
3 the Department shall comply with the requirements set forth
4 under the Freedom of Information Act.

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

6 (20 ILCS 2105/2105-120) (was 20 ILCS 2105/60g)

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

9 (a) The board shall present to the Secretary ~~Director~~ its
10 written report of its findings and recommendations. A copy of
11 the report shall be served upon the licensee or applicant,
12 either personally or by mail or email as provided in Section
13 2105-100 for the service of the notice. The Secretary may
14 issue an order that deviates from the board's report and is not
15 required to provide the board with an explanation of the
16 deviation.

17 (b) Within 20 days after the service required under
18 subsection (a), the licensee or applicant may present to the
19 Department a motion in writing for a rehearing. The written
20 motion shall specify the particular grounds for a rehearing.
21 If the licensee or applicant orders and pays for a transcript
22 of the record as provided in Section 2105-115, the time
23 elapsing thereafter and before the transcript is ready for
24 delivery to the licensee or applicant shall not be counted as
25 part of the 20 days.

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

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

5 (225 ILCS 57/1)

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

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

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

10 (225 ILCS 57/10)

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

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

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

20 "Approved massage school" means a facility which meets
21 minimum standards for training and curriculum as determined by
22 the Department.

23 "Board" means the Massage Licensing Board appointed by the

1 Secretary.

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

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

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

10 "Massage" or "massage therapy" means a system of
11 structured palpation or movement of the soft tissue of the
12 body. The system may include, but is not limited to,
13 techniques such as effleurage or stroking and gliding,
14 petrissage or kneading, tapotement or percussion, friction,
15 vibration, compression, and stretching activities as they
16 pertain to massage therapy. These techniques may be applied by
17 a licensed massage therapist with or without the aid of
18 lubricants, salt or herbal preparations, hydromassage, thermal
19 massage, or a massage device that mimics or enhances the
20 actions possible by human hands. The purpose of the practice
21 of massage, as licensed under this Act, is to enhance the
22 general health and well-being of the mind and body of the
23 recipient. "Massage" does not include the diagnosis of a
24 specific pathology. "Massage" does not include those acts of
25 physical therapy or therapeutic or corrective measures that
26 are outside the scope of massage therapy practice as defined

1 in this Section.

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

4 "Professional massage or bodywork therapy association"
5 means a state or nationally chartered organization that is
6 devoted to the massage specialty and therapeutic approach and
7 meets the following requirements:

8 (1) The organization requires that its members meet
9 minimum educational requirements. The educational
10 requirements must include anatomy, physiology, hygiene,
11 sanitation, ethics, technical theory, and application of
12 techniques.

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

16 "Secretary" means the Secretary of Financial and
17 Professional Regulation.

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

19 (225 ILCS 57/12 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 either through the Department's website or by
4 contacting the Department's licensure maintenance unit.

5 (225 ILCS 57/15)

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

7 Sec. 15. Licensure requirements.

8 (a) Persons engaged in massage for compensation must be
9 licensed by the Department. The Department shall issue a
10 license to an individual who meets all of the following
11 requirements:

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

14 (2) The applicant is at least 18 years of age and of
15 good moral character. In determining good moral character,
16 the Department may take into consideration conviction of
17 any crime under the laws of the United States or any state
18 or territory thereof that is a felony or a misdemeanor or
19 any crime that is directly related to the practice of the
20 profession. Such a conviction shall not operate
21 automatically as a complete bar to a license, except in
22 the case of any conviction for prostitution, rape, or
23 sexual misconduct, or where the applicant is a registered
24 sex offender.

25 (3) The applicant has ~~met one of the following~~

1 ~~requirements: (A) has~~ successfully completed a massage
2 therapy program approved by the Department that requires a
3 minimum of 500 hours, except applicants applying on or
4 after January 1, 2014 shall meet a minimum requirement of
5 600 hours, and has passed a competency examination
6 approved by the Department.; ~~(B) holds a current license~~
7 ~~from another jurisdiction having licensure requirements~~
8 ~~that include the completion of a massage therapy program~~
9 ~~of at least 500 hours; or (C) (blank).~~

10 (b) Each applicant for licensure as a massage therapist
11 shall have his or her fingerprints submitted to the Department
12 of State Police in an electronic format that complies with the
13 form and manner for requesting and furnishing criminal history
14 record information as prescribed by the Department of State
15 Police. These fingerprints shall be checked against the
16 Department of State Police and Federal Bureau of Investigation
17 criminal history record databases now and hereafter filed. The
18 Department of State Police shall charge applicants a fee for
19 conducting the criminal history records check, which shall be
20 deposited into the State Police Services Fund and shall not
21 exceed the actual cost of the records check. The Department of
22 State Police shall furnish, pursuant to positive
23 identification, records of Illinois convictions to the
24 Department. The Department may require applicants to pay a
25 separate fingerprinting fee, either to the Department or to a
26 vendor. The Department, in its discretion, may allow an

1 applicant who does not have reasonable access to a designated
2 vendor to provide his or her fingerprints in an alternative
3 manner. The Department may adopt any rules necessary to
4 implement this Section.

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

6 (225 ILCS 57/25)

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

8 Sec. 25. Exemptions.

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

12 (b) Persons exempted under this Section include, but are
13 not limited to, physicians, podiatric physicians, naprapaths,
14 and physical therapists.

15 (c) Nothing in this Act prohibits qualified members of
16 other professional groups, including but not limited to
17 nurses, occupational therapists, cosmetologists, and
18 estheticians, from performing massage in a manner consistent
19 with their training and the code of ethics of their respective
20 professions.

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

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

5 (f) Practitioners of certain service marked bodywork
6 approaches that do involve intentional soft tissue
7 manipulation, including but not limited to Rolfing, Trager
8 Approach, Polarity Therapy, and Orthobionomy, are exempt from
9 this Act if they are approved by their governing body based on
10 a minimum level of training, demonstration of competency, and
11 adherence to ethical standards.

12 (g) Until January 1, 2024 ~~2020~~, ~~practitioners of Asian~~
13 ~~bodywork approaches are exempt from this Act if they are~~
14 members of the American Organization for ~~of~~ Bodywork Therapies
15 of Asia are exempt from licensure under this Act as certified
16 ~~practitioners or if they are approved by an Asian bodywork~~
17 ~~organization based on a minimum level of training,~~
18 ~~demonstration of competency, and adherence to ethical~~
19 ~~standards set by their governing body.~~

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

24 (i) Nothing in this Act applies to massage therapists from
25 other states or countries when providing educational programs
26 ~~or services~~ for a period not exceeding 30 days within a

1 calendar year.

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

6 (k) Nothing in this Act applies to the practice of massage
7 therapy by a person either actively licensed as a massage
8 therapist in another state or currently certified by the
9 National Certification Board of Therapeutic Massage and
10 Bodywork or other national certifying body if said person's
11 state does not license massage therapists, if he or she is
12 performing his or her duties for a Department-approved
13 educational program for less than 30 days in a calendar year, a
14 Department-approved continuing education program for less than
15 30 days in a calendar year, a non-Illinois based team or
16 professional organization, or for a national athletic event
17 held in this State, so long as he or she restricts his or her
18 practice to his or her team or organization or to event
19 participants during the course of his or her team's or
20 organization's stay in this State or for the duration of the
21 event.

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

23 (225 ILCS 57/32)

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

25 Sec. 32. Display. Every holder of a license shall display

1 it, or a copy, in a conspicuous place in the holder's principal
2 office or any other location where the holder renders massage
3 therapy services. Every displayed license shall have the
4 license number visible.

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

6 (225 ILCS 57/45)

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

8 Sec. 45. Grounds for discipline.

9 (a) The Department may refuse to issue or renew, or may
10 revoke, suspend, place on probation, reprimand, or take other
11 disciplinary or non-disciplinary action, as the Department
12 considers appropriate, including the imposition of fines not
13 to exceed \$10,000 for each violation, with regard to any
14 license or licensee for any one or more of the following:

15 (1) violations of this Act or of the rules adopted
16 under this Act;

17 (2) conviction by plea of guilty or nolo contendere,
18 finding of guilt, jury verdict, or entry of judgment or by
19 sentencing of any crime, including, but not limited to,
20 convictions, preceding sentences of supervision,
21 conditional discharge, or first offender probation, under
22 the laws of any jurisdiction of the United States: (i)
23 that is a felony; or (ii) that is a misdemeanor, an
24 essential element of which is dishonesty, or that is
25 directly related to the practice of the profession;

1 (3) professional incompetence;

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

5 (5) aiding, abetting, assisting, procuring, advising,
6 employing, or contracting with any unlicensed person to
7 practice massage contrary to any rules or provisions of
8 this Act;

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

12 (7) engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public;

15 (8) practicing or offering to practice beyond the
16 scope permitted by law or accepting and performing
17 professional responsibilities which the licensee knows or
18 has reason to know that he or she is not competent to
19 perform;

20 (9) knowingly delegating professional
21 responsibilities to a person unqualified by training,
22 experience, or licensure to perform;

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

25 (11) having a habitual or excessive use of or
26 addiction to alcohol, narcotics, stimulants, or any other

1 chemical agent or drug which results in the inability to
2 practice with reasonable judgment, skill, or safety;

3 (12) having a pattern of practice or other behavior
4 that demonstrates incapacity or incompetence to practice
5 under this Act;

6 (13) discipline by another state, District of
7 Columbia, territory, or foreign nation, if at least one of
8 the grounds for the discipline is the same or
9 substantially equivalent to those set forth in this
10 Section;

11 (14) a finding by the Department that the licensee,
12 after having his or her license placed on probationary
13 status, has violated the terms of probation;

14 (15) willfully making or filing false records or
15 reports in his or her practice, including, but not limited
16 to, false records filed with State agencies or
17 departments;

18 (16) making a material misstatement in furnishing
19 information to the Department or otherwise making
20 misleading, deceptive, untrue, or fraudulent
21 representations in violation of this Act or otherwise in
22 the practice of the profession;

23 (17) fraud or misrepresentation in applying for or
24 procuring a license under this Act or in connection with
25 applying for renewal of a license under this Act;

26 (18) inability to practice the profession with

1 reasonable judgment, skill, or safety as a result of
2 physical illness, including, but not limited to,
3 deterioration through the aging process, loss of motor
4 skill, or a mental illness or disability;

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

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

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

12 All fines shall be paid within 60 days of the effective
13 date of the order imposing the fine.

14 (b) A person not licensed under this Act and engaged in the
15 business of offering massage therapy services through others,
16 shall not aid, abet, assist, procure, advise, employ, or
17 contract with any unlicensed person to practice massage
18 therapy contrary to any rules or provisions of this Act. A
19 person violating this subsection (b) shall be treated as a
20 licensee for the purposes of disciplinary action under this
21 Section and shall be subject to cease and desist orders as
22 provided in Section 90 of this Act.

23 (c) The Department shall revoke any license issued under
24 this Act of any person who is convicted of prostitution, rape,
25 sexual misconduct, or any crime that subjects the licensee to
26 compliance with the requirements of the Sex Offender

1 Registration Act and any such conviction shall operate as a
2 permanent bar in the State of Illinois to practice as a massage
3 therapist.

4 (d) The Department may refuse to issue or may suspend the
5 license of any person who fails to file a tax return, to pay
6 the tax, penalty, or interest shown in a filed tax return, or
7 to pay any final assessment of tax, penalty, or interest, as
8 required by any tax Act administered by the Illinois
9 Department of Revenue, until such time as the requirements of
10 the tax Act are satisfied in accordance with subsection (g) of
11 Section 2105-15 of the Civil Administrative Code of Illinois.

12 (e) (Blank).

13 (f) In cases where the Department of Healthcare and Family
14 Services has previously determined that a licensee or a
15 potential licensee is more than 30 days delinquent in the
16 payment of child support and has subsequently certified the
17 delinquency to the Department, the Department may refuse to
18 issue or renew or may revoke or suspend that person's license
19 or may take other disciplinary action against that person
20 based solely upon the certification of delinquency made by the
21 Department of Healthcare and Family Services in accordance
22 with item (5) of subsection (a) of Section 2105-15 of the Civil
23 Administrative Code of Illinois.

24 (g) The determination by a circuit court that a licensee
25 is subject to involuntary admission or judicial admission, as
26 provided in the Mental Health and Developmental Disabilities

1 Code, operates as an automatic suspension. The suspension will
2 end only upon a finding by a court that the patient is no
3 longer subject to involuntary admission or judicial admission
4 and the issuance of a court order so finding and discharging
5 the patient.

6 (h) In enforcing this Act, the Department or Board, upon a
7 showing of a possible violation, may compel an individual
8 licensed to practice under this Act, or who has applied for
9 licensure under this Act, to submit to a mental or physical
10 examination, or both, as required by and at the expense of the
11 Department. The Department or Board may order the examining
12 physician to present testimony concerning the mental or
13 physical examination of the licensee or applicant. No
14 information shall be excluded by reason of any common law or
15 statutory privilege relating to communications between the
16 licensee or applicant and the examining physician. The
17 examining physicians shall be specifically designated by the
18 Board or Department. The individual to be examined may have,
19 at his or her own expense, another physician of his or her
20 choice present during all aspects of this examination. The
21 examination shall be performed by a physician licensed to
22 practice medicine in all its branches. Failure of an
23 individual to submit to a mental or physical examination, when
24 directed, shall result in an automatic suspension without
25 hearing.

26 A person holding a license under this Act or who has

1 applied for a license under this Act who, because of a physical
2 or mental illness or disability, including, but not limited
3 to, deterioration through the aging process or loss of motor
4 skill, is unable to practice the profession with reasonable
5 judgment, skill, or safety, may be required by the Department
6 to submit to care, counseling, or treatment by physicians
7 approved or designated by the Department as a condition, term,
8 or restriction for continued, reinstated, or renewed licensure
9 to practice. Submission to care, counseling, or treatment as
10 required by the Department shall not be considered discipline
11 of a license. If the licensee refuses to enter into a care,
12 counseling, or treatment agreement or fails to abide by the
13 terms of the agreement, the Department may file a complaint to
14 revoke, suspend, or otherwise discipline the license of the
15 individual. The Secretary may order the license suspended
16 immediately, pending a hearing by the Department. Fines shall
17 not be assessed in disciplinary actions involving physical or
18 mental illness or impairment.

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

1 confidentiality of medical records.

2 An individual licensed under this Act and affected under
3 this Section shall be afforded an opportunity to demonstrate
4 to the Department or Board that he or she can resume practice
5 in compliance with acceptable and prevailing standards under
6 the provisions of his or her license.

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

8 (225 ILCS 57/50)

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

10 Sec. 50. Advertising. It is a misdemeanor for any person,
11 organization, or corporation to advertise massage services
12 unless the person providing the service holds a valid license
13 under this Act, except for those excluded licensed
14 professionals who are allowed to include massage in their
15 scope of practice. A massage therapist may not advertise
16 unless he or she has a current license issued by this State. A
17 massage therapist shall include the current license number
18 issued by the Department on all advertisements in accordance
19 with paragraph (4) of subsection (a) of Section 45.

20 "Advertise" as used in this Section includes, but is not
21 limited to, the issuance of any card, sign, or device to any
22 person; the causing, permitting, or allowing of any sign or
23 marking on or in any building, vehicle, or structure;
24 advertising in any newspaper or magazine; any listing or
25 advertising in any directory under a classification or heading

1 that includes the words "massage", "massage therapist",
2 "therapeutic massage", or "massage therapeutic"; or
3 commercials broadcast by any means.

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

5 (225 ILCS 57/60)

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

7 Sec. 60. Illinois Administrative Procedure Act. The
8 Illinois Administrative Procedure Act is hereby expressly
9 adopted and incorporated herein as if all of the provisions of
10 that Act were included in this Act, except that the provision
11 of subsection (d) of Section 10-65 of the Illinois
12 Administrative Procedure Act that provides that at hearings
13 the licensee has the right to show compliance with all lawful
14 requirements for retention, continuation, or renewal of the
15 license is specifically excluded. For the purposes of this Act
16 the notice required under Section 10-25 of the Illinois
17 Administrative Procedure Act is deemed sufficient when mailed
18 to the address of record or emailed to the email address of
19 record of a party.

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

21 (225 ILCS 57/95)

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

23 Sec. 95. Investigations; notice and hearing. The
24 Department may investigate the actions of any applicant or of

1 any person or persons rendering or offering to render massage
2 therapy services or any person holding or claiming to hold a
3 license as a massage therapist. The Department shall, before
4 refusing to issue or renew a license or to discipline a
5 licensee under Section 45, at least 30 days prior to the date
6 set for the hearing, (i) notify the accused in writing of the
7 charges made and the time and place for the hearing on the
8 charges, (ii) direct him or her to file a written answer with
9 the Department under oath within 20 days after the service of
10 the notice, and (iii) inform the applicant or licensee that
11 failure to file an answer will result in a default judgment
12 being entered against the applicant or licensee. At the time
13 and place fixed in the notice, the Department shall proceed to
14 hear the charges and the parties or their counsel shall be
15 accorded ample opportunity to present any pertinent
16 statements, testimony, evidence, and arguments. The Department
17 may continue the hearing from time to time. In case the person,
18 after receiving the notice, fails to file an answer, his or her
19 license may, in the discretion of the Department, be revoked,
20 suspended, placed on probationary status, or the Department
21 may take whatever disciplinary actions considered proper,
22 including limiting the scope, nature, or extent of the
23 person's practice or the imposition of a fine, without a
24 hearing, if the act or acts charged constitute sufficient
25 grounds for that action under the Act. The written notice may
26 be served by personal delivery, ~~or~~ by certified mail to the

1 accused's address of record, or by email to the accused's
2 email address of record.

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

4 Section 20. The Medical Practice Act of 1987 is amended by
5 changing Sections 2, 7, 7.5, 8, 8.1, 9, 9.3, 17, 18, 19, 21,
6 22, 23, 24, 25, 35, 36, 37, 38, 39, 40, 41, 42, 44, and 47 and
7 by adding Sections 7.1 and 7.2 as follows:

8 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

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

10 Sec. 2. Definitions. For purposes of this Act, the
11 following definitions shall have the following meanings,
12 except where the context requires otherwise:

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

14 "Address of record" means the designated address recorded
15 by the Department in the applicant's or licensee's application
16 file or license file as maintained by the Department's
17 licensure maintenance unit.

18 "Chiropractic physician" means a person licensed to treat
19 human ailments without the use of drugs and without operative
20 surgery. Nothing in this Act shall be construed to prohibit a
21 chiropractic physician from providing advice regarding the use
22 of non-prescription products or from administering atmospheric
23 oxygen. Nothing in this Act shall be construed to authorize a
24 chiropractic physician to prescribe drugs.

1 "Department" means the Department of Financial and
2 Professional Regulation.

3 "Disciplinary action" means revocation, suspension,
4 probation, supervision, practice modification, reprimand,
5 required education, fines or any other action taken by the
6 Department against a person holding a license.

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

8 "Email address of record" means the designated email
9 address recorded by the Department in the applicant's
10 application file or the licensee's license file, as maintained
11 by the Department's licensure maintenance unit.

12 "Final determination" means the governing body's final
13 action taken under the procedure followed by a health care
14 institution, or professional association or society, against
15 any person licensed under the Act in accordance with the
16 bylaws or rules and regulations of such health care
17 institution, or professional association or society.

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

19 "Impaired" means the inability to practice medicine with
20 reasonable skill and safety due to physical or mental
21 disabilities as evidenced by a written determination or
22 written consent based on clinical evidence including
23 deterioration through the aging process or loss of motor
24 skill, or abuse of drugs or alcohol, of sufficient degree to
25 diminish a person's ability to deliver competent patient care.

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

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

2 "Physician" means a person licensed under the Medical
3 Practice Act to practice medicine in all of its branches or a
4 chiropractic physician.

5 "Professional association" means an association or society
6 of persons licensed under this Act, and operating within the
7 State of Illinois, including but not limited to, medical
8 societies, osteopathic organizations, and chiropractic
9 organizations, but this term shall not be deemed to include
10 hospital medical staffs.

11 "Program of care, counseling, or treatment" means a
12 written schedule of organized treatment, care, counseling,
13 activities, or education, satisfactory to the Medical
14 ~~Disciplinary~~ Board, designed for the purpose of restoring an
15 impaired person to a condition whereby the impaired person can
16 practice medicine with reasonable skill and safety of a
17 sufficient degree to deliver competent patient care.

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

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

22 "Secretary" means the Secretary ~~of the Department~~ of
23 Financial and Professional Regulation.

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

25 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)

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

2 Sec. 7. Medical Disciplinary Board.

3 (A) There is hereby created the Illinois State Medical
4 Disciplinary Board. The Disciplinary Board shall consist of 11
5 members, to be appointed by the Governor by and with the advice
6 and consent of the Senate. All members shall be residents of
7 the State, not more than 6 of whom shall be members of the same
8 political party. All members shall be voting members. Five
9 members shall be physicians licensed to practice medicine in
10 all of its branches in Illinois possessing the degree of
11 doctor of medicine. One member shall be a physician licensed
12 to practice medicine in all its branches in Illinois
13 possessing the degree of doctor of osteopathy or osteopathic
14 medicine. One member shall be a chiropractic physician
15 licensed to practice in Illinois and possessing the degree of
16 doctor of chiropractic. Four members shall be members of the
17 public, who shall not be engaged in any way, directly or
18 indirectly, as providers of health care.

19 (B) Members of the Disciplinary Board shall be appointed
20 for terms of 4 years. Upon the expiration of the term of any
21 member, their successor shall be appointed for a term of 4
22 years by the Governor by and with the advice and consent of the
23 Senate. The Governor shall fill any vacancy for the remainder
24 of the unexpired term with the advice and consent of the
25 Senate. Upon recommendation of the Board, any member of the
26 Disciplinary Board may be removed by the Governor for

1 misfeasance, malfeasance, or wilful neglect of duty, after
2 notice, and a public hearing, unless such notice and hearing
3 shall be expressly waived in writing. Each member shall serve
4 on the Disciplinary Board until their successor is appointed
5 and qualified. No member of the Disciplinary Board shall serve
6 more than 2 consecutive 4 year terms.

7 In making appointments the Governor shall attempt to
8 insure that the various social and geographic regions of the
9 State of Illinois are properly represented.

10 In making the designation of persons to act for the
11 several professions represented on the Disciplinary Board, the
12 Governor shall give due consideration to recommendations by
13 members of the respective professions and by organizations
14 therein.

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

20 (D) (Blank).

21 (E) Six voting members of the Disciplinary Board, at least
22 4 of whom are physicians, shall constitute a quorum. A vacancy
23 in the membership of the Disciplinary Board shall not impair
24 the right of a quorum to exercise all the rights and perform
25 all the duties of the Disciplinary Board. Any action taken by
26 the Disciplinary Board under this Act may be authorized by

1 resolution at any regular or special meeting and each such
2 resolution shall take effect immediately. The Disciplinary
3 Board shall meet at least quarterly.

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

8 (G) The Secretary shall select a Chief Medical Coordinator
9 and not less than 2 Deputy Medical Coordinators who shall not
10 be members of the Disciplinary Board. Each medical coordinator
11 shall be a physician licensed to practice medicine in all of
12 its branches, and the Secretary shall set their rates of
13 compensation. The Secretary shall assign at least one medical
14 coordinator to a region composed of Cook County and such other
15 counties as the Secretary may deem appropriate, and such
16 medical coordinator or coordinators shall locate their office
17 in Chicago. The Secretary shall assign at least one medical
18 coordinator to a region composed of the balance of counties in
19 the State, and such medical coordinator or coordinators shall
20 locate their office in Springfield. The Chief Medical
21 Coordinator shall be the chief enforcement officer of this
22 Act. None of the functions, powers, or duties of the
23 Department with respect to policies regarding enforcement or
24 discipline under this Act, including the adoption of such
25 rules as may be necessary for the administration of this Act,
26 shall be exercised by the Department except upon review of the

1 Disciplinary Board.

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

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

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

24 (J) The Disciplinary Board may compile and establish a
25 statewide roster of physicians and other medical
26 professionals, including the several medical specialties, of

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

12 (K) This Section is inoperative when a majority of the
13 Medical Board is appointed. This Section is repealed one year
14 after the effective date of this amendatory Act of the 102nd
15 General Assembly.

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

17 (225 ILCS 60/7.1 new)

18 Sec. 7.1. Medical Board.

19 (A) There is hereby created the Illinois State Medical
20 Board. The Medical Board shall consist of 17 members, to be
21 appointed by the Governor by and with the advice and consent of
22 the Senate. All members shall be residents of the State, not
23 more than 8 of whom shall be members of the same political
24 party. All members shall be voting members. Eight members
25 shall be physicians licensed to practice medicine in all of

1 its branches in Illinois possessing the degree of doctor of
2 medicine. Two members shall be physicians licensed to practice
3 medicine in all its branches in Illinois possessing the degree
4 of doctor of osteopathy or osteopathic medicine. Two of the
5 physician members shall be physicians who collaborate with
6 physician assistants. Two members shall be chiropractic
7 physicians licensed to practice in Illinois and possessing the
8 degree of doctor of chiropractic. Two members shall be
9 physician assistants licensed to practice in Illinois. Three
10 members shall be members of the public, who shall not be
11 engaged in any way, directly or indirectly, as providers of
12 health care.

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

1 In making appointments the Governor shall attempt to
2 ensure that the various social and geographic regions of the
3 State of Illinois are properly represented.

4 In making the designation of persons to act for the
5 several professions represented on the Medical Board, the
6 Governor shall give due consideration to recommendations by
7 members of the respective professions and by organizations
8 therein.

9 (C) The Medical Board shall annually elect one of its
10 voting members as chairperson and one as vice chairperson. No
11 officer shall be elected more than twice in succession to the
12 same office. Each officer shall serve until their successor
13 has been elected and qualified.

14 (D) A majority of the Medical Board members currently
15 appointed shall constitute a quorum. A vacancy in the
16 membership of the Medical Board shall not impair the right of a
17 quorum to exercise all the rights and perform all the duties of
18 the Medical Board. Any action taken by the Medical Board under
19 this Act may be authorized by resolution at any regular or
20 special meeting and each such resolution shall take effect
21 immediately. The Medical Board shall meet at least quarterly.

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

24 (F) The Secretary shall select a Chief Medical Coordinator
25 and not less than 2 Deputy Medical Coordinators who shall not
26 be members of the Medical Board. Each medical coordinator

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

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

1 (H) Upon the specific request of the Medical Board, signed
2 by either the chairperson, vice chairperson, or a medical
3 coordinator of the Medical Board, the Department of Human
4 Services, the Department of Healthcare and Family Services,
5 the Department of State Police, or any other law enforcement
6 agency located in this State shall make available any and all
7 information that they have in their possession regarding a
8 particular case then under investigation by the Medical Board.

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

12 (J) The Medical 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 Medical Board in their investigations and
19 participation in complaints against physicians. Such advisors
20 shall serve under contract and shall be reimbursed at a
21 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.

1 (225 ILCS 60/7.2 new)

2 Sec. 7.2. Medical Board appointment. All members of the
3 Medical Licensing Board and the Medical Disciplinary Board
4 shall serve as members of the Medical Board. A majority of the
5 Medical Board members shall be appointed within 260 days after
6 the effective date of this amendatory Act of the 102nd General
7 Assembly. The Medical Licensing Board and Medical Disciplinary
8 Board shall exercise all functions, powers, and duties
9 enumerated in this Act to the Medical Board. All functions,
10 powers, and duties enumerated in this Act to the Medical
11 Licensing Board and Medical Disciplinary Board shall dissolve
12 at such time when a majority of the Medical Board is appointed.
13 This Section is repealed one year after the effective date of
14 this amendatory Act of the 102nd General Assembly.

15 (225 ILCS 60/7.5)

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

17 Sec. 7.5. Complaint Committee.

18 (a) There shall be a Complaint Committee of the Medical
19 ~~Disciplinary~~ Board composed of at least one of the medical
20 coordinators established by subsection (G) of Section 7 of
21 this Act, the Chief of Medical Investigations (person employed
22 by the Department who is in charge of investigating complaints
23 against physicians and physician assistants), the Chief of
24 Medical Prosecutions (the person employed by the Department
25 who is in charge of prosecuting formal complaints against

1 physicians and physician assistants), and at least 3 members
2 of the Medical ~~Disciplinary~~ Board (at least 2 of whom shall be
3 physicians) designated by the Chairperson of the Medical
4 ~~Disciplinary~~ Board with the approval of the Medical
5 ~~Disciplinary~~ Board.

6 (b) The Complaint Committee shall meet at least twice a
7 month to exercise its functions and duties set forth in
8 subsection (c) below. At least 2 members of the Medical
9 ~~Disciplinary~~ Board shall be in attendance in order for any
10 business to be transacted by the Complaint Committee. The
11 Complaint Committee shall make every effort to consider
12 expeditiously and take prompt action on each item on its
13 agenda.

14 (c) The Complaint Committee shall have the following
15 duties and functions:

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

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

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

23 (d) In determining what action to take or whether to
24 proceed with prosecution of a complaint, the Complaint
25 Committee shall consider, but not be limited to, the following
26 factors: sufficiency of the evidence presented, prosecutorial

1 merit under Section 22 of this Act, any recommendation made by
2 the Department, and insufficient cooperation from complaining
3 parties.

4 (e) Notwithstanding any provision of this Act, the
5 Department may close a complaint, after investigation and
6 approval of the Chief Medical Coordinator without review of
7 the Complaint Committee, in which the allegations of the
8 complaint if proven would not constitute a violation of the
9 Act, there is insufficient evidence to prove a violation of
10 the Act, or there is insufficient cooperation from complaining
11 parties, as determined by the Department.

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

13 (225 ILCS 60/8) (from Ch. 111, par. 4400-8)

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

15 Sec. 8. Medical Licensing Board.

16 (A) There is hereby created a Medical Licensing Board. The
17 Licensing Board shall be composed of 7 members, to be
18 appointed by the Governor by and with the advice and consent of
19 the Senate; 5 of whom shall be reputable physicians licensed
20 to practice medicine in all of its branches in Illinois,
21 possessing the degree of doctor of medicine; one member shall
22 be a reputable physician licensed in Illinois to practice
23 medicine in all of its branches, possessing the degree of
24 doctor of osteopathy or osteopathic medicine; and one member
25 shall be a reputable chiropractic physician licensed to

1 practice in Illinois and possessing the degree of doctor of
2 chiropractic. Of the 5 members holding the degree of doctor of
3 medicine, one shall be a full-time or part-time teacher of
4 professorial rank in the clinical department of an Illinois
5 school of medicine.

6 (B) Members of the Licensing Board shall be appointed for
7 terms of 4 years, and until their successors are appointed and
8 qualified. Appointments to fill vacancies shall be made in the
9 same manner as original appointments, for the unexpired
10 portion of the vacated term. No more than 4 members of the
11 Licensing Board shall be members of the same political party
12 and all members shall be residents of this State. No member of
13 the Licensing Board may be appointed to more than 2 successive
14 4 year terms.

15 (C) Members of the Licensing Board shall be immune from
16 suit in any action based upon any licensing proceedings or
17 other acts performed in good faith as members of the Licensing
18 Board.

19 (D) (Blank).

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

25 (F) None of the functions, powers or duties of the
26 Department with respect to policies regarding licensure and

1 examination under this Act, including the promulgation of such
2 rules as may be necessary for the administration of this Act,
3 shall be exercised by the Department except upon review of the
4 Licensing Board.

5 (G) The Licensing Board shall receive the same
6 compensation as the members of the Disciplinary Board, which
7 compensation shall be paid out of the Illinois State Medical
8 Disciplinary Fund.

9 (H) This Section is inoperative when a majority of the
10 Medical Board is appointed. This Section is repealed one year
11 after the effective date of this amendatory Act of the 102nd
12 General Assembly.

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

14 (225 ILCS 60/8.1)

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

16 Sec. 8.1. Matters concerning advanced practice registered
17 nurses. Any proposed rules, amendments, second notice
18 materials and adopted rule or amendment materials, and policy
19 statements concerning advanced practice registered nurses
20 shall be presented to the Medical ~~Licensing~~ Board for review
21 and comment. The recommendations of both the Board of Nursing
22 and the Medical ~~Licensing~~ Board shall be presented to the
23 Secretary for consideration in making final decisions.
24 Whenever the Board of Nursing and the Medical ~~Licensing~~ Board
25 disagree on a proposed rule or policy, the Secretary shall

1 convene a joint meeting of the officers of each Board to
2 discuss the resolution of any such disagreements.

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

4 (225 ILCS 60/9) (from Ch. 111, par. 4400-9)

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

6 Sec. 9. Application for license. Each applicant for a
7 license shall:

8 (A) Make application on blank forms prepared and
9 furnished by the Department.

10 (B) Submit evidence satisfactory to the Department
11 that the applicant:

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

21 (2) has the preliminary and professional education
22 required by this Act;

23 (3) (blank); and

24 (4) is physically, mentally, and professionally
25 capable of practicing medicine with reasonable

1 judgment, skill, and safety. In determining physical
2 and mental capacity under this Section, the Medical
3 ~~Licensing~~ Board may, upon a showing of a possible
4 incapacity or conduct or activities that would
5 constitute grounds for discipline under this Act,
6 compel any applicant to submit to a mental or physical
7 examination and evaluation, or both, as provided for
8 in Section 22 of this Act. The Medical ~~Licensing~~ Board
9 may condition or restrict any license, subject to the
10 same terms and conditions as are provided for the
11 Medical ~~Disciplinary~~ Board under Section 22 of this
12 Act. Any such condition of a restricted license shall
13 provide that the Chief Medical Coordinator or Deputy
14 Medical Coordinator shall have the authority to review
15 the subject physician's compliance with such
16 conditions or restrictions, including, where
17 appropriate, the physician's record of treatment and
18 counseling regarding the impairment, to the extent
19 permitted by applicable federal statutes and
20 regulations safeguarding the confidentiality of
21 medical records of patients.

22 In determining professional capacity under this
23 Section, an individual may be required to complete such
24 additional testing, training, or remedial education as the
25 Medical ~~Licensing~~ Board may deem necessary in order to
26 establish the applicant's present capacity to practice

1 medicine with reasonable judgment, skill, and safety. The
2 Medical Licensing Board may consider the following
3 criteria, as they relate to an applicant, as part of its
4 determination of professional capacity:

5 (1) Medical research in an established research
6 facility, hospital, college or university, or private
7 corporation.

8 (2) Specialized training or education.

9 (3) Publication of original work in learned,
10 medical, or scientific journals.

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

13 (5) Professional service in a federal veterans or
14 military institution.

15 (6) Any other professional activities deemed to
16 maintain and enhance the clinical capabilities of the
17 applicant.

18 Any applicant applying for a license to practice
19 medicine in all of its branches or for a license as a
20 chiropractic physician who has not been engaged in the
21 active practice of medicine or has not been enrolled in a
22 medical program for 2 years prior to application must
23 submit proof of professional capacity to the Medical
24 ~~Licensing~~ Board.

25 Any applicant applying for a temporary license that
26 has not been engaged in the active practice of medicine or

1 has not been enrolled in a medical program for longer than
2 5 years prior to application must submit proof of
3 professional capacity to the Medical Licensing Board.

4 (C) Designate specifically the name, location, and
5 kind of professional school, college, or institution of
6 which the applicant is a graduate and the category under
7 which the applicant seeks, and will undertake, to
8 practice.

9 (D) Pay to the Department at the time of application
10 the required fees.

11 (E) Pursuant to Department rules, as required, pass an
12 examination authorized by the Department to determine the
13 applicant's fitness to receive a license.

14 (F) Complete the application process within 3 years
15 from the date of application. If the process has not been
16 completed within 3 years, the application shall expire,
17 application fees shall be forfeited, and the applicant
18 must reapply and meet the requirements in effect at the
19 time of reapplication.

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

21 (225 ILCS 60/9.3)

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

23 Sec. 9.3. Withdrawal of application. Any applicant
24 applying for a license or permit under this Act may withdraw
25 his or her application at any time. If an applicant withdraws

1 his or her application after receipt of a written Notice of
2 Intent to Deny License or Permit, then the withdrawal shall be
3 reported to the Federation of State Medical Boards ~~and the~~
4 ~~National Practitioner Data Bank.~~

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

6 (225 ILCS 60/17) (from Ch. 111, par. 4400-17)

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

8 Sec. 17. Temporary license. Persons holding the degree of
9 Doctor of Medicine, persons holding the degree of Doctor of
10 Osteopathy or Doctor of Osteopathic Medicine, and persons
11 holding the degree of Doctor of Chiropractic or persons who
12 have satisfied the requirements therefor and are eligible to
13 receive such degree from a medical, osteopathic, or
14 chiropractic school, who wish to pursue programs of graduate
15 or specialty training in this State, may receive without
16 examination, in the discretion of the Department, a 3-year
17 temporary license. In order to receive a 3-year temporary
18 license hereunder, an applicant shall submit evidence
19 satisfactory to the Department that the applicant:

20 (A) Is of good moral character. In determining moral
21 character under this Section, the Department may take into
22 consideration whether the applicant has engaged in conduct
23 or activities which would constitute grounds for
24 discipline under this Act. The Department may also request
25 the applicant to submit, and may consider as evidence of

1 moral character, endorsements from 2 or 3 individuals
2 licensed under this Act;

3 (B) Has been accepted or appointed for specialty or
4 residency training by a hospital situated in this State or
5 a training program in hospitals or facilities maintained
6 by the State of Illinois or affiliated training facilities
7 which is approved by the Department for the purpose of
8 such training under this Act. The applicant shall indicate
9 the beginning and ending dates of the period for which the
10 applicant has been accepted or appointed;

11 (C) Has or will satisfy the professional education
12 requirements of Section 11 of this Act which are effective
13 at the date of application except for postgraduate
14 clinical training;

15 (D) Is physically, mentally, and professionally
16 capable of practicing medicine or treating human ailments
17 without the use of drugs and without operative surgery
18 with reasonable judgment, skill, and safety. In
19 determining physical, mental and professional capacity
20 under this Section, the Medical ~~Licensing~~ Board may, upon
21 a showing of a possible incapacity, compel an applicant to
22 submit to a mental or physical examination and evaluation,
23 or both, and may condition or restrict any temporary
24 license, subject to the same terms and conditions as are
25 provided for the Medical ~~Disciplinary~~ Board under Section
26 22 of this Act. Any such condition of restricted temporary

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

9 Three-year temporary licenses issued pursuant to this
10 Section shall be valid only for the period of time designated
11 therein, and may be extended or renewed pursuant to the rules
12 of the Department, and if a temporary license is thereafter
13 extended, it shall not extend beyond completion of the
14 residency program. The holder of a valid 3-year temporary
15 license shall be entitled thereby to perform only such acts as
16 may be prescribed by and incidental to his or her program of
17 residency training; he or she shall not be entitled to
18 otherwise engage in the practice of medicine in this State
19 unless fully licensed in this State.

20 A 3-year temporary license may be revoked or suspended by
21 the Department upon proof that the holder thereof has engaged
22 in the practice of medicine in this State outside of the
23 program of his or her residency or specialty training, or if
24 the holder shall fail to supply the Department, within 10 days
25 of its request, with information as to his or her current
26 status and activities in his or her specialty training

1 program. Such a revocation or suspension shall comply with the
2 procedures set forth in subsection (d) of Section 37 of this
3 Act.

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

5 (225 ILCS 60/18) (from Ch. 111, par. 4400-18)

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

7 Sec. 18. Visiting professor, physician, or resident
8 permits.

9 (A) Visiting professor permit.

10 (1) A visiting professor permit shall entitle a person
11 to practice medicine in all of its branches or to practice
12 the treatment of human ailments without the use of drugs
13 and without operative surgery provided:

14 (a) the person maintains an equivalent
15 authorization to practice medicine in all of its
16 branches or to practice the treatment of human
17 ailments without the use of drugs and without
18 operative surgery in good standing in his or her
19 native licensing jurisdiction during the period of the
20 visiting professor permit;

21 (b) the person has received a faculty appointment
22 to teach in a medical, osteopathic or chiropractic
23 school in Illinois; and

24 (c) the Department may prescribe the information
25 necessary to establish an applicant's eligibility for

1 a permit. This information shall include without
2 limitation (i) a statement from the dean of the
3 medical school at which the applicant will be employed
4 describing the applicant's qualifications and (ii) a
5 statement from the dean of the medical school listing
6 every affiliated institution in which the applicant
7 will be providing instruction as part of the medical
8 school's education program and justifying any clinical
9 activities at each of the institutions listed by the
10 dean.

11 (2) Application for visiting professor permits shall
12 be made to the Department, in writing, on forms prescribed
13 by the Department and shall be accompanied by the required
14 fee established by rule, which shall not be refundable.
15 Any application shall require the information as, in the
16 judgment of the Department, will enable the Department to
17 pass on the qualifications of the applicant.

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

23 (4) The applicant may be required to appear before the
24 Medical Licensing Board for an interview prior to, and as
25 a requirement for, the issuance of the original permit and
26 the renewal.

1 (5) Persons holding a permit under this Section shall
2 only practice medicine in all of its branches or practice
3 the treatment of human ailments without the use of drugs
4 and without operative surgery in the State of Illinois in
5 their official capacity under their contract within the
6 medical school itself and any affiliated institution in
7 which the permit holder is providing instruction as part
8 of the medical school's educational program and for which
9 the medical school has assumed direct responsibility.

10 (6) After the initial renewal of a visiting professor
11 permit, a visiting professor permit shall be valid until
12 the last day of the next physician license renewal period,
13 as set by rule, and may only be renewed for applicants who
14 meet the following requirements:

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

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

19 For initial renewal, the visiting professor must
20 successfully pass a general competency examination authorized
21 by the Department by rule, unless he or she was issued an
22 initial visiting professor permit on or after January 1, 2007,
23 but prior to July 1, 2007.

24 (B) Visiting physician permit.

25 (1) The Department may, in its discretion, issue a

1 temporary visiting physician permit, without examination,
2 provided:

3 (a) (blank);

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

11 (c) that the person has received an invitation or
12 appointment to study, demonstrate, or perform a
13 specific medical, osteopathic, chiropractic or
14 clinical subject or technique in a medical,
15 osteopathic, or chiropractic school, a state or
16 national medical, osteopathic, or chiropractic
17 professional association or society conference or
18 meeting, a hospital licensed under the Hospital
19 Licensing Act, a hospital organized under the
20 University of Illinois Hospital Act, or a facility
21 operated pursuant to the Ambulatory Surgical Treatment
22 Center Act; and

23 (d) that the temporary visiting physician permit
24 shall only permit the holder to practice medicine in
25 all of its branches or practice the treatment of human
26 ailments without the use of drugs and without

1 operative surgery within the scope of the medical,
2 osteopathic, chiropractic, or clinical studies, or in
3 conjunction with the state or national medical,
4 osteopathic, or chiropractic professional association
5 or society conference or meeting, for which the holder
6 was invited or appointed.

7 (2) The application for the temporary visiting
8 physician permit shall be made to the Department, in
9 writing, on forms prescribed by the Department, and shall
10 be accompanied by the required fee established by rule,
11 which shall not be refundable. The application shall
12 require information that, in the judgment of the
13 Department, will enable the Department to pass on the
14 qualification of the applicant, and the necessity for the
15 granting of a temporary visiting physician permit.

16 (3) A temporary visiting physician permit shall be
17 valid for no longer than (i) 180 days from the date of
18 issuance or (ii) until the time the medical, osteopathic,
19 chiropractic, or clinical studies are completed, or the
20 state or national medical, osteopathic, or chiropractic
21 professional association or society conference or meeting
22 has concluded, whichever occurs first. The temporary
23 visiting physician permit may be issued multiple times to
24 a visiting physician under this paragraph (3) as long as
25 the total number of days it is active do not exceed 180
26 days within a 365-day period.

1 (4) The applicant for a temporary visiting physician
2 permit may be required to appear before the Medical
3 ~~Licensing~~ Board for an interview prior to, and as a
4 requirement for, the issuance of a temporary visiting
5 physician permit.

6 (5) A limited temporary visiting physician permit
7 shall be issued to a physician licensed in another state
8 who has been requested to perform emergency procedures in
9 Illinois if he or she meets the requirements as
10 established by rule.

11 (C) Visiting resident permit.

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

15 (a) (blank);

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

23 (c) that the applicant is enrolled in a
24 postgraduate clinical training program outside the
25 State of Illinois that is approved by the Department;

1 (d) that the individual has been invited or
2 appointed for a specific period of time to perform a
3 portion of that post graduate clinical training
4 program under the supervision of an Illinois licensed
5 physician in an Illinois patient care clinic or
6 facility that is affiliated with the out-of-State post
7 graduate training program; and

8 (e) that the temporary visiting resident permit
9 shall only permit the holder to practice medicine in
10 all of its branches or practice the treatment of human
11 ailments without the use of drugs and without
12 operative surgery within the scope of the medical,
13 osteopathic, chiropractic or clinical studies for
14 which the holder was invited or appointed.

15 (2) The application for the temporary visiting
16 resident permit shall be made to the Department, in
17 writing, on forms prescribed by the Department, and shall
18 be accompanied by the required fee established by rule.
19 The application shall require information that, in the
20 judgment of the Department, will enable the Department to
21 pass on the qualifications of the applicant.

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

26 (4) The applicant for a temporary visiting resident

1 permit may be required to appear before the Medical
2 ~~Licensing~~ Board for an interview prior to, and as a
3 requirement for, the issuance of a temporary visiting
4 resident permit.

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

6 (225 ILCS 60/19) (from Ch. 111, par. 4400-19)

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

8 Sec. 19. Licensure by endorsement. The Department may, in
9 its discretion, issue a license by endorsement to any person
10 who is currently licensed to practice medicine in all of its
11 branches, or a chiropractic physician, in any other state,
12 territory, country or province, upon the following conditions
13 and submitting evidence satisfactory to the Department of the
14 following:

15 (A) (Blank);

16 (B) That the applicant is of good moral character. In
17 determining moral character under this Section, the
18 Department may take into consideration whether the
19 applicant has engaged in conduct or activities which would
20 constitute grounds for discipline under this Act. The
21 Department may also request the applicant to submit, and
22 may consider as evidence of moral character, endorsements
23 from 2 or 3 individuals licensed under this Act;

24 (C) That the applicant is physically, mentally and
25 professionally capable of practicing medicine with

1 reasonable judgment, skill and safety. In determining
2 physical, mental and professional capacity under this
3 Section the Medical Licensing Board may, upon a showing of
4 a possible incapacity, compel an applicant to submit to a
5 mental or physical examination and evaluation, or both, in
6 the same manner as provided in Section 22 and may
7 condition or restrict any license, subject to the same
8 terms and conditions as are provided for the Medical
9 ~~Disciplinary~~ Board under Section 22 of this Act.

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

12 (1) if the applicant was licensed in another
13 jurisdiction prior to January 1, 1988, that the
14 applicant has satisfied the educational requirements
15 of paragraph (1) of subsection (A) or paragraph (2) of
16 subsection (A) of Section 11 of this Act; or

17 (2) if the applicant was licensed in another
18 jurisdiction after December 31, 1987, that the
19 applicant has satisfied the educational requirements
20 of paragraph (A) (2) of Section 11 of this Act; and

21 (3) the requirements for a license to practice
22 medicine in all of its branches in the particular
23 state, territory, country or province in which the
24 applicant is licensed are deemed by the Department to
25 have been substantially equivalent to the requirements
26 for a license to practice medicine in all of its

1 branches in force in this State at the date of the
2 applicant's license;

3 (E) That if the applicant seeks to treat human
4 ailments without the use of drugs and without operative
5 surgery:

6 (1) the applicant is a graduate of a chiropractic
7 school or college approved by the Department at the
8 time of their graduation;

9 (2) the requirements for the applicant's license
10 to practice the treatment of human ailments without
11 the use of drugs are deemed by the Department to have
12 been substantially equivalent to the requirements for
13 a license to practice in this State at the date of the
14 applicant's license;

15 (F) That the Department may, in its discretion, issue
16 a license by endorsement to any graduate of a medical or
17 osteopathic college, reputable and in good standing in the
18 judgment of the Department, who has passed an examination
19 for admission to the United States Public Health Service,
20 or who has passed any other examination deemed by the
21 Department to have been at least equal in all substantial
22 respects to the examination required for admission to any
23 such medical corps;

24 (G) That applications for licenses by endorsement
25 shall be filed with the Department, under oath, on forms
26 prepared and furnished by the Department, and shall set

1 forth, and applicants therefor shall supply such
2 information respecting the life, education, professional
3 practice, and moral character of applicants as the
4 Department may require to be filed for its use;

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

7 In the exercise of its discretion under this Section, the
8 Department is empowered to consider and evaluate each
9 applicant on an individual basis. It may take into account,
10 among other things: the extent to which the applicant will
11 bring unique experience and skills to the State of Illinois or
12 the extent to which there is or is not available to the
13 Department authentic and definitive information concerning the
14 quality of medical education and clinical training which the
15 applicant has had. Under no circumstances shall a license be
16 issued under the provisions of this Section to any person who
17 has previously taken and failed the written examination
18 conducted by the Department for such license. In the exercise
19 of its discretion under this Section, the Department may
20 require an applicant to successfully complete an examination
21 as recommended by the Medical Licensing Board. The Department
22 may also request the applicant to submit, and may consider as
23 evidence of moral character, evidence from 2 or 3 individuals
24 licensed under this Act. Applicants have 3 years from the date
25 of application to complete the application process. If the
26 process has not been completed within 3 years, the application

1 shall be denied, the fees shall be forfeited, and the
2 applicant must reapply and meet the requirements in effect at
3 the time of reapplication.

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

5 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

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

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

9 (A) Renewal. The expiration date and renewal period for
10 each license issued under this Act shall be set by rule. The
11 holder of a license may renew the license by paying the
12 required fee. The holder of a license may also renew the
13 license within 90 days after its expiration by complying with
14 the requirements for renewal and payment of an additional fee.
15 A license renewal within 90 days after expiration shall be
16 effective retroactively to the expiration date.

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

23 (B) Reinstatement. Any licensee who has permitted his or
24 her license to lapse or who has had his or her license on
25 inactive status may have his or her license reinstated by

1 making application to the Department and filing proof
2 acceptable to the Department of his or her fitness to have the
3 license reinstated, including evidence certifying to active
4 practice in another jurisdiction satisfactory to the
5 Department, proof of meeting the continuing education
6 requirements for one renewal period, and by paying the
7 required reinstatement fee.

8 If the licensee has not maintained an active practice in
9 another jurisdiction satisfactory to the Department, the
10 Medical Licensing Board shall determine, by an evaluation
11 program established by rule, the applicant's fitness to resume
12 active status and may require the licensee to complete a
13 period of evaluated clinical experience and may require
14 successful completion of a practical examination specified by
15 the Medical Licensing Board.

16 However, any registrant whose license has expired while he
17 or she has been engaged (a) in Federal Service on active duty
18 with the Army of the United States, the United States Navy, the
19 Marine Corps, the Air Force, the Coast Guard, the Public
20 Health Service or the State Militia called into the service or
21 training of the United States of America, or (b) in training or
22 education under the supervision of the United States
23 preliminary to induction into the military service, may have
24 his or her license reinstated without paying any lapsed
25 renewal fees, if within 2 years after honorable termination of
26 such service, training, or education, he or she furnishes to

1 the Department with satisfactory evidence to the effect that
2 he or she has been so engaged and that his or her service,
3 training, or education has been so terminated.

4 (C) Inactive licenses. Any licensee who notifies the
5 Department, in writing on forms prescribed by the Department,
6 may elect to place his or her license on an inactive status and
7 shall, subject to rules of the Department, be excused from
8 payment of renewal fees until he or she notifies the
9 Department in writing of his or her desire to resume active
10 status.

11 Any licensee requesting reinstatement from inactive status
12 shall be required to pay the current renewal fee, provide
13 proof of meeting the continuing education requirements for the
14 period of time the license is inactive not to exceed one
15 renewal period, and shall be required to reinstate his or her
16 license as provided in subsection (B).

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

19 (D) Disposition of monies collected. All monies collected
20 under this Act by the Department shall be deposited in the
21 Illinois State Medical Disciplinary Fund in the State
22 Treasury, and used only for the following purposes: (a) by the
23 Medical Disciplinary Board and Licensing Board in the exercise
24 of its powers and performance of its duties, as such use is
25 made by the Department with full consideration of all
26 recommendations of the Medical Disciplinary Board and

1 ~~Licensing~~ Board, (b) for costs directly related to persons
2 licensed under this Act, and (c) for direct and allocable
3 indirect costs related to the public purposes of the
4 Department.

5 Moneys in the Fund may be transferred to the Professions
6 Indirect Cost Fund as authorized under Section 2105-300 of the
7 Department of Professional Regulation Law of the Civil
8 Administrative Code of Illinois.

9 All earnings received from investment of monies in the
10 Illinois State Medical Disciplinary Fund shall be deposited in
11 the Illinois State Medical Disciplinary Fund and shall be used
12 for the same purposes as fees deposited in such Fund.

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

14 (1) Applicants for any examination shall be required
15 to pay, either to the Department or to the designated
16 testing service, a fee covering the cost of determining
17 the applicant's eligibility and providing the examination.
18 Failure to appear for the examination on the scheduled
19 date, at the time and place specified, after the
20 applicant's application for examination has been received
21 and acknowledged by the Department or the designated
22 testing service, shall result in the forfeiture of the
23 examination fee.

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

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

4 (4) Before July 1, 2018, the fee for the renewal of a
5 license for a resident of Illinois shall be calculated at
6 the rate of \$230 per year, and beginning on July 1, 2018
7 and until January 1, 2020, the fee for the renewal of a
8 license shall be \$167, except for licensees who were
9 issued a license within 12 months of the expiration date
10 of the license, before July 1, 2018, the fee for the
11 renewal shall be \$230, and beginning on July 1, 2018 and
12 until January 1, 2020 that fee will be \$167. Before July 1,
13 2018, the fee for the renewal of a license for a
14 nonresident shall be calculated at the rate of \$460 per
15 year, and beginning on July 1, 2018 and until January 1,
16 2020, the fee for the renewal of a license for a
17 nonresident shall be \$250, except for licensees who were
18 issued a license within 12 months of the expiration date
19 of the license, before July 1, 2018, the fee for the
20 renewal shall be \$460, and beginning on July 1, 2018 and
21 until January 1, 2020 that fee will be \$250. Beginning on
22 January 1, 2020, the fee for renewal of a license for a
23 resident or nonresident is \$181 per year.

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

1 required.

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

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

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

10 (9) The fee to be paid to have the scoring of an
11 examination, administered by the Department, reviewed and
12 verified, is \$20 plus any fees charged by the applicable
13 testing service.

14 (F) Any person who delivers a check or other payment to the
15 Department that is returned to the Department unpaid by the
16 financial institution upon which it is drawn shall pay to the
17 Department, in addition to the amount already owed to the
18 Department, a fine of \$50. The fines imposed by this Section
19 are in addition to any other discipline provided under this
20 Act for unlicensed practice or practice on a nonrenewed
21 license. The Department shall notify the person that payment
22 of fees and fines shall be paid to the Department by certified
23 check or money order within 30 calendar days of the
24 notification. If, after the expiration of 30 days from the
25 date of the notification, the person has failed to submit the
26 necessary remittance, the Department shall automatically

1 terminate the license or permit or deny the application,
2 without hearing. If, after termination or denial, the person
3 seeks a license or permit, he or she shall apply to the
4 Department for reinstatement or issuance of the license or
5 permit and pay all fees and fines due to the Department. The
6 Department may establish a fee for the processing of an
7 application for reinstatement of a license or permit to pay
8 all expenses of processing this application. The Secretary may
9 waive the fines due under this Section in individual cases
10 where the Secretary finds that the fines would be unreasonable
11 or unnecessarily burdensome.

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

13 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

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

15 Sec. 22. Disciplinary action.

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

23 (1) (Blank).

24 (2) (Blank).

25 (3) A plea of guilty or nolo contendere, finding of

1 guilt, jury verdict, or entry of judgment or sentencing,
2 including, but not limited to, convictions, preceding
3 sentences of supervision, conditional discharge, or first
4 offender probation, under the laws of any jurisdiction of
5 the United States of any crime that is a felony.

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

7 (5) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud or harm the public.

10 (6) Obtaining any fee by fraud, deceit, or
11 misrepresentation.

12 (7) Habitual or excessive use or abuse of drugs
13 defined in law as controlled substances, of alcohol, or of
14 any other substances which results in the inability to
15 practice with reasonable judgment, skill, or safety.

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

18 (9) Fraud or misrepresentation in applying for, or
19 procuring, a license under this Act or in connection with
20 applying for renewal of a license under this Act.

21 (10) Making a false or misleading statement regarding
22 their skill or the efficacy or value of the medicine,
23 treatment, or remedy prescribed by them at their direction
24 in the treatment of any disease or other condition of the
25 body or mind.

26 (11) Allowing another person or organization to use

1 their license, procured under this Act, to practice.

2 (12) Adverse action taken by another state or
3 jurisdiction against a license or other authorization to
4 practice as a medical doctor, doctor of osteopathy, doctor
5 of osteopathic medicine or doctor of chiropractic, a
6 certified copy of the record of the action taken by the
7 other state or jurisdiction being prima facie evidence
8 thereof. This includes any adverse action taken by a State
9 or federal agency that prohibits a medical doctor, doctor
10 of osteopathy, doctor of osteopathic medicine, or doctor
11 of chiropractic from providing services to the agency's
12 participants.

13 (13) Violation of any provision of this Act or of the
14 Medical Practice Act prior to the repeal of that Act, or
15 violation of the rules, or a final administrative action
16 of the Secretary, after consideration of the
17 recommendation of the Medical ~~Disciplinary~~ Board.

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

20 (15) A finding by the Medical ~~Disciplinary~~ Board that
21 the registrant after having his or her license placed on
22 probationary status or subjected to conditions or
23 restrictions violated the terms of the probation or failed
24 to comply with such terms or conditions.

25 (16) Abandonment of a patient.

26 (17) Prescribing, selling, administering,

1 distributing, giving, or self-administering any drug
2 classified as a controlled substance (designated product)
3 or narcotic for other than medically accepted therapeutic
4 purposes.

5 (18) Promotion of the sale of drugs, devices,
6 appliances, or goods provided for a patient in such manner
7 as to exploit the patient for financial gain of the
8 physician.

9 (19) Offering, undertaking, or agreeing to cure or
10 treat disease by a secret method, procedure, treatment, or
11 medicine, or the treating, operating, or prescribing for
12 any human condition by a method, means, or procedure which
13 the licensee refuses to divulge upon demand of the
14 Department.

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

18 (21) Willfully making or filing false records or
19 reports in his or her practice as a physician, including,
20 but not limited to, false records to support claims
21 against the medical assistance program of the Department
22 of Healthcare and Family Services (formerly Department of
23 Public Aid) under the Illinois Public Aid Code.

24 (22) Willful omission to file or record, or willfully
25 impeding the filing or recording, or inducing another
26 person to omit to file or record, medical reports as

1 required by law, or willfully failing to report an
2 instance of suspected abuse or neglect as required by law.

3 (23) Being named as a perpetrator in an indicated
4 report by the Department of Children and Family Services
5 under the Abused and Neglected Child Reporting Act, and
6 upon proof by clear and convincing evidence that the
7 licensee has caused a child to be an abused child or
8 neglected child as defined in the Abused and Neglected
9 Child Reporting Act.

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

13 (25) Gross and willful and continued overcharging for
14 professional services, including filing false statements
15 for collection of fees for which services are not
16 rendered, including, but not limited to, filing such false
17 statements for collection of monies for services not
18 rendered from the medical assistance program of the
19 Department of Healthcare and Family Services (formerly
20 Department of Public Aid) under the Illinois Public Aid
21 Code.

22 (26) A pattern of practice or other behavior which
23 demonstrates incapacity or incompetence to practice under
24 this Act.

25 (27) Mental illness or disability which results in the
26 inability to practice under this Act with reasonable

1 judgment, skill, or safety.

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

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

8 (30) Willfully or negligently violating the
9 confidentiality between physician and patient except as
10 required by law.

11 (31) The use of any false, fraudulent, or deceptive
12 statement in any document connected with practice under
13 this Act.

14 (32) Aiding and abetting an individual not licensed
15 under this Act in the practice of a profession licensed
16 under this Act.

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

20 (34) Failure to report to the Department any adverse
21 final action taken against them by another licensing
22 jurisdiction (any other state or any territory of the
23 United States or any foreign state or country), by any
24 peer review body, by any health care institution, by any
25 professional society or association related to practice
26 under this Act, by any governmental agency, by any law

1 enforcement agency, or by any court for acts or conduct
2 similar to acts or conduct which would constitute grounds
3 for action as defined in this Section.

4 (35) Failure to report to the Department surrender of
5 a license or authorization to practice as a medical
6 doctor, a doctor of osteopathy, a doctor of osteopathic
7 medicine, or doctor of chiropractic in another state or
8 jurisdiction, or surrender of membership on any medical
9 staff or in any medical or professional association or
10 society, while under disciplinary investigation by any of
11 those authorities or bodies, for acts or conduct similar
12 to acts or conduct which would constitute grounds for
13 action as defined in this Section.

14 (36) Failure to report to the Department any adverse
15 judgment, settlement, or award arising from a liability
16 claim related to acts or conduct similar to acts or
17 conduct which would constitute grounds for action as
18 defined in this Section.

19 (37) Failure to provide copies of medical records as
20 required by law.

21 (38) Failure to furnish the Department, its
22 investigators or representatives, relevant information,
23 legally requested by the Department after consultation
24 with the Chief Medical Coordinator or the Deputy Medical
25 Coordinator.

26 (39) Violating the Health Care Worker Self-Referral

1 Act.

2 (40) Willful failure to provide notice when notice is
3 required under the Parental Notice of Abortion Act of
4 1995.

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

7 (42) Entering into an excessive number of written
8 collaborative agreements with licensed advanced practice
9 registered nurses resulting in an inability to adequately
10 collaborate.

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

13 (44) Violating the Compassionate Use of Medical
14 Cannabis Program Act.

15 (45) Entering into an excessive number of written
16 collaborative agreements with licensed prescribing
17 psychologists resulting in an inability to adequately
18 collaborate.

19 (46) Repeated failure to adequately collaborate with a
20 licensed prescribing psychologist.

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

25 (48) Being named as an abuser in a verified report by
26 the Department on Aging under the Adult Protective

1 Services Act, and upon proof by clear and convincing
2 evidence that the licensee abused, neglected, or
3 financially exploited an eligible adult as defined in the
4 Adult Protective Services Act.

5 (49) Entering into an excessive number of written
6 collaborative agreements with licensed physician
7 assistants resulting in an inability to adequately
8 collaborate.

9 (50) Repeated failure to adequately collaborate with a
10 physician assistant.

11 Except for actions involving the ground numbered (26), all
12 proceedings to suspend, revoke, place on probationary status,
13 or take any other disciplinary action as the Department may
14 deem proper, with regard to a license on any of the foregoing
15 grounds, must be commenced within 5 years next after receipt
16 by the Department of a complaint alleging the commission of or
17 notice of the conviction order for any of the acts described
18 herein. Except for the grounds numbered (8), (9), (26), and
19 (29), no action shall be commenced more than 10 years after the
20 date of the incident or act alleged to have violated this
21 Section. For actions involving the ground numbered (26), a
22 pattern of practice or other behavior includes all incidents
23 alleged to be part of the pattern of practice or other behavior
24 that occurred, or a report pursuant to Section 23 of this Act
25 received, within the 10-year period preceding the filing of
26 the complaint. In the event of the settlement of any claim or

1 cause of action in favor of the claimant or the reduction to
2 final judgment of any civil action in favor of the plaintiff,
3 such claim, cause of action, or civil action being grounded on
4 the allegation that a person licensed under this Act was
5 negligent in providing care, the Department shall have an
6 additional period of 2 years from the date of notification to
7 the Department under Section 23 of this Act of such settlement
8 or final judgment in which to investigate and commence formal
9 disciplinary proceedings under Section 36 of this Act, except
10 as otherwise provided by law. The time during which the holder
11 of the license was outside the State of Illinois shall not be
12 included within any period of time limiting the commencement
13 of disciplinary action by the Department.

14 The entry of an order or judgment by any circuit court
15 establishing that any person holding a license under this Act
16 is a person in need of mental treatment operates as a
17 suspension of that license. That person may resume his or her
18 ~~their~~ practice only upon the entry of a Departmental order
19 based upon a finding by the Medical Disciplinary Board that
20 the person has ~~they have~~ been determined to be recovered from
21 mental illness by the court and upon the Medical Disciplinary
22 Board's recommendation that the person ~~they~~ be permitted to
23 resume his or her ~~their~~ practice.

24 The Department may refuse to issue or take disciplinary
25 action concerning the license of any person who fails to file a
26 return, or to pay the tax, penalty, or interest shown in a

1 filed return, or to pay any final assessment of tax, penalty,
2 or interest, as required by any tax Act administered by the
3 Illinois Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied as determined
5 by the Illinois Department of Revenue.

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

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

11 (b) what constitutes dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public;

14 (c) what constitutes immoral conduct in the commission
15 of any act, including, but not limited to, commission of
16 an act of sexual misconduct related to the licensee's
17 practice; and

18 (d) what constitutes gross negligence in the practice
19 of medicine.

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

23 In enforcing this Section, the Medical ~~Disciplinary Board~~
24 ~~or the Licensing~~ Board, upon a showing of a possible
25 violation, may compel, ~~in the case of the Disciplinary Board,~~
26 any individual who is licensed to practice under this Act or

1 holds a permit to practice under this Act, or, ~~in the case of~~
2 ~~the Licensing Board,~~ any individual who has applied for
3 licensure or a permit pursuant to this Act, to submit to a
4 mental or physical examination and evaluation, or both, which
5 may include a substance abuse or sexual offender evaluation,
6 as required by the Medical ~~Licensing Board or Disciplinary~~
7 Board and at the expense of the Department. The Medical
8 ~~Disciplinary Board or Licensing~~ Board shall specifically
9 designate the examining physician licensed to practice
10 medicine in all of its branches or, if applicable, the
11 multidisciplinary team involved in providing the mental or
12 physical examination and evaluation, or both. The
13 multidisciplinary team shall be led by a physician licensed to
14 practice medicine in all of its branches and may consist of one
15 or more or a combination of physicians licensed to practice
16 medicine in all of its branches, licensed chiropractic
17 physicians, licensed clinical psychologists, licensed clinical
18 social workers, licensed clinical professional counselors, and
19 other professional and administrative staff. Any examining
20 physician or member of the multidisciplinary team may require
21 any person ordered to submit to an examination and evaluation
22 pursuant to this Section to submit to any additional
23 supplemental testing deemed necessary to complete any
24 examination or evaluation process, including, but not limited
25 to, blood testing, urinalysis, psychological testing, or
26 neuropsychological testing. The Medical ~~Disciplinary Board,~~

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

1 Failure of any individual to submit to mental or physical
2 examination and evaluation, or both, when directed, shall
3 result in an automatic suspension, without hearing, until such
4 time as the individual submits to the examination. If the
5 Medical ~~Disciplinary Board or Licensing~~ Board finds a
6 physician unable to practice following an examination and
7 evaluation because of the reasons set forth in this Section,
8 the Medical ~~Disciplinary Board or Licensing~~ Board shall
9 require such physician to submit to care, counseling, or
10 treatment by physicians, or other health care professionals,
11 approved or designated by the Medical ~~Disciplinary~~ Board, as a
12 condition for issued, continued, reinstated, or renewed
13 licensure to practice. Any physician, whose license was
14 granted pursuant to Sections 9, 17, or 19 of this Act, or,
15 continued, reinstated, renewed, disciplined or supervised,
16 subject to such terms, conditions, or restrictions who shall
17 fail to comply with such terms, conditions, or restrictions,
18 or to complete a required program of care, counseling, or
19 treatment, as determined by the Chief Medical Coordinator or
20 Deputy Medical Coordinators, shall be referred to the
21 Secretary for a determination as to whether the licensee shall
22 have his or her ~~their~~ license suspended immediately, pending a
23 hearing by the Medical ~~Disciplinary~~ Board. In instances in
24 which the Secretary immediately suspends a license under this
25 Section, a hearing upon such person's license must be convened
26 by the Medical ~~Disciplinary~~ Board within 15 days after such

1 suspension and completed without appreciable delay. The
2 Medical Disciplinary Board shall have the authority to review
3 the subject physician's record of treatment and counseling
4 regarding the impairment, to the extent permitted by
5 applicable federal statutes and regulations safeguarding the
6 confidentiality of medical records.

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

12 The Department may promulgate rules for the imposition of
13 fines in disciplinary cases, not to exceed \$10,000 for each
14 violation of this Act. Fines may be imposed in conjunction
15 with other forms of disciplinary action, but shall not be the
16 exclusive disposition of any disciplinary action arising out
17 of conduct resulting in death or injury to a patient. Any funds
18 collected from such fines shall be deposited in the Illinois
19 State Medical Disciplinary Fund.

20 All fines imposed under this Section shall be paid within
21 60 days after the effective date of the order imposing the fine
22 or in accordance with the terms set forth in the order imposing
23 the fine.

24 (B) The Department shall revoke the license or permit
25 issued under this Act to practice medicine or a chiropractic
26 physician who has been convicted a second time of committing

1 any felony under the Illinois Controlled Substances Act or the
2 Methamphetamine Control and Community Protection Act, or who
3 has been convicted a second time of committing a Class 1 felony
4 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
5 person whose license or permit is revoked under this
6 subsection B shall be prohibited from practicing medicine or
7 treating human ailments without the use of drugs and without
8 operative surgery.

9 (C) The Department shall not revoke, suspend, place on
10 probation, reprimand, refuse to issue or renew, or take any
11 other disciplinary or non-disciplinary action against the
12 license or permit issued under this Act to practice medicine
13 to a physician:

14 (1) based solely upon the recommendation of the
15 physician to an eligible patient regarding, or
16 prescription for, or treatment with, an investigational
17 drug, biological product, or device; or

18 (2) for experimental treatment for Lyme disease or
19 other tick-borne diseases, including, but not limited to,
20 the prescription of or treatment with long-term
21 antibiotics.

22 (D) The Medical ~~Disciplinary~~ Board shall recommend to the
23 Department civil penalties and any other appropriate
24 discipline in disciplinary cases when the Medical Board finds
25 that a physician willfully performed an abortion with actual
26 knowledge that the person upon whom the abortion has been

1 performed is a minor or an incompetent person without notice
2 as required under the Parental Notice of Abortion Act of 1995.
3 Upon the Medical Board's recommendation, the Department shall
4 impose, for the first violation, a civil penalty of \$1,000 and
5 for a second or subsequent violation, a civil penalty of
6 \$5,000.

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

11 (225 ILCS 60/23) (from Ch. 111, par. 4400-23)

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

13 Sec. 23. Reports relating to professional conduct and
14 capacity.

15 (A) Entities required to report.

16 (1) Health care institutions. The chief administrator
17 or executive officer of any health care institution
18 licensed by the Illinois Department of Public Health shall
19 report to the Medical ~~Disciplinary~~ Board when any person's
20 clinical privileges are terminated or are restricted based
21 on a final determination made in accordance with that
22 institution's by-laws or rules and regulations that a
23 person has either committed an act or acts which may
24 directly threaten patient care or that a person may have a
25 mental or physical disability that may endanger patients

1 under that person's care. Such officer also shall report
2 if a person accepts voluntary termination or restriction
3 of clinical privileges in lieu of formal action based upon
4 conduct related directly to patient care or in lieu of
5 formal action seeking to determine whether a person may
6 have a mental or physical disability that may endanger
7 patients under that person's care. The Medical
8 ~~Disciplinary~~ Board shall, by rule, provide for the
9 reporting to it by health care institutions of all
10 instances in which a person, licensed under this Act, who
11 is impaired by reason of age, drug or alcohol abuse or
12 physical or mental impairment, is under supervision and,
13 where appropriate, is in a program of rehabilitation. Such
14 reports shall be strictly confidential and may be reviewed
15 and considered only by the members of the Medical
16 ~~Disciplinary~~ Board, or by authorized staff as provided by
17 rules of the Medical ~~Disciplinary~~ Board. Provisions shall
18 be made for the periodic report of the status of any such
19 person not less than twice annually in order that the
20 Medical ~~Disciplinary~~ Board shall have current information
21 upon which to determine the status of any such person.
22 Such initial and periodic reports of impaired physicians
23 shall not be considered records within the meaning of The
24 State Records Act and shall be disposed of, following a
25 determination by the Medical ~~Disciplinary~~ Board that such
26 reports are no longer required, in a manner and at such

1 time as the Medical ~~Disciplinary~~ Board shall determine by
2 rule. The filing of such reports shall be construed as the
3 filing of a report for purposes of subsection (C) of this
4 Section.

5 (1.5) Clinical training programs. The program director
6 of any post-graduate clinical training program shall
7 report to the Medical ~~Disciplinary~~ Board if a person
8 engaged in a post-graduate clinical training program at
9 the institution, including, but not limited to, a
10 residency or fellowship, separates from the program for
11 any reason prior to its conclusion. The program director
12 shall provide all documentation relating to the separation
13 if, after review of the report, the Medical ~~Disciplinary~~
14 Board determines that a review of those documents is
15 necessary to determine whether a violation of this Act
16 occurred.

17 (2) Professional associations. The President or chief
18 executive officer of any association or society, of
19 persons licensed under this Act, operating within this
20 State shall report to the Medical ~~Disciplinary~~ Board when
21 the association or society renders a final determination
22 that a person has committed unprofessional conduct related
23 directly to patient care or that a person may have a mental
24 or physical disability that may endanger patients under
25 that person's care.

26 (3) Professional liability insurers. Every insurance

1 company which offers policies of professional liability
2 insurance to persons licensed under this Act, or any other
3 entity which seeks to indemnify the professional liability
4 of a person licensed under this Act, shall report to the
5 Medical ~~Disciplinary~~ Board the settlement of any claim or
6 cause of action, or final judgment rendered in any cause
7 of action, which alleged negligence in the furnishing of
8 medical care by such licensed person when such settlement
9 or final judgment is in favor of the plaintiff.

10 (4) State's Attorneys. The State's Attorney of each
11 county shall report to the Medical ~~Disciplinary~~ Board,
12 within 5 days, any instances in which a person licensed
13 under this Act is convicted of any felony or Class A
14 misdemeanor. The State's Attorney of each county may
15 report to the Medical ~~Disciplinary~~ Board through a
16 verified complaint any instance in which the State's
17 Attorney believes that a physician has willfully violated
18 the notice requirements of the Parental Notice of Abortion
19 Act of 1995.

20 (5) State agencies. All agencies, boards, commissions,
21 departments, or other instrumentalities of the government
22 of the State of Illinois shall report to the Medical
23 ~~Disciplinary~~ Board any instance arising in connection with
24 the operations of such agency, including the
25 administration of any law by such agency, in which a
26 person licensed under this Act has either committed an act

1 or acts which may be a violation of this Act or which may
2 constitute unprofessional conduct related directly to
3 patient care or which indicates that a person licensed
4 under this Act may have a mental or physical disability
5 that may endanger patients under that person's care.

6 (B) Mandatory reporting. All reports required by items
7 (34), (35), and (36) of subsection (A) of Section 22 and by
8 Section 23 shall be submitted to the Medical Disciplinary
9 Board in a timely fashion. Unless otherwise provided in this
10 Section, the reports shall be filed in writing within 60 days
11 after a determination that a report is required under this
12 Act. All reports shall contain the following information:

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

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

17 (3) The name and date of birth of any patient or
18 patients whose treatment is a subject of the report, if
19 available, or other means of identification if such
20 information is not available, identification of the
21 hospital or other healthcare facility where the care at
22 issue in the report was rendered, provided, however, no
23 medical records may be revealed.

24 (4) A brief description of the facts which gave rise
25 to the issuance of the report, including the dates of any
26 occurrences deemed to necessitate the filing of the

1 report.

2 (5) If court action is involved, the identity of the
3 court in which the action is filed, along with the docket
4 number and date of filing of the action.

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

8 The Medical ~~Disciplinary~~ Board or Department may also
9 exercise the power under Section 38 of this Act to subpoena
10 copies of hospital or medical records in mandatory report
11 cases alleging death or permanent bodily injury. Appropriate
12 rules shall be adopted by the Department with the approval of
13 the Medical ~~Disciplinary~~ Board.

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

19 Nothing contained in this Section shall act to in any way,
20 waive or modify the confidentiality of medical reports and
21 committee reports to the extent provided by law. Any
22 information reported or disclosed shall be kept for the
23 confidential use of the Medical ~~Disciplinary~~ Board, the
24 Medical Coordinators, the Medical ~~Disciplinary~~ Board's
25 attorneys, the medical investigative staff, and authorized
26 clerical staff, as provided in this Act, and shall be afforded

1 the same status as is provided information concerning medical
2 studies in Part 21 of Article VIII of the Code of Civil
3 Procedure, except that the Department may disclose information
4 and documents to a federal, State, or local law enforcement
5 agency pursuant to a subpoena in an ongoing criminal
6 investigation or to a health care licensing body or medical
7 licensing authority of this State or another state or
8 jurisdiction pursuant to an official request made by that
9 licensing body or medical licensing authority. Furthermore,
10 information and documents disclosed to a federal, State, or
11 local law enforcement agency may be used by that agency only
12 for the investigation and prosecution of a criminal offense,
13 or, in the case of disclosure to a health care licensing body
14 or medical licensing authority, only for investigations and
15 disciplinary action proceedings with regard to a license.
16 Information and documents disclosed to the Department of
17 Public Health may be used by that Department only for
18 investigation and disciplinary action regarding the license of
19 a health care institution licensed by the Department of Public
20 Health.

21 (C) Immunity from prosecution. Any individual or
22 organization acting in good faith, and not in a wilful and
23 wanton manner, in complying with this Act by providing any
24 report or other information to the Medical Disciplinary Board
25 or a peer review committee, or assisting in the investigation
26 or preparation of such information, or by voluntarily

1 reporting to the Medical ~~Disciplinary~~ Board or a peer review
2 committee information regarding alleged errors or negligence
3 by a person licensed under this Act, or by participating in
4 proceedings of the Medical ~~Disciplinary~~ Board or a peer review
5 committee, or by serving as a member of the Medical
6 ~~Disciplinary~~ Board or a peer review committee, shall not, as a
7 result of such actions, be subject to criminal prosecution or
8 civil damages.

9 (D) Indemnification. Members of the Medical ~~Disciplinary~~
10 Board, ~~the Licensing Board~~, the Medical Coordinators, the
11 Medical ~~Disciplinary~~ Board's attorneys, the medical
12 investigative staff, physicians retained under contract to
13 assist and advise the medical coordinators in the
14 investigation, and authorized clerical staff shall be
15 indemnified by the State for any actions occurring within the
16 scope of services on the Medical ~~Disciplinary Board or~~
17 ~~Licensing~~ Board, done in good faith and not wilful and wanton
18 in nature. The Attorney General shall defend all such actions
19 unless he or she determines either that there would be a
20 conflict of interest in such representation or that the
21 actions complained of were not in good faith or were wilful and
22 wanton.

23 Should the Attorney General decline representation, the
24 member shall have the right to employ counsel of his or her
25 choice, whose fees shall be provided by the State, after
26 approval by the Attorney General, unless there is a

1 determination by a court that the member's actions were not in
2 good faith or were wilful and wanton.

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

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

11 (E) Deliberations of Medical ~~Disciplinary~~ Board. Upon the
12 receipt of any report called for by this Act, other than those
13 reports of impaired persons licensed under this Act required
14 pursuant to the rules of the Medical ~~Disciplinary~~ Board, the
15 Medical ~~Disciplinary~~ Board shall notify in writing, by
16 ~~certified~~ mail or email, the person who is the subject of the
17 report. Such notification shall be made within 30 days of
18 receipt by the Medical ~~Disciplinary~~ Board of the report.

19 The notification shall include a written notice setting
20 forth the person's right to examine the report. Included in
21 such notification shall be the address at which the file is
22 maintained, the name of the custodian of the reports, and the
23 telephone number at which the custodian may be reached. The
24 person who is the subject of the report shall submit a written
25 statement responding, clarifying, adding to, or proposing the
26 amending of the report previously filed. The person who is the

1 subject of the report shall also submit with the written
2 statement any medical records related to the report. The
3 statement and accompanying medical records shall become a
4 permanent part of the file and must be received by the Medical
5 ~~Disciplinary~~ Board no more than 30 days after the date on which
6 the person was notified by the Medical ~~Disciplinary~~ Board of
7 the existence of the original report.

8 The Medical ~~Disciplinary~~ Board shall review all reports
9 received by it, together with any supporting information and
10 responding statements submitted by persons who are the subject
11 of reports. The review by the Medical ~~Disciplinary~~ Board shall
12 be in a timely manner but in no event, shall the Medical
13 ~~Disciplinary~~ Board's initial review of the material contained
14 in each disciplinary file be less than 61 days nor more than
15 180 days after the receipt of the initial report by the Medical
16 ~~Disciplinary~~ Board.

17 When the Medical ~~Disciplinary~~ Board makes its initial
18 review of the materials contained within its disciplinary
19 files, the Medical ~~Disciplinary~~ Board shall, in writing, make
20 a determination as to whether there are sufficient facts to
21 warrant further investigation or action. Failure to make such
22 determination within the time provided shall be deemed to be a
23 determination that there are not sufficient facts to warrant
24 further investigation or action.

25 Should the Medical ~~Disciplinary~~ Board find that there are
26 not sufficient facts to warrant further investigation, or

1 action, the report shall be accepted for filing and the matter
2 shall be deemed closed and so reported to the Secretary. The
3 Secretary shall then have 30 days to accept the Medical
4 ~~Disciplinary~~ Board's decision or request further
5 investigation. The Secretary shall inform the Medical Board of
6 the decision to request further investigation, including the
7 specific reasons for the decision. The individual or entity
8 filing the original report or complaint and the person who is
9 the subject of the report or complaint shall be notified in
10 writing by the Secretary of any final action on their report or
11 complaint. The Department shall disclose to the individual or
12 entity who filed the original report or complaint, on request,
13 the status of the Medical ~~Disciplinary~~ Board's review of a
14 specific report or complaint. Such request may be made at any
15 time, including prior to the Medical ~~Disciplinary~~ Board's
16 determination as to whether there are sufficient facts to
17 warrant further investigation or action.

18 (F) Summary reports. The Medical ~~Disciplinary~~ Board shall
19 prepare, on a timely basis, but in no event less than once
20 every other month, a summary report of final disciplinary
21 actions taken upon disciplinary files maintained by the
22 Medical ~~Disciplinary~~ Board. The summary reports shall be made
23 available to the public upon request and payment of the fees
24 set by the Department. This publication may be made available
25 to the public on the Department's website. Information or
26 documentation relating to any disciplinary file that is closed

1 without disciplinary action taken shall not be disclosed and
2 shall be afforded the same status as is provided by Part 21 of
3 Article VIII of the Code of Civil Procedure.

4 (G) Any violation of this Section shall be a Class A
5 misdemeanor.

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

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

20 (225 ILCS 60/24) (from Ch. 111, par. 4400-24)

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

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

23 (a) Any physician licensed under this Act, the Illinois
24 State Medical Society, the Illinois Association of Osteopathic
25 Physicians and Surgeons, the Illinois Chiropractic Society,

1 the Illinois Prairie State Chiropractic Association, or any
2 component societies of any of these 4 groups, and any other
3 person, may report to the Medical ~~Disciplinary~~ Board any
4 information the physician, association, society, or person may
5 have that appears to show that a physician is or may be in
6 violation of any of the provisions of Section 22 of this Act.

7 (b) The Department may enter into agreements with the
8 Illinois State Medical Society, the Illinois Association of
9 Osteopathic Physicians and Surgeons, the Illinois Prairie
10 State Chiropractic Association, or the Illinois Chiropractic
11 Society to allow these organizations to assist the Medical
12 ~~Disciplinary~~ Board in the review of alleged violations of this
13 Act. Subject to the approval of the Department, any
14 organization party to such an agreement may subcontract with
15 other individuals or organizations to assist in review.

16 (c) Any physician, association, society, or person
17 participating in good faith in the making of a report under
18 this Act or participating in or assisting with an
19 investigation or review under this Act shall have immunity
20 from any civil, criminal, or other liability that might result
21 by reason of those actions.

22 (d) The medical information in the custody of an entity
23 under contract with the Department participating in an
24 investigation or review shall be privileged and confidential
25 to the same extent as are information and reports under the
26 provisions of Part 21 of Article VIII of the Code of Civil

1 Procedure.

2 (e) Upon request by the Department after a mandatory
3 report has been filed with the Department, an attorney for any
4 party seeking to recover damages for injuries or death by
5 reason of medical, hospital, or other healing art malpractice
6 shall provide patient records related to the physician
7 involved in the disciplinary proceeding to the Department
8 within 30 days of the Department's request for use by the
9 Department in any disciplinary matter under this Act. An
10 attorney who provides patient records to the Department in
11 accordance with this requirement shall not be deemed to have
12 violated any attorney-client privilege. Notwithstanding any
13 other provision of law, consent by a patient shall not be
14 required for the provision of patient records in accordance
15 with this requirement.

16 (f) For the purpose of any civil or criminal proceedings,
17 the good faith of any physician, association, society or
18 person shall be presumed.

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

20 (225 ILCS 60/25) (from Ch. 111, par. 4400-25)

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

22 Sec. 25. The Secretary of the Department may, upon receipt
23 of a written communication from the Secretary of Human
24 Services, the Director of Healthcare and Family Services
25 (formerly Director of Public Aid), or the Director of Public

1 Health that continuation of practice of a person licensed
2 under this Act constitutes an immediate danger to the public,
3 and after consultation with the Chief Medical Coordinator or
4 Deputy Medical Coordinator, immediately suspend the license of
5 such person without a hearing. In instances in which the
6 Secretary immediately suspends a license under this Section, a
7 hearing upon such person's license must be convened by the
8 Medical Disciplinary Board within 15 days after such
9 suspension and completed without appreciable delay. Such
10 hearing is to be held to determine whether to recommend to the
11 Secretary that the person's license be revoked, suspended,
12 placed on probationary status or reinstated, or whether such
13 person should be subject to other disciplinary action. In the
14 hearing, the written communication and any other evidence
15 submitted therewith may be introduced as evidence against such
16 person; provided however, the person, or their counsel, shall
17 have the opportunity to discredit, impeach and submit evidence
18 rebutting such evidence.

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

20 (225 ILCS 60/35) (from Ch. 111, par. 4400-35)

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

22 Sec. 35. The Secretary shall have the authority to appoint
23 an attorney duly licensed to practice law in the State of
24 Illinois to serve as the hearing officer in any action to
25 suspend, revoke, place on probationary status, or take any

1 other disciplinary action with regard to a license. The
2 hearing officer shall have full authority to conduct the
3 hearing. The hearing officer shall report his findings and
4 recommendations to the Medical ~~Disciplinary Board or Licensing~~
5 Board within 30 days of the receipt of the record. The Medical
6 ~~Disciplinary Board or Licensing~~ Board shall have 60 days from
7 receipt of the report to review the report of the hearing
8 officer and present their findings of fact, conclusions of law
9 and recommendations to the Secretary.

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

11 (225 ILCS 60/36) (from Ch. 111, par. 4400-36)

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

13 Sec. 36. Investigation; notice.

14 (a) Upon the motion of either the Department or the
15 Medical ~~Disciplinary~~ Board or upon the verified complaint in
16 writing of any person setting forth facts which, if proven,
17 would constitute grounds for suspension or revocation under
18 Section 22 of this Act, the Department shall investigate the
19 actions of any person, so accused, who holds or represents
20 that he or she holds a license. Such person is hereinafter
21 called the accused.

22 (b) The Department shall, before suspending, revoking,
23 placing on probationary status, or taking any other
24 disciplinary action as the Department may deem proper with
25 regard to any license at least 30 days prior to the date set

1 for the hearing, notify the accused in writing of any charges
2 made and the time and place for a hearing of the charges before
3 the Medical Disciplinary Board, direct him or her to file his
4 or her written answer thereto to the Medical Disciplinary
5 Board under oath within 20 days after the service on him or her
6 of such notice and inform him or her that if he or she fails to
7 file such answer default will be taken against him or her and
8 his or her license may be suspended, revoked, placed on
9 probationary status, or have other disciplinary action,
10 including limiting the scope, nature or extent of his or her
11 practice, as the Department may deem proper taken with regard
12 thereto. The Department shall, at least 14 days prior to the
13 date set for the hearing, notify in writing any person who
14 filed a complaint against the accused of the time and place for
15 the hearing of the charges against the accused before the
16 Medical Disciplinary Board and inform such person whether he
17 or she may provide testimony at the hearing.

18 (c) (Blank).

19 (d) Such written notice and any notice in such proceedings
20 thereafter may be served by personal delivery, email to the
21 respondent's email address of record, or mail to the
22 respondent's address of record.

23 (e) All information gathered by the Department during its
24 investigation including information subpoenaed under Section
25 23 or 38 of this Act and the investigative file shall be kept
26 for the confidential use of the Secretary, the Medical

1 ~~Disciplinary~~ Board, the Medical Coordinators, persons employed
2 by contract to advise the Medical Coordinator or the
3 Department, the Medical ~~Disciplinary~~ Board's attorneys, the
4 medical investigative staff, and authorized clerical staff, as
5 provided in this Act and shall be afforded the same status as
6 is provided information concerning medical studies in Part 21
7 of Article VIII of the Code of Civil Procedure, except that the
8 Department may disclose information and documents to a
9 federal, State, or local law enforcement agency pursuant to a
10 subpoena in an ongoing criminal investigation to a health care
11 licensing body of this State or another state or jurisdiction
12 pursuant to an official request made by that licensing body.
13 Furthermore, information and documents disclosed to a federal,
14 State, or local law enforcement agency may be used by that
15 agency only for the investigation and prosecution of a
16 criminal offense or, in the case of disclosure to a health care
17 licensing body, only for investigations and disciplinary
18 action proceedings with regard to a license issued by that
19 licensing body.

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

22 (225 ILCS 60/37) (from Ch. 111, par. 4400-37)

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

24 Sec. 37. Disciplinary actions.

25 (a) At the time and place fixed in the notice, the Medical

1 ~~Disciplinary~~ Board provided for in this Act shall proceed to
2 hear the charges, and the accused person shall be accorded
3 ample opportunity to present in person, or by counsel, such
4 statements, testimony, evidence and argument as may be
5 pertinent to the charges or to any defense thereto. The
6 Medical ~~Disciplinary~~ Board may continue such hearing from time
7 to time. If the Medical ~~Disciplinary~~ Board is not sitting at
8 the time and place fixed in the notice or at the time and place
9 to which the hearing has been continued, the Department shall
10 continue such hearing for a period not to exceed 30 days.

11 (b) In case the accused person, after receiving notice,
12 fails to file an answer, their license may, in the discretion
13 of the Secretary, having received first the recommendation of
14 the Medical ~~Disciplinary~~ Board, be suspended, revoked or
15 placed on probationary status, or the Secretary may take
16 whatever disciplinary action as he or she may deem proper,
17 including limiting the scope, nature, or extent of said
18 person's practice, without a hearing, if the act or acts
19 charged constitute sufficient grounds for such action under
20 this Act.

21 (c) The Medical ~~Disciplinary~~ Board has the authority to
22 recommend to the Secretary that probation be granted or that
23 other disciplinary or non-disciplinary action, including the
24 limitation of the scope, nature or extent of a person's
25 practice, be taken as it deems proper. If disciplinary or
26 non-disciplinary action, other than suspension or revocation,

1 is taken the Medical ~~Disciplinary~~ Board may recommend that the
2 Secretary impose reasonable limitations and requirements upon
3 the accused registrant to ensure ~~insure~~ compliance with the
4 terms of the probation or other disciplinary action including,
5 but not limited to, regular reporting by the accused to the
6 Department of their actions, placing themselves under the care
7 of a qualified physician for treatment, or limiting their
8 practice in such manner as the Secretary may require.

9 (d) The Secretary, after consultation with the Chief
10 Medical Coordinator or Deputy Medical Coordinator, may
11 temporarily suspend the license of a physician without a
12 hearing, simultaneously with the institution of proceedings
13 for a hearing provided under this Section if the Secretary
14 finds that evidence in his or her possession indicates that a
15 physician's continuation in practice would constitute an
16 immediate danger to the public. In the event that the
17 Secretary suspends, temporarily, the license of a physician
18 without a hearing, a hearing by the Medical ~~Disciplinary~~ Board
19 shall be held within 15 days after such suspension has
20 occurred and shall be concluded without appreciable delay.

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

22 (225 ILCS 60/38) (from Ch. 111, par. 4400-38)

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

24 Sec. 38. Subpoena; oaths.

25 (a) The Medical ~~Disciplinary~~ Board or Department has power

1 to subpoena and bring before it any person in this State and to
2 take testimony either orally or by deposition, or both, with
3 the same fees and mileage and in the same manner as is
4 prescribed by law for judicial procedure in civil cases.

5 (b) The Medical ~~Disciplinary~~ Board or Department, upon a
6 determination that probable cause exists that a violation of
7 one or more of the grounds for discipline listed in Section 22
8 has occurred or is occurring, may subpoena the medical and
9 hospital records of individual patients of physicians licensed
10 under this Act, provided, that prior to the submission of such
11 records to the Medical ~~Disciplinary~~ Board, all information
12 indicating the identity of the patient shall be removed and
13 deleted. Notwithstanding the foregoing, the Medical
14 ~~Disciplinary~~ Board and Department shall possess the power to
15 subpoena copies of hospital or medical records in mandatory
16 report cases under Section 23 alleging death or permanent
17 bodily injury when consent to obtain records is not provided
18 by a patient or legal representative. Prior to submission of
19 the records to the Medical ~~Disciplinary~~ Board, all information
20 indicating the identity of the patient shall be removed and
21 deleted. All medical records and other information received
22 pursuant to subpoena shall be confidential and shall be
23 afforded the same status as is proved information concerning
24 medical studies in Part 21 of Article VIII of the Code of Civil
25 Procedure. The use of such records shall be restricted to
26 members of the Medical ~~Disciplinary~~ Board, the medical

1 coordinators, and appropriate staff of the Department
2 designated by the Medical ~~Disciplinary~~ Board for the purpose
3 of determining the existence of one or more grounds for
4 discipline of the physician as provided for by Section 22 of
5 this Act. Any such review of individual patients' records
6 shall be conducted by the Medical ~~Disciplinary~~ Board in strict
7 confidentiality, provided that such patient records shall be
8 admissible in a disciplinary hearing, before the Medical
9 ~~Disciplinary~~ Board, when necessary to substantiate the grounds
10 for discipline alleged against the physician licensed under
11 this Act, and provided further, that nothing herein shall be
12 deemed to supersede the provisions of Part 21 of Article VIII
13 of the "~~Code of Civil Procedure~~", ~~as now or hereafter amended~~,
14 to the extent applicable.

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

19 (d) The Medical ~~Disciplinary~~ Board, upon a determination
20 that probable cause exists that a violation of one or more of
21 the grounds for discipline listed in Section 22 has occurred
22 or is occurring on the business premises of a physician
23 licensed under this Act, may issue an order authorizing an
24 appropriately qualified investigator employed by the
25 Department to enter upon the business premises with due
26 consideration for patient care of the subject of the

1 investigation so as to inspect the physical premises and
2 equipment and furnishings therein. No such order shall include
3 the right of inspection of business, medical, or personnel
4 records located on the premises. For purposes of this Section,
5 "business premises" is defined as the office or offices where
6 the physician conducts the practice of medicine. Any such
7 order shall expire and become void five business days after
8 its issuance by the Medical ~~Disciplinary~~ Board. The execution
9 of any such order shall be valid only during the normal
10 business hours of the facility or office to be inspected.

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

12 (225 ILCS 60/39) (from Ch. 111, par. 4400-39)

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

14 Sec. 39. Certified shorthand reporter; record. The
15 Department, at its expense, shall provide a certified
16 shorthand reporter to take down the testimony and preserve a
17 record of all proceedings at the hearing of any case wherein a
18 license may be revoked, suspended, placed on probationary
19 status, or other disciplinary action taken with regard thereto
20 in accordance with Section 2105-115 of the Department of
21 Professional Regulation Law of the Civil Administrative Code
22 of Illinois. The notice of hearing, complaint and all other
23 documents in the nature of pleadings and written motions filed
24 in the proceedings, the transcript of testimony, the report of
25 the hearing officer, exhibits, the report of the Medical

1 Board, and the orders of the Department constitute the record
2 of the proceedings.

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

4 (225 ILCS 60/40) (from Ch. 111, par. 4400-40)

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

6 Sec. 40. Findings and recommendations; rehearing.

7 (a) The Medical ~~Disciplinary~~ Board shall present to the
8 Secretary a written report of its findings and
9 recommendations. A copy of such report shall be served upon
10 the accused person, either personally or by mail or email.
11 Within 20 days after such service, the accused person may
12 present to the Department his or her motion, in writing, for a
13 rehearing, which written motion shall specify the particular
14 ground therefor. If the accused person orders and pays for a
15 transcript of the record as provided in Section 39, the time
16 elapsing thereafter and before such transcript is ready for
17 delivery to them shall not be counted as part of such 20 days.

18 (b) At the expiration of the time allowed for filing a
19 motion for rehearing, the Secretary may take the action
20 recommended by the Medical ~~Disciplinary~~ Board. Upon the
21 suspension, revocation, placement on probationary status, or
22 the taking of any other disciplinary action, including the
23 limiting of the scope, nature, or extent of one's practice,
24 deemed proper by the Department, with regard to the license or
25 permit, the accused shall surrender his or her license or

1 permit to the Department, if ordered to do so by the
2 Department, and upon his or her failure or refusal so to do,
3 the Department may seize the same.

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

10 (d) (Blank). ~~The Department shall at least annually~~
11 ~~publish a list of the names of all persons disciplined under~~
12 ~~this Act in the preceding 12 months. Such lists shall be~~
13 ~~available by the Department on its website.~~

14 (e) In those instances where an order of revocation,
15 suspension, or other disciplinary action has been rendered by
16 virtue of a physician's physical illness, including, but not
17 limited to, deterioration through the aging process, or loss
18 of motor skill which results in a physician's inability to
19 practice medicine with reasonable judgment, skill, or safety,
20 the Department shall only permit this document, and the record
21 of the hearing incident thereto, to be observed, inspected,
22 viewed, or copied pursuant to court order.

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

24 (225 ILCS 60/41) (from Ch. 111, par. 4400-41)

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

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

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

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

10 (c) The Department shall not be required to certify any
11 record to the court, to file an answer in court, or to
12 otherwise appear in any court in a judicial review proceeding
13 unless and until the Department has received from the
14 plaintiff payment of the costs of furnishing and certifying
15 the record, which costs shall be determined by the Department.
16 ~~Exhibits shall be certified without cost.~~ Failure on the part
17 of the plaintiff to file a receipt in court shall be grounds
18 for dismissal of the action. During the pendency and hearing
19 of any and all judicial proceedings incident to the
20 disciplinary action the sanctions imposed upon the accused by
21 the Department because of acts or omissions related to the
22 delivery of direct patient care as specified in the
23 Department's final administrative decision, shall as a matter
24 of public policy remain in full force and effect in order to
25 protect the public pending final resolution of any of the
26 proceedings.

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

2 (225 ILCS 60/42) (from Ch. 111, par. 4400-42)

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

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

9 (a) Such signature is the genuine signature of the
10 Secretary;

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

12 (c) The Medical ~~Disciplinary~~ Board and the members
13 thereof are qualified.

14 Such proof may be rebutted.

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

16 (225 ILCS 60/44) (from Ch. 111, par. 4400-44)

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

18 Sec. 44. None of the disciplinary functions, powers and
19 duties enumerated in this Act shall be exercised by the
20 Department except upon the action and report in writing of the
21 Medical ~~Disciplinary~~ Board.

22 In all instances, under this Act, in which the Medical
23 ~~Disciplinary~~ Board has rendered a recommendation to the
24 Secretary with respect to a particular physician, the

1 Secretary may take action contrary to the recommendation of
2 the Medical Board. In ~~shall, in~~ the event that the Secretary ~~he~~
3 ~~or she~~ disagrees with or takes action contrary to the
4 recommendation of the Medical ~~Disciplinary~~ Board, file with
5 the Medical ~~Disciplinary~~ Board his or her specific written
6 reasons of disagreement with the Medical ~~Disciplinary~~ Board.
7 Such reasons shall be filed within 30 days of the occurrence of
8 the Secretary's contrary position having been taken.

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

12 Whenever the Secretary is satisfied that substantial
13 justice has not been done ~~either in an examination, or in a~~
14 formal disciplinary action, or refusal to restore a license,
15 he or she may order a ~~reexamination or rehearing by the same or~~
16 ~~other examiners.~~

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

18 (225 ILCS 60/47) (from Ch. 111, par. 4400-47)

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

20 Sec. 47. 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, except that the provision of
24 subsection (d) of Section 10-65 of the Illinois Administrative
25 Procedure Act that provides that at hearings the licensee has

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

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

8 Section 25. The Boxing and Full-contact Martial Arts Act
9 is amended by changing Sections 1, 2, 5, 6, 7, 8, 10, 11, 12,
10 13, 15, 16, 17, 17.7, 17.8, 17.9, 18, 19, 19.1, 19.5, 20, 21,
11 22, 23, 23.1, 24, 24.5, and 25.1 and by adding Sections 1.4 and
12 2.5 as follows:

13 (225 ILCS 105/1) (from Ch. 111, par. 5001)

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

15 Sec. 1. Short title and definitions.

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

18 (b) As used in this Act:

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

21 "Secretary" means the Secretary of Financial and
22 Professional Regulation or a person authorized by the
23 Secretary to act in the Secretary's stead.

24 "Board" means the State of Illinois Athletic Board

1 ~~established pursuant to this Act.~~

2 "License" means the license issued for promoters,
3 professionals, amateurs, or officials in accordance with
4 this Act.

5 "Contest ~~Professional contest~~" means a boxing or
6 full-contact martial arts competition in which all of the
7 participants competing against one another are
8 professionals or amateurs and where the public is able to
9 attend or a fee is charged.

10 "Permit" means the authorization from the Department
11 to a promoter to conduct professional or amateur contests,
12 or a combination of both.

13 "Promoter" means a person who is licensed and who
14 holds a permit to conduct professional or amateur
15 contests, or a combination of both.

16 Unless the context indicates otherwise, "person"
17 includes, but is not limited to, an individual,
18 association, organization, business entity, gymnasium, or
19 club.

20 "Judge" means a person licensed by the Department who
21 is located at ringside or adjacent to the fighting area
22 during a ~~professional~~ contest and who has the
23 responsibility of scoring the performance of the
24 participants in that professional or amateur contest.

25 "Referee" means a person licensed by the Department
26 who has the general supervision of and is present inside

1 of the ring or fighting area during a professional or
2 amateur contest.

3 "Amateur" means a person licensed ~~registered~~ by the
4 Department who is not competing for, and has never
5 received or competed for, any purse or other article of
6 value, directly or indirectly, either for participating in
7 any contest or for the expenses of training therefor,
8 other than a non-monetary prize that does not exceed \$50
9 in value.

10 "Professional" means a person licensed by the
11 Department who competes for a money prize, purse, or other
12 type of compensation in a professional contest held in
13 Illinois.

14 "Second" means a person licensed by the Department who
15 is present at any professional or amateur contest to
16 provide assistance or advice to a professional during the
17 contest.

18 "Matchmaker" means a person licensed by the Department
19 who brings together professionals or amateurs to compete
20 in contests.

21 "Manager" means a person licensed by the Department
22 who is not a promoter and who, under contract, agreement,
23 or other arrangement, undertakes to, directly or
24 indirectly, control or administer the affairs of
25 contestants ~~professionals~~.

26 "Timekeeper" means a person licensed by the Department

1 who is the official timer of the length of rounds and the
2 intervals between the rounds.

3 "Purse" means the financial guarantee or any other
4 remuneration for which contestants are participating in a
5 professional contest.

6 "Physician" means a person licensed to practice
7 medicine in all its branches under the Medical Practice
8 Act of 1987.

9 "Martial arts" means a discipline or combination of
10 different disciplines that utilizes sparring techniques
11 without the intent to injure, disable, or incapacitate
12 one's opponent, such as, but not limited to, Karate, Kung
13 Fu, ~~Judo, Jujutsu, and~~ Tae Kwon Do, ~~and Kyuki Do.~~

14 "Full-contact martial arts" means the use of a
15 singular discipline or a combination of techniques from
16 different disciplines of the martial arts, including,
17 without limitation, full-force grappling, kicking, and
18 striking with the intent to injure, disable, or
19 incapacitate one's opponent.

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

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

26 "Address of record" means the designated address

1 recorded by the Department in the applicant's or
2 licensee's application file or license file, ~~or~~
3 ~~registration file~~ as maintained by the Department's
4 licensure maintenance unit. ~~It is the duty of the~~
5 ~~applicant or licensee to inform the Department of any~~
6 ~~change of address and those changes must be made either~~
7 ~~through the Department's website or by contacting the~~
8 ~~Department.~~

9 "Bout" means one match between 2 contestants.

10 "Sanctioning body" means an organization approved by
11 the Department under the requirements and standards stated
12 in this Act and the rules adopted under this Act to act as
13 a governing body that sanctions professional or amateur
14 full-contact martial arts contests.

15 "Email address of record" means the designated email
16 address recorded by the Department in the applicant's
17 application file or the licensee's license file as
18 maintained by the Department's licensure maintenance unit.

19 (Source: P.A. 96-663, eff. 8-25-09; 97-119, eff. 7-14-11;
20 97-1123, eff. 8-27-12.)

21 (225 ILCS 105/1.4 new)

22 Sec. 1.4. Address of record; email address of record. All
23 applicants and licensees shall:

24 (1) provide a valid address and email address to the
25 Department, which shall serve as the address of record and

1 email address of record, respectively, at the time of
2 application for licensure or renewal of a license; and

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

7 (225 ILCS 105/2) (from Ch. 111, par. 5002)

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

9 Sec. 2. State of Illinois Athletic Board.

10 (a) The Secretary shall appoint members to the State of
11 Illinois Athletic Board. The Board shall consist of 7 members
12 who shall serve in an advisory capacity to the Secretary.

13 ~~There is created the State of Illinois Athletic Board~~
14 ~~consisting of 6 persons who shall be appointed by and shall~~
15 ~~serve in an advisory capacity to the Secretary, and the State~~
16 ~~Professional Boxing Board shall be disbanded.~~ One member of

17 the Board shall be a physician licensed to practice medicine
18 in all of its branches. One member of the Board shall be a
19 member of the full-contact martial arts community. ~~One and one~~

20 member of the Board shall be a member of either the
21 full-contact martial arts community or the boxing community.

22 ~~The Secretary shall appoint each member to serve for a term of~~
23 ~~3 years and until his or her successor is appointed and~~
24 ~~qualified. One member of the board shall be designated as the~~
25 ~~Chairperson and one member shall be designated as the~~

1 ~~Vice chairperson. No member shall be appointed to the Board~~
2 ~~for a term which would cause continuous service to be more than~~
3 ~~9 years. Each member of the board shall receive compensation~~
4 ~~for each day he or she is engaged in transacting the business~~
5 ~~of the board and, in addition, shall be reimbursed for his or~~
6 ~~her authorized and approved expenses necessarily incurred in~~
7 ~~relation to such service in accordance with the travel~~
8 ~~regulations applicable to the Department at the time the~~
9 ~~expenses are incurred.~~

10 (b) Board members shall serve 5-year terms and until their
11 successors are appointed and qualified.

12 (c) In appointing members to the Board, the Secretary
13 shall give due consideration to recommendations by members and
14 organizations of the martial arts and boxing industry.

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

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

20 (f) The Secretary may terminate the appointment of any
21 member for cause that in the opinion of the Secretary
22 reasonably justified such termination, which may include, but
23 is not limited to, a Board member who does not attend 2
24 consecutive meetings.

25 (g) Appointments to fill vacancies shall be made in the
26 same manner as original appointments, for the unexpired

1 portion of the vacated term.

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

4 (i) Members of the Board shall have no liability in any
5 action based upon activity performed in good faith as members
6 of the Board.

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

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

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

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

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

17 (225 ILCS 105/2.5 new)

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

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

21 (1) The Board shall hold at least one meeting each
22 year.

23 (2) The Board shall elect a chairperson and a vice
24 chairperson.

25 (b) The Department may, at any time, seek the expert

1 advice and knowledge of the Board on any matter relating to the
2 enforcement of this Act.

3 (225 ILCS 105/5) (from Ch. 111, par. 5005)

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

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

8 (1) Ascertain the qualifications and fitness of
9 applicants for license and permits.

10 (2) Adopt rules required for the administration of
11 this Act.

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

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

18 (5) Conduct investigations related to possible
19 violations of this Act.

20 ~~The Department shall exercise, but subject to the provisions~~
21 ~~of this Act, the following functions, powers, and duties: (a)~~
22 ~~to ascertain the qualifications and fitness of applicants for~~
23 ~~licenses and permits; (b) to prescribe rules and regulations~~
24 ~~for the administration of the Act; (c) to conduct hearings on~~
25 ~~proceedings to refuse to issue, refuse to renew, revoke,~~

1 ~~suspend, or subject to reprimand licenses or permits under~~
2 ~~this Act; and (d) to revoke, suspend, or refuse issuance or~~
3 ~~renewal of such licenses or permits.~~

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

5 (225 ILCS 105/6) (from Ch. 111, par. 5006)

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

7 Sec. 6. Restricted contests and events.

8 (a) All professional and amateur contests, or a
9 combination of both, in which physical contact is made are
10 prohibited in Illinois unless authorized by the Department
11 pursuant to the requirements and standards stated in this Act
12 and the rules adopted pursuant to this Act. This subsection
13 (a) does not apply to any of the following:

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

17 (2) Amateur boxing contests that are sanctioned by USA
18 Boxing or any other sanctioning organization approved by
19 the Department as determined by rule ~~Association of Boxing~~
20 ~~Commissions.~~

21 (3) Amateur boxing ~~or full-contact martial arts~~
22 contests conducted by a State, county, or municipal
23 entity, including those events held by any agency
24 organized under these entities.

25 (4) Amateur martial arts contests that are not defined

1 as full-contact martial arts contests under this Act,
2 ~~including, but not limited to, Karate, Kung Fu, Judo,~~
3 ~~Jujutsu, Tae Kwon Do, and Kyuki Do.~~

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

8 No other amateur boxing or full-contact martial arts
9 contests shall be permitted unless authorized by the
10 Department.

11 (b) The Department shall have the authority to determine
12 whether a professional or amateur contest is exempt for
13 purposes of this Section.

14 (Source: P.A. 96-663, eff. 8-25-09; 97-119, eff. 7-14-11;
15 97-1123, eff. 8-27-12.)

16 (225 ILCS 105/7) (from Ch. 111, par. 5007)

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

18 Sec. 7. Authorization to conduct contests; sanctioning
19 bodies.

20 (a) In order to conduct a professional contest ~~or,~~
21 ~~beginning 6 months after the adoption of rules pertaining to~~
22 ~~an amateur contest,~~ an amateur contest, or a combination of
23 both, in this State, a promoter shall obtain a permit issued by
24 the Department in accordance with this Act and the rules and
25 regulations adopted pursuant thereto. This permit shall

1 authorize one or more professional or amateur contests, or a
2 combination of both.

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

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

12 (d) On and after January 1, 2023, the Department shall not
13 approve any sanctioning body. A sanctioning body's approval by
14 the Department that was received before January 1, 2023 is
15 withdrawn on January 1, 2023.

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

18 (225 ILCS 105/8) (from Ch. 111, par. 5008)

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

20 Sec. 8. Permits.

21 (a) A promoter who desires to obtain a permit to conduct a
22 professional or amateur contest, or a combination of both,
23 shall apply to the Department at least 30 calendar ~~20~~ days
24 prior to the event, in writing or electronically, on forms
25 prescribed ~~furnished~~ by the Department. The application shall

1 be accompanied by the required fee and shall contain, but not
2 be limited to, the following information to be submitted at
3 times specified by rule:

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

5 (2) the name of the matchmaker;

6 (3) the time and exact location of the professional or
7 amateur contest, or a combination of both. It is the
8 responsibility of the promoter to ensure that the building
9 to be used for the event complies with all laws,
10 ordinances, and regulations in the city, town, village, or
11 county where the contest is to be held;

12 (4) the signed and executed copy of the event venue
13 lease agreement; and ~~proof of adequate security measures,~~
14 ~~as determined by Department rule, to ensure the protection~~
15 ~~of the safety of contestants and the general public while~~
16 ~~attending professional or amateur contests, or a~~
17 ~~combination of both;~~

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

22 (5) (6) the initial list of names of the professionals
23 or amateurs competing subject to Department approval. ~~†~~

24 ~~(7) proof of insurance for not less than \$50,000 as~~
25 ~~further defined by rule for each professional or amateur~~
26 ~~participating in a professional or amateur contest, or a~~

1 ~~combination of both; insurance required under this~~
2 ~~paragraph (7) shall cover (i) hospital, medication,~~
3 ~~physician, and other such expenses as would accrue in the~~
4 ~~treatment of an injury as a result of the professional or~~
5 ~~amateur contest; (ii) payment to the estate of the~~
6 ~~professional or amateur in the event of his or her death as~~
7 ~~a result of his or her participation in the professional~~
8 ~~or amateur contest; and (iii) accidental death and~~
9 ~~dismemberment; the terms of the insurance coverage must~~
10 ~~not require the contestant to pay a deductible. The~~
11 ~~promoter may not carry an insurance policy with a~~
12 ~~deductible in an amount greater than \$500 for the medical,~~
13 ~~surgical, or hospital care for injuries a contestant~~
14 ~~sustains while engaged in a contest, and if a licensed or~~
15 ~~registered contestant pays for the medical, surgical, or~~
16 ~~hospital care, the insurance proceeds must be paid to the~~
17 ~~contestant or his or her beneficiaries as reimbursement~~
18 ~~for such payment;~~

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

22 ~~(9) organizational or internationally accepted rules,~~
23 ~~per discipline, for professional or amateur full contact~~
24 ~~martial arts contests where the Department does not~~
25 ~~provide the rules;~~

26 ~~(10) proof of contract indicating the requisite~~

1 ~~registration and sanctioning by a Department approved~~
2 ~~sanctioning body for any full contact martial arts contest~~
3 ~~with scheduled amateur bouts; and~~

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

6 (b) The Department may issue a permit to any promoter who
7 meets the requirements of this Act and the rules. The permit
8 shall only be issued for a specific date and location of a
9 professional or amateur contest, or a combination of both, and
10 shall not be transferable. The Department may allow a promoter
11 to amend a permit application to hold a professional or
12 amateur contest, or a combination of both, in a different
13 location other than the application specifies if all
14 requirements of this Section are met, waiving the 30-day
15 provision of subsection (a) and may allow the promoter to
16 substitute professionals or amateurs, respectively.

17 (c) The Department shall be responsible for assigning the
18 judges, timekeepers, referees, and physicians⁷ for a
19 professional contest, an amateur contest, or a combination of
20 both. Compensation shall be determined by the Department, and
21 it shall be the responsibility of the promoter to pay the
22 individuals utilized.

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

25 (1) proof of adequate security measures, as determined
26 by rule, to ensure the protection of the safety of

1 contestants and the general public while attending
2 professional contests, amateur contests, or a combination
3 of both;

4 (2) proof of adequate medical supervision, as
5 determined by rule, to ensure the protection of the health
6 and safety of professionals or amateurs while
7 participating in contests;

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

12 (4) 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 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 shall
24 require the promoter, not the licensed contestant, to pay
25 the policy deductible for the medical, surgical, or
26 hospital care of a contestant for injuries a contestant

1 sustained while engaged in a contest; if a licensed
2 contestant pays for the medical, surgical, or hospital
3 care, the insurance proceeds shall be paid to the
4 contestant or his or her beneficiaries as reimbursement
5 for such payment;

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

8 (6) organizational or internationally accepted rules,
9 per discipline, for professional or amateur full-contact
10 martial arts contests if the Department does not provide
11 the rules for Department approval; and

12 (7) any other information the Department may require,
13 as determined by rule, to issue a permit.

14 (e) If the accuracy, relevance, or sufficiency of any
15 submitted documentation is questioned by the Department
16 because of lack of information, discrepancies, or conflicts in
17 information given or a need for clarification, the promoter
18 seeking a permit may be required to provide additional
19 information.

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

21 (225 ILCS 105/10) (from Ch. 111, par. 5010)

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

23 Sec. 10. Who must be licensed.

24 (a) In order to participate in ~~professional~~ contests the
25 following persons must each be licensed and in good standing

1 with the Department: (a) professionals and amateurs, (b)
2 seconds, (c) referees, (d) judges, (e) managers, (f)
3 matchmakers, and (g) timekeepers.

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

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

12 (d) A licensed promoter may not act as, and cannot be
13 licensed as, a second, professional, referee, timekeeper,
14 judge, or manager. If he or she is so licensed, he or she must
15 relinquish any of these licenses to the Department for
16 cancellation. A person possessing a valid promoter's license
17 may act as a matchmaker.

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

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

23 (225 ILCS 105/11) (from Ch. 111, par. 5011)

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

25 Sec. 11. Qualifications for license. The Department shall

1 grant licenses to the following persons if the following
2 qualifications are met:

3 (1) An applicant for licensure as a professional or
4 amateur must: (1) be 18 years old, (2) be of good moral
5 character, (3) file an application stating the applicant's
6 legal name (and no assumed or ring name may be used unless
7 such name is registered with the Department along with the
8 applicant's legal name), date ~~and place~~ of birth, place of
9 current residence, and a sworn statement that he or she is
10 not currently in violation of any federal, State or local
11 laws or rules governing boxing or full-contact martial
12 arts, (4) file a certificate from a physician licensed to
13 practice medicine in all of its branches which attests
14 that the applicant is physically fit and qualified to
15 participate in professional or amateur contests, and (5)
16 pay the required fee and meet any other requirements as
17 determined by rule. Applicants over age 35 who have not
18 competed in a professional or amateur contest within the
19 12 last—36 months preceding their application for
20 licensure or have insufficient experience to participate
21 in a professional or amateur contest may be required to
22 appear before the Department to determine their fitness to
23 participate in a professional or amateur contest. ~~A~~
24 ~~picture identification card shall be issued to all~~
25 ~~professionals licensed by the Department who are residents~~
26 ~~of Illinois or who are residents of any jurisdiction,~~

1 ~~state, or country that does not regulate professional~~
2 ~~boxing or full-contact martial arts. The identification~~
3 ~~card shall be presented to the Department or its~~
4 ~~representative upon request at weigh-ins.~~

5 (2) An applicant for licensure as a referee, judge,
6 manager, second, matchmaker, or timekeeper must: (1) be of
7 good moral character, (2) file an application stating the
8 applicant's name, date ~~and place~~ of birth, and place of
9 current residence along with a certifying statement that
10 he or she is not currently in violation of any federal,
11 State, or local laws or rules governing boxing, or
12 full-contact martial arts, (3) have had satisfactory
13 experience in his or her field as defined by rule, (4) pay
14 the required fee, and (5) meet any other requirements as
15 determined by rule.

16 (3) An applicant for licensure as a promoter must: (1)
17 be of good moral character, (2) file an application with
18 the Department stating the applicant's name, date ~~and~~
19 ~~place~~ of birth, place of current residence along with a
20 certifying statement that he or she is not currently in
21 violation of any federal, State, or local laws or rules
22 governing boxing or full-contact martial arts, (3) pay the
23 required fee and meet any other requirements as
24 established by rule, and (4) in addition to the foregoing,
25 an applicant for licensure as a promoter of professional
26 or amateur contests or a combination of both professional

1 and amateur bouts in one contest shall also provide (i)
2 proof of a surety bond of no less than \$5,000 to cover
3 financial obligations under this Act, payable to the
4 Department and conditioned for the payment of the tax
5 imposed by this Act and compliance with this Act, and the
6 rules adopted under this Act, and (ii) ~~a financial~~
7 ~~statement, prepared by a certified public accountant,~~
8 ~~showing liquid working capital of \$10,000 or more, or a~~
9 \$10,000 performance bond guaranteeing payment of all
10 obligations relating to the promotional activities payable
11 to the Department and conditioned for the payment of the
12 tax imposed by this Act and its rules.

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

17 In determining good moral character, the Department may
18 take into consideration any violation of any of the provisions
19 of Section 16 of this Act as to referees, judges, managers,
20 matchmakers, timekeepers, or promoters and any felony
21 conviction of the applicant, but such a conviction shall not
22 operate as a bar to licensure. No license issued under this Act
23 is transferable.

24 ~~The Department may issue temporary licenses as provided by~~
25 ~~rule.~~

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

1 (225 ILCS 105/12) (from Ch. 111, par. 5012)

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

3 Sec. 12. Professional or amateur contests.

4 (a) The professional or amateur contest, or a combination
5 of both, shall be held in an area where adequate neurosurgical
6 facilities are immediately available for skilled emergency
7 treatment of an injured professional or amateur.

8 (b) Each professional or amateur shall be examined before
9 the contest and promptly after each bout by a physician. The
10 physician shall determine, prior to the contest, if each
11 professional or amateur is physically fit to compete in the
12 contest. After the bout the physician shall examine the
13 professional or amateur to determine possible injury. If the
14 professional's or amateur's physical condition so indicates,
15 the physician shall recommend to the Department immediate
16 medical suspension. The physician or a licensed paramedic must
17 check the vital signs of all contestants as established by
18 rule.

19 (c) The physician may, at any time during the professional
20 or amateur bout, stop the professional or amateur bout to
21 examine a professional or amateur contestant and may direct
22 the referee to terminate the bout when, in the physician's
23 opinion, continuing the bout could result in serious injury to
24 the professional or amateur. If the professional's or
25 amateur's physical condition so indicates, the physician shall

1 recommend to the Department immediate medical suspension. The
2 physician shall certify to the condition of the professional
3 or amateur in writing, over his or her signature on forms
4 prescribed ~~provided~~ by the Department. Such reports shall be
5 submitted to the Department in a timely manner.

6 (d) No professional or amateur contest, or a combination
7 of both, shall be allowed to begin or be held unless at least
8 one physician, at least one EMT and one paramedic, and one
9 ambulance have been contracted with solely for the care of
10 professionals or amateurs who are competing as defined by
11 rule.

12 (e) No professional boxing bout shall be more than 12
13 rounds in length. The rounds shall not be more than 3 minutes
14 each with a minimum one-minute ~~one-minute~~ interval between
15 them, and no professional boxer shall be allowed to
16 participate in more than one contest within a 7-day period.

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

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

23 (g) The Department or its representative shall have
24 discretion to declare a price, remuneration, or purse or any
25 part of it belonging to the professional withheld if in the
26 judgment of the Department or its representative the

1 professional is not honestly competing.

2 (h) The Department shall have the authority to prevent a
3 professional or amateur contest, or a combination of both,
4 from being held and shall have the authority to stop a
5 professional or amateur contest, or a combination of both, for
6 noncompliance with any part of this Act or rules or when, in
7 the judgment of the Department, or its representative,
8 continuation of the event would endanger the health, safety,
9 and welfare of the professionals or amateurs or spectators.
10 The Department's authority to stop a contest on the basis that
11 the professional or amateur contest, or a combination of both,
12 would endanger the health, safety, and welfare of the
13 professionals or amateurs or spectators shall extend to any
14 professional or amateur contest, or a combination of both,
15 regardless of whether that amateur contest is exempted from
16 the prohibition in Section 6 of this Act. ~~Department staff, or
17 its representative, may be present at any full contact martial
18 arts contest with scheduled amateur bouts.~~

19 (i) A professional shall only compete against another
20 professional. An amateur shall only compete against another
21 amateur.

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

23 (225 ILCS 105/13) (from Ch. 111, par. 5013)

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

25 Sec. 13. Tickets; tax. ~~Tickets to professional or amateur~~

1 ~~contests, or a combination of both, shall be printed in such~~
2 ~~form as the Department shall prescribe. A certified inventory~~
3 ~~of all tickets printed for any professional or amateur~~
4 ~~contest, or a combination of both, shall be mailed to the~~
5 ~~Department by the promoter not less than 7 days before the~~
6 ~~contest.~~ The total number of tickets sold ~~printed~~ shall not
7 exceed the total seating capacity of the premises in which the
8 professional or amateur contest, or a combination of both, is
9 to be held. No tickets of admission to any professional or
10 amateur contest, or a combination of both, shall be sold
11 except those declared on an official ticket inventory as
12 described in this Section.

13 A promoter who conducts a professional contest, an amateur
14 contest, or a combination of both ~~a professional and amateur~~
15 ~~contest~~ under this Act shall, within 7 business days ~~24 hours~~
16 after such a contest:

17 (1) furnish to the Department a written or electronic
18 report verified by the promoter or his or her authorized
19 designee showing the number of tickets sold for such a
20 contest or the actual ticket stubs of tickets sold and the
21 amount of the gross proceeds thereof; and

22 (2) pay to the Department a tax of 5% of gross receipts
23 from the sale of admission tickets, not to exceed \$75,000
24 ~~\$52,500~~, to be collected by the Department and placed in
25 the General Professions Dedicated Athletics Supervision
26 ~~and Regulation~~ Fund, ~~a special fund created in the State~~

1 ~~Treasury to be administered by the Department.~~

2 Moneys in the General Professions Dedicated Athletics
3 ~~Supervision and Regulation~~ Fund shall be used by the
4 Department, subject to appropriation, for expenses incurred in
5 administering this Act. Moneys in the Fund may be transferred
6 to the Professions Indirect Cost Fund, as authorized under
7 Section 2105-300 of the Department of Professional Regulation
8 Law.

9 In addition to the payment of any other taxes and money due
10 under this Section, every promoter of a professional or a
11 combination of a professional and amateur contest shall pay to
12 the Department 3% of the first \$500,000 and 4% thereafter,
13 which shall not exceed \$50,000 ~~\$35,000~~ in total from the total
14 gross receipts from the sale, lease, or other exploitation of
15 broadcasting, including, but not limited to, Internet, cable,
16 television, and motion picture rights for that professional
17 contest, amateur contest, ~~or professional and amateur~~
18 combination of both, ~~contest~~ or exhibition without any
19 deductions for commissions, brokerage fees, distribution fees,
20 advertising, professional contestants' purses, or any other
21 expenses or charges. These fees shall be paid to the
22 Department within 7 business days ~~72 hours~~ after the
23 conclusion of the broadcast of the contest and placed in the
24 General Professions Dedicated Athletics ~~Supervision and~~
25 ~~Regulation~~ Fund.

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

1 (225 ILCS 105/15) (from Ch. 111, par. 5015)

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

3 Sec. 15. Inspectors. The Secretary may appoint inspectors
4 to assist the Department staff in the administration of the
5 Act. Each inspector appointed by the Secretary shall receive
6 compensation for each day he or she is engaged in the
7 transacting of business of the Department. ~~Each inspector~~
8 ~~shall carry a card issued by the Department to authorize him or~~
9 ~~her to act in such capacity.~~ The inspector or inspectors shall
10 supervise each professional contest, amateur contest, or
11 combination of both and, at the Department's discretion, may
12 supervise any contest to ensure that the provisions of the Act
13 are strictly enforced.

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

15 (225 ILCS 105/16) (from Ch. 111, par. 5016)

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

17 Sec. 16. Discipline and sanctions.

18 (a) The Department may refuse to issue a permit or
19 ~~license, or registration,~~ refuse to renew, suspend, revoke,
20 reprimand, place on probation, or take such other disciplinary
21 or non-disciplinary action as the Department may deem proper,
22 including the imposition of fines not to exceed \$10,000 for
23 each violation, with regard to any permit or ~~license, or~~
24 ~~registration~~ for one or any combination of the following

1 reasons:

2 (1) gambling, betting, or wagering on the result of or
3 a contingency connected with a professional or amateur
4 contest, or a combination of both, or permitting such
5 activity to take place;

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

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

11 (4) permitting any professional or amateur other than
12 those stated on the permit application to participate in a
13 professional or amateur contest, or a combination of both,
14 except as provided in Section 9;

15 (5) violation or aiding in the violation of any of the
16 provisions of this Act or any rules or regulations
17 promulgated thereto;

18 (6) violation of any federal, State or local laws of
19 the United States or other jurisdiction governing
20 professional or amateur contests or any regulation
21 promulgated pursuant thereto;

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

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

26 (9) failure to file the necessary bond or to pay the

1 gross receipts or broadcast tax as required by this Act;

2 (10) engaging in dishonorable, unethical or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public, or which is detrimental to
5 honestly conducted contests;

6 (11) employment of fraud, deception or any unlawful
7 means in applying for or securing a permit or license
8 under this Act;

9 (12) permitting a physician making the physical
10 examination to knowingly certify falsely to the physical
11 condition of a professional or amateur;

12 (13) permitting professionals or amateurs of widely
13 disparate weights or abilities to engage in professional
14 or amateur contests, respectively;

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

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

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

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

1 (18) professional incompetence;

2 (19) failure to file a return, or to pay the tax,
3 penalty or interest shown in a filed return, or to pay any
4 final assessment of tax, penalty or interest, as required
5 by any tax Act administered by the Illinois Department of
6 Revenue, until such time as the requirements of any such
7 tax Act are satisfied;

8 (20) (blank);

9 (21) habitual or excessive use or addiction to
10 alcohol, narcotics, stimulants, or any other chemical
11 agent or drug that results in an inability to participate
12 in an event;

13 (22) failure to stop a professional or amateur
14 contest, or a combination of both, when requested to do so
15 by the Department;

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

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

22 (b) The determination by a circuit court that a licensee
23 is subject to involuntary admission or judicial admission as
24 provided in the Mental Health and Developmental Disabilities
25 Code operates as an automatic suspension. The suspension will
26 end only upon a finding by a court that the licensee is no

1 longer subject to involuntary admission or judicial admission,
2 issuance of an order so finding and discharging the licensee.

3 (c) In enforcing this Section, the Department, upon a
4 showing of a possible violation, may compel any individual
5 licensed to practice under this Act, or who has applied for
6 licensure pursuant to this Act, to submit to a mental or
7 physical examination, or both, as required by and at the
8 expense of the Department. The examining physicians or
9 clinical psychologists shall be those specifically designated
10 by the Department. The Department may order the examining
11 physician or clinical psychologist to present testimony
12 concerning this mental or physical examination of the licensee
13 or applicant. No information shall be excluded by reason of
14 any common law or statutory privilege relating to
15 communications between the licensee or applicant and the
16 examining physician or clinical psychologist. Eye examinations
17 may be provided by a physician licensed to practice medicine
18 in all of its branches or a licensed and certified therapeutic
19 optometrist. The individual to be examined may have, at his or
20 her own expense, another physician of his or her choice
21 present during all aspects of the examination. Failure of any
22 individual to submit to a mental or physical examination, when
23 directed, shall be grounds for suspension or revocation of a
24 license.

25 (d) A contestant who tests positive for a banned
26 substance, as defined by rule, shall have his or her license

1 immediately suspended. The license shall be subject to other
2 discipline as authorized in this Section.

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

4 (225 ILCS 105/17) (from Ch. 111, par. 5017)

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

6 Sec. 17. Administrative Procedure Act. The Illinois
7 Administrative Procedure Act is hereby expressly adopted and
8 incorporated herein as if all of the provisions of that Act
9 were included in this Act. The Department shall not be
10 required to annually verify email addresses as specified in
11 paragraph (2) subsection (a) of Section 10-75 of the Illinois
12 Administrative Procedure Act. For the purposes of this Act the
13 notice required under Section 10-25 of the Illinois
14 Administrative Procedure Act is deemed sufficient when mailed
15 to the last known address of record or emailed to the email
16 address of record ~~a party~~.

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

18 (225 ILCS 105/17.7)

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

20 Sec. 17.7. Restoration of license from discipline.

21 (a) At any time after the successful completion of a term
22 of indefinite probation, suspension, or revocation of a
23 license under this Act, the Department may restore the license
24 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) If 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 allowed under the Civil Administrative Code of Illinois.

9 (d) A license that has been suspended or revoked shall be
10 considered nonrenewed for purposes of restoration under this
11 Section and a licensee restoring his or her license from
12 suspension or revocation must comply with the requirements for
13 renewal as set forth in this Act and its rules.

14 ~~At any time after the successful completion of a term of~~
15 ~~indefinite probation, suspension, or revocation of a license,~~
16 ~~the Department may restore the license to the licensee, unless~~
17 ~~after an investigation and hearing the Secretary determines~~
18 ~~that restoration is not in the public interest. No person or~~
19 ~~entity whose license, certificate, or authority has been~~
20 ~~revoked as authorized in this Act may apply for restoration of~~
21 ~~that license, certification, or authority until such time as~~
22 ~~provided for in the Civil Administrative Code of Illinois.~~

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

24 (225 ILCS 105/17.8)

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

1 Sec. 17.8. Surrender of license. Upon the revocation or
2 suspension of a license ~~or registration~~, the licensee shall
3 immediately surrender his or her license to the Department. If
4 the licensee fails to do so, the Department has the right to
5 seize the license.

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

7 (225 ILCS 105/17.9)

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

9 Sec. 17.9. Summary suspension of a license ~~or~~
10 ~~registration~~. The Secretary may summarily suspend a license ~~or~~
11 ~~registration~~ without a hearing if the Secretary finds that
12 evidence in the Secretary's possession indicates that the
13 continuation of practice would constitute an imminent danger
14 to the public, participants, including any professional
15 contest officials, or the individual involved or cause harm to
16 the profession. If the Secretary summarily suspends the
17 license without a hearing, a hearing must be commenced within
18 30 days after the suspension has occurred and concluded as
19 expeditiously as practical.

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

21 (225 ILCS 105/18) (from Ch. 111, par. 5018)

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

23 Sec. 18. Investigations; notice and hearing.

24 (a) The Department may investigate the actions of any

1 applicant or of any person or entity holding or claiming to
2 hold a license under this Act.

3 (b) The Department shall, before disciplining an applicant
4 or licensee, at least 30 days prior to the date set for the
5 hearing: (i) notify, in writing, the accused of the charges
6 made and the time and place for the hearing on the charges;
7 (ii) direct him or her to file a written answer to the charges,
8 under oath, within 20 days after service of the notice; and
9 (iii) inform the applicant or licensee that failure to file an
10 answer will result in a default being entered against the
11 applicant or licensee.

12 (c) Written or electronic notice, and any notice in the
13 subsequent proceedings, may be served by personal delivery, by
14 email, or by mail to the applicant or licensee at his or her
15 address of record or email address of record.

16 (d) At the time and place fixed in the notice, the hearing
17 officer appointed by the Secretary shall proceed to hear the
18 charges, and the parties or their counsel shall be accorded
19 ample opportunity to present any statement, testimony,
20 evidence, and argument as may be pertinent to the charges or to
21 their defense. The hearing officer may continue the hearing
22 from time to time.

23 (e) If the licensee or applicant, after receiving the
24 notice, fails to file an answer, his or her license may, in the
25 discretion of the Secretary, be suspended, revoked, or placed
26 on probationary status or be subject to whatever disciplinary

1 action the Secretary considers proper, including limiting the
2 scope, nature, or extent of the person's practice or
3 imposition of a fine, without hearing, if the act or acts
4 charged constitute sufficient grounds for the action under
5 this Act.

6 ~~The Department may investigate the actions of any applicant or~~
7 ~~of any person or persons promoting or participating in a~~
8 ~~professional or amateur contest or any person holding or~~
9 ~~claiming to hold a license. The Department shall, before~~
10 ~~revoking, suspending, placing on probation, reprimanding, or~~
11 ~~taking any other disciplinary action under this Act, at least~~
12 ~~30 days before the date set for the hearing, (i) notify the~~
13 ~~accused in writing of the charges made and the time and place~~
14 ~~for the hearing on the charges, (ii) direct him or her to file~~
15 ~~a written answer to the charges with the Department under oath~~
16 ~~within 20 days after the service on him or her of the notice,~~
17 ~~and (iii) inform the accused that, if he or she fails to~~
18 ~~answer, default will be taken against him or her or that his or~~
19 ~~her license may be suspended, revoked, or placed on~~
20 ~~probationary status or that other disciplinary action may be~~
21 ~~taken with regard to the license, including limiting the~~
22 ~~scope, nature, or extent of his or her practice, as the~~
23 ~~Department may consider proper. At the time and place fixed in~~
24 ~~the notice, the hearing officer shall proceed to hear the~~
25 ~~charges, and the parties or their counsel shall be accorded~~
26 ~~ample opportunity to present any pertinent statements,~~

1 ~~testimony, evidence, and arguments. The hearing officer may~~
2 ~~continue the hearing from time to time. In case the person,~~
3 ~~after receiving the notice, fails to file an answer, his or her~~
4 ~~license may, in the discretion of the Department, be~~
5 ~~suspended, revoked, or placed on probationary status or the~~
6 ~~Department may take whatever disciplinary action considered~~
7 ~~proper, including limiting the scope, nature, or extent of the~~
8 ~~person's practice or the imposition of a fine, without a~~
9 ~~hearing, if the act or acts charged constitute sufficient~~
10 ~~grounds for that action under this Act. The written notice may~~
11 ~~be served by personal delivery or by certified mail to the~~
12 ~~person's address of record.~~

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

14 (225 ILCS 105/19) (from Ch. 111, par. 5019)

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

16 Sec. 19. Hearing; Motion for rehearing Findings and
17 recommendations.

18 (a) The hearing officer appointed by the Secretary shall
19 hear evidence in support of the formal charges and evidence
20 produced by the applicant or licensee. At the conclusion of
21 the hearing, the hearing officer shall present to the
22 Secretary a written report of his or her findings of fact,
23 conclusions of law, and recommendations.

24 (b) A copy of the hearing officer's report shall be served
25 upon the applicant or licensee, either personally or as

1 provided in this Act for the service of the notice of hearing.
2 Within 20 calendar days after such service, the applicant or
3 licensee may present to the Department a motion, in writing,
4 for a rehearing that shall specify the particular grounds for
5 rehearing. The Department may respond to the motion for
6 rehearing within 20 calendar days after its service on the
7 Department. If no motion for rehearing is filed, then upon the
8 expiration of the time specified for filing such a motion, or
9 upon denial of a motion for rehearing, the Secretary may enter
10 an order in accordance with the recommendations of the hearing
11 officer. If the applicant or licensee orders from the
12 reporting service and pays for a transcript of the record
13 within the time for filing a motion for rehearing, the 20
14 calendar day period within which a motion may be filed shall
15 commence upon delivery of the transcript to the applicant or
16 licensee.

17 (c) If the Secretary disagrees in any regard with the
18 report of the hearing officer, the Secretary may issue an
19 order contrary to the report.

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

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

1 ~~At the conclusion of the hearing, the hearing officer shall~~
2 ~~present to the Secretary a written report of its findings,~~
3 ~~conclusions of law, and recommendations. The report shall~~
4 ~~contain a finding of whether the accused person violated this~~
5 ~~Act or its rules or failed to comply with the conditions~~
6 ~~required in this Act or its rules. The hearing officer shall~~
7 ~~specify the nature of any violations or failure to comply and~~
8 ~~shall make its recommendations to the Secretary. In making~~
9 ~~recommendations for any disciplinary actions, the hearing~~
10 ~~officer may take into consideration all facts and~~
11 ~~circumstances bearing upon the reasonableness of the conduct~~
12 ~~of the accused and the potential for future harm to the public~~
13 ~~including, but not limited to, previous discipline of the~~
14 ~~accused by the Department, intent, degree of harm to the~~
15 ~~public and likelihood of harm in the future, any restitution~~
16 ~~made by the accused, and whether the incident or incidents~~
17 ~~contained in the complaint appear to be isolated or represent~~
18 ~~a continuing pattern of conduct. In making its recommendations~~
19 ~~for discipline, the hearing officer shall endeavor to ensure~~
20 ~~that the severity of the discipline recommended is reasonably~~
21 ~~related to the severity of the violation.~~

22 ~~The report of findings of fact, conclusions of law, and~~
23 ~~recommendation of the hearing officer shall be the basis for~~
24 ~~the Department's order refusing to issue, restore, or renew a~~
25 ~~license, or otherwise disciplining a licensee. If the~~
26 ~~Secretary disagrees with the recommendations of the hearing~~

1 ~~officer, the Secretary may issue an order in contravention of~~
2 ~~the hearing officer's recommendations. The finding is not~~
3 ~~admissible in evidence against the person in a criminal~~
4 ~~prosecution brought for a violation of this Act, but the~~
5 ~~hearing and finding are not a bar to a criminal prosecution~~
6 ~~brought for a violation of this Act.~~

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

8 (225 ILCS 105/19.1) (from Ch. 111, par. 5019.1)

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

10 Sec. 19.1. Hearing officer ~~Appointment of a hearing~~
11 ~~officer. Notwithstanding any provision of this Act, the~~
12 Secretary has the authority to appoint an attorney duly
13 licensed to practice law in the State of Illinois to serve as
14 the hearing officer in any action for refusal to issue or renew
15 a license or discipline a license. The hearing officer shall
16 have full authority to conduct the hearing. The hearing
17 officer shall report his or her findings of fact, conclusions
18 of law, and recommendations to the Secretary ~~The Secretary has~~
19 ~~the authority to appoint any attorney duly licensed to~~
20 ~~practice law in the State of Illinois to serve as the hearing~~
21 ~~officer in any action for refusal to issue, restore, or renew a~~
22 ~~license or discipline of a licensee. The hearing officer has~~
23 ~~full authority to conduct the hearing. The hearing officer~~
24 ~~shall report his or her findings of fact, conclusions of law,~~
25 ~~and recommendations to the Secretary. If the Secretary~~

1 ~~determines that the hearing officer's report is contrary to~~
2 ~~the manifest weight of the evidence, he may issue an order in~~
3 ~~contravention of the recommendation.~~

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

5 (225 ILCS 105/19.5)

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

7 Sec. 19.5. Order or certified copy; prima facie proof. An
8 order or certified copy thereof, over the seal of the
9 Department and purporting to be signed by the Secretary, is
10 prima facie proof that:

11 (1) the signature is the genuine signature of the
12 Secretary; ~~and~~

13 (2) the Secretary is duly appointed and qualified;
14 and-

15 (3) the hearing officer is qualified to act.

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

17 (225 ILCS 105/20) (from Ch. 111, par. 5020)

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

19 Sec. 20. Record of proceeding ~~Stenographer; transcript.~~

20 (a) The Department, at its expense, shall provide a
21 certified shorthand reporter to take down the testimony and
22 preserve a record of all proceedings at the hearing of any case
23 in which a licensee may be revoked, suspended, placed on
24 probationary status, reprimanded, fined, or subjected to other

1 disciplinary action with reference to the license when a
2 disciplinary action is authorized under this Act and rules.
3 The notice of hearing, complaint, and all other documents in
4 the nature of pleadings and written portions filed in the
5 proceedings, the transcript of the testimony, the report of
6 the hearing officer, and the orders of the Department shall be
7 the record of the proceedings. The record may be made
8 available to any person interested in the hearing upon payment
9 of the fee required by Section 2105-115 of the Department of
10 Professional Regulation Law of the Civil Administrative Code
11 of Illinois.

12 (b) The Department may contract for court reporting
13 services, and, if it does so, the Department shall provide the
14 name and contact information for the certified shorthand
15 reporter who transcribed the testimony at a hearing to any
16 person interested, who may obtain a copy of the transcript of
17 any proceedings at a hearing upon payment of the fee specified
18 by the certified shorthand reporter.

19 ~~The Department, at its expense, shall provide a stenographer~~
20 ~~to take down the testimony and preserve a record of all~~
21 ~~proceedings at the hearing of any case wherein a license or~~
22 ~~permit is subjected to disciplinary action. The notice of~~
23 ~~hearing, complaint and all other documents in the nature of~~
24 ~~pleadings and written motions filed in the proceedings, the~~
25 ~~transcript of testimony, the report of the hearing officer and~~
26 ~~the orders of the Department shall be the record of the~~

1 ~~proceedings. The Department shall furnish a transcript of the~~
2 ~~record to any person interested in the hearing upon payment of~~
3 ~~the fee required under Section 2105-115 of the Department of~~
4 ~~Professional Regulation Law (20 ILCS 2105/2105-115).~~

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

6 (225 ILCS 105/21) (from Ch. 111, par. 5021)

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

8 Sec. 21. Injunctive action; cease and desist order.

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

23 (b) Whenever, in the opinion of the Department, a person
24 violates any provision of this Act, the Department may issue a
25 rule to show cause why an order to cease and desist should not

1 be entered against that person. The rule shall clearly set
2 forth the grounds relied upon by the Department and shall
3 allow at least 7 days from the date of the rule to file an
4 answer satisfactory to the Department. Failure to answer to
5 the satisfaction of the Department shall cause an order to
6 cease and desist to be issued.

7 (Source: P.A. 91-408, eff. 1-1-00.)

8 (225 ILCS 105/22) (from Ch. 111, par. 5022)

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

10 Sec. 22. The expiration date and renewal period for each
11 license issued under this Act shall be set by rule. The holder
12 of a license may renew such license during the month preceding
13 the expiration date thereof by paying the required fee and
14 meeting additional requirements as determined by rule.

15 (Source: P.A. 82-522.)

16 (225 ILCS 105/23) (from Ch. 111, par. 5023)

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

18 Sec. 23. Fees.

19 (a) The fees for the administration and enforcement of
20 this Act including, but not limited to, original licensure,
21 renewal, and restoration shall be set by rule. The fees shall
22 not be refundable. ~~All Beginning July 1, 2003, all~~ of the fees,
23 taxes, and fines collected under this Act shall be deposited
24 into the General Professions Dedicated Fund.

1 (b) Before January 1, 2023, there shall be no fees for
2 amateur full-contact martial arts events; except that until
3 January 1, 2023, the applicant fees for promoters of amateur
4 events where only amateur bouts are held shall be \$300.

5 (Source: P.A. 92-16, eff. 6-28-01; 92-499, eff. 1-1-02; 93-32,
6 eff. 7-1-03.)

7 (225 ILCS 105/23.1) (from Ch. 111, par. 5023.1)

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

9 Sec. 23.1. Returned checks; fines. Any person who delivers
10 a check or other payment to the Department that is returned to
11 the Department unpaid by the financial institution upon which
12 it is drawn shall pay to the Department, in addition to the
13 amount already owed to the Department, a fine of \$50. The fines
14 imposed by this Section are in addition to any other
15 discipline provided under this Act for unlicensed practice or
16 practice on a nonrenewed license. The Department shall notify
17 the person that payment of fees and fines shall be paid to the
18 Department by certified check or money order within 30
19 calendar days of the notification. If, after the expiration of
20 30 days from the date of the notification, the person has
21 failed to submit the necessary remittance, the Department
22 shall automatically terminate the license or deny the
23 application, without hearing. If, after termination or denial,
24 the person seeks a license, he or she shall apply to the
25 Department for restoration or issuance of the license and pay

1 all fees and fines due to the Department. The Department may
2 establish a fee for the processing of an application for
3 restoration of a license to pay all expenses of processing
4 this application. The Secretary ~~Director~~ may waive the fines
5 due under this Section in individual cases where the Secretary
6 ~~Director~~ finds that the fines would be unreasonable or
7 unnecessarily burdensome.

8 (Source: P.A. 92-146, eff. 1-1-02; 92-499, eff. 1-1-02.)

9 (225 ILCS 105/24) (from Ch. 111, par. 5024)

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

11 Sec. 24. Unlicensed practice; violations; civil penalty.

12 (a) Any person who practices, offers to practice, attempts
13 to practice, or holds himself or herself out as being able to
14 engage in practices requiring a license under this Act without
15 being licensed or exempt under this Act shall, in addition to
16 any other penalty provided by law, pay a civil penalty to the
17 Department in an amount not to exceed \$10,000 for each
18 offense, as determined by the Department. The civil penalty
19 shall be assessed by the Department after a hearing is held in
20 accordance with the provision set forth in this Act regarding
21 the provision of a hearing for the discipline of a licensee.

22 (b) The Department may investigate any actual, alleged, or
23 suspected unlicensed activity.

24 (c) The civil penalty shall be paid within 60 days after
25 the effective date of the order imposing the civil penalty.

1 The order shall constitute a judgment and may be filed and
2 executed thereon in the same manner as any judgment from any
3 court of record.

4 (d) A person or entity not licensed under this Act who has
5 violated any provision of this Act or its rules is guilty of a
6 Class A misdemeanor for the first offense and a Class 4 felony
7 for a second and subsequent offenses.

8 ~~A person who violates a provision of this Act is guilty of a~~
9 ~~Class A Misdemeanor. On conviction of a second or subsequent~~
10 ~~offense the violator shall be guilty of a Class 4 felony.~~

11 (Source: P.A. 86-615.)

12 (225 ILCS 105/24.5)

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

14 Sec. 24.5. Confidentiality. All information collected by
15 the Department in the course of an examination or
16 investigation of a licensee, ~~registrant,~~ or applicant,
17 including, but not limited to, any complaint against a
18 licensee ~~or registrant~~ filed with the Department and
19 information collected to investigate any such complaint, shall
20 be maintained for the confidential use of the Department and
21 shall not be disclosed. The Department may not disclose such
22 information to anyone other than law enforcement officials,
23 other regulatory agencies that have an appropriate regulatory
24 interest as determined by the Secretary, or a party presenting
25 a lawful subpoena to the Department. Information and documents

1 disclosed to a federal, State, county, or local law
2 enforcement agency shall not be disclosed by the agency for
3 any purpose to any other agency or person. A formal complaint
4 filed against a licensee ~~or registrant~~ by the Department or
5 any order issued by the Department against a licensee,
6 ~~registrant,~~ or applicant shall be a public record, except as
7 otherwise prohibited by law.

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

9 (225 ILCS 105/25.1)

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

11 Sec. 25.1. Medical Suspension.

12 (a) A licensee ~~or registrant~~ who is determined by the
13 examining physician or Department to be unfit to compete or
14 officiate shall be prohibited from participating in a contest
15 in Illinois and, if actively licensed, shall be medically
16 suspended immediately ~~suspended~~ until it is shown that he or
17 she is fit for further competition or officiating. ~~If the~~
18 ~~licensee or registrant disagrees with a medical suspension set~~
19 ~~at the discretion of the ringside physician, he or she may~~
20 ~~request a hearing to show proof of fitness. The hearing shall~~
21 ~~be provided at the earliest opportunity after the Department~~
22 ~~receives a written request from the licensee.~~

23 (b) If the referee has stopped the bout or rendered a
24 decision of technical knockout against a professional or
25 amateur ~~or if the professional or amateur is knocked out other~~

1 ~~than by a blow to the head~~, the professional or amateur shall
2 be medically ~~immediately~~ suspended immediately for a period of
3 not less than 30 days.

4 (c) In a full-contact martial arts contest, if the
5 professional or amateur has tapped out, ~~or~~ has submitted, or
6 the referee has stopped the bout, ~~shall stop the professional~~
7 ~~or amateur contest~~ and the ringside physician shall determine
8 the length of suspension.

9 (d) If the professional or amateur has been knocked
10 unconscious ~~out by a blow to the head~~, he or she shall be
11 medically suspended immediately for a period of not less than
12 45 days.

13 (e) A licensee may receive a medical suspension for any
14 injury sustained as a result of a bout that shall not be less
15 than 7 days.

16 (f) A licensee may receive additional terms and conditions
17 for a medical suspension beyond a prescribed passage of time
18 as authorized under this Section.

19 (g) If a licensee receives a medical suspension that
20 includes terms and conditions in addition to the prescribed
21 passage of time as authorized under this Section, before the
22 removal of the medical suspension, a licensee shall:

23 (1) satisfactorily pass a medical examination;

24 (2) provide those examination results to the
25 Department;

26 (3) provide any additional requested documentation as

1 directed by the licensee's examining physician or
2 Department where applicable; and

3 (4) if the licensee's examining physician requires any
4 necessary additional medical procedures during the
5 examination related to the injury that resulted in the
6 medical suspension, those results shall be provided to the
7 Department.

8 (h) Any medical suspension imposed as authorized under
9 this Act against a licensee shall be reported to the
10 Department's record keeper as determined by rule.

11 (i) A medical suspension as authorized under this Section
12 shall not be considered a suspension under Section 16 of this
13 Act. A violation of the terms of a medical suspension
14 authorized under this Section shall subject a licensee to
15 discipline under Section 16 of this Act.

16 (j) A professional or amateur contestant who has been
17 placed on medical suspension under the laws of another state,
18 the District of Columbia, or a territory of the United States
19 for substantially similar reasons as this Section shall be
20 prohibited from participating in a contest as authorized under
21 this Act until the requirements of subsection (g) of this
22 Section have been met or the medical suspension has been
23 removed by that jurisdiction.

24 (k) A medical suspension authorized under this Section
25 shall begin the day after the bout a licensee participated in.

26 ~~Prior to reinstatement, any professional or amateur~~

1 ~~suspended for his or her medical protection shall~~
2 ~~satisfactorily pass a medical examination upon the direction~~
3 ~~of the Department. The examining physician may require any~~
4 ~~necessary medical procedures during the examination.~~

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

6 (225 ILCS 105/0.10 rep.)

7 (225 ILCS 105/10.1 rep.)

8 (225 ILCS 105/10.5 rep.)

9 (225 ILCS 105/11.5 rep.)

10 (225 ILCS 105/17.11 rep.)

11 (225 ILCS 105/17.12 rep.)

12 (225 ILCS 105/19.4 rep.)

13 Section 30. The Boxing and Full-contact Martial Arts Act
14 is amended by repealing Sections 0.10, 10.1, 10.5, 11.5,
15 17.11, 17.12, and 19.4.

16 Section 35. The Registered Interior Designers Act is
17 amended by changing Section 3, 4, 4.5, 6, 7, 11, 14, 20, 23,
18 29, 30 and by adding Section 3.1 as follows:

19 (225 ILCS 310/3) (from Ch. 111, par. 8203)

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

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

22 "Address of record" means the designated address recorded
23 by the Department in the applicant's application file or the

1 registrant's registration file as maintained by the
2 Department's licensure maintenance unit.

3 "Board" means the Board of Registered Interior Design
4 Professionals established under Section 6 of this Act.

5 "Department" means the Department of Financial and
6 Professional Regulation.

7 "Email address of record" means the designated email
8 address recorded by the Department in the applicant's
9 application file or the registrant's registration file as
10 maintained by the Department's licensure maintenance unit.

11 "The profession of interior design", within the meaning
12 and intent of this Act, refers to persons qualified by
13 education, experience, and examination, who administer
14 contracts for fabrication, procurement, or installation in the
15 implementation of designs, drawings, and specifications for
16 any interior design project and offer or furnish professional
17 services, such as consultations, studies, drawings, and
18 specifications in connection with the location of lighting
19 fixtures, lamps and specifications of ceiling finishes as
20 shown in reflected ceiling plans, space planning, furnishings,
21 or the fabrication of non-loadbearing structural elements
22 within and surrounding interior spaces of buildings but
23 specifically excluding mechanical and electrical systems,
24 except for specifications of fixtures and their location
25 within interior spaces.

26 "Public member" means a person who is not an interior

1 designer, educator in the field, architect, structural
2 engineer, or professional engineer. For purposes of board
3 membership, any person with a significant financial interest
4 in the design or construction service or profession is not a
5 public member.

6 "Registered interior designer" means a person who has
7 received registration under Section 8 of this Act. A person
8 represents himself or herself to be a "registered interior
9 designer" within the meaning of this Act if he or she holds
10 himself or herself out to the public by any title
11 incorporating the words "registered interior designer" or any
12 title that includes the words "registered interior design".

13 "Secretary" means the Secretary of Financial and
14 Professional Regulation.

15 (Source: P.A. 100-920, eff. 8-17-18.)

16 (225 ILCS 310/3.1 new)

17 Sec. 3.1. Address of record; email address of record. All
18 applicants and registrants shall:

19 (1) provide a valid address and email address to the
20 Department, which shall serve as the address of record and
21 email address of record, respectively, at the time of
22 application for registration or renewal of a registration;
23 and

24 (2) inform the Department of any change of address of
25 record or email address of record within 14 days after

1 such change either through the Department's website or by
2 contacting the Department's licensure maintenance unit.

3 (225 ILCS 310/4) (from Ch. 111, par. 8204)

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

5 Sec. 4. Title; application of Act.

6 (a) No individual shall, without a valid registration as
7 an interior designer issued by the Department, in any manner
8 hold himself or herself out to the public as a registered
9 interior designer or attach the title "registered interior
10 designer" or any other name or designation which would in any
11 way imply that he or she is able to use the title "registered
12 interior designer" as defined in this Act.

13 (a-5) Nothing in this Act shall be construed as preventing
14 or restricting the services offered or advertised by an
15 interior designer who is registered under this Act.

16 (b) Nothing in this Act shall prevent the employment, by a
17 registered interior designer association, partnership, or a
18 corporation furnishing interior design services for
19 remuneration, of persons not registered as interior designers
20 to perform services in various capacities as needed, provided
21 that the persons do not represent themselves as, or use the
22 title of, "registered interior designer".

23 (c) Nothing in this Act shall be construed to limit the
24 activities and use of the title "interior designer" on the
25 part of a person not registered under this Act who is a

1 graduate of an interior design program and a full-time
2 employee of a duly chartered institution of higher education
3 insofar as such person engages in public speaking, with or
4 without remuneration, provided that such person does not
5 represent himself or herself to be a registered interior
6 designer or use the title "registered interior designer".

7 (d) Nothing contained in this Act shall restrict any
8 person not registered under this Act from carrying out any of
9 the activities listed in the definition of "the profession of
10 interior design" in Section 3 if such person does not
11 represent himself or herself or his or her services in any
12 manner prohibited by this Act.

13 (e) Nothing in this Act shall be construed as preventing
14 or restricting the practice, services, or activities of any
15 person licensed in this State under any other law from
16 engaging in the profession or occupation for which he or she is
17 licensed.

18 (f) Nothing in this Act shall be construed as preventing
19 or restricting the practice, services, or activities of
20 engineers licensed under the Professional Engineering Practice
21 Act of 1989 or the Structural Engineering Practice Act of
22 1989; architects licensed pursuant to the Illinois
23 Architectural Practice Act of 1989; any interior decorator or
24 individual offering interior decorating services including,
25 but not limited to, the selection of surface materials, window
26 treatments, wall coverings, furniture, accessories, paint,

1 floor coverings, and lighting fixtures; or builders, home
2 furnishings salespersons, and similar purveyors of goods and
3 services relating to homemaking.

4 (g) Nothing in this Act or any other Act shall prevent a
5 licensed architect from practicing interior design services.
6 Nothing in this Act shall be construed as requiring the
7 services of a registered interior designer for the interior
8 designing of a single family residence.

9 (h) Nothing in this Act shall authorize registered
10 interior designers to perform services, including life safety
11 services that they are prohibited from performing, or any
12 practice (i) that is restricted in the Illinois Architecture
13 Practice Act of 1989, the Professional Engineering Practice
14 Act of 1989, or the Structural Engineering Practice Act of
15 1989, or (ii) that they are not authorized to perform under the
16 Environmental Barriers Act.

17 (i) Nothing in this Act shall authorize registered
18 interior designers to advertise services that they are
19 prohibited to perform, including architecture or engineering
20 services, nor to use the title "architect" in any form.

21 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

22 (225 ILCS 310/4.5)

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

24 Sec. 4.5. Unregistered practice; violation; civil penalty.

25 (a) Any person who holds himself or herself out to be a

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

9 (b) The Department has the authority and power to
10 investigate any illegal use of the title of registered
11 interior designer.

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

17 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

18 (225 ILCS 310/6) (from Ch. 111, par. 8206)

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

20 Sec. 6. Board of Registered Interior Design Professionals.
21 The Secretary shall appoint a Board of Registered Interior
22 Design Professionals consisting of 5 members who shall serve
23 in an advisory capacity to the Secretary. All members of the
24 Board shall be residents of Illinois. Four members shall (i)
25 hold a valid registration as an interior designer in Illinois

1 and have held the registration under this Act for the
2 preceding 10 years; and (ii) not have been disciplined within
3 the preceding 10 years under this Act. In addition to the 4
4 registered interior designer members, there shall be one
5 public member. The public member shall be a voting member and
6 shall not be licensed or registered under this Act or any other
7 design profession licensing Act that the Department
8 administers.

9 Board members shall serve 5-year terms and until their
10 successors are appointed and qualified. In appointing members
11 to the Board, the Secretary shall give due consideration to
12 recommendations by members and organizations of the interior
13 design profession.

14 The membership of the Board should reasonably reflect
15 representation from the geographic areas in this State.

16 No member shall be reappointed to the Board for a term that
17 would cause his or her continuous service on the Board to be
18 longer than 2 consecutive 5-year terms.

19 Appointments to fill vacancies shall be made in the same
20 manner as original appointments for the unexpired portion of
21 the vacated term.

22 Three members of the Board shall constitute a quorum. A
23 quorum is required for Board decisions.

24 The Secretary may remove any member of the Board for
25 misconduct, incompetence, or neglect of duty or for reasons
26 prescribed by law for removal of State officials.

1 The Secretary may remove a member of the Board who does not
2 attend 2 consecutive meetings.

3 Notice of proposed rulemaking may be transmitted to the
4 Board and the Department may review the response of the Board
5 and any recommendations made therein. The Department may, at
6 any time, seek the expert advice and knowledge of the Board on
7 any matter relating to the administration or enforcement of
8 this Act.

9 Members of the Board are not liable for damages in any
10 action or proceeding as a result of activities performed as
11 members of the Board, except upon proof of actual malice.

12 Members of the Board shall be reimbursed for all
13 legitimate, necessary, and authorized expenses.

14 ~~There is created a Board of Registered Interior Design~~
15 ~~Professionals to be composed of persons designated from time~~
16 ~~to time by the Director, as follows:~~

17 ~~(a) For the first year, 5 persons, 4 of whom have been~~
18 ~~interior designers for a period of 5 years or more who~~
19 ~~would qualify upon application to the Department under~~
20 ~~this Act to be registered interior designers, and one~~
21 ~~public member. After the initial appointments, each~~
22 ~~interior design member shall hold a valid registration as~~
23 ~~a registered interior designer. The Board shall annually~~
24 ~~elect a chairman.~~

25 ~~(b) Terms for all members shall be 3 years. For~~
26 ~~initial appointments, one member shall be appointed to~~

1 ~~serve for one year, 2 shall be appointed to serve for 2~~
2 ~~years, and the remaining shall be appointed to serve for 3~~
3 ~~years and until their successors are appointed and~~
4 ~~qualified. Initial terms shall begin on the effective date~~
5 ~~of this Act. Partial terms over 2 years in length shall be~~
6 ~~considered as full terms. A member may be reappointed for~~
7 ~~a successive term, but no member shall serve more than 2~~
8 ~~full terms.~~

9 ~~(c) The membership of the Board should reasonably~~
10 ~~reflect representation from the various geographic areas~~
11 ~~of the State.~~

12 ~~(d) In making appointments to the Board, the Director~~
13 ~~shall give due consideration to recommendations by~~
14 ~~national and state organizations of the interior design~~
15 ~~profession and shall promptly give due notice to such~~
16 ~~organizations of any vacancy in the membership of the~~
17 ~~Board. The Director may terminate the appointment of any~~
18 ~~member for any cause, which in the opinion of the~~
19 ~~Director, reasonably justifies such termination.~~

20 ~~(e) Three members shall constitute a quorum. A quorum~~
21 ~~is required for all Board decisions.~~

22 ~~(f) The members of the Board shall each receive as~~
23 ~~compensation a reasonable sum as determined by the~~
24 ~~Director for each day actually engaged in the duties of~~
25 ~~the office, and all legitimate and necessary expenses~~
26 ~~incurred in attending the meeting of the Board.~~

1 ~~(g) Members of the Board shall be immune from suit in~~
2 ~~any action based upon any disciplinary proceedings or~~
3 ~~other activities performed in good faith as members of the~~
4 ~~Board.~~

5 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

6 (225 ILCS 310/7) (from Ch. 111, par. 8207)

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

8 Sec. 7. Board recommendations. The Secretary ~~Director~~
9 shall consider the recommendations of the Board in
10 establishing guidelines for professional conduct, for the
11 conduct of formal disciplinary proceedings brought under this
12 Act, and for establishing guidelines for qualifications of
13 applicants. Notice of proposed rulemaking may ~~shall~~ be
14 transmitted to the Board and the Department shall review the
15 response of the Board and any recommendations made in their
16 response. The Department, at any time, may seek the expert
17 advice and knowledge of the Board on any matter relating to the
18 administration or enforcement of this Act.

19 (Source: P.A. 86-1404.)

20 (225 ILCS 310/11) (from Ch. 111, par. 8211)

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

22 Sec. 11. Fees. The Department shall provide by rule for a
23 schedule of fees for the administration and enforcement of
24 this Act, including but not limited to original registration

1 ~~licensure~~, renewal, and restoration. The fees shall be
2 nonrefundable.

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

7 (Source: P.A. 91-454, eff. 1-1-00.)

8 (225 ILCS 310/14) (from Ch. 111, par. 8214)

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

10 Sec. 14. Investigations; Notice of hearing. Upon the
11 motion of either the Department or the Board, or upon the
12 verified complaint in writing of any person setting forth
13 facts which, if proven, would constitute grounds for refusal,
14 suspension, or revocation of registration under this Act, the
15 Board shall investigate the actions of any person, hereinafter
16 called the "registrant", who holds or represents that he holds
17 a certificate of registration. All such motions or complaints
18 shall be brought to the Board.

19 The Director shall, before suspending, revoking, placing
20 on probationary status, or taking any other disciplinary
21 action as the Director may deem proper with regard to any
22 registration, at least 30 days prior to the date set for the
23 hearing, notify the registrant in writing of any charges made
24 and the time and place for a hearing on the charges before the
25 Board. The Board shall also direct the registrant to file his

1 written answer to the charges with the Board under oath within
2 20 days after the service on him of such notice, and inform him
3 that if he fails to file such answer, his certificate of
4 registration may be suspended, revoked, placed on probationary
5 status or other disciplinary action may be taken with regard
6 thereto, as the Director may deem proper.

7 The written notice and any notice in such proceeding may
8 be served by delivery personally to the registrant, by email,
9 or by registered or certified mail to the address specified by
10 the registrant in his last notification to the Director.

11 The Department, at its expense, shall preserve a record of
12 all proceedings at the formal hearing of any case involving
13 the refusal to issue or renew a registration, or discipline of
14 a registrant. The notice of hearing, complaint, and all other
15 documents in the nature of pleadings and written motions filed
16 in the proceedings, the transcript of testimony, the report of
17 the Board, and the orders of the Department shall be the record
18 of such proceedings.

19 (Source: P.A. 86-1404.)

20 (225 ILCS 310/20) (from Ch. 111, par. 8220)

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

22 Sec. 20. Restoration. At any time after suspension,
23 revocation, placement on probationary status, or the taking of
24 any other disciplinary action with regard to any registration,
25 the Department may restore the certificate of registration, or

1 take any other action to reinstate the registration to good
2 standing, without further examination, ~~upon the written~~
3 ~~recommendation of the Board.~~

4 (Source: P.A. 86-1404.)

5 (225 ILCS 310/23) (from Ch. 111, par. 8223)

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

7 Sec. 23. Confidentiality. ~~Confidential information;~~
8 ~~Disclosure.~~ All information collected by the Department in the
9 course of an examination or investigation of a registrant or
10 applicant, including, but not limited to, any complaint
11 against a registrant filed with the Department and information
12 collected to investigate any such complaint, shall be
13 maintained for the confidential use of the Department and may
14 not be disclosed. The Department may not disclose the
15 information to anyone other than law enforcement officials,
16 other regulatory agencies that have an appropriate regulatory
17 interest as determined by the Secretary, or a party presenting
18 a lawful subpoena to the Department. Information and documents
19 disclosed to a federal, State, county, or local law
20 enforcement agency may not be disclosed by the agency for any
21 purpose to any other agency or person. A formal complaint
22 filed by the Department against a registrant or applicant is a
23 public record, except as otherwise prohibited by law. ~~In~~
24 ~~hearings conducted under this Act, information presented into~~
25 ~~evidence that was acquired by an interior designer in serving~~

1 ~~any individual in a professional capacity, and necessary to~~
2 ~~professionally serve such individual, shall be deemed strictly~~
3 ~~confidential and shall only be made available either as part~~
4 ~~of the record of a hearing hereunder or otherwise:~~

5 ~~(a) when the record is required, in its entirety, for~~
6 ~~purposes of judicial review;~~

7 ~~(b) upon the express written consent of the individual~~
8 ~~served, or in the case of his or her death or disability, the~~
9 ~~consent of his or her personal representative.~~

10 (Source: P.A. 86-1404.)

11 (225 ILCS 310/29) (from Ch. 111, par. 8229)

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

13 Sec. 29. Illinois Administrative Procedure Act. The
14 Illinois Administrative Procedure Act is hereby expressly
15 adopted and incorporated herein as if all of the provisions of
16 that Act were included in this Act, except that the provision
17 of subsection (d) of Section 10-65 of the Illinois
18 Administrative Procedure Act that provides that at hearings
19 the registrant has the right to show compliance with all
20 lawful requirements for retention, continuation, or renewal of
21 the registration is specifically excluded. For the purposes of
22 this Act, the notice required under Section 10-25 of the
23 Illinois Administrative Procedure Act is deemed sufficient
24 when mailed or emailed to the last known address of a party.

25 (Source: P.A. 91-357, eff. 7-29-99.)

1 (225 ILCS 310/30) (from Ch. 111, par. 8230)

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

3 Sec. 30. Fund; appropriations; investments; audits
4 ~~Interior Design Administration and Investigation Fund.~~ All of
5 the fees collected pursuant to this Act shall be deposited
6 into the General Professions Dedicated Fund.

7 ~~On January 1, 2000 the State Comptroller shall transfer~~
8 ~~the balance of the monies in the Interior Design~~
9 ~~Administration and Investigation Fund into the General~~
10 ~~Professions Dedicated Fund. Amounts appropriated for fiscal~~
11 ~~year 2000 out of the Interior Design Administration and~~
12 ~~Investigation Fund may be paid out of the General Professions~~
13 ~~Dedicated Fund.~~

14 The moneys ~~monies~~ deposited in the General Professions
15 Dedicated Fund may be used for the expenses of the Department
16 in the administration of this Act.

17 Moneys from the Fund may also be used for direct and
18 allocable indirect costs related to the public purposes of the
19 Department of Professional Regulation. Moneys in the Fund may
20 be transferred to the Professions Indirect Cost Fund as
21 authorized by Section 2105-300 of the Department of
22 Professional Regulation Law ~~(20 ILCS 2105/2105-300)~~.

23 Upon the completion of any audit of the Department as
24 prescribed by the Illinois State Auditing Act that includes an
25 audit of the General Professions Dedicated Fund ~~Interior~~

1 ~~Design Administration and Investigation Fund~~, the Department
2 shall make the audit open to inspection by any interested
3 person. The copy of the audit report required to be submitted
4 to the Department by this Section is in addition to copies of
5 audit reports required to be submitted to other State officers
6 and agencies by Section 3-14 of the Illinois State Auditing
7 Act.

8 (Source: P.A. 91-239, eff. 1-1-00; 91-454, eff. 1-1-00; 92-16,
9 eff. 6-28-01.)

10 Section 40. The Cemetery Oversight Act is amended by
11 changing Sections 5-15, 5-20, 5-25, 10-20, 10-21, 10-25,
12 10-40, 10-55, 20-10, 25-3, 25-5, 25-10, 25-15, 25-25, 25-30,
13 25-35, 25-90, 25-95, 25-105, 25-115, 35-5, 35-15, and 75-45
14 and by adding Sections 5-16, 5-26, and 25-26 as follows:

15 (225 ILCS 411/5-15)

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

17 Sec. 5-15. Definitions. In this Act:

18 "Address of record" means the designated address recorded
19 by the Department in the applicant's or licensee's application
20 file or license file. ~~It is the duty of the applicant or~~
21 ~~licensee to inform the Department of any change of address~~
22 ~~within 14 days either through the Department's website or by~~
23 ~~contacting the Department's licensure maintenance unit.~~ The
24 address of record for a cemetery authority shall be the

1 permanent street address of the cemetery.

2 "Applicant" means a person applying for licensure under
3 this Act as a cemetery authority, cemetery manager, or
4 customer service employee. Any applicant or any person who
5 holds himself or herself out as an applicant is considered a
6 licensee for purposes of enforcement, investigation, hearings,
7 and the Illinois Administrative Procedure Act.

8 "Burial permit" means a permit provided by a licensed
9 funeral director for the disposition of a dead human body.

10 "Care" means the maintenance of a cemetery and of the
11 lots, graves, crypts, niches, family mausoleums, memorials,
12 and markers therein, including: (i) the cutting and trimming
13 of lawn, shrubs, and trees at reasonable intervals; (ii)
14 keeping in repair the drains, water lines, roads, buildings,
15 fences, and other structures, in keeping with a
16 well-maintained cemetery as provided for in Section 20-5 of
17 this Act and otherwise as required by rule; (iii) maintenance
18 of machinery, tools, and equipment for such care; (iv)
19 compensation of cemetery workers, any discretionary payment of
20 insurance premiums, and any reasonable payments for workers'
21 pension and other benefits plans; and (v) the payment of
22 expenses necessary for such purposes and for maintaining
23 necessary records of lot ownership, transfers, and burials.

24 "Cemetery" means any land or structure in this State
25 dedicated to and used, or intended to be used, for the
26 interment, inurnment, or entombment of human remains.

1 "Cemetery authority" means any individual or legal entity
2 that owns or controls cemetery lands or property.

3 "Cemetery manager" means an individual directly
4 responsible or holding himself or herself directly responsible
5 for the operation, maintenance, development, or improvement of
6 a cemetery that is ~~or shall be~~ licensed under this Act or shall
7 be licensed pursuant to Section 10-39 of this Act,
8 irrespective of whether the individual is paid by the licensed
9 cemetery authority or a third party. ~~This definition does not~~
10 ~~include a volunteer who receives no compensation, either~~
11 ~~directly or indirectly, for his or her work as a cemetery~~
12 ~~manager.~~

13 "Cemetery merchandise" means items of personal property
14 normally sold by a cemetery authority not covered under the
15 Illinois Funeral or Burial Funds Act, including, but not
16 limited to: (1) memorials, (2) markers, (3) monuments, (4)
17 foundations and installations, and (5) outer burial
18 containers.

19 "Cemetery operation" means to engage in any or all of the
20 following, whether on behalf of, or in the absence of, a
21 cemetery authority: (i) the interment, entombment, or
22 inurnment of human remains, (ii) the sale of interment,
23 entombment, or inurnment rights, cemetery merchandise, or
24 cemetery services, (iii) the maintenance of interment rights
25 ownership records, (iv) the maintenance of or reporting of
26 interment, entombment, or inurnment records, (v) the

1 maintenance of cemetery property, (vi) the development or
2 improvement of cemetery grounds, or (vii) the maintenance and
3 execution of business documents, including State and federal
4 government reporting and the payment of taxes, for a cemetery
5 business entity.

6 "Cemetery Oversight Database" means a database certified
7 by the Department as effective in tracking the interment,
8 entombment, or inurnment of human remains.

9 "Cemetery services" means those services customarily
10 performed by cemetery personnel in connection with the
11 interment, entombment, or inurnment of a dead human body.

12 "Certificate of organization" means the document received
13 by a cemetery association from the Secretary of State that
14 indicates that the cemetery association shall be deemed fully
15 organized as a body corporate under the name adopted and in its
16 corporate name may sue and be sued.

17 "Comptroller" means the Comptroller of the State of
18 Illinois.

19 "Confidential information" means unique identifiers,
20 including a person's Social Security number, home address,
21 home phone number, personal phone number, personal email
22 address, personal financial information, and any other
23 information protected by law.

24 "Consumer" means an individual who purchases or who is
25 considering purchasing cemetery, burial, or cremation products
26 or services from a cemetery authority, whether for themselves

1 or for another person.

2 "Customer service employee" means an individual who has
3 direct contact with consumers to explain cemetery merchandise,
4 services, and interment rights and to execute the sale of
5 those items to consumers, whether at the cemetery or an
6 off-site location, irrespective of whether compensation is
7 paid by the cemetery authority or a third party. ~~This
8 definition does not include a volunteer who receives no
9 compensation, either directly or indirectly, for his or her
10 work as a customer service employee.~~

11 "Department" means the Department of Financial and
12 Professional Regulation.

13 "Email address of record" means the designated email
14 address recorded by the Department in the applicant's
15 application file or the licensee's license file as maintained
16 by the Department's licensure maintenance unit.

17 "Employee" means an individual who works for a cemetery
18 authority where the cemetery authority has the right to
19 control what work is performed and the details of how the work
20 is performed regardless of whether federal or State payroll
21 taxes are withheld.

22 "Entombment right" means the right to place individual
23 human remains or individual cremated human remains in a
24 specific mausoleum crypt or lawn crypt selected by a consumer
25 for use as a final resting place.

26 "Family burying ground" means a cemetery in which no lots,

1 crypts, or niches are sold to the public and in which
2 interments, inurnments, and entombments are restricted to the
3 immediate family or a group of individuals related to each
4 other by blood or marriage.

5 "Full exemption" means an exemption granted to a cemetery
6 authority pursuant to subsection (a) of Section 5-20.

7 "Funeral director" means a funeral director as defined by
8 the Funeral Directors and Embalmers Licensing Code.

9 "Grave" means a space of ground in a cemetery used or
10 intended to be used for burial.

11 "Green burial or cremation disposition" means burial or
12 cremation practices that reduce the greenhouse gas emissions,
13 waste, and toxic chemicals ordinarily created in burial or
14 cremation or, in the case of greenhouse gas emissions,
15 mitigate or offset emissions. Such practices include any
16 standards or method for burial or cremation that the
17 Department may name by rule.

18 "Immediate family" means the designated agent of a person
19 or the persons given priority for the disposition of a
20 person's remains under the Disposition of Remains Act and
21 shall include a person's spouse, parents, grandparents,
22 children, grandchildren and siblings.

23 "Individual" means a natural person.

24 "Interment right" means the right to place individual
25 human remains or cremated human remains in a specific
26 underground location selected by a consumer for use as a final

1 resting place.

2 "Inurnment right" means the right to place individual
3 cremated human remains in a specific niche selected by the
4 consumer for use as a final resting place.

5 "Lawn crypt" means a permanent underground crypt installed
6 in multiple units for the entombment of human remains.

7 "Licensee" means a person licensed under this Act as a
8 cemetery authority, cemetery manager, or customer service
9 employee. Anyone who holds himself or herself out as a
10 licensee or who is accused of unlicensed practice is
11 considered a licensee for purposes of enforcement,
12 investigation, hearings, and the Illinois Administrative
13 Procedure Act.

14 "Mausoleum crypt" means a grouping of spaces constructed
15 of reinforced concrete or similar material constructed or
16 assembled above the ground for entombing remains.

17 "Niche" means a space in a columbarium or mausoleum used,
18 or intended to be used, for inurnment of cremated human
19 remains.

20 "Partial exemption" means an exemption granted to a
21 cemetery authority pursuant to subsection (b) of Section 5-20.

22 "Parcel identification number" means a unique number
23 assigned by the Cemetery Oversight Database to a grave, plot,
24 crypt, or niche that enables the Department to ascertain the
25 precise location of a decedent's remains interred, entombed,
26 or inurned after the effective date of this Act.

1 "Person" means any individual, firm, partnership,
2 association, corporation, limited liability company, trustee,
3 government or political subdivision, or other entity.

4 "Public cemetery" means a cemetery owned, operated,
5 controlled, or managed by the federal government, by any
6 state, county, city, village, incorporated town, township,
7 multi-township, public cemetery district, or other municipal
8 corporation, political subdivision, or instrumentality thereof
9 authorized by law to own, operate, or manage a cemetery.

10 "Religious burying ground" means a cemetery in which no
11 lots, crypts, or niches are sold and in which interments,
12 inurnments, and entombments are restricted to a group of
13 individuals all belonging to a religious order or granted
14 burial rights by special consideration of the religious order.

15 "Religious cemetery" means a cemetery owned, operated,
16 controlled, and managed by any recognized church, religious
17 society, association, or denomination, or by any cemetery
18 authority or any corporation administering, or through which
19 is administered, the temporalities of any recognized church,
20 religious society, association, or denomination.

21 "Secretary" means the Secretary of Financial and
22 Professional Regulation or a person authorized by the
23 Secretary to act in the Secretary's stead.

24 "Term burial" means a right of interment sold to a
25 consumer in which the cemetery authority retains the right to
26 disinter and relocate the remains, subject to the provisions

1 of subsection (d) of Section 35-15 of this Act.

2 "Trustee" means any person authorized to hold funds under
3 this Act.

4 "Unique personal identifier" means the parcel
5 identification number in addition to the term of burial in
6 years; the numbered level or depth in the grave, plot, crypt,
7 or niche; and the year of death for human remains interred,
8 entombed, or inurned after the effective date of this Act. The
9 unique personal identifier is assigned by the Cemetery
10 Oversight Database.

11 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

12 (225 ILCS 411/5-16 new)

13 Sec. 5-16. Address of record; email address of record. All
14 applicants and licensees shall:

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

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

23 (225 ILCS 411/5-20)

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

1 Sec. 5-20. Exemptions.

2 (a) Full exemption. Except as provided in this subsection,
3 this Act does not apply to (1) any cemetery authority
4 operating as a family burying ground or religious burying
5 ground, (2) any cemetery authority that has not engaged in an
6 interment, inurnment, or entombment of human remains within
7 the last 10 years, or (3) any cemetery authority that is less
8 than 3 acres. For purposes of determining the applicability of
9 this subsection, the number of interments, inurnments, and
10 entombments shall be aggregated for each calendar year. A
11 cemetery authority claiming a full exemption shall apply for
12 exempt status as provided for in Section 10-20 of this Act. A
13 cemetery authority claiming a full exemption shall be subject
14 to Sections 10-40, 10-55, and 10-60 of this Act. A cemetery
15 authority that performs activities that would disqualify it
16 from a full exemption is required to apply for licensure
17 within one year following the date on which its activities
18 would disqualify it for a full exemption. A cemetery authority
19 that previously qualified for and maintained a full exemption
20 that fails to timely apply for licensure shall be deemed to
21 have engaged in unlicensed practice and shall be subject to
22 discipline in accordance with Article 25 of this Act.

23 (b) Partial exemption. If a cemetery authority does not
24 qualify for a full exemption and (1) engages in 25 or fewer
25 interments, inurnments, or entombments of human remains for
26 each of the preceding 2 calendar years, (2) operates as a

1 public cemetery, or (3) operates as a religious cemetery, then
2 the cemetery authority is partially exempt from this Act but
3 shall be required to comply with Sections 10-23, 10-40, 10-55,
4 10-60, subsections (a), (b), (b-5), (c), (d), (f), (g), and
5 (h) of Section 20-5, Sections 20-6, 20-8, 20-10, 20-12, 20-30,
6 20-35, 20-40, 25-3, and 25-120, and Article 35 of this Act.
7 Cemetery authorities claiming a partial exemption shall apply
8 for the partial exemption as provided in Section 10-20 of this
9 Act. A cemetery authority that changes to a status that would
10 disqualify it from a partial exemption is required to apply
11 for licensure within one year following the date on which it
12 changes its status. A cemetery authority that maintains a
13 partial exemption that fails to timely apply for licensure
14 shall be deemed to have engaged in unlicensed practice and
15 shall be subject to discipline in accordance with Article 25
16 of this Act.

17 (c) Nothing in this Act applies to the City of Chicago in
18 its exercise of its powers under the O'Hare Modernization Act
19 or limits the authority of the City of Chicago to acquire
20 property or otherwise exercise its powers under the O'Hare
21 Modernization Act, or requires the City of Chicago, or any
22 person acting on behalf of the City of Chicago, to comply with
23 the licensing, regulation, or investigation, ~~or mediation~~
24 requirements of this Act in exercising its powers under the
25 O'Hare Modernization Act.

26 (d) A cemetery manager and customer service employee

1 license may be in active status only during the period that
2 such a licensee is employed by a cemetery authority that is
3 licensed under this Act. In the event that a cemetery manager
4 or customer service employee commences work for a cemetery
5 granted an exemption under this Section, it shall be a duty of
6 both the cemetery authority and the individual licensee to
7 immediately notify the Department so that the license may be
8 placed on inactive status. During the period that a license is
9 in inactive status, the involved person may not hold himself
10 or herself out as licensed. Upon returning to employment by a
11 cemetery licensed under this Act, such a cemetery manager or
12 customer service employee may reinstate the license to active
13 status simply by notifying the Department and paying the
14 applicable fee.

15 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

16 (225 ILCS 411/5-25)

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

18 Sec. 5-25. Powers and duties of the Department. The
19 Department shall, subject ~~Subject~~ to the provisions of this
20 Act, ~~the Department may~~ exercise the following functions,
21 powers, and duties:

22 (1) Authorize certification programs to ascertain the
23 qualifications and fitness of applicants for licensing as
24 a licensed cemetery manager or as a customer service
25 employee to ascertain whether they possess the requisite

1 level of knowledge for such position.

2 (2) Examine a licensed cemetery authority's records
3 from any year or any other aspects of cemetery operation
4 as the Department deems appropriate.

5 (3) Investigate any and all cemetery operations.

6 (4) Conduct hearings on proceedings to refuse to
7 issue, ~~or~~ renew, or restore licenses or to revoke,
8 suspend, place on probation, or reprimand, ~~or otherwise~~
9 ~~discipline~~ a licensee license under this Act ~~or take other~~
10 ~~non-disciplinary action.~~

11 (5) Adopt ~~reasonable~~ rules required for the
12 administration of this Act.

13 (6) Prescribe forms to be issued for the
14 administration and enforcement of this Act.

15 (7) (Blank). ~~Maintain rosters of the names and~~
16 ~~addresses of all licensees and all persons whose licenses~~
17 ~~have been suspended, revoked, denied renewal, or otherwise~~
18 ~~disciplined within the previous calendar year. These~~
19 ~~rosters shall be available upon written request and~~
20 ~~payment of the required fee as established by rule.~~

21 (8) Work with the Office of the Comptroller and the
22 Department of Public Health, Division of Vital Records to
23 exchange information and request additional information
24 relating to a licensed cemetery authority.

25 (9) Investigate cemetery contracts, grounds, or
26 employee records.

1 (10) Issue licenses to those who meet the requirements
2 of this Act.

3 (11) Conduct investigations related to possible
4 violations of this Act.

5 If the Department exercises its authority to conduct
6 investigations under this Section, the Department shall
7 provide the cemetery authority with information sufficient to
8 challenge the allegation. If the complainant consents, then
9 the Department shall provide the cemetery authority with the
10 identity of and contact information for the complainant so as
11 to allow the cemetery authority and the complainant to resolve
12 the complaint directly. Except as otherwise provided in this
13 Act, any complaint received by the Department and any
14 information collected to investigate the complaint shall be
15 maintained by the Department for the confidential use of the
16 Department and shall not be disclosed. The Department may not
17 disclose the information to anyone other than law enforcement
18 officials or other regulatory agencies or persons that have an
19 appropriate regulatory interest, as determined by the
20 Secretary, or to a party presenting a lawful subpoena to the
21 Department. Information and documents disclosed to a federal,
22 state, county, or local law enforcement agency shall not be
23 disclosed by the agency for any purpose to any other agency or
24 person. A formal complaint filed against a licensee by the
25 Department or any order issued by the Department against a
26 licensee or applicant shall be a public record, except as

1 otherwise prohibited by law.

2 (Source: P.A. 99-78, eff. 7-20-15.)

3 (225 ILCS 411/5-26 new)

4 Sec. 5-26. Confidentiality. All information collected by
5 the Department in the course of an examination or
6 investigation of a licensee or applicant, including, but not
7 limited to, any complaint against a licensee filed with the
8 Department and information collected to investigate any such
9 complaint, shall be maintained for the confidential use of the
10 Department and shall not be disclosed. The Department may not
11 disclose the information to anyone other than law enforcement
12 officials, other regulatory agencies that have an appropriate
13 regulatory interest as determined by the Secretary, or a party
14 presenting a lawful subpoena to the Department. Information
15 and documents disclosed to a federal, State, county, or local
16 law enforcement agency shall not be disclosed by the agency
17 for any purpose to any other agency or person. A formal
18 complaint filed against a licensee by the Department or any
19 order issued by the Department against a licensee or applicant
20 shall be a public record, except as otherwise prohibited by
21 law.

22 (225 ILCS 411/10-20)

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

24 Sec. 10-20. Application for original license or exemption.

1 (a) Applications for original licensure as a cemetery
2 authority, cemetery manager, or customer service employee
3 authorized by this Act, or application for exemption from
4 licensure as a cemetery authority, shall be made to the
5 Department in writing on forms or electronically as prescribed
6 by the Department, ~~which shall include the applicant's Social~~
7 ~~Security number or FEIN number, or both,~~ and shall be
8 accompanied by the required fee that shall not be refundable.
9 ~~as set by Section 10-55 of this Act and further refined by~~
10 ~~rule. Applications for partial or full exemption from~~
11 ~~licensure as a cemetery authority shall be submitted to the~~
12 ~~Department within 6 months after the Department adopts rules~~
13 ~~under this Act. If the person fails to submit the application~~
14 ~~for partial or full exemption within this period, the person~~
15 ~~shall be subject to discipline in accordance with Article 25~~
16 ~~of this Act. The process for renewing a full or partial~~
17 ~~exemption shall be set by rule.~~ If a cemetery authority seeks
18 to practice at more than one location, it shall meet all
19 licensure requirements at each location as required by this
20 Act and by rule, including submission of an application and
21 fee. All applications shall contain information that, in the
22 judgment of the Department, will enable the Department to pass
23 on the qualifications of the applicant for a license under
24 this Act.

25 (b) (Blank).

26 (c) After initial licensure, if any person comes to obtain

1 at least 51% of the ownership over the licensed cemetery
2 authority, then the cemetery authority shall have to apply for
3 a new license and receive licensure in the required time as set
4 by rule. The current license remains in effect until the
5 Department takes action on the application for a new license.

6 (d) (Blank). ~~All applications shall contain the~~
7 ~~information that, in the judgment of the Department, will~~
8 ~~enable the Department to pass on the qualifications of the~~
9 ~~applicant for an exemption from licensure or for a license to~~
10 ~~practice as a cemetery authority, cemetery manager, or~~
11 ~~customer service employee as set by rule.~~

12 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

13 (225 ILCS 411/10-21)

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

15 Sec. 10-21. Qualifications for licensure.

16 (a) ~~A cemetery authority shall apply for licensure on~~
17 ~~forms prescribed by the Department and pay the required fee.~~

18 An applicant is qualified for licensure as a cemetery
19 authority if the applicant meets all of the following
20 qualifications:

21 (1) The applicant has not committed any act or offense
22 in any jurisdiction that would constitute the basis for
23 discipline under this Act. When considering such license,
24 the Department shall take into consideration the
25 following:

1 (A) the applicant's record of compliance with the
2 Code of Professional Conduct and Ethics, and whether
3 the applicant has been found to have engaged in any
4 unethical or dishonest practices in the cemetery
5 business;

6 (B) whether the applicant has been adjudicated,
7 civilly or criminally, to have committed fraud or to
8 have violated any law of any state involving unfair
9 trade or business practices, has been convicted of a
10 misdemeanor of which fraud is an essential element or
11 which involves any aspect of the cemetery business, or
12 has been convicted of any felony;

13 (C) whether the applicant has willfully violated
14 any provision of this Act or a predecessor law or any
15 regulations relating thereto;

16 (D) whether the applicant has been permanently or
17 temporarily suspended, enjoined, or barred by any
18 court of competent jurisdiction in any state from
19 engaging in or continuing any conduct or practice
20 involving any aspect of the cemetery or funeral
21 business; and

22 (E) whether the applicant has ever had any license
23 to practice any profession or occupation suspended,
24 denied, fined, or otherwise acted against or
25 disciplined by the applicable licensing authority.

26 If the applicant is a corporation, limited liability

1 company, partnership, or other entity permitted by law,
2 then the Department shall determine whether each
3 principal, owner, member, officer, and shareholder holding
4 25% or more of corporate stock has met the requirements of
5 this item (1) of subsection (a) of this Section.

6 (2) The applicant must provide a statement of its
7 assets and liabilities to the Department.

8 (3) The applicant has not, within the preceding 10
9 years, been convicted of or entered a plea of guilty or
10 nolo contendere to (i) a Class X felony or (ii) a felony,
11 an essential element of which was fraud or dishonesty
12 under the laws of this State, another state, the United
13 States, or a foreign jurisdiction that is directly related
14 to the practice of cemetery operations. If the applicant
15 is a corporation, limited liability company, partnership,
16 or other entity permitted by law, then each principal,
17 owner, member, officer, and shareholder holding 25% or
18 more of corporate stock has not, within the preceding 10
19 years, been convicted of or entered a plea of guilty or
20 nolo contendere to (i) a Class X felony or (ii) a felony,
21 an essential element of which was fraud or dishonesty
22 under the laws of this State, another state, the United
23 States, or a foreign jurisdiction that is directly related
24 to the practice of cemetery operations.

25 (4) The applicant shall authorize the Department to
26 conduct a criminal background check that does not involve

1 fingerprinting.

2 (5) In the case of a person or entity applying for
3 renewal of his, her, or its license, the applicant has
4 complied with all other requirements of this Act and the
5 rules adopted for the implementation of this Act.

6 ~~(b) The cemetery manager and customer service employees of~~
7 ~~a licensed cemetery authority shall apply for licensure as a~~
8 ~~cemetery manager or customer service employee on forms~~
9 ~~prescribed by the Department and pay the required fee. A~~
10 person is qualified for licensure as a cemetery manager or
11 customer service employee if he or she meets all of the
12 following requirements:

13 (1) Is at least 18 years of age.

14 (2) Has acted in an ethical manner as set forth in
15 Section 10-23 of this Act. In determining qualifications
16 of licensure, the Department shall take into consideration
17 the factors outlined in item (1) of subsection (a) of this
18 Section.

19 (3) Submits proof of successful completion of a high
20 school education or its equivalent as established by rule.

21 (4) The applicant shall authorize the Department to
22 conduct a criminal background check that does not involve
23 fingerprinting.

24 (5) Has not committed a violation of this Act or any
25 rules adopted under this Act that, in the opinion of the
26 Department, renders the applicant unqualified to be a

1 cemetery manager.

2 (6) Submits proof of successful completion of a
3 certification course recognized by the Department for a
4 cemetery manager or customer service employee, whichever
5 the case may be.

6 (7) Has not, within the preceding 10 years, been
7 convicted of or entered a plea of guilty or nolo
8 contendere to (i) a Class X felony or (ii) a felony, an
9 essential element of which was fraud or dishonesty under
10 the laws of this State, another state, the United States,
11 or a foreign jurisdiction that is directly related to the
12 practice of cemetery operations.

13 (8) (Blank).

14 (9) In the case of a person applying for renewal of his
15 or her license, has complied with all other requirements
16 of this Act and the rules adopted for implementation of
17 this Act.

18 (c) Each applicant for a cemetery authority, cemetery
19 manager, or customer service employee license shall authorize
20 the Department to conduct a criminal background check that
21 does not involve fingerprinting. The Department must, in turn,
22 conduct the criminal background check on each applicant. The
23 Department shall adopt rules to implement this subsection (c),
24 but in no event shall the Department impose a fee upon the
25 applicant for the background check.

26 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

1 (225 ILCS 411/10-25)

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

3 Sec. 10-25. Certification.

4 (a) The Department shall authorize certification programs
5 for cemetery manager and customer service employee applicants.
6 The certification programs must consist of education and
7 training in cemetery ethics, cemetery law, and cemetery
8 practices. Cemetery ethics shall include, without limitation,
9 the Code of Professional Conduct and Ethics as set forth in
10 Section 10-23 of this Act. Cemetery law shall include, without
11 limitation, the Cemetery Oversight Act, the Cemetery Care Act,
12 the Disposition of Remains Act, and the Cemetery Protection
13 Act. Cemetery practices shall include, without limitation,
14 treating the dead and their family members with dignity and
15 respect. The certification program shall include an
16 examination administered by the entity providing the
17 certification.

18 (a-5) An entity seeking to offer a certification program
19 to cemetery manager applicants and customer service employee
20 applicants must receive approval of its program from the
21 Department in a manner and form prescribed by the Department
22 by rule. As part of this process, the entity must submit to the
23 Department the examination it offers or intends to offer as
24 part of its certification program.

25 (a-10) A cemetery manager applicant or customer service

1 employee applicant may choose any entity that has been
2 approved by the Department from which to obtain certification.

3 (b) Cemetery manager applicants and customer service
4 employee applicants shall pay the fee for the certification
5 program directly to the entity offering the program.

6 (c) If the cemetery manager applicant or customer service
7 employee applicant neglects, fails, or refuses to become
8 certified within one year after filing an application, then
9 the application shall be denied. However, the applicant may
10 thereafter submit a new application accompanied by the
11 required fee. The applicant shall meet the requirements in
12 force at the time of making the new application.

13 (d) A cemetery manager applicant or customer service
14 employee applicant who has completed a certification program
15 offered by an entity that has not received the Department's
16 approval as required by this Section has not met the
17 qualifications for licensure as set forth in Section 10-21 of
18 this Act.

19 (e) The Department may approve ~~shall recognize~~ any
20 certification program that is conducted by a death care trade
21 association in Illinois that has been in existence for more
22 than 5 years that, in the determination of the Department,
23 provides adequate education and training in cemetery law,
24 cemetery ethics, and cemetery practices and administers an
25 examination covering the same.

26 (f) The Department may, without a hearing, summarily

1 withdraw its approval of a certification program that, in the
2 judgment of the Department, fails to meet the requirements of
3 this Act or the rules adopted under this Act. A certification
4 program that has had its approval withdrawn by the Department
5 may reapply for approval, but shall provide such additional
6 information as may be required by the Department, including,
7 but not limited to, evidence to the Department's satisfaction
8 that the program is in compliance with this Act and the rules
9 adopted under this Act.

10 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

11 (225 ILCS 411/10-40)

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

13 Sec. 10-40. Renewal, reinstatement, or restoration of
14 license ~~Expiration and renewal of license.~~

15 (a) The expiration date and renewal period for each
16 license issued under this Act shall be set by rule. The holder
17 of a license may renew such license during the month preceding
18 the expiration date thereof by paying the required fee.

19 (b) A licensee under this Act who has permitted his or her
20 license to expire or has had his or her license placed on
21 inactive status may have his or her license restored by making
22 application to the Department and filing proof acceptable to
23 the Department of his or her fitness of having his or her
24 license restored, including, but not limited to, sworn
25 evidence certifying to active practice in another jurisdiction

1 satisfactory to the Department, and by paying the required fee
2 as determined by rule. ~~Every cemetery authority, cemetery~~
3 ~~manager, and customer service employee license shall expire~~
4 ~~every 2 years. Every registration as a fully exempt cemetery~~
5 ~~authority or partially exempt cemetery authority shall expire~~
6 ~~every 4 years. The expiration date, renewal period, and other~~
7 ~~requirements for each license and registration shall be~~
8 ~~further refined by rule.~~

9 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

10 (225 ILCS 411/10-55)

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

12 Sec. 10-55. Fees.

13 (a) Except as provided in this Section, the fees for the
14 administration and enforcement of this Act shall be set by the
15 Department by rule. The fees ~~shall be reasonable and~~ shall not
16 be refundable.

17 (b) Cemetery manager applicants and customer service
18 employee applicants shall pay any certification program or
19 continuing education program fee directly to the entity
20 offering the program.

21 (c) The Department may waive fees based upon hardship.

22 (d) Nothing shall prohibit a cemetery authority from
23 paying, on behalf of its cemetery managers or customer service
24 employees, their application, renewal, or restoration fees.

25 (e) All fees and other moneys collected under this Act

1 shall be deposited in the Cemetery Oversight Licensing and
2 Disciplinary Fund.

3 (f) The fee for application as a cemetery authority
4 seeking a full exemption is \$0.

5 (g) The fee to renew registration as a fully exempt
6 cemetery authority is \$0. ~~As provided in Section 10-40 of this~~
7 ~~Act and as further refined by rule, each registration as a~~
8 ~~fully exempt cemetery authority shall expire every 4 years.~~

9 (h) The fee for application as a cemetery authority
10 seeking a partial exemption is \$150.

11 (i) The fee to renew registration as a partially exempt
12 cemetery authority is \$150. ~~As provided in Section 10-40 of~~
13 ~~this Act and as further refined by rule, each registration as a~~
14 ~~partially exempt cemetery authority shall expire every 4~~
15 ~~years.~~

16 (j) The fee for original licensure, renewal, and
17 restoration as a cemetery authority not seeking a full or
18 partial exemption is \$75. ~~As provided in Section 10-40 of this~~
19 ~~Act and as further refined by rule, each cemetery authority~~
20 ~~license shall expire every 2 years.~~

21 (k) The fee for original licensure, renewal, and
22 restoration as a cemetery manager is \$25. ~~As provided in~~
23 ~~Section 10-40 of this Act and as further refined by rule, each~~
24 ~~cemetery manager license shall expire every 2 years.~~

25 (l) The fee for original licensure, renewal, and
26 restoration as a customer service employee is \$25. ~~As provided~~

1 ~~in Section 10-40 of this Act and as further refined by rule,~~
2 ~~each customer service employee license shall expire every 2~~
3 ~~years.~~

4 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

5 (225 ILCS 411/20-10)

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

7 Sec. 20-10. Contract. At the time cemetery arrangements
8 are made and prior to rendering the cemetery services, a
9 cemetery authority shall create a completed written contract
10 to be provided to the consumer, signed by both parties by their
11 actual written signatures on either paper or electronic form,
12 that shall contain: (i) the date on which the arrangements
13 were made; (ii) the price of the service selected and the
14 services and merchandise included for that price; (iii) the
15 supplemental items of service and merchandise requested and
16 the price of each item; (iv) the terms or method of payment
17 agreed upon; and (v) a statement as to any monetary advances
18 made on behalf of the family. The cemetery authority shall
19 maintain a copy of such written contract in its permanent
20 records.

21 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

22 (225 ILCS 411/25-3)

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

24 Sec. 25-3. Exemption, ~~investigation,~~ ~~mediation.~~ All

1 cemetery authorities maintaining a partial exemption must
2 submit to the following investigation ~~and mediation~~ procedure
3 by the Department in the event of a consumer complaint:

4 (a) Complaints to cemetery:

5 (1) the cemetery authority shall make every effort
6 to first resolve a consumer complaint; and

7 (2) if the complaint is not resolved, then the
8 cemetery authority shall advise the consumer of his or
9 her right to file a complaint with ~~seek investigation~~
10 ~~and mediation by~~ the Department.

11 (b) Complaints to the Department:

12 (1) if the Department receives a complaint, the
13 Department shall make an initial determination as to
14 whether the complaint has a reasonable basis and
15 pertains to this Act;

16 (2) if the Department determines that the
17 complaint has a reasonable basis and pertains to this
18 Act, it shall inform the cemetery authority of the
19 complaint and give it 30 days to tender a response;

20 (3) upon receiving the cemetery authority's
21 response, or after the 30 days provided in subsection
22 (2) of this subsection, whichever comes first, the
23 Department shall attempt to resolve the complaint
24 telephonically with the parties involved;

25 (4) if the complaint still is not resolved, then
26 the Department shall conduct an investigation ~~and~~

1 ~~mediate the complaint~~ as provided for by rule;

2 (5) if the Department conducts an on-site
3 investigation ~~and face-to-face mediation~~ with the
4 parties, then it may charge the cemetery authority a
5 single investigation ~~and mediation~~ fee, which fee
6 shall be set by rule and shall be calculated on an
7 hourly basis; and

8 (6) if all attempts to resolve the consumer
9 complaint as provided for in paragraphs (1) through
10 (5) fail, then the cemetery authority may be subject
11 to proceedings for penalties and discipline under this
12 Article when it is determined by the Department that
13 the cemetery authority may have engaged in any of the
14 following: (i) gross malpractice; (ii) dishonorable,
15 unethical, or unprofessional conduct of a character
16 likely to deceive, defraud, or harm the public; (iii)
17 gross, willful, or continued overcharging for
18 services; (iv) incompetence; (v) unjustified failure
19 to honor its contracts; or (vi) failure to adequately
20 maintain its premises. The Department may issue a
21 citation or institute disciplinary action and cause
22 the matter to be prosecuted and may thereafter issue
23 and enforce its final order as provided in this Act.

24 (Source: P.A. 96-863, eff. 3-1-10.)

25 (225 ILCS 411/25-5)

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

2 Sec. 25-5. Citations.

3 (a) The Department may adopt rules to permit the issuance
4 of citations for non-frivolous complaints. The citation shall
5 be issued to the licensee and shall contain the licensee's
6 name and address, the licensee's license number, a brief
7 factual statement, the Sections of the law allegedly violated,
8 and the penalty imposed. The citation must clearly state that
9 the licensee may choose, in lieu of accepting the citation, to
10 request a hearing. If the licensee does not dispute the matter
11 in the citation with the Department within 30 days after the
12 citation is served, then the citation shall become a final
13 order and shall constitute discipline. The penalty shall be a
14 fine or other conditions as established by rule.

15 (b) The Department shall adopt rules designating
16 violations for which a citation may be issued. Such rules
17 shall designate as citation violations those violations for
18 which there is no substantial threat to the public health,
19 safety, and welfare. Citations shall not be utilized if there
20 was any significant consumer harm resulting from the
21 violation.

22 (c) A citation must be issued within 6 months after the
23 reporting of a violation that is the basis for the citation.

24 (d) Service of a citation may be made by personal service,
25 regular mail, or email ~~or certified mail~~ to the licensee at the
26 licensee's address of record.

1 (Source: P.A. 96-863, eff. 3-1-10.)

2 (225 ILCS 411/25-10)

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

4 Sec. 25-10. Grounds for disciplinary action.

5 (a) The Department may refuse to issue or renew a license
6 or may revoke, suspend, place on probation, reprimand, or take
7 other disciplinary or non-disciplinary action as the
8 Department may deem appropriate, including ~~imposing~~ fines not
9 to exceed \$10,000 ~~\$8,000~~ for each violation, with regard to
10 any license under this Act, for any one or combination of the
11 following:

12 (1) Material misstatement in furnishing information to
13 the Department.

14 (2) Violations of this Act, except for Section 20-8~~7~~
15 ~~or of the rules adopted under this Act.~~

16 (3) Conviction of or entry of a plea of guilty or nolo
17 contendere, finding of guilt, jury verdict, or entry of
18 judgment or sentencing, including, but not limited to,
19 convictions, preceding sentences of supervision,
20 conditional discharge, or first offender probation under
21 the law of any jurisdiction of the United States that is
22 (i) a Class X felony or (ii) a felony, an essential element
23 of which is fraud or dishonesty that is directly related
24 to the practice of cemetery operations. ~~Conviction of, or~~
25 ~~entry of a plea of guilty or nolo contendere to, any crime~~

1 ~~within the last 10 years that is a Class X felony or higher~~
2 ~~or is a felony involving fraud and dishonesty under the~~
3 ~~laws of the United States or any state or territory~~
4 ~~thereof.~~

5 (4) Fraud or any misrepresentation in applying for or
6 procuring a license under this Act or in connection with
7 applying for renewal. ~~Making any misrepresentation for the~~
8 ~~purpose of obtaining licensure or violating any provision~~
9 ~~of this Act or the rules adopted under this Act.~~

10 (5) Incompetence or misconduct in the practice of
11 cemetery operations. ~~Professional incompetence.~~

12 (6) Gross malpractice.

13 (7) Aiding or assisting another person in violating
14 any provision of this Act or rules adopted under this Act.

15 (8) Failing, within 10 business days, to provide
16 information in response to a written request made by the
17 Department.

18 (9) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (10) Habitual or excessive use or abuse of drugs
22 defined in law as controlled substances, alcohol,
23 narcotics, stimulants, or any other substances that
24 results in the inability to practice pursuant to the
25 provisions of this Act with reasonable judgment, skill, or
26 safety while acting under the provisions of this Act.

1 ~~Inability to practice with reasonable judgment, skill, or~~
2 ~~safety as a result of habitual or excessive use of~~
3 ~~alcohol, narcotics, stimulants, or any other chemical~~
4 ~~agent or drug.~~

5 (11) Discipline by another ~~agency,~~ state, territory,
6 foreign country, the District of Columbia, the United
7 States government territory, or any other government
8 agency ~~foreign nation,~~ if at least one of the grounds for
9 the discipline is the same or substantially equivalent to
10 those set forth in this Act Section.

11 (12) Directly or indirectly giving to or receiving
12 from any person, firm, corporation, partnership, or
13 association any fee, commission, rebate, or other form of
14 compensation for professional services not actually or
15 personally rendered.

16 (13) A finding by the Department that the licensee,
17 after having his or her license placed on probationary
18 status, has violated the terms of probation or failed to
19 comply with such terms.

20 (14) Willfully making or filing false records or
21 reports in his or her practice, including, but not limited
22 to, false records filed with any governmental agency or
23 department.

24 (15) Inability to practice the profession with
25 reasonable judgment, skill, or safety as a result of
26 physical illness, including, but not limited to, loss of

1 motor skill, mental illness, or disability.

2 (16) Failure to comply with an order, decision, or
3 finding of the Department made pursuant to this Act.

4 (17) Directly or indirectly receiving compensation for
5 any professional services not actually performed.

6 (18) Practicing under a false or, except as provided
7 by law, an assumed name.

8 (19) Using or attempting to use an expired, inactive,
9 suspended, or revoked license or impersonating another
10 licensee. ~~Fraud or misrepresentation in applying for, or~~
11 ~~procuring, a license under this Act or in connection with~~
12 ~~applying for renewal of a license under this Act.~~

13 (20) A finding by the Department that an applicant or
14 licensee has failed to pay a fine imposed by the
15 Department. ~~Cheating on or attempting to subvert the~~
16 ~~licensing examination administered under this Act.~~

17 (21) Unjustified failure to honor its contracts.

18 (22) Negligent supervision of a cemetery manager,
19 customer service employee, employee, or independent
20 contractor.

21 (23) (Blank). ~~A pattern of practice or other behavior~~
22 ~~which demonstrates incapacity or incompetence to practice~~
23 ~~under this Act.~~

24 (24) (Blank). ~~Allowing an individual who is not, but~~
25 ~~is required to be, licensed under this Act to perform work~~
26 ~~for the cemetery authority.~~

1 (25) (Blank).

2 (b) No action may be taken under this Act against a person
3 licensed under this Act for an occurrence or alleged
4 occurrence that predates the enactment of this Act ~~unless the~~
5 ~~action is commenced within 5 years after the occurrence of the~~
6 ~~alleged violations, except for a violation of item (3) of~~
7 ~~subsection (a) of this Section. If a person licensed under~~
8 ~~this Act violates item (3) of subsection (a) of this Section,~~
9 ~~then the action may commence within 10 years after the~~
10 ~~occurrence of the alleged violation. A continuing violation~~
11 ~~shall be deemed to have occurred on the date when the~~
12 ~~circumstances last existed that give rise to the alleged~~
13 ~~violation.~~

14 (c) In enforcing this Section, the Department, upon a
15 showing of a possible violation, may order a licensee or
16 applicant to submit to a mental or physical examination, or
17 both, at the expense of the Department. The Department may
18 order the examining physician to present testimony concerning
19 his or her examination of the licensee or applicant. No
20 information shall be excluded by reason of any common law or
21 statutory privilege relating to communications between the
22 licensee or applicant and the examining physician. The
23 examining physicians shall be specifically designated by the
24 Department. The licensee or applicant may have, at his or her
25 own expense, another physician of his or her choice present
26 during all aspects of the examination. Failure of a licensee

1 or applicant to submit to any such examination when directed,
2 without reasonable cause, shall be grounds for either
3 immediate suspending of his or her license or immediate denial
4 of his or her application.

5 (1) If the Secretary immediately suspends the license
6 of a licensee for his or her failure to submit to a mental
7 or physical examination when directed, a hearing must be
8 convened by the Department within 15 days after the
9 suspension and completed without appreciable delay.

10 (2) If the Secretary otherwise suspends a license
11 pursuant to the results of the licensee's mental or
12 physical examination, a hearing must be convened by the
13 Department within 15 days after the suspension and
14 completed without appreciable delay. The Department shall
15 have the authority to review the licensee's record of
16 treatment and counseling regarding the relevant impairment
17 or impairments to the extent permitted by applicable
18 federal statutes and regulations safeguarding the
19 confidentiality of medical records.

20 (3) Any licensee suspended under this subsection shall
21 be afforded an opportunity to demonstrate to the
22 Department that he or she can resume practice in
23 compliance with the acceptable and prevailing standards
24 under the provisions of his or her license.

25 (d) The determination by a circuit court that a licensee
26 is subject to involuntary admission or judicial admission, as

1 provided in the Mental Health and Developmental Disabilities
2 Code, operates as an automatic suspension. Such suspension may
3 end only upon a finding by a court that the patient is no
4 longer subject to involuntary admission or judicial admission,
5 the issuance of an order so finding and discharging the
6 patient, and the filing of a petition for restoration
7 demonstrating fitness to practice.

8 (e) In cases where the Department of Healthcare and Family
9 Services has previously determined that a licensee or a
10 potential licensee is more than 30 days delinquent in the
11 payment of child support and has subsequently certified the
12 delinquency to the Department, the Department shall refuse to
13 issue or renew or shall revoke or suspend that person's
14 license or shall take other disciplinary action against that
15 person based solely upon the certification of delinquency made
16 by the Department of Healthcare and Family Services under
17 paragraph (5) of subsection (a) of Section 2105-15 of the
18 Department of Professional Regulation Law of the Civil
19 Administrative Code of Illinois.

20 (f) The Department shall refuse to issue or renew or shall
21 revoke or suspend a person's license or shall take other
22 disciplinary action against that person for his or her failure
23 to file a return, to pay the tax, penalty, or interest shown in
24 a filed return, or to pay any final assessment of tax, penalty,
25 or interest as required by any tax Act administered by the
26 Department of Revenue, until the requirements of the tax Act

1 are satisfied in accordance with subsection (g) of Section
2 2105-15 of the Department of Professional Regulation Law of
3 the Civil Administrative Code of Illinois.

4 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

5 (225 ILCS 411/25-15)

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

7 Sec. 25-15. Injunction; cease ~~Cease~~ and desist order.

8 (a) If any person or entity violates a provision of this
9 Act, the Secretary may, in the name of the People of the State
10 of Illinois, through the Attorney General of the State of
11 Illinois, petition for an order enjoining such violation or
12 for an order enforcing compliance with this Act. Upon the
13 filing of a verified petition in such court, the court may
14 issue a temporary restraining order, without notice or bond,
15 and may preliminarily and permanently enjoin such violation.
16 If it is established that such person or entity has violated or
17 is violating the injunction, the court may punish the offender
18 for contempt of court. Proceedings under this Section are in
19 addition to, and not in lieu of, all other remedies and
20 penalties provided by this Act. ~~The Secretary may issue an~~
21 ~~order to cease and desist to any licensee or other person doing~~
22 ~~business without the required license when, in the opinion of~~
23 ~~the Secretary, the licensee or other person is violating or is~~
24 ~~about to violate any provision of this Act or any rule or~~
25 ~~requirement imposed in writing by the Department.~~

1 (b) Whenever in the opinion of the Department any person
2 or entity violates any provision of this Act, the Department
3 may issue a rule to show cause why an order to cease and desist
4 should not be entered against them. The rule shall clearly set
5 forth the grounds relied upon by the Department and shall
6 provide a period of 7 days from the date of the rule to file an
7 answer to the satisfaction of the Department. Failure to
8 answer to the satisfaction of the Department shall cause an
9 order to cease and desist to be issued immediately. The
10 Secretary may issue an order to cease and desist prior to a
11 hearing and such order shall be in full force and effect until
12 a final administrative order is entered.

13 ~~(c) The Secretary shall serve notice of his or her action,~~
14 ~~designated as an order to cease and desist made pursuant to~~
15 ~~this Section, including a statement of the reasons for the~~
16 ~~action, either personally or by certified mail, return receipt~~
17 ~~requested. Service by certified mail shall be deemed completed~~
18 ~~when the notice is deposited in the United States mail and sent~~
19 ~~to the address of record or, in the case of unlicensed~~
20 ~~activity, the address known to the Department.~~

21 ~~(d) Within 15 days after service of the order to cease and~~
22 ~~desist, the licensee or other person may request, in writing,~~
23 ~~a hearing.~~

24 ~~(e) The Secretary shall schedule a hearing within 30 days~~
25 ~~after the request for a hearing unless otherwise agreed to by~~
26 ~~the parties.~~

1 ~~(f) The Secretary shall have the authority to prescribe~~
2 ~~rules for the administration of this Section.~~

3 ~~(g) If, after hearing, it is determined that the Secretary~~
4 ~~has the authority to issue the order to cease and desist, he or~~
5 ~~she may issue such orders as may be reasonably necessary to~~
6 ~~correct, eliminate, or remedy such conduct.~~

7 ~~(h) The powers vested in the Secretary by this Section are~~
8 ~~additional to any and all other powers and remedies vested in~~
9 ~~the Secretary by law and nothing in this Section shall be~~
10 ~~construed as requiring that the Secretary shall employ the~~
11 ~~power conferred in this Section instead of or as a condition~~
12 ~~precedent to the exercise of any other power or remedy vested~~
13 ~~in the Secretary.~~

14 (Source: P.A. 96-863, eff. 3-1-10.)

15 (225 ILCS 411/25-25)

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

17 Sec. 25-25. Investigations, notice, hearings.

18 (a) The Department may investigate the actions of any
19 applicant or of any person or entity holding or claiming to
20 hold a license under this Act. ~~The Department may at any time~~
21 ~~investigate the actions of any applicant or of any person or~~
22 ~~persons rendering or offering to render services as a cemetery~~
23 ~~authority, cemetery manager, or customer service employee of~~
24 ~~or any person holding or claiming to hold a license as a~~
25 ~~licensed cemetery authority, cemetery manager, or customer~~

1 ~~service employee. If it appears to the Department that a~~
2 ~~person has engaged in, is engaging in, or is about to engage in~~
3 ~~any practice declared to be unlawful by this Act, then the~~
4 ~~Department may: (1) require that person to file on such terms~~
5 ~~as the Department prescribes a statement or report in writing,~~
6 ~~under oath or otherwise, containing all information the~~
7 ~~Department may consider necessary to ascertain whether a~~
8 ~~licensee is in compliance with this Act, or whether an~~
9 ~~unlicensed person is engaging in activities for which a~~
10 ~~license is required; (2) examine under oath any individual in~~
11 ~~connection with the books and records pertaining to or having~~
12 ~~an impact upon the operation of a cemetery; (3) examine any~~
13 ~~books and records of the licensee that the Department may~~
14 ~~consider necessary to ascertain compliance with this Act; and~~
15 ~~(4) require the production of a copy of any record, book,~~
16 ~~document, account, or paper that is produced in accordance~~
17 ~~with this Act and retain it in his or her possession until the~~
18 ~~completion of all proceedings in connection with which it is~~
19 ~~produced.~~

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

1 answer will result in a default being entered against the
2 applicant or licensee. ~~The Secretary may, after 10 days notice~~
3 ~~by certified mail with return receipt requested to the~~
4 ~~licensee at the address of record or to the last known address~~
5 ~~of any other person stating the contemplated action and in~~
6 ~~general the grounds therefor, fine such licensee an amount not~~
7 ~~exceeding \$10,000 per violation or revoke, suspend, refuse to~~
8 ~~renew, place on probation, or reprimand any license issued~~
9 ~~under this Act if he or she finds that:~~

10 ~~(1) the licensee has failed to comply with any~~
11 ~~provision of this Act or any order, decision, finding,~~
12 ~~rule, regulation, or direction of the Secretary lawfully~~
13 ~~made pursuant to the authority of this Act; or~~

14 ~~(2) any fact or condition exists which, if it had~~
15 ~~existed at the time of the original application for the~~
16 ~~license, clearly would have warranted the Secretary in~~
17 ~~refusing to issue the license.~~

18 (c) Written or electronic notice, and any notice in the
19 subsequent proceedings, may be served by personal delivery, by
20 email, or by mail to the applicant or licensee at his or her
21 address of record or email address of record. ~~The Secretary~~
22 ~~may fine, revoke, suspend, refuse to renew, place on~~
23 ~~probation, reprimand, or take any other disciplinary action as~~
24 ~~to the particular license with respect to which grounds for~~
25 ~~the fine, revocation, suspension, refuse to renew, probation,~~
26 ~~or reprimand, or other disciplinary action occur or exist, but~~

1 ~~if the Secretary finds that grounds for revocation are of~~
2 ~~general application to all offices or to more than one office~~
3 ~~of the licensee, the Secretary shall fine, revoke, suspend,~~
4 ~~refuse to renew, place on probation, reprimand, or otherwise~~
5 ~~discipline every license to which such grounds apply.~~

6 (d) At the time and place fixed in the notice, the hearing
7 officer appointed by the Secretary shall proceed to hear the
8 charges and the parties or their counsel shall be accorded
9 ample opportunity to present any statement, testimony,
10 evidence, and argument as may be pertinent to the charges or to
11 their defense. The hearing officer may continue the hearing
12 from time to time. In every case in which a license is revoked,
13 suspended, placed on probation, reprimanded, or otherwise
14 disciplined, the Secretary shall serve the licensee with
15 notice of his or her action, including a statement of the
16 reasons for his or her actions, either personally or by
17 certified mail, return receipt requested. Service by certified
18 mail shall be deemed completed when the notice is deposited in
19 the United States mail and sent to the address of record.

20 (e) In case the licensee or applicant, after receiving the
21 notice, fails to file an answer, his or her license may, in the
22 discretion of the Secretary, be suspended, revoked, or placed
23 on probationary status, or be subject to whatever disciplinary
24 action the Secretary considers proper, including limiting the
25 scope, nature, or extent of the person's practice or
26 imposition of a fine, without hearing, if the act or acts

1 charged constitute sufficient grounds for the action under
2 this Act. ~~An order assessing a fine, an order revoking,~~
3 ~~suspending, placing on probation, or reprimanding a license~~
4 ~~er, an order denying renewal of a license shall take effect~~
5 ~~upon service of the order unless the licensee requests, in~~
6 ~~writing, within 20 days after the date of service, a hearing.~~
7 ~~In the event a hearing is requested, an order issued under this~~
8 ~~Section shall be stayed until a final administrative order is~~
9 ~~entered.~~

10 ~~(f) If the licensee requests a hearing, then the Secretary~~
11 ~~shall schedule a hearing within 30 days after the request for a~~
12 ~~hearing unless otherwise agreed to by the parties. The~~
13 ~~Secretary shall have the authority to appoint an attorney duly~~
14 ~~licensed to practice law in the State of Illinois to serve as~~
15 ~~the hearing officer in any disciplinary action with regard to~~
16 ~~a license. The hearing officer shall have full authority to~~
17 ~~conduct the hearing.~~

18 ~~(g) The hearing shall be held at the time and place~~
19 ~~designated by the Secretary.~~

20 ~~(h) The Secretary shall have the authority to prescribe~~
21 ~~rules for the administration of this Section.~~

22 ~~(i) Fines imposed and any costs assessed shall be paid~~
23 ~~within 60 days.~~

24 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

1 Sec. 25-26. Hearing officer. Notwithstanding any provision
2 of this Act, the Secretary has the authority to appoint an
3 attorney licensed to practice law in the State of Illinois to
4 serve as the hearing officer in any action for refusal to issue
5 or renew a license or discipline a license. The hearing
6 officer shall have full authority to conduct the hearing. The
7 hearing officer shall report his or her findings of fact,
8 conclusions of law, and recommendations to the Secretary.

9 (225 ILCS 411/25-30)

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

11 Sec. 25-30. Hearing; motion for rehearing ~~Consent order.~~

12 (a) The hearing officer appointed by the Secretary shall
13 hear evidence in support of the formal charges and evidence
14 produced by the licensee. At the conclusion of the hearing,
15 the hearing officer shall present to the Secretary a written
16 report of his or her findings of fact, conclusions of law, and
17 recommendations.

18 (b) At the conclusion of the hearing, a copy of the hearing
19 officer's report shall be served upon the applicant or
20 licensee, either personally or as provided in this Act for the
21 service of the notice of hearing. Within 20 calendar days
22 after such service, the applicant or licensee may present to
23 the Department a motion, in writing, for a rehearing which
24 shall specify the particular grounds for rehearing. The
25 Department may respond to the motion for rehearing within 20

1 calendar days after its service on the Department. If no
2 motion for rehearing is filed, then upon the expiration of the
3 time specified for filing such a motion, or upon denial of a
4 motion for rehearing, the Secretary may enter an order in
5 accordance with the recommendations of the hearing officer. If
6 the applicant or licensee orders from the reporting service
7 and pays for a transcript of the record within the time for
8 filing a motion for rehearing, the 20 calendar day period
9 within which a motion may be filed shall commence upon
10 delivery of the transcript to the applicant or licensee.

11 (c) If the Secretary disagrees in any regard with the
12 report of the hearing officer, the Secretary may issue an
13 order contrary to the report.

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

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

21 ~~At any point in any investigation or disciplinary proceeding~~
22 ~~provided for in this Act, both parties may agree to a~~
23 ~~negotiated consent order. The consent order shall be final~~
24 ~~upon signature of the Secretary.~~

25 (Source: P.A. 96-863, eff. 3-1-10.)

1 (225 ILCS 411/25-35)

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

3 Sec. 25-35. Record of proceedings, ~~transcript.~~

4 (a) The Department, at its expense, shall provide a
5 certified shorthand reporter to take down the testimony and
6 preserve a record of all proceedings at the hearing of any case
7 in which a licensee may be revoked, suspended, placed on
8 probationary status, reprimanded, fined, or subjected to other
9 disciplinary action with reference to the license when a
10 disciplinary action is authorized under this Act and rules.
11 The notice of hearing, complaint, and all other documents in
12 the nature of pleadings and written portions filed in the
13 proceedings, the transcript of the testimony, the report of
14 the hearing officer, and the orders of the Department shall be
15 the record of the proceedings. The record may be made
16 available to any person interested in the hearing upon payment
17 of the fee required by Section 2105-115 of the Department of
18 Professional Regulation Law shall preserve a record of all
19 proceedings at the formal hearing of any case. Any notice, all
20 documents in the nature of pleadings, written motions filed in
21 the proceedings, the transcripts of testimony, and orders of
22 the Department shall be in the record of the proceeding.

23 (b) The Department may contract for court reporting
24 services, and, if it does so, the Department shall provide the
25 name and contact information for the certified shorthand
26 reporter who transcribed the testimony at a hearing to any

1 person interested, who may obtain a copy of the transcript of
2 any proceedings at a hearing upon payment of the fee specified
3 by the certified shorthand reporter.

4 (Source: P.A. 96-863, eff. 3-1-10.)

5 (225 ILCS 411/25-90)

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

7 Sec. 25-90. Restoration of license from discipline.

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

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

17 (c) No person whose license has been revoked as authorized
18 in this Act may apply for restoration of that license until
19 such time as provided for in the Civil Administrative Code of
20 Illinois.

21 (d) A license that has been suspended or revoked shall be
22 considered non-renewed for purposes of restoration and a
23 licensee restoring his or her license from suspension or
24 revocation must comply with the requirements for restoration
25 as set forth in Section 10-40.

1 (Source: P.A. 96-863, eff. 3-1-10.)

2 (225 ILCS 411/25-95)

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

4 Sec. 25-95. Administrative review; venue.

5 (a) All final administrative decisions of the Department
6 are subject to judicial review under the Administrative Review
7 Law and its rules. The term "administrative decision" is
8 defined as in Section 3-101 of the Code of Civil Procedure.

9 (b) Proceedings for judicial review shall be commenced in
10 the circuit court of the county in which the party applying for
11 review resides, but if the party is not a resident of Illinois,
12 the venue shall be in Sangamon County.

13 (c) The Department shall not be required to certify any
14 record to the court or file any answer in court, or to
15 otherwise appear in any court in a judicial review proceeding,
16 unless and until the Department has received from the
17 plaintiff payment of the costs of furnishing and certifying
18 the record, which costs shall be determined by the Department.

19 (d) Failure on the part of the plaintiff to file a receipt
20 in court shall be grounds for dismissal of the action.

21 (Source: P.A. 96-863, eff. 3-1-10.)

22 (225 ILCS 411/25-105)

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

24 Sec. 25-105. Unlicensed practice; violations; civil

1 ~~penalty violations.~~

2 (a) Any person who practices, offers to practice, attempts
3 to practice, or hold himself or herself out as a cemetery
4 manager or customer service employee as provided in this Act
5 without being licensed or exempt under this Act shall, in
6 addition to any other penalty provided by law, pay a civil
7 penalty to the Department in an amount not to exceed \$10,000
8 for each offense, as determined by the Department. The civil
9 penalty shall be assessed by the Department after a hearing is
10 held in accordance with the provision set forth in this Act
11 regarding the provision of a hearing for the discipline of a
12 licensee.

13 (b) The Department may investigate any actual, alleged, or
14 suspected unlicensed activity.

15 (c) The civil penalty shall be paid within 60 days after
16 the effective date of the order imposing the civil penalty.
17 The order shall constitute a judgment and may be filed and
18 execution had thereon in the same manner as any judgment from
19 any court of record.

20 (d) A person or entity not licensed under this Act who has
21 violated any provision of this Act or its rules is guilty of a
22 Class A misdemeanor for the first offense and a Class 4 felony
23 for a second and subsequent offenses.

24 ~~Each of the following acts is a Class A misdemeanor for the~~
25 ~~first offense and a Class 4 felony for each subsequent~~
26 ~~offense.~~

1 ~~(1) the practice of or attempted practice of or~~
2 ~~holding out as available to practice as a cemetery~~
3 ~~authority, cemetery manager, or customer service employee~~
4 ~~without a license; or~~

5 ~~(2) the obtaining of or the attempt to obtain any~~
6 ~~license or authorization under this Act by fraud or~~
7 ~~misrepresentation.~~

8 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

9 (225 ILCS 411/25-115)

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

11 Sec. 25-115. Illinois Administrative Procedure Act;
12 application. The Illinois Administrative Procedure Act is
13 expressly adopted and incorporated in this Act as if all of the
14 provisions of that Act were included in this Act, except that
15 the provision of paragraph (d) of Section 10-65 of the
16 Illinois Administrative Procedure Act, which provides that at
17 hearings the licensee has the right to show compliance with
18 all lawful requirements for retention or continuation or
19 renewal of the license, is specifically excluded. The
20 Department shall not be required to annually verify email
21 addresses as specified in paragraph (a) of subsection (2) of
22 Section 10-75 of the Illinois Administrative Procedure Act.
23 For the purpose of this Act, the notice required under Section
24 10-25 of the Illinois Administrative Procedure Act is
25 considered sufficient when mailed to the address of record or

1 emailed to the email address of record.

2 (Source: P.A. 96-863, eff. 3-1-10.)

3 (225 ILCS 411/35-5)

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

5 Sec. 35-5. Penalties. Cemetery authorities shall respect
6 the rights of consumers of cemetery products and services as
7 put forth in this Article. Failure to abide by the cemetery
8 duties listed in this Article or to comply with a request by a
9 consumer based on a consumer's privileges under this Article
10 may activate the ~~mediation, citation, or~~ disciplinary
11 processes in Article 25 of this Act.

12 (Source: P.A. 96-863, eff. 3-1-10.)

13 (225 ILCS 411/35-15)

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

15 Sec. 35-15. Cemetery duties.

16 (a) Prices for all cemetery-related products offered for
17 sale by the cemetery authority must be disclosed to the
18 consumer in writing on a standardized price list.
19 Memorialization pricing may be disclosed in price ranges. The
20 price list shall include the effective dates of the prices.
21 The price list shall include not only the range of interment,
22 inurnment, and entombment rights, and the cost of extending
23 the term of any term burial, but also any related merchandise
24 or services offered by the cemetery authority. Charges for

1 installation of markers, monuments, and vaults in cemeteries
2 must be the same without regard to where the item is purchased.

3 (b) A contract for the interment, inurnment, or entombment
4 of human remains must be signed by both parties: the consumer
5 and the cemetery authority or its representative. Such
6 signature shall be personally signed by the signor on either
7 paper or electronic format and shall not include a stamp or
8 electronic facsimile of the signature. Before a contract is
9 signed, the prices for the purchased services and merchandise
10 must be disclosed on the contract and in plain language. If a
11 contract is for a term burial, the term, the option to extend
12 the term, and the subsequent disposition of the human remains
13 post-term must be in bold print and discussed with the
14 consumer. Any contract for the sale of a burial plot, when
15 designated, must disclose the exact location of the burial
16 plot based on the survey of the cemetery map or plat on file
17 with the cemetery authority.

18 (c) A cemetery authority that has the legal right to
19 extend a term burial shall, prior to disinterment, provide the
20 family or other authorized agent under the Disposition of
21 Remains Act the opportunity to extend the term of a term burial
22 for the cost as stated on the cemetery authority's current
23 price list. Regardless of whether the family or other
24 authorized agent chooses to extend the term burial, the
25 cemetery authority shall, prior to disinterment, provide
26 notice to the family or other authorized agent under the

1 Disposition of Remains Act of the cemetery authority's
2 intention to disinter the remains and to inter different human
3 remains in that space.

4 (d) If any rules or regulations, including the operational
5 or maintenance requirements, of a cemetery change after the
6 date a contract is signed for the purchase of cemetery-related
7 or funeral-related products or services, the cemetery may not
8 require the consumer, purchaser, or such individual's relative
9 or representative to purchase any merchandise or service not
10 included in the original contract or in the rules and
11 regulations in existence when the contract was entered unless
12 the purchase is reasonable or required to make the cemetery
13 authority compliant with applicable law.

14 (e) No cemetery authority or its agent may engage in
15 deceptive or unfair practices. The cemetery authority and its
16 agents may not misrepresent legal or cemetery requirements.

17 (f) The Department may adopt rules regarding green burial
18 certification, green cremation products and methods, and
19 consumer education.

20 (g) The contractual requirements contained in this Section
21 only apply to contracts executed after the effective date of
22 this Act.

23 (Source: P.A. 96-863, eff. 3-1-10.)

24 (225 ILCS 411/75-45)

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

1 Sec. 75-45. Fees. The Department shall by rule provide for
2 fees for the administration and enforcement of this Act, and
3 those fees are nonrefundable. All of the fees, ~~and~~ and fines, and
4 all other moneys collected under this Act and fees collected
5 on behalf of the Department under subsection (1) of Section 25
6 of the Vital Records Act shall be deposited into the Cemetery
7 Oversight Licensing and Disciplinary Fund and be appropriated
8 to the Department for the ordinary and contingent expenses of
9 the Department in the administration and enforcement of this
10 Act.

11 (Source: P.A. 96-863, eff. 3-1-10.)

12 (225 ILCS 411/25-1 rep.)

13 (225 ILCS 411/25-50 rep.)

14 (225 ILCS 411/25-55 rep.)

15 (225 ILCS 411/25-60 rep.)

16 (225 ILCS 411/25-100 rep.)

17 (225 ILCS 411/25-110 rep.)

18 (225 ILCS 411/25-120 rep.)

19 (225 ILCS 411/25-125 rep.)

20 (225 ILCS 411/75-20 rep.)

21 (225 ILCS 411/75-35 rep.)

22 Section 45. The Cemetery Oversight Act is amended by
23 repealing Sections 25-1, 25-50, 25-55, 25-60, 25-100, 25-110,
24 25-120, 25-125, 75-20, and 75-35.

1 Section 50. The Community Association Manager Licensing
2 and Disciplinary Act is amended by changing Sections 10, 15,
3 20, 25, 27, 30, 40, 45, 50, 55, 60, 65, 70, 75, 85, 90, 92, 95,
4 115, 120, 140, 145, 155, and 165 and by adding Sections 12, 41,
5 85.1, 86, 161, and 162 as follows:

6 (225 ILCS 427/10)

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

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

9 "Address of record" means the designated street address,
10 which may not be a post office box, recorded by the Department
11 in the applicant's or licensee's application file or license
12 file maintained by the Department ~~Department's licensure~~
13 ~~maintenance unit. It is the duty of the applicant or licensee~~
14 ~~to inform the Department of any change of address, and such~~
15 ~~changes must be made either through the Department's website~~
16 ~~or by contacting the Department's licensure maintenance unit.~~

17 "Advertise" means, but is not limited to, issuing or
18 causing to be distributed any card, sign or device to any
19 person; or causing, permitting or allowing any sign or marking
20 on or in any building, structure, newspaper, magazine or
21 directory, or on radio or television; or advertising by any
22 other means designed to secure public attention, including,
23 but not limited to, print, electronic, social media, and
24 digital forums.

25 "Board" means the Community Association Manager Licensing

1 and Disciplinary Board.

2 "Community association" means an association in which
3 membership is a condition of ownership or shareholder interest
4 of a unit in a condominium, cooperative, townhouse, villa, or
5 other residential unit which is part of a residential
6 development plan and that is authorized to impose an
7 assessment, rents, or other costs that may become a lien on the
8 unit or lot.

9 "Community association funds" means any assessments, fees,
10 fines, or other funds collected by the community association
11 manager from the community association, or its members, other
12 than the compensation paid to the community association
13 manager for performance of community association management
14 services.

15 "Community association management firm" means a company,
16 corporation, limited liability company, partnership, or other
17 entity that engages in community association management
18 services.

19 "Community association management services" means those
20 services listed in the definition of community association
21 manager in this Section.

22 "Community association manager" means an individual who:

23 (1) has an ownership interest in or is employed by a
24 community association management firm, or is directly
25 employed by or provides services as an independent
26 contractor to a community association; and

1 (2) administers for remuneration the financial,
2 administrative, maintenance, or other duties for the
3 community association, including the following services:

4 (A) collecting, controlling or disbursing funds of
5 the community association or having the authority to
6 do so;

7 (B) preparing budgets or other financial documents
8 for the community association;

9 (C) assisting in the conduct of community
10 association meetings;

11 (D) maintaining association records; ~~and~~

12 (E) administering ~~administrating~~ association
13 contracts or procuring goods and services in
14 accordance with, ~~as stated in~~ the declaration, bylaws,
15 proprietary lease, declaration of covenants, or other
16 governing document of the community association or at
17 the direction of the board of managers; and

18 (F) coordinating financial, administrative,
19 maintenance, or other duties called for in the
20 management contract, including individuals who are
21 direct employees of the community association.

22 "Community association manager" does not mean support
23 staff, including, but not limited to bookkeepers,
24 administrative assistants, secretaries, property inspectors,
25 or customer service representatives.

26 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Designated community association manager" means a
3 licensed community association manager who: (1) has an
4 ownership interest in or is employed by a community
5 association management firm to act as a controlling person;
6 and (2) is the authorized signatory or has delegated signing
7 authority for the firm on community association accounts; and
8 (3) supervises, manages, and is responsible for the firm's
9 community association manager activities pursuant to Section
10 50 of this Act.

11 "Email address of record" means the designated email
12 address recorded by the Department in the applicant's
13 application file or the licensee's license file, as maintained
14 by the Department.

15 "License" means the privilege conferred by the Department
16 to a person that has fulfilled all requirements prerequisite
17 to any type of licensure under this Act ~~license issued to a~~
18 ~~person, corporation, partnership, limited liability company,~~
19 ~~or other legal entity under this Act to provide community~~
20 ~~association management services.~~

21 "Licensee" means a community association manager or a
22 community association management firm.

23 "Person" means any individual, corporation, partnership,
24 limited liability company, or other legal entity.

25 "Secretary" means the Secretary of Financial and
26 Professional Regulation or the Secretary's designee.

1 ~~"Supervising community association manager" means an~~
2 ~~individual licensed as a community association manager who~~
3 ~~manages and supervises a firm.~~

4 (Source: P.A. 100-201, eff. 8-18-17.)

5 (225 ILCS 427/12 new)

6 Sec. 12. Address of record; email address of record. All
7 applicants and licensees shall:

8 (1) provide a valid address and email address to the
9 Department, which shall serve as the address of record and
10 email address of record, respectively, at the time of
11 application for licensure or renewal of a license; 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 through the Department's website or in a
15 manner prescribed by the Department.

16 (225 ILCS 427/15)

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

18 Sec. 15. License required. It shall be unlawful for any
19 person, ~~corporation, partnership, limited liability company,~~
20 ~~or other entity~~ to provide community association management
21 services, provide services as a community association manager,
22 or hold the person ~~himself, herself, or itself~~ out as a
23 community association manager or community association
24 management firm to any community association in this State,

1 unless the person holds ~~he, she, or it holds~~ a current and
2 valid license issued ~~licensed~~ by the Department or the person
3 is otherwise exempt from licensure under this Act.

4 (Source: P.A. 98-365, eff. 1-1-14.)

5 (225 ILCS 427/20)

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

7 Sec. 20. Exemptions.

8 (a) The requirement for holding a license under this Act
9 shall not apply to any of the following:

10 (1) Any director or, ~~officer, or member~~ of a community
11 association providing one or more of the services of a
12 community association manager to a community association
13 without compensation for such services to the association.

14 (2) Any person, ~~corporation, partnership, or limited~~
15 ~~liability company~~ providing one or more of the services of
16 a community association manager to a community association
17 of 10 units or less.

18 (3) A licensed attorney acting solely as an incident
19 to the practice of law.

20 (4) An individual ~~A person~~ acting as a receiver,
21 trustee in bankruptcy, administrator, executor, or
22 guardian acting under a court order or under the authority
23 of a court will ~~or of a trust instrument~~.

24 (5) A person licensed in this State under any other
25 Act who engages in practices or activities specifically

1 authorized by the Act pursuant to which the license was
2 granted ~~from engaging the practice for which he or she is~~
3 ~~licensed.~~

4 (b) A licensed community association manager may not
5 perform or engage in any activities for which a real estate
6 managing broker, ~~or~~ real estate broker, or residential leasing
7 agent broker's license is required under the Real Estate
8 License Act of 2000, unless the licensee ~~he or she~~ also
9 possesses a current and valid license under the Real Estate
10 License Act of 2000 and is providing those services as
11 provided for in the Real Estate License Act of 2000 and the
12 applicable rules.

13 (c) (Blank). ~~A person may temporarily act as, or provide~~
14 ~~services as, a community association manager without being~~
15 ~~licensed under this Act if the person (i) is a community~~
16 ~~association manager regulated under the laws of another state~~
17 ~~or territory of the United States or another country and (ii)~~
18 ~~has applied in writing to the Department, on forms prepared~~
19 ~~and furnished by the Department, for licensure under this Act.~~
20 ~~This temporary right to act as a community association manager~~
21 ~~shall expire 6 months after the filing of his or her written~~
22 ~~application to the Department; upon the withdrawal of the~~
23 ~~application for licensure under this Act; or upon delivery of~~
24 ~~a notice of intent to deny the application from the~~
25 ~~Department; or upon the denial of the application by the~~
26 ~~Department, whichever occurs first.~~

1 (Source: P.A. 98-365, eff. 1-1-14.)

2 (225 ILCS 427/25)

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

4 Sec. 25. Community Association Manager Licensing and
5 Disciplinary Board.

6 (a) There is hereby created the Community Association
7 Manager Licensing and Disciplinary Board, which shall consist
8 of 7 members appointed by the Secretary. All members must be
9 residents of the State and must have resided in the State for
10 at least 5 years immediately preceding the date of
11 appointment. Five members of the Board must be licensees under
12 this Act, ~~at least two members of which shall be supervising~~
13 ~~community association managers.~~ Two members of the Board shall
14 be owners of, or hold a shareholder's interest in, a unit in a
15 community association at the time of appointment who are not
16 licensees under this Act and have no direct affiliation ~~or~~
17 ~~work experience~~ with the community association's community
18 association manager. This Board shall act in an advisory
19 capacity to the Department.

20 (b) The term of each member ~~Members serving on the Board on~~
21 ~~the effective date of this amendatory Act of the 100th General~~
22 ~~Assembly may serve the remainder of their unexpired terms.~~
23 ~~Thereafter, the members' terms~~ shall be for 4 years or until
24 that member's successor is appointed ~~and expire upon~~
25 ~~completion of the term.~~ No member shall be reappointed to the

1 Board for a term that would cause the member's ~~his or her~~
2 cumulative service to the Board to exceed 10 years.
3 Appointments to fill vacancies shall be made by the Secretary
4 for the unexpired portion of the term. The Secretary shall
5 remove from the Board any member whose license has become void
6 or has been revoked or suspended and may remove any member of
7 the Board for neglect of duty, misconduct, or incompetence. A
8 member who is subject to formal disciplinary proceedings shall
9 be disqualified ~~disqualify himself or herself~~ from all Board
10 business until the charge is resolved. A member also shall be
11 disqualified ~~disqualify himself or herself~~ from any matter on
12 which the member cannot act objectively.

13 (c) Four Board members shall constitute a quorum. A quorum
14 is required for all Board decisions.

15 (d) The Board shall elect annually, at its first meeting
16 of the fiscal year, a chairperson and vice chairperson.

17 (e) Each member shall receive reimbursement as set by the
18 Governor's Travel Control Board for expenses incurred in
19 carrying out the duties as a Board member. The Board shall be
20 compensated as determined by the Secretary.

21 (f) The Board may recommend policies, procedures, and
22 rules relevant to the administration and enforcement of this
23 Act.

24 (Source: P.A. 100-886, eff. 8-14-18.)

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

2 Sec. 27. Immunity from liability. Any member of the Board,
3 any attorney providing advice to the Board or Department, any
4 person acting as a consultant to the Board or Department, and
5 any witness testifying in a proceeding authorized under this
6 Act, excluding the party making the complaint, shall be immune
7 from liability in any civil action brought ~~against him or her~~
8 for acts occurring while acting in one's ~~his or her~~ capacity as
9 a Board member, attorney, consultant, or witness,
10 respectively, unless the conduct that gave rise to the action
11 was willful or wanton misconduct.

12 (Source: P.A. 98-365, eff. 1-1-14.)

13 (225 ILCS 427/30)

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

15 Sec. 30. Powers and duties of the Department. The
16 Department may exercise the following functions, powers and
17 duties:

18 (a) formulate rules for the administration and
19 enforcement of this Act;

20 (b) prescribe forms to be issued for the
21 administration and enforcement of this Act and utilize
22 regular or electronic mail, at the discretion of the
23 Department, to send notices and other information to
24 applicants and licensees;

25 (c) conduct hearings or proceedings to refuse to issue

1 ~~or~~ renew, or to suspend, revoke, place on probation,
2 reprimand, or take disciplinary or non-disciplinary action
3 as the Department may deem appropriate under this Act;

4 (d) (blank); ~~maintain a roster of the names and~~
5 ~~addresses of all licensees in a manner as deemed~~
6 ~~appropriate by the Department; and~~

7 (e) seek the advice and expert knowledge of the Board
8 on any matter relating to the administration and
9 enforcement of this Act; and-

10 (f) exercise any and all general powers and duties set
11 forth in Section 2105-15 of the Department of Professional
12 Regulation Law of the Civil Administrative Code of
13 Illinois.

14 (Source: P.A. 96-726, eff. 7-1-10.)

15 (225 ILCS 427/40)

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

17 Sec. 40. Qualifications for licensure as a community
18 association manager.

19 (a) No person shall be qualified for licensure as a
20 community association manager under this Act, unless the
21 person ~~he or she~~ has applied in writing on the prescribed forms
22 and has paid the required, nonrefundable fees and has met
23 ~~meets~~ all of the following qualifications:

24 (1) Is ~~He or she is~~ at least 18 years of age.

25 (1.5) Successfully completed a 4-year course of study

1 in a high school, secondary school, or an equivalent
2 course of study approved by the state in which the school
3 is located, or possess a high school equivalency
4 certificate, which shall be verified under oath by the
5 applicant.

6 (2) Provided ~~He or she provides~~ satisfactory evidence
7 of having completed at least 20 classroom hours in
8 community association management courses approved by the
9 Board.

10 (3) Passed ~~He or she has passed~~ an examination
11 authorized by the Department.

12 (4) Has ~~He or she has~~ not committed an act or acts, in
13 this or any other jurisdiction, that would be a violation
14 of this Act.

15 (5) Is ~~He or she is~~ of good moral character. In
16 determining moral character under this Section, the
17 Department may take into consideration whether the
18 applicant has engaged in conduct or activities that would
19 constitute grounds for discipline under this Act. Good
20 moral character is a continuing requirement of licensure.
21 Conviction of crimes may be used in determining moral
22 character, but shall not constitute an absolute bar to
23 licensure.

24 (6) Has ~~He or she has~~ not been declared by any court of
25 competent jurisdiction to be incompetent by reason of
26 mental or physical defect or disease, unless ~~a court has~~

1 subsequently declared by a court ~~him or her~~ to be
2 competent.

3 (7) Complies ~~He or she complies~~ with any additional
4 qualifications for licensure as determined by rule of the
5 Department.

6 (b) (Blank). ~~The education requirement set forth in item~~
7 ~~(2) of subsection (a) of this Section shall not apply to~~
8 ~~persons holding a real estate managing broker or real estate~~
9 ~~broker license in good standing issued under the Real Estate~~
10 ~~License Act of 2000.~~

11 (c) (Blank). ~~The examination and initial education~~
12 ~~requirement of items (2) and (3) of subsection (a) of this~~
13 ~~Section shall not apply to any person who within 6 months from~~
14 ~~the effective date of the requirement for licensure, as set~~
15 ~~forth in Section 170 of this Act, applies for a license by~~
16 ~~providing satisfactory evidence to the Department of~~
17 ~~qualifying experience or education, as may be set forth by~~
18 ~~rule, including without limitation evidence that he or she has~~
19 ~~practiced community association management for a period of 5~~
20 ~~years.~~

21 (d) Applicants have 3 years from the date of application
22 to complete the application process. If the process has not
23 been completed within the 3 years, the application shall be
24 denied, the fee shall be forfeited, and the applicant must
25 reapply and meet the requirements in effect at the time of
26 re-application.

1 (e) The Department shall not require applicants to report
2 the following information and shall not consider the following
3 criminal history records in connection with an application for
4 licensure:

5 (1) juvenile adjudications of delinquent minors as
6 defined in Section 5-105 of the Juvenile Court Act of 1987
7 subject to the restrictions set forth in Section 5-130 of
8 that Act;

9 (2) law enforcement records, court records, and
10 conviction records of an individual who was 17 years old
11 at the time of the offense and before January 1, 2014,
12 unless the nature of the offense required the individual
13 to be tried as an adult;

14 (3) records of arrest not followed by a charge or
15 conviction;

16 (4) records of arrest in which the charges were
17 dismissed unless related to the practice of the
18 profession; however, applicants shall not be asked to
19 report any arrests, and an arrest not followed by a
20 conviction shall not be the basis of a denial and may be
21 used only to assess an applicant's rehabilitation;

22 (5) convictions overturned by a higher court; or

23 (6) convictions or arrests that have been sealed or
24 expunged.

25 (f) An applicant or licensee shall report to the
26 Department, in a manner prescribed by the Department, and

1 within 30 days after the occurrence if during the term of
2 licensure: (i) any conviction of or plea of guilty or nolo
3 contendere to forgery, embezzlement, obtaining money under
4 false pretenses, larceny, extortion, conspiracy to defraud, or
5 any similar offense or offenses or any conviction of a felony
6 involving moral turpitude; (ii) the entry of an administrative
7 sanction by a government agency in this State or any other
8 jurisdiction that has as an essential element dishonesty or
9 fraud or involves larceny, embezzlement, or obtaining money,
10 property, or credit by false pretenses; or (iii) any
11 conviction of or plea of guilty or nolo contendere to a crime
12 that subjects the licensee to compliance with the requirements
13 of the Sex Offender Registration Act.

14 (Source: P.A. 100-892, eff. 8-14-18.)

15 (225 ILCS 427/41 new)

16 Sec. 41. Qualifications for licensure as a community
17 association management firm. Any person who desires to obtain
18 a community association management firm license must:

19 (1) apply to the Department on forms prescribed by the
20 Department and pay the required fee;

21 (2) provide evidence to the Department that the
22 community association management firm has a licensed and
23 designated community association manager;

24 (3) be authorized to conduct business in the State of
25 Illinois and provide proof of such authorization to the

1 Department; and

2 (4) comply with all requirements as may be set forth
3 by rule.

4 (225 ILCS 427/45)

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

6 Sec. 45. Examinations.

7 (a) The Department shall authorize examinations of
8 applicants for licensure as a community association manager at
9 such times and places as it may determine. The examination of
10 applicants shall be of a character to give a fair test of the
11 qualifications of the applicant to practice as a community
12 association manager.

13 (b) Applicants for examination shall be required to pay,
14 either to the Department or the designated testing service, a
15 fee covering the cost of providing the examination.

16 (c) The Department may employ consultants to prepare and
17 conduct ~~for the purpose of preparing and conducting~~
18 examinations.

19 (d) An applicant shall be eligible to take the examination
20 only after successfully completing the education requirements
21 set forth in this Act and attaining the minimum education and
22 age required under this Act.

23 (e) (Blank). ~~The examination approved by the Department~~
24 ~~should utilize the basic principles of professional testing~~
25 ~~standards utilizing psychometric measurement. The examination~~

1 ~~shall use standards set forth by the National Organization for~~
2 ~~Competency Assurances and shall be approved by the Department.~~

3 (Source: P.A. 96-726, eff. 7-1-10.)

4 (225 ILCS 427/50)

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

6 Sec. 50. Community association management firm.

7 (a) No corporation, partnership, limited liability
8 company, or other legal entity shall provide or offer to
9 provide community association management services, unless it
10 has applied in writing on the prescribed forms and has paid the
11 required nonrefundable fees and provided evidence to the
12 Department that the firm has designated a licensed ~~supervising~~
13 community association manager to supervise and manage the
14 firm. Having a ~~A~~ designated ~~supervising~~ community association
15 manager shall be a continuing requirement of firm licensure.
16 ~~No supervising community association manager may be the~~
17 ~~supervising community association manager for more than one~~
18 ~~firm.~~

19 (b) Any corporation, partnership, limited liability
20 company, or other legal entity that is providing, or offering
21 to provide, community association management services and is
22 not in compliance with this Section ~~50~~ and other provisions of
23 this Act shall be subject to the civil penalties ~~fines~~,
24 injunctions, cease and desist provisions, and penalties
25 provided for in Sections 90, 92, and 155 of this Act.

1 (c) No community association manager may be the designated
2 community association manager ~~licensee in charge~~ for more than
3 one firm, corporation, limited liability company, partnership,
4 or other legal entity. The designated community association
5 manager shall supervise and manage all licensed and unlicensed
6 employees acting on behalf of the community association
7 management firm. The designated community association manager
8 shall supervise and manage all independent contractors
9 providing community association management services on behalf
10 of the community association management firm. The community
11 association management firm and the designated community
12 association manager shall be responsible for all actions of
13 which they had knowledge taken on behalf of the community
14 association management firm.

15 (d) The Department may adopt rules and set all necessary
16 requirements for the implementation of this Section.

17 (Source: P.A. 98-365, eff. 1-1-14.)

18 (225 ILCS 427/55)

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

20 Sec. 55. Fidelity insurance; segregation of accounts.

21 (a) The designated ~~supervising~~ community association
22 manager or the community association management firm that
23 employs the designated community association manager ~~with~~
24 ~~which he or she is employed~~ shall not have access to and
25 disburse community association funds unless each of the

1 following conditions occur:

2 (1) There is fidelity insurance in place to insure
3 against loss or ~~for~~ theft of community association funds.

4 (2) The fidelity insurance is in the maximum amount of
5 coverage available to protect funds in the custody or not
6 less than all moneys under the control of the designated
7 ~~supervising~~ community association manager or ~~the employing~~
8 community association management firm providing service to
9 ~~for~~ the association.

10 (3) During the term and coverage period of the
11 insurance, the ~~The~~ fidelity insurance shall cover ~~eovers~~
12 ~~the:~~

13 (A) the designated community association manager;~~;~~
14 ~~supervising community association manager, and~~

15 (B) the community association management firm;

16 (C) all community association managers;

17 (D) all ~~all~~ partners, officers, and employees of
18 the community association management firm; and ~~during~~
19 ~~the term of the insurance coverage, which shall be at~~
20 ~~least for the same term as the service agreement~~
21 ~~between the community association management firm or~~
22 ~~supervising community association manager as well as~~

23 (E) the community association officers, directors,
24 and employees.

25 (4) The insurance company issuing the fidelity
26 insurance may not cancel or refuse to renew the bond

1 without giving at least 10 days' prior written notice.

2 (5) Unless an agreement between the community
3 association and the designated ~~supervising~~ community
4 association manager or the community association
5 management firm provides to the contrary, a community
6 association may secure and pay for the fidelity insurance
7 required by this Section. The designated ~~supervising~~
8 community association manager, all other licensees, and ~~or~~
9 the community association management firm must be named as
10 additional insured parties on the community association
11 policy.

12 (b) A community association management firm that provides
13 community association management services for more than one
14 community association shall maintain separate, segregated
15 accounts for each community association ~~or, with the consent~~
16 ~~of the community association, combine the accounts of one or~~
17 ~~more community associations, but in that event, separately~~
18 ~~account for the funds of each community association.~~ The funds
19 shall not, in any event, be commingled with the supervising
20 community association manager's or community association
21 management firm's funds. The funds shall not, in any event, be
22 commingled with the funds of the community association
23 manager, the community association management firm, or any
24 other community association. The maintenance of such accounts
25 shall be custodial, and such accounts shall be in the name of
26 the respective community association ~~or community association~~

1 ~~manager or Community Association Management Agency as the~~
2 ~~agent for the association.~~

3 (c) The designated ~~supervising~~ community association
4 manager or community association management firm shall obtain
5 the appropriate general liability and errors and omissions
6 insurance, as determined by the Department, to cover any
7 losses or claims against a ~~the supervising~~ community
8 association manager, the designated community association
9 manager, or the community association management firm.

10 (d) The Department shall have authority to promulgate
11 additional rules regarding insurance, fidelity insurance and
12 all accounts maintained and to be maintained by a community
13 association manager, designated ~~supervising~~ community
14 association manager, or community association management firm.

15 (Source: P.A. 98-365, eff. 1-1-14.)

16 (225 ILCS 427/60)

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

18 Sec. 60. Licenses; renewals; restoration; person in
19 military service.

20 (a) The expiration date, fees, and renewal period for each
21 license issued under this Act shall be set by rule. The
22 Department may promulgate rules requiring continuing education
23 and set all necessary requirements for such, including but not
24 limited to fees, approved coursework, number of hours, and
25 waivers of continuing education.

1 (b) Any licensee who has an expired ~~permitted his, her, or~~
2 ~~its~~ license ~~to expire~~ may have the license restored by
3 applying ~~making application~~ to the Department and filing proof
4 acceptable to the Department of fitness to have the expired
5 ~~his, her, or its~~ license restored, by which may include sworn
6 evidence certifying to active practice in another jurisdiction
7 satisfactory to the Department, complying with any continuing
8 education requirements, and paying the required restoration
9 fee.

10 (c) ~~Any~~ ~~If the person has not maintained an active~~
11 ~~practice in another jurisdiction satisfactory to the~~
12 ~~Department, the Department shall determine, by an evaluation~~
13 ~~program established by rule, the person's fitness to resume~~
14 ~~active status and may require the person to complete a period~~
15 ~~of evaluated clinical experience and successful completion of~~
16 ~~a practical examination. However, any person whose license~~
17 expired while (i) in federal service on active duty with the
18 Armed Forces of the United States or called into service or
19 training with the State Militia or (ii) in training or
20 education under the supervision of the United States
21 preliminary to induction into the military service may have
22 the ~~his or her~~ license renewed or restored without paying any
23 lapsed renewal fees if, within 2 years after honorable
24 termination of the service, training or education, except
25 under condition other than honorable, the licensee ~~he or she~~
26 furnishes the Department with satisfactory evidence of

1 ~~engagement to the effect that he or she has been so engaged~~ and
2 that the service, training, or education has been so honorably
3 terminated.

4 (d) A community association manager ~~or~~ community
5 association management firm that ~~or supervising community~~
6 ~~association manager who~~ notifies the Department, in a manner
7 ~~writing on forms~~ prescribed by the Department, may place the
8 ~~his, her, or its~~ license on inactive status for a period not to
9 exceed 2 years and shall be excused from the payment of renewal
10 fees until the person notifies the Department in writing of
11 the intention to resume active practice.

12 (e) A community association manager, community association
13 management firm, ~~or supervising community association manager~~
14 requesting that the ~~his, her, or its~~ license be changed from
15 inactive to active status shall be required to pay the current
16 renewal fee and shall also demonstrate compliance with the
17 continuing education requirements.

18 (f) No ~~Any~~ licensee with a nonrenewed or ~~on~~ inactive
19 license status or community association management firm
20 operation without a designated community association manager
21 shall ~~not~~ provide community association management services as
22 set forth in this Act.

23 (g) Any person violating subsection (f) of this Section
24 shall be considered to be practicing without a license and
25 will be subject to the disciplinary provisions of this Act.

26 (h) The Department shall not renew a license if the

1 licensee has an unpaid fine from a disciplinary matter or an
2 unpaid fee from a non-disciplinary action imposed by the
3 Department until the fine or fee is paid to the Department or
4 the licensee has entered into a payment plan and is current on
5 the required payments.

6 (i) The Department shall not issue a license if the
7 applicant has an unpaid fine imposed by the Department for
8 unlicensed practice until the fine is paid to the Department
9 or the applicant has entered into a payment plan and is current
10 on the required payments.

11 (Source: P.A. 98-365, eff. 1-1-14.)

12 (225 ILCS 427/65)

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

14 Sec. 65. Fees; Community Association Manager Licensing and
15 Disciplinary Fund.

16 (a) The fees for the administration and enforcement of
17 this Act, including, but not limited to, initial licensure,
18 renewal, and restoration, shall be set by rule of the
19 Department. The fees shall be nonrefundable.

20 (b) In addition to the application fee, applicants for the
21 examination are required to pay, either to the Department or
22 the designated testing service, a fee covering the cost of
23 determining an applicant's eligibility and providing the
24 examination. Failure to appear for the examination on the
25 scheduled date, at the time and place specified, after the

1 applicant's application and fee for examination have been
2 received and acknowledged by the Department or the designated
3 testing service, shall result in the forfeiture of the fee.

4 (c) All fees, fines, penalties, or other monies received
5 or collected pursuant to this Act shall be deposited in the
6 Community Association Manager Licensing and Disciplinary Fund.

7 (d) Moneys in the Community Association Manager Licensing
8 and Disciplinary Fund may be transferred to the Professions
9 Indirect Cost Fund, as authorized under Section 2105-300 of
10 the Department of Professional Regulation Law of the Civil
11 Administrative Code of Illinois.

12 (Source: P.A. 97-1021, eff. 8-17-12; 98-365, eff. 1-1-14.)

13 (225 ILCS 427/70)

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

15 Sec. 70. Penalty for insufficient funds; payments. Any
16 person who:

17 (1) delivers a check or other payment to the
18 Department that is returned to the Department unpaid by
19 the financial institution upon which it is drawn; or

20 (2) presents a credit or debit card for payment that
21 is invalid or expired or against which charges by the
22 Department are declined or dishonored;

23 shall pay to the Department, in addition to the amount already
24 owed to the Department, a fine of \$50. The Department shall
25 notify the person that payment of fees and fines shall be paid

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

16 (Source: P.A. 98-365, eff. 1-1-14.)

17 (225 ILCS 427/75)

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

19 Sec. 75. Endorsement. The Department may issue a
20 community association manager ~~or supervising community~~
21 ~~association manager~~ license, without the required examination,
22 to an applicant licensed under the laws of another state if the
23 requirements for licensure in that state are, on the date of
24 licensure, substantially equal to the requirements of this Act
25 or to a person who, at the time of ~~his or her~~ application for

1 licensure, possessed individual qualifications that were
2 substantially equivalent to the requirements then in force in
3 this State. An applicant under this Section shall pay all of
4 the required fees.

5 All applicants under this Act ~~Applicants~~ have 3 years from
6 the date of application to complete the application process.
7 If the process has not been completed within the 3 years, the
8 application shall be denied, the fee shall be forfeited, and
9 the applicant must reapply and meet the requirements in effect
10 at the time of reapplication.

11 (Source: P.A. 98-365, eff. 1-1-14.)

12 (225 ILCS 427/85)

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

14 Sec. 85. Grounds for discipline; refusal, revocation, or
15 suspension.

16 (a) The Department may refuse to issue or renew a license,
17 or may place on probation, reprimand, suspend, or revoke any
18 license, or take any other disciplinary or non-disciplinary
19 action as the Department may deem proper and impose a fine not
20 to exceed \$10,000 for each violation upon any licensee or
21 applicant under this Act or any person or entity who holds
22 oneself ~~himself, herself, or itself~~ out as an applicant or
23 licensee for any one or combination of the following causes:

24 (1) Material misstatement in furnishing information to
25 the Department.

1 (2) Violations of this Act or its rules.

2 (3) Conviction of or entry of a plea of guilty or plea
3 of nolo contendere, as set forth in subsection (f) of
4 Section 40, to (i) a felony or a misdemeanor under the laws
5 of the United States, any state, or any other jurisdiction
6 or entry of an administrative sanction by a government
7 agency in this State or any other jurisdiction or (ii) a
8 crime that subjects the licensee to compliance with the
9 requirements of the Sex Offender Registration Act; or the
10 entry of an administrative sanction by a government agency
11 in this State or any other jurisdiction. Action taken
12 under this paragraph (3) for a misdemeanor or an
13 administrative sanction is limited to a misdemeanor or
14 administrative sanction that has as an essential element
15 dishonesty or fraud, that involves larceny, embezzlement,
16 or obtaining money, property, or credit by false pretenses
17 or by means of a confidence game, or that is directly
18 related to the practice of the profession.

19 (4) Making any misrepresentation for the purpose of
20 obtaining a license or violating any provision of this Act
21 or its rules.

22 (5) Professional incompetence.

23 (6) Gross negligence.

24 (7) Aiding or assisting another person in violating
25 any provision of this Act or its rules.

26 (8) Failing, within 30 days, to provide information in

1 response to a request made by the Department.

2 (9) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public as defined by the rules of the
5 Department, or violating the rules of professional conduct
6 adopted by the Department.

7 (10) Habitual or excessive use or addiction to
8 alcohol, narcotics, stimulants, or any other chemical
9 agent or drug that results in the inability to practice
10 with reasonable judgment, skill, or safety.

11 (11) Having been disciplined by another state, the
12 District of Columbia, a territory, a foreign nation, or a
13 governmental agency authorized to impose discipline if at
14 least one of the grounds for the discipline is the same or
15 substantially equivalent of one of the grounds for which a
16 licensee may be disciplined under this Act. A certified
17 copy of the record of the action by the other state or
18 jurisdiction shall be prima facie evidence thereof.

19 (12) Directly or indirectly giving to or receiving
20 from any person, firm, corporation, partnership or
21 association any fee, commission, rebate, or other form of
22 compensation for any ~~professional~~ services not actually or
23 personally rendered.

24 (13) A finding by the Department that the licensee,
25 after having the ~~his, her, or its~~ license placed on
26 probationary status, has violated the terms of probation.

1 (14) Willfully making or filing false records or
2 reports relating to a licensee's practice, including but
3 not limited to false records filed with any State or
4 federal agencies or departments.

5 (15) Being named as a perpetrator in an indicated
6 report by the Department of Children and Family Services
7 under the Abused and Neglected Child Reporting Act and
8 upon proof by clear and convincing evidence that the
9 licensee has caused a child to be an abused child or
10 neglected child as defined in the Abused and Neglected
11 Child Reporting Act.

12 (16) Physical illness or mental illness or impairment,
13 ~~including, but not limited to, deterioration through the~~
14 ~~aging process or loss of motor skill~~ that results in the
15 inability to practice the profession with reasonable
16 judgment, skill, or safety.

17 (17) Solicitation of professional services by using
18 false or misleading advertising.

19 (18) A finding that licensure has been applied for or
20 obtained by fraudulent means.

21 (19) Practicing or attempting to practice under a name
22 other than the full name as shown on the license or any
23 other legally authorized name unless approved by the
24 Department.

25 (20) Gross overcharging for professional services
26 including, but not limited to, (i) collection of fees or

1 moneys for services that are not rendered; and (ii)
2 charging for services that are not in accordance with the
3 contract between the licensee and the community
4 association.

5 (21) Improper commingling of personal and client funds
6 in violation of this Act or any rules promulgated thereto.

7 (22) Failing to account for or remit any moneys or
8 documents coming into the licensee's possession that
9 belong to another person or entity.

10 (23) Giving differential treatment to a person that is
11 to that person's detriment on the basis ~~because~~ of race,
12 color, ~~creed,~~ sex, ancestry, age, order of protection
13 status, marital status, physical or mental disability,
14 military status, unfavorable discharge from military
15 status, sexual orientation, pregnancy, religion, or
16 national origin.

17 (24) Performing and charging for services without
18 reasonable authorization to do so from the person or
19 entity for whom service is being provided.

20 (25) Failing to make available to the Department, upon
21 request, any books, records, or forms required by this
22 Act.

23 (26) Purporting to be a designated ~~supervising~~
24 community association manager of a firm without active
25 participation in the firm and having been designated as
26 such.

1 (27) Failing to make available to the Department at
2 the time of the request any indicia of licensure ~~or~~
3 ~~registration~~ issued under this Act.

4 (28) Failing to maintain and deposit funds belonging
5 to a community association in accordance with subsection
6 (b) of Section 55 of this Act.

7 (29) Violating the terms of a disciplinary order
8 issued by the Department.

9 (30) Operating a community association management firm
10 without a designated community association manager who
11 holds an active community association manager license.

12 (31) For a designated community association manager,
13 failing to meet the requirements for acting as a
14 designated community association manager.

15 (32) Failing to disclose to a community association
16 any compensation received by a licensee from a third party
17 in connection with or related to a transaction entered
18 into by the licensee on behalf of the community
19 association.

20 (33) Failing to disclose to a community association,
21 at the time of making the referral, that a licensee (A) has
22 greater than a 1% ownership interest in a third party to
23 which it refers the community association; or (B) receives
24 or may receive dividends or other profit sharing
25 distributions from a third party, other than a publicly
26 held or traded company, to which it refers the community

1 association.

2 (b) (Blank).

3 (c) The determination by a circuit court that a licensee
4 is subject to involuntary admission or judicial admission, as
5 provided in the Mental Health and Developmental Disabilities
6 Code, operates as an automatic suspension. The suspension will
7 terminate only upon a finding by a court that the patient is no
8 longer subject to involuntary admission or judicial admission
9 and the issuance of an order so finding and discharging the
10 patient, and upon the recommendation of the Board to the
11 Secretary that the licensee be allowed to resume ~~his or her~~
12 practice as a licensed community association manager.

13 (d) In accordance with subsection (g) of Section 2105-15
14 of the Department of Professional Regulation Law of the Civil
15 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
16 Department may refuse to issue or renew or may suspend the
17 license of any person who fails to file a return, to pay the
18 tax, penalty, or interest shown in a filed return, or to pay
19 any final assessment of tax, penalty, or interest, as required
20 by any tax Act administered by the Department of Revenue,
21 until such time as the requirements of that tax Act are
22 satisfied.

23 (e) In accordance with subdivision (a)(5) of Section
24 2105-15 of the Department of Professional Regulation Law of
25 the Civil Administrative Code of Illinois (20 ILCS
26 2105/2105-15) and in cases where the Department of Healthcare

1 and Family Services (formerly Department of Public Aid) has
2 previously determined that a licensee or a potential licensee
3 is more than 30 days delinquent in the payment of child support
4 and has subsequently certified the delinquency to the
5 Department, the Department may refuse to issue or renew or may
6 revoke or suspend that person's license or may take other
7 disciplinary action against that person based solely upon the
8 certification of delinquency made by the Department of
9 Healthcare and Family Services.

10 (f) (Blank). ~~In enforcing this Section, the Department or~~
11 ~~Board upon a showing of a possible violation may compel a~~
12 ~~licensee or an individual licensed to practice under this Act,~~
13 ~~or who has applied for licensure under this Act, to submit to a~~
14 ~~mental or physical examination, or both, as required by and at~~
15 ~~the expense of the Department. The Department or Board may~~
16 ~~order the examining physician to present testimony concerning~~
17 ~~the mental or physical examination of the licensee or~~
18 ~~applicant. No information shall be excluded by reason of any~~
19 ~~common law or statutory privilege relating to communications~~
20 ~~between the licensee or applicant and the examining physician.~~
21 ~~The examining physicians shall be specifically designated by~~
22 ~~the Board or Department. The individual to be examined may~~
23 ~~have, at his or her own expense, another physician of his or~~
24 ~~her choice present during all aspects of this examination.~~
25 ~~Failure of an individual to submit to a mental or physical~~
26 ~~examination, when directed, shall be grounds for suspension of~~

1 ~~his or her license or denial of his or her application or~~
2 ~~renewal until the individual submits to the examination if the~~
3 ~~Department finds, after notice and hearing, that the refusal~~
4 ~~to submit to the examination was without reasonable cause.~~

5 ~~If the Department or Board finds an individual unable to~~
6 ~~practice because of the reasons set forth in this Section, the~~
7 ~~Department or Board may require that individual to submit to~~
8 ~~care, counseling, or treatment by physicians approved or~~
9 ~~designated by the Department or Board, as a condition, term,~~
10 ~~or restriction for continued, reinstated, or renewed licensure~~
11 ~~to practice; or, in lieu of care, counseling, or treatment,~~
12 ~~the Department may file, or the Board may recommend to the~~
13 ~~Department to file, a complaint to immediately suspend,~~
14 ~~revoke, deny, or otherwise discipline the license of the~~
15 ~~individual. An individual whose license was granted,~~
16 ~~continued, reinstated, renewed, disciplined or supervised~~
17 ~~subject to such terms, conditions, or restrictions, and who~~
18 ~~fails to comply with such terms, conditions, or restrictions,~~
19 ~~shall be referred to the Secretary for a determination as to~~
20 ~~whether the individual shall have his or her license suspended~~
21 ~~immediately, pending a hearing by the Department.~~

22 ~~In instances in which the Secretary immediately suspends a~~
23 ~~person's license under this Section, a hearing on that~~
24 ~~person's license must be convened by the Department within 30~~
25 ~~days after the suspension and completed without appreciable~~
26 ~~delay. The Department and Board shall have the authority to~~

1 ~~review the subject individual's record of treatment and~~
2 ~~counseling regarding the impairment to the extent permitted by~~
3 ~~applicable federal statutes and regulations safeguarding the~~
4 ~~confidentiality of medical records.~~

5 ~~An individual licensed under this Act and affected under~~
6 ~~this Section shall be afforded an opportunity to demonstrate~~
7 ~~to the Department or Board that he or she can resume practice~~
8 ~~in compliance with acceptable and prevailing standards under~~
9 ~~the provisions of his or her license.~~

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

11 (225 ILCS 427/85.1 new)

12 Sec. 85.1. Citations.

13 (a) The Department may adopt rules to permit the issuance
14 of citations to any licensee for failure to comply with the
15 continuing education requirements set forth in this Act or as
16 established by rule. The citation shall be issued to the
17 licensee and a copy sent to the licensee's designated
18 community association manager, and shall contain the
19 licensee's name, the licensee's address, the licensee's
20 license number, the number of required hours of continuing
21 education that have not been successfully completed by the
22 licensee within the renewal period, and the penalty imposed,
23 which shall not exceed \$2,000. The issuance of any such
24 citation shall not excuse the licensee from completing all
25 continuing education required for that renewal period.

1 (b) Service of a citation shall be made in person,
2 electronically, or by mail to the licensee at the licensee's
3 address of record or email address of record, and the citation
4 must clearly state that if the cited licensee wishes to
5 dispute the citation, the cited licensee may make a written
6 request, within 30 days after the citation is served, for a
7 hearing before the Department. If the cited licensee does not
8 request a hearing within 30 days after the citation is served,
9 then the citation shall become a final, non-disciplinary
10 order, and any fine imposed is due and payable within 60 days
11 after that final order. If the cited licensee requests a
12 hearing within 30 days after the citation is served, the
13 Department shall afford the cited licensee a hearing conducted
14 in the same manner as a hearing provided for in this Act for
15 any violation of this Act and shall determine whether the
16 cited licensee committed the violation as charged and whether
17 the fine as levied is warranted. If the violation is found, any
18 fine shall constitute non-public discipline and be due and
19 payable within 30 days after the order of the Secretary, which
20 shall constitute a final order of the Department. No change in
21 license status may be made by the Department until a final
22 order of the Department has been issued.

23 (c) Payment of a fine that has been assessed pursuant to
24 this Section shall not constitute disciplinary action
25 reportable on the Department's website or elsewhere unless a
26 licensee has previously received 2 or more citations and been

1 assessed 2 or more fines.

2 (d) Nothing in this Section shall prohibit or limit the
3 Department from taking further action pursuant to this Act and
4 rules for additional, repeated, or continuing violations.

5 (225 ILCS 427/86 new)

6 Sec. 86. Illegal discrimination. When there has been an
7 adjudication in a civil or criminal proceeding that a
8 community association manager or community association
9 management firm has illegally discriminated while engaged in
10 any activity for which a license is required under this Act,
11 the Department, upon the recommendation of the Board as to the
12 extent of the suspension or revocation, shall suspend or
13 revoke the license of that licensee in a timely manner, unless
14 the adjudication is in the appeal process. When there has been
15 an order in an administrative proceeding finding that a
16 licensee has illegally discriminated while engaged in any
17 activity for which a license is required under this Act, the
18 Department, upon recommendation of the Board as to the nature
19 and extent of the discipline, shall take one or more of the
20 disciplinary actions provided for in Section 85 in a timely
21 manner, unless the administrative order is in the appeal
22 process.

23 (225 ILCS 427/90)

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

1 Sec. 90. Violations; injunctions; cease and desist orders.

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

15 (b) If any person provides, ~~entity or other business may~~
16 ~~provide~~ community association management services or provides
17 ~~provide~~ services as a community association manager to any
18 community association in this State without having a valid
19 license under this Act or, in the case of a community
20 association management firm, without a designated community
21 association manager, then any licensee, any interested party,
22 or any person injured thereby may, in addition to the
23 Secretary, petition for relief as provided in subsection (a)
24 of this Section.

25 (c) Whenever in the opinion of the Department any person,
26 entity or other business violates any provision of this Act,

1 the Department may issue a rule to show cause why an order to
2 cease and desist should not be entered against such person,
3 firm or other entity. The rule shall clearly set forth the
4 grounds relied upon by the Department and shall provide a
5 period of at least 7 days from the date of the rule to file an
6 answer to the satisfaction of the Department. If the person,
7 firm or other entity fails to file an answer satisfactory to
8 the Department, the matter shall be considered as a default
9 and the Department may cause an order to cease and desist to be
10 issued immediately.

11 (Source: P.A. 96-726, eff. 7-1-10.)

12 (225 ILCS 427/92)

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

14 Sec. 92. Unlicensed practice; violation; civil penalty.

15 (a) Any person, entity or other business who practices,
16 offers to practice, attempts to practice, or holds oneself
17 ~~himself, herself or itself~~ out to practice as a community
18 association manager or community association management firm
19 or provides ~~provide~~ services as a community association
20 manager or community association management firm to any
21 community association in this State without being licensed
22 under this Act or, in the case of a community association
23 management firm, without a designated community association
24 manager shall, in addition to any other penalty provided by
25 law, pay a civil penalty to the Department in an amount not to

1 exceed \$10,000 for each offense, as determined by the
2 Department. The civil penalty shall be assessed by the
3 Department after a hearing is held in accordance with the
4 provisions set forth in this Act regarding the provision of a
5 hearing for the discipline of a licensee.

6 (b) The Department may investigate any and all unlicensed
7 activity.

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

13 (Source: P.A. 98-365, eff. 1-1-14.)

14 (225 ILCS 427/95)

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

16 Sec. 95. Investigation; notice and hearing. The
17 Department may investigate the actions or qualifications of a
18 person, entity or other business applying for, holding or
19 claiming to hold, or holding oneself out as having a license or
20 rendering or offering to render services for which a license
21 is required by this Act and may notify their designated
22 community association manager, if any, of the pending
23 investigation. Before suspending, revoking, placing on
24 probationary status, or taking any other disciplinary action
25 as the Department may deem proper with regard to any license,

1 at least 30 days before the date set for the hearing, the
2 Department shall (i) notify the accused and their designated
3 community association manager, if any, in writing of any
4 charges made and the time and place for a hearing on the
5 charges before the Board, (ii) direct the accused ~~individual~~
6 ~~or entity~~ to file a written answer to the charges with the
7 Board under oath within 20 days after the service on the
8 accused ~~him or her~~ of such notice, and (iii) inform the accused
9 ~~person, entity or other business~~ that if the accused ~~the~~
10 ~~person, entity, or other business~~ fails to file an answer,
11 default will be taken against the accused ~~such person, entity,~~
12 ~~or other business~~ and the license of the accused ~~such person,~~
13 ~~entity, or other business~~ may be suspended, revoked, placed on
14 probationary status, or other disciplinary action taken with
15 regard to the license, including limiting the scope, nature,
16 or extent of related ~~his or her~~ practice, as the Department may
17 deem proper. The Department shall serve notice under this
18 Section by regular or electronic ~~Written notice may be served~~
19 ~~by personal delivery or by registered or certified mail to the~~
20 applicant's or licensee's ~~applicant or licensee at his or her~~
21 last address of record or email address of record as provided
22 to ~~with~~ the Department. If the accused ~~In case the person~~ fails
23 to file an answer after receiving notice, the ~~his or her~~
24 license may, in the discretion of the Department, be
25 suspended, revoked, or placed on probationary status, or the
26 Department may take whatever disciplinary action deemed

1 proper, including limiting the scope, nature, or extent of the
2 person's practice or the imposition of a fine, without a
3 hearing, if the act or acts charged constitute sufficient
4 grounds for such action under this Act. The ~~written~~ answer
5 shall be served by personal delivery or regular, ~~certified~~
6 ~~delivery, or certified or registered~~ mail to the Department.
7 At the time and place fixed in the notice, the Department shall
8 proceed to hear the charges and the parties or their counsel
9 shall be accorded ample opportunity to present such
10 statements, testimony, evidence, and argument as may be
11 pertinent to the charges or to the defense thereto. The
12 Department may continue such hearing from time to time. At the
13 discretion of the Secretary after having first received the
14 recommendation of the Board, the accused person's license may
15 be suspended, ~~or~~ revoked, or placed on probationary status or
16 the Department may take whatever disciplinary action
17 considered proper, including limiting the scope, nature, or
18 extent of the person's practice or the imposition of a fine if
19 the act or acts charged constitute sufficient grounds for that
20 action under this Act. A copy of the Department's final order
21 shall be delivered to the accused's designated community
22 association manager or, if the accused is directly employed by
23 a community association, to the board of managers of that
24 association if known to the Department, ~~if the evidence~~
25 ~~constitutes sufficient grounds for such action under this Act.~~

26 (Source: P.A. 96-726, eff. 7-1-10; 97-333, eff. 8-12-11.)

1 (225 ILCS 427/115)

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

3 Sec. 115. Rehearing. At the conclusion of a hearing and
4 following deliberation by the Board, a copy of the Board's
5 report shall be served upon the applicant, licensee, or
6 unlicensed person by the Department, either personally or as
7 provided in this Act for the service of a notice of hearing. ~~In~~
8 ~~any hearing involving disciplinary action against a licensee,~~
9 ~~a copy of the Board's report shall be served upon the~~
10 ~~respondent by the Department, either personally or as provided~~
11 ~~in this Act for the service of the notice of hearing.~~ Within 20
12 calendar days after service, the respondent may present to the
13 Department a motion in writing for a rehearing that shall
14 specify the particular grounds for rehearing. If no motion for
15 rehearing is filed, then upon the expiration of the time
16 specified for filing a motion, or if a motion for rehearing is
17 denied, then upon denial, the Secretary may enter an order in
18 accordance with recommendations of the Board, except as
19 provided in this Act. If the respondent orders from the
20 reporting service, and pays for, a transcript of the record
21 within the time for filing a motion for rehearing, the 20
22 calendar day period within which a motion may be filed shall
23 commence upon the delivery of the transcript to the
24 respondent.

25 (Source: P.A. 96-726, eff. 7-1-10.)

1 (225 ILCS 427/120)

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

3 Sec. 120. Appointment of a hearing officer. The Secretary
4 has the authority to appoint any attorney duly licensed to
5 practice law in the State of Illinois to serve as the hearing
6 officer in any action for refusal to issue or renew a license,
7 or to discipline a licensee. The hearing officer has full
8 authority to conduct the hearing. The hearing officer shall
9 report the ~~his~~ findings and recommendations to the Board and
10 the Secretary. At its next meeting following ~~The Board has 60~~
11 ~~calendar days from~~ receipt of the report, the Board shall ~~to~~
12 review the report of the hearing officer and present its
13 findings of fact, conclusions of law, and recommendations to
14 the Secretary.

15 If the Board fails to present its report within 30
16 calendar days following its next meeting after receiving the
17 report ~~within the 60 calendar day period~~, the respondent may
18 request in writing a direct appeal to the Secretary, in which
19 case the Secretary shall, within 7 calendar days after the
20 request, issue an order directing the Board to issue its
21 findings of fact, conclusions of law, and recommendations to
22 the Secretary within 30 calendar days after such order.

23 If the Board fails to issue its findings of fact,
24 conclusions of law, and recommendations within that time frame
25 to the Secretary after the entry of such order, the Secretary

1 shall, within 30 calendar days thereafter, issue an order
2 based upon the report of the hearing officer and the record of
3 the proceedings or issue an order remanding the matter back to
4 the hearing officer for additional proceedings in accordance
5 with the order.

6 If (i) a direct appeal is requested, (ii) the Board fails
7 to issue its findings of fact, conclusions of law, and
8 recommendations within the 30-day mandate from the Secretary
9 or the Secretary fails to order the Board to do so, and (iii)
10 the Secretary fails to issue an order within 30 calendar days
11 thereafter, then the hearing officer's report is deemed
12 accepted and a final decision of the Secretary.

13 Notwithstanding any other provision of this Section, if
14 the Secretary, upon review, determines that substantial
15 justice has not been done in the revocation, suspension, or
16 refusal to issue or renew a license or other disciplinary
17 action taken as the result of the entry of the hearing
18 officer's report, the Secretary may order a rehearing by the
19 same or other examiners. If the Secretary disagrees with the
20 recommendation of the Board or the hearing officer, the
21 Secretary may issue an order in contravention of either
22 recommendation.

23 (Source: P.A. 96-726, eff. 7-1-10.)

24 (225 ILCS 427/140)

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

1 Sec. 140. Summary suspension. The Secretary may summarily
2 suspend a license without a hearing, simultaneously with the
3 institution of proceedings for a hearing provided for in this
4 Act, if the Secretary finds ~~that~~ evidence indicating ~~in his or~~
5 ~~her possession indicates~~ that a continuation in practice would
6 constitute an imminent danger to the public. In the event that
7 the Secretary summarily suspends a license without a hearing,
8 a hearing by the Department must be held within 30 calendar
9 days after the suspension has occurred.

10 (Source: P.A. 96-726, eff. 7-1-10.)

11 (225 ILCS 427/145)

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

13 Sec. 145. Judicial review. All final administrative
14 decisions of the Department are subject to judicial review
15 under the Administrative Review Law and its rules. The term
16 "administrative decision" is defined as in Section 3-101 of
17 the Code of Civil Procedure. Proceedings for judicial review
18 shall be commenced in the circuit court of the county in which
19 the party applying for review resides; but if the party is not
20 a resident of this State, the venue shall be in Sangamon County
21 or Cook County.

22 (Source: P.A. 96-726, eff. 7-1-10.)

23 (225 ILCS 427/155)

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

1 Sec. 155. Violations; penalties.

2 (a) A person who violates any of the following provisions
3 shall be guilty of a Class A misdemeanor; a person who commits
4 a second or subsequent violation of these provisions is guilty
5 of a Class 4 felony:

6 (1) Practicing or attempting to ~~The practice of or~~
7 ~~attempted practice of~~ or holding oneself out as available
8 to practice as a community association manager ~~or~~
9 ~~supervising community association manager~~ without a
10 license.

11 (2) Operating or attempting ~~Operation of or attempt~~ to
12 operate a community association management firm without a
13 firm license or a designated ~~supervising~~ community
14 association manager.

15 (3) Obtaining or attempting ~~The obtaining of or the~~
16 ~~attempt~~ to obtain any license or authorization issued
17 under this Act by fraudulent misrepresentation.

18 (b) Whenever a licensee is convicted of a felony related
19 to the violations set forth in this Section, ~~the clerk of the~~
20 ~~court in any jurisdiction shall promptly report the conviction~~
21 ~~to the Department and~~ the Department shall immediately revoke
22 any license authorized under this Act held by that licensee.
23 The licensee shall not be eligible for licensure under this
24 Act until at least 5 years have elapsed since a felony
25 conviction or 3 years since release from confinement for the
26 conviction, whichever is later, without a subsequent 10 years

1 ~~have elapsed since the time of full discharge from any~~
2 ~~sentence imposed for a felony conviction. If any person in~~
3 ~~making any oath or affidavit required by this Act swears~~
4 ~~falsely, the person is guilty of perjury and may be punished~~
5 ~~accordingly.~~

6 (Source: P.A. 98-365, eff. 1-1-14; 99-78, eff. 7-20-15.)

7 (225 ILCS 427/161 new)

8 Sec. 161. Statute of limitations. No action may be taken
9 under this Act against a person or entity licensed under this
10 Act unless the action is commenced within 5 years after the
11 occurrence of the alleged violation. A continuing violation is
12 deemed to have occurred on the date when the circumstances
13 last existed that gave rise to the alleged continuing
14 violation.

15 (225 ILCS 427/162 new)

16 Sec. 162. No private right of action. Except as otherwise
17 expressly provided for in this Act, nothing in this Act shall
18 be construed to grant to any person a private right of action
19 to enforce the provisions of this Act or the rules adopted
20 under this Act.

21 (225 ILCS 427/165)

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

23 Sec. 165. Home rule. The regulation and licensing of

1 community association managers, ~~supervising community~~
2 ~~association managers,~~ and community association management
3 firms are exclusive powers and functions of the State. A home
4 rule unit may not regulate or license community association
5 managers, ~~supervising community association managers,~~ or
6 community association management firms. This Section is a
7 denial and limitation of home rule powers and functions under
8 subsection (h) of Section 6 of Article VII of the Illinois
9 Constitution.

10 (Source: P.A. 98-365, eff. 1-1-14.)

11 (225 ILCS 427/42 rep.)

12 (225 ILCS 427/80 rep.)

13 (225 ILCS 427/135 rep.)

14 (225 ILCS 427/170 rep.)

15 Section 55. The Community Association Manager Licensing
16 and Disciplinary Act is amended by repealing Sections 42, 80,
17 135, and 170.

18 Section 60. The Detection of Deception Examiners Act is
19 amended by changing Sections 1, 7.1, 7.3, 17, and 20 and by
20 adding Section 10.2 as follows:

21 (225 ILCS 430/1) (from Ch. 111, par. 2401)

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

23 Sec. 1. Definitions. As used in this Act, unless the

1 context otherwise requires:

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

9 "Detection of Deception Examination", hereinafter referred
10 to as "Examination" means any examination in which a device or
11 instrument is used to test or question individuals for the
12 purpose of evaluating truthfulness or untruthfulness.

13 "Email address of record" means the designated email
14 address recorded by the Department in the applicant's
15 application file or the licensee's license file, as maintained
16 by the Department's licensure maintenance unit.

17 "Examiner" means any person licensed under this Act.

18 "Person" includes any natural person, partnership,
19 association, corporation or trust.

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 "Law enforcement agency" means an agency of the State or a
23 unit of local government that is vested by law or ordinance
24 with the power to maintain public order and to enforce
25 criminal laws and ordinances.

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

2 (Source: P.A. 97-168, eff. 7-22-11.)

3 (225 ILCS 430/7.1) (from Ch. 111, par. 2408)

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

5 Sec. 7.1. Administrative Procedure Act. The Illinois
6 Administrative Procedure Act is hereby expressly adopted and
7 incorporated herein as if all of the provisions of that Act
8 were included in this Act, except that the provision of
9 subsection (d) of Section 10-65 of the Illinois Administrative
10 Procedure Act that provides that at hearings the licensee has
11 the right to show compliance with all lawful requirements for
12 retention, continuation, or renewal of the license is
13 specifically excluded. For the purposes of this Act, the
14 notice required under Section 10-25 of the Illinois
15 Administrative Procedure Act is deemed sufficient when mailed
16 or emailed to the last known address of a party.

17 (Source: P.A. 100-201, eff. 8-18-17.)

18 (225 ILCS 430/7.3)

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

20 Sec. 7.3. Appointment of a Hearing Officer. The Secretary
21 has the authority to appoint an attorney, licensed to practice
22 law in the State of Illinois, to serve as a Hearing Officer in
23 any action for refusal to issue or renew a license or to
24 discipline a license. The Hearing Officer has full authority

1 to conduct the hearing. ~~The appointed Detection of Deception~~
2 ~~Coordinator may attend hearings and advise the Hearing Officer~~
3 ~~on technical matters involving Detection of Deception~~
4 ~~examinations.~~

5 (Source: P.A. 97-168, eff. 7-22-11.)

6 (225 ILCS 430/10.2 new)

7 Sec. 10.2. Address of record; email address of record.

8 All applicants and licensees shall:

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

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

17 (225 ILCS 430/17) (from Ch. 111, par. 2418)

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

19 Sec. 17. Investigations; notice and hearing. The
20 Department may investigate the actions of any applicant or any
21 person or persons rendering or offering to render detection of
22 deception services or any person holding or claiming to hold a
23 license as a licensed examiner. The Department shall, before
24 refusing to issue or renew a license or to discipline a

1 licensee under Section 14, at least 30 days prior to the date
2 set for the hearing, (i) notify the accused in writing of the
3 charges made and the time and place for the hearing on the
4 charges, (ii) direct him or her to file a written answer with
5 the Department under oath within 20 days after the service of
6 the notice, and (iii) inform the applicant or licensee that
7 failure to file an answer will result in default being taken
8 against the applicant or licensee. At the time and place fixed
9 in the notice, the Department shall proceed to hear the
10 charges and the parties or their counsel shall be accorded
11 ample opportunity to present any pertinent statements,
12 testimony, evidence, and arguments. The Department may
13 continue the hearing from time to time. In case the person,
14 after receiving the notice, fails to file an answer, his or her
15 license, may, in the discretion of the Department, be revoked,
16 suspended, placed on probationary status, or the Department
17 may take whatever disciplinary action considered proper,
18 including limiting the scope, nature, or extent of the
19 person's practice or the imposition of a fine, without a
20 hearing, if the act or acts charged constitute sufficient
21 grounds for that action under the Act. The written notice may
22 be served by email, by personal delivery, or by ~~certified~~ mail
23 to the accused's address of record.

24 (Source: P.A. 97-168, eff. 7-22-11.)

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

2 Sec. 20. Any person affected by a final administrative
3 decision of the Department may have such decision reviewed
4 judicially by the circuit court of the county wherein such
5 person resides. If the plaintiff in the review proceeding is
6 not a resident of this State, the venue shall be in Sangamon
7 County. The provisions of the Administrative Review Law, and
8 all amendments and modifications thereof, and the rules
9 adopted pursuant thereto, shall apply to and govern all
10 proceedings for the judicial review of final administrative
11 decisions of the Department hereunder. The term
12 "administrative decision" is defined as in Section 3-101 of
13 the Code of Civil Procedure.

14 The Department shall not be required to certify any record
15 to the court or file any answer in court or otherwise appear in
16 any court in a judicial ~~Judicial~~ review proceeding, unless and
17 until the Department has received from the plaintiff payment
18 of the costs of furnishing and certifying the record which
19 costs shall be determined by the Department. ~~Exhibits shall be~~
20 ~~certified without cost.~~ Failure on the part of the plaintiff
21 to file a receipt in court is grounds for dismissal of the
22 action.

23 (Source: P.A. 97-168, eff. 7-22-11.)

24 (225 ILCS 430/7.2 rep.)

25 (225 ILCS 430/16 rep.)

1 Section 65. The Detection of Deception Examiners Act is
2 amended by repealing Sections 7.2 and 16.

3 Section 70. The Home Inspector License Act is amended by
4 changing Sections 1-10, 5-5, 5-10, 5-12, 5-16, 5-17, 5-20,
5 5-25, 5-30, 10-10, 15-10, 15-15, 15-20, 15-55, 15-60, 20-5,
6 25-15, and 25-27 and by adding Sections 1-12, 5-50, 15-10.1,
7 and 15-36 as follows:

8 (225 ILCS 441/1-10)

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

10 Sec. 1-10. Definitions. As used in this Act, unless the
11 context otherwise requires:

12 "Address of record" means the designated street address,
13 which may not be a post office box, recorded by the Department
14 in the applicant's or licensee's application file or license
15 file as maintained by the ~~Department's licensure maintenance~~
16 ~~unit. It is the duty of the applicant or licensee to inform the~~
17 ~~Department of any change of address and those changes must be~~
18 ~~made either through the Department's website or by contacting~~
19 ~~the~~ Department.

20 "Applicant" means a person who applies to the Department
21 for a license under this Act.

22 "Client" means a person who engages or seeks to engage the
23 services of a home inspector for an inspection assignment.

24 "Department" means the Department of Financial and

1 Professional Regulation.

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

6 "Home inspection" means the examination and evaluation of
7 the exterior and interior components of residential real
8 property, which includes the inspection of any 2 or more of the
9 following components of residential real property in
10 connection with or to facilitate the sale, lease, or other
11 conveyance of, or the proposed sale, lease or other conveyance
12 of, residential real property:

- 13 (1) heating, ventilation, and air conditioning system;
14 (2) plumbing system;
15 (3) electrical system;
16 (4) structural composition;
17 (5) foundation;
18 (6) roof;
19 (7) masonry structure; or
20 (8) any other residential real property component as
21 established by rule.

22 "Home inspector" means a person or entity who, for another
23 and for compensation either direct or indirect, performs home
24 inspections.

25 "Home inspection report" or "inspection report" means a
26 written evaluation prepared and issued by a home inspector

1 upon completion of a home inspection, which meets the
2 standards of practice as established by the Department.

3 "Inspection assignment" means an engagement for which a
4 home inspector is employed or retained to conduct a home
5 inspection and prepare a home inspection report.

6 "License" means the privilege conferred by the Department
7 to a person who has fulfilled all requirements prerequisite to
8 any type of licensure under this Act.

9 "Licensee" means a home inspector, home inspector entity,
10 or home inspector education provider.

11 "Person" means individuals, entities, corporations,
12 limited liability companies, registered limited liability
13 partnerships, and partnerships, foreign or domestic, except
14 that when the context otherwise requires, the term may refer
15 to a single individual or other described entity.

16 "Residential real property" means real property that is
17 used or intended to be used as a residence by one or more
18 individuals.

19 "Secretary" means the Secretary of Financial and
20 Professional Regulation or the Secretary's designee.

21 "Standards of practice" means recognized standards ~~and~~
22 ~~codes~~ to be used in a home inspection, as determined by the
23 Department and established by rule.

24 (Source: P.A. 97-226, eff. 7-28-11.)

1 Sec. 1-12. Address of record; email address of record. All
2 applicants and licensees shall:

3 (1) provide a valid address and email address to the
4 Department, which shall serve as the address of record and
5 email address of record, respectively, at the time of
6 application for licensure or renewal of a license; and

7 (2) inform the Department of any change of address of
8 record or email address of record within 14 days after
9 such change through the Department's website or by
10 contacting the Department.

11 (225 ILCS 441/5-5)

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

13 Sec. 5-5. Necessity of license; use of title; exemptions.

14 (a) It is unlawful for any person, including any entity,
15 to act or assume to act as a home inspector, to engage in the
16 business of home inspection, to develop a home inspection
17 report, to practice as a home inspector, or to advertise or
18 hold oneself ~~himself, herself, or itself~~ out to be a home
19 inspector without a home inspector license issued under this
20 Act. A person who violates this subsection is guilty of a Class
21 A misdemeanor for the first offense and a Class 4 felony for
22 the second and any subsequent offenses.

23 (b) It is unlawful for any person, other than a person who
24 holds a valid home inspector license issued pursuant to this
25 Act, to use the title "home inspector" or any other title,

1 designation, or abbreviation likely to create the impression
2 that the person is licensed as a home inspector pursuant to
3 this Act. A person who violates this subsection is guilty of a
4 Class A misdemeanor.

5 (c) The licensing requirements of this Article do not
6 apply to:

7 (1) any person who is employed as a code enforcement
8 official by the State of Illinois or any unit of local
9 government, while acting within the scope of that
10 government employment;

11 (2) any person licensed in this State by any other law
12 who is engaging in the profession or occupation for which
13 the person is licensed ~~by the State of Illinois while~~
14 ~~acting within the scope of his or her license; or~~

15 (3) any person engaged by the owner or lessor of
16 residential real property for the purpose of preparing a
17 bid or estimate as to the work necessary or the costs
18 associated with performing home construction, home
19 remodeling, or home repair work on the residential real
20 property, provided such person does not ~~hold himself or~~
21 ~~herself out, or~~ advertise or hold oneself out as himself
22 ~~or herself, as being~~ engaged in business as a home
23 inspector.

24 (d) The licensing of home inspector entities required
25 under this Act does not apply to an entity whose ownership
26 structure is one licensed home inspector operating a sole

1 proprietorship, a single member limited liability company, or
2 a single shareholder corporation, and that home inspector is
3 the only licensed home inspector performing inspections on the
4 entity's behalf. The licensed home inspector who is the sole
5 proprietor, sole shareholder, or single member of the company
6 or entity shall comply with all other provisions of this Act.

7 (Source: P.A. 97-226, eff. 7-28-11.)

8 (225 ILCS 441/5-10)

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

10 Sec. 5-10. Application for home inspector license.

11 (a) Every natural person who desires to obtain a home
12 inspector license shall:

13 (1) apply to the Department in a manner ~~on forms~~
14 prescribed by the Department and accompanied by the
15 required fee; all applications shall contain the
16 information that, in the judgment of the Department,
17 enables the Department to pass on the qualifications of
18 the applicant for a license to practice as a home
19 inspector as set by rule;

20 (2) be at least 18 years of age;

21 (3) successfully complete a 4-year course of study in
22 a high school or secondary school or an equivalent course
23 of study approved by the state in which the school is
24 located, or possess a high school equivalency certificate,
25 which shall be verified under oath by the applicant

1 ~~provide evidence of having attained a high school diploma~~
2 ~~or completed an equivalent course of study as determined~~
3 ~~by an examination conducted by the Illinois State Board of~~
4 ~~Education;~~

5 (4) personally take and pass a written examination and
6 a field ~~an~~ examination authorized by the Department; and

7 (5) prior to taking the examination, provide evidence
8 to the Department that the applicant ~~he or she~~ has
9 successfully completed the prerequisite classroom hours of
10 instruction in home inspection, as established by rule.

11 (b) The Department shall not require applicants to report
12 the following information and shall not consider the following
13 criminal history records in connection with an application for
14 licensure or registration:

15 (1) juvenile adjudications of delinquent minors as
16 defined in Section 5-105 of the Juvenile Court Act of 1987
17 subject to the restrictions set forth in Section 5-130 of
18 that Act;

19 (2) law enforcement records, court records, and
20 conviction records of an individual who was 17 years old
21 at the time of the offense and before January 1, 2014,
22 unless the nature of the offense required the individual
23 to be tried as an adult;

24 (3) records of arrest not followed by a charge or
25 conviction;

26 (4) records of arrest where the charges were dismissed

1 unless related to the practice of the profession; however,
2 applicants shall not be asked to report any arrests, and
3 an arrest not followed by a conviction shall not be the
4 basis of denial and may be used only to assess an
5 applicant's rehabilitation;

6 (5) convictions overturned by a higher court; or

7 (6) convictions or arrests that have been sealed or
8 expunged.

9 (c) An applicant or licensee shall report to the
10 Department, in a manner prescribed by the Department, upon
11 application and within 30 days after the occurrence, if during
12 the term of licensure, (i) any conviction of or plea of guilty
13 or nolo contendere to forgery, embezzlement, obtaining money
14 under false pretenses, larceny, extortion, conspiracy to
15 defraud, or any similar offense or offenses or any conviction
16 of a felony involving moral turpitude, (ii) the entry of an
17 administrative sanction by a government agency in this State
18 or any other jurisdiction that has as an essential element
19 dishonesty or fraud or involves larceny, embezzlement, or
20 obtaining money, property, or credit by false pretenses, or
21 (iii) a crime that subjects the licensee to compliance with
22 the requirements of the Sex Offender Registration Act.

23 (d) Applicants have 3 years after the date of the
24 application to complete the application process. If the
25 process has not been completed within 3 years, the application
26 shall be denied, the fee forfeited, and the applicant must

1 reapply and meet the requirements in effect at the time of
2 reapplication.

3 (Source: P.A. 100-892, eff. 8-14-18.)

4 (225 ILCS 441/5-12)

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

6 Sec. 5-12. Application for home inspector license; entity.
7 Every entity that is not a natural person that desires to
8 obtain a home inspector license shall apply to the Department
9 in a manner prescribed ~~on forms provided~~ by the Department and
10 accompanied by the required fee.

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

16 A corporation, limited liability company, partnership, or
17 entity shall, as a condition of licensure, designate a
18 managing licensed home inspector. The managing home inspector
19 of any home inspector entity shall be responsible for the
20 actions of all licensed and unlicensed employees, agents, and
21 representatives of that home inspector entity while it is
22 providing a home inspection or home inspection service. All
23 other requirements for home inspector entities shall be
24 established by rule.

25 (Source: P.A. 97-226, eff. 7-28-11.)

1 (225 ILCS 441/5-16)

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

3 Sec. 5-16. Renewal of license.

4 (a) The expiration date and renewal period for a home
5 inspector license issued under this Act shall be set by rule.
6 Except as otherwise provided in subsections (b) and (c) of
7 this Section, the holder of a license may renew the license
8 within 90 days preceding the expiration date by:

9 (1) completing and submitting to the Department a
10 renewal application in a manner prescribed ~~form as~~
11 ~~provided~~ by the Department;

12 (2) paying the required fees; and

13 (3) providing evidence of successful completion of the
14 continuing education requirements through courses approved
15 by the Department given by education providers licensed by
16 the Department, as established by rule.

17 (b) A home inspector whose license under this Act has
18 expired may renew the license for a period of 2 years following
19 the expiration date by complying with the requirements of
20 subparagraphs (1), (2), and (3) of subsection (a) of this
21 Section and paying any late penalties established by rule.

22 (c) Notwithstanding subsection (b), a home inspector whose
23 license under this Act has expired may renew the license
24 without paying any lapsed renewal fees or late penalties if
25 (i) the license expired while the home inspector was on active

1 duty with the United States Armed Services, (ii) application
2 for renewal is made within 2 years following the termination
3 of the military service or related education, training, or
4 employment, and (iii) the applicant furnishes to the
5 Department an affidavit that the applicant ~~he or she~~ was so
6 engaged.

7 (d) The Department shall provide reasonable care and due
8 diligence to ensure that each licensee under this Act is
9 provided a renewal application at least 90 days prior to the
10 expiration date, but it is the responsibility of each licensee
11 to renew the ~~his or her~~ license prior to its expiration date.

12 (Source: P.A. 97-226, eff. 7-28-11.)

13 (225 ILCS 441/5-17)

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

15 Sec. 5-17. Renewal of home inspector license; entity.

16 (a) The expiration date and renewal period for a home
17 inspector license for an entity that is not a natural person
18 shall be set by rule. The holder of a license may renew the
19 license within 90 days preceding the expiration date by
20 completing and submitting to the Department a renewal
21 application in a manner prescribed ~~form as provided~~ by the
22 Department and paying the required fees.

23 (b) An entity that is not a natural person whose license
24 under this Act has expired may renew the license for a period
25 of 2 years following the expiration date by complying with the

1 requirements of subsection (a) of this Section and paying any
2 late penalties established by rule.

3 (Source: P.A. 97-226, eff. 7-28-11.)

4 (225 ILCS 441/5-20)

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

6 Sec. 5-20. Endorsement. The Department may, in its
7 discretion, license as a home inspector, by endorsement, on
8 payment of the required fee, an applicant who is a home
9 inspector licensed under the laws of another state or
10 territory, if (i) the requirements for licensure in the state
11 or territory in which the applicant was licensed were, at the
12 date of ~~his or her~~ licensure, substantially equivalent to the
13 requirements in force in this State on that date or (ii) there
14 were no requirements in force in this State on the date of ~~his~~
15 ~~or her~~ licensure and the applicant possessed individual
16 qualifications on that date that are substantially similar to
17 the requirements under this Act. The Department may adopt any
18 rules necessary to implement this Section.

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

24 (Source: P.A. 97-226, eff. 7-28-11.)

1 (225 ILCS 441/5-25)

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

3 Sec. 5-25. Pre-license education requirements. The
4 prerequisite curriculum and classroom hours necessary for a
5 person to be approved to sit for the examination for a home
6 inspector shall be established by rule. Approved education, as
7 prescribed by this Act and its associated administrative rules
8 for licensure as a home inspector, shall be valid for 2 years
9 after the date of satisfactory completion of the education.

10 (Source: P.A. 92-239, eff. 8-3-01.)

11 (225 ILCS 441/5-30)

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

13 Sec. 5-30. Continuing education renewal requirements. The
14 continuing education requirements for a person to renew a
15 license as a home inspector shall be established by rule. ~~The~~
16 ~~Department shall establish a continuing education completion~~
17 ~~deadline for home inspector licensees and require evidence of~~
18 ~~compliance with continuing education requirements in a manner~~
19 ~~established by rule before the renewal of a license.~~

20 (Source: P.A. 100-831, eff. 1-1-19.)

21 (225 ILCS 441/5-50 new)

22 Sec. 5-50. Insurance.

23 (a) All applicants for a home inspector license and all
24 licensees shall maintain general liability insurance in an

1 amount of not less than \$100,000.

2 (b) Failure of an applicant or a licensee to carry and
3 maintain the insurance required by this Section, to timely
4 submit proof of coverage upon the Department's request, or to
5 timely report any claims made against such policies of
6 insurance shall be grounds for the denial of an application to
7 renew a license, or the suspension or revocation of the
8 license.

9 (c) The policies of insurance submitted by an applicant
10 for a new license or an applicant for renewal of a license must
11 include the name of the applicant as it appears or will appear
12 on the license.

13 (d) A home inspector shall maintain the insurance required
14 by this Section for at least one year after the latest home
15 inspection report the home inspector delivered.

16 (e) The Department may adopt rules to implement this
17 Section.

18 (225 ILCS 441/10-10)

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

20 Sec. 10-10. Retention of records. A person licensed under
21 this Act shall retain the original or a true and exact copy of
22 all written contracts that engage the licensee's ~~engaging his~~
23 ~~or her~~ services as a home inspector and all home inspection
24 reports, including any supporting data used to develop the
25 home inspection report, for a period of 5 years or 2 years

1 after the final disposition of any judicial proceeding, which
2 includes any appeal, in which testimony was given, whichever
3 is longer.

4 (Source: P.A. 97-226, eff. 7-28-11.)

5 (225 ILCS 441/15-10)

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

7 Sec. 15-10. Grounds for disciplinary action.

8 (a) The Department may refuse to issue or renew, or may
9 revoke, suspend, place on probation, reprimand, or take other
10 disciplinary or non-disciplinary action as the Department may
11 deem appropriate, including imposing fines not to exceed
12 \$25,000 for each violation, with regard to any license for any
13 one or combination of the following:

14 (1) Fraud or misrepresentation in applying for, or
15 procuring a license under this Act or in connection with
16 applying for renewal of a license under this Act.

17 (2) Failing to meet the minimum qualifications for
18 licensure as a home inspector established by this Act.

19 (3) Paying money, other than for the fees provided for
20 by this Act, or anything of value to an employee of the
21 Department to procure licensure under this Act.

22 (4) Conviction of, or by plea of guilty or nolo
23 contendere, or finding as enumerated in subsection (c) of
24 Section 5-10, of guilt, jury verdict, or entry of judgment
25 or by sentencing of any crime, including, but not limited

1 ~~to, convictions, preceding sentences of supervision,~~
2 ~~conditional discharge, or first offender probation,~~ under
3 the laws of any jurisdiction of the United States: (i)
4 that is a felony, ~~;~~ (ii) ~~that is a misdemeanor, or~~
5 administrative sanction, or (ii) an essential element of
6 ~~which is dishonesty, or that is directly related to the~~
7 ~~practice of the profession; or (iii) that is a crime that~~
8 subjects the licensee to compliance with the requirements
9 of the Sex Offender Registration Act.

10 (5) Committing an act or omission involving
11 dishonesty, fraud, or misrepresentation with the intent to
12 substantially benefit the licensee or another person or
13 with the intent to substantially injure another person.

14 (6) Violating a provision or standard for the
15 development or communication of home inspections as
16 provided in Section 10-5 of this Act or as defined in the
17 rules.

18 (7) Failing or refusing to exercise reasonable
19 diligence in the development, reporting, or communication
20 of a home inspection report, as defined by this Act or the
21 rules.

22 (8) Violating a provision of this Act or the rules.

23 (9) Having been disciplined by another state, the
24 District of Columbia, a territory, a foreign nation, a
25 governmental agency, or any other entity authorized to
26 impose discipline if at least one of the grounds for that

1 discipline is the same as or substantially equivalent to
2 one of the grounds for which a licensee may be disciplined
3 under this Act.

4 (10) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (11) Accepting an inspection assignment when the
8 employment itself is contingent upon the home inspector
9 reporting a predetermined analysis or opinion, or when the
10 fee to be paid is contingent upon the analysis, opinion,
11 or conclusion reached or upon the consequences resulting
12 from the home inspection assignment.

13 (12) Developing home inspection opinions or
14 conclusions based on the race, color, religion, sex,
15 national origin, ancestry, age, marital status, family
16 status, physical or mental disability, military status, ~~or~~
17 unfavorable discharge from military status ~~discharge~~,
18 sexual orientation, order of protection status, or
19 pregnancy, as defined under the Illinois Human Rights Act,
20 of the prospective or present owners or occupants of the
21 area or property under home inspection.

22 (13) Being adjudicated liable in a civil proceeding on
23 grounds of fraud, misrepresentation, or deceit. In a
24 disciplinary proceeding based upon a finding of civil
25 liability, the home inspector shall be afforded an
26 opportunity to present mitigating and extenuating

1 circumstances, but may not collaterally attack the civil
2 adjudication.

3 (14) Being adjudicated liable in a civil proceeding
4 for violation of a State or federal fair housing law.

5 (15) Engaging in misleading or untruthful advertising
6 or using a trade name or insignia of membership in a home
7 inspection organization of which the licensee is not a
8 member.

9 (16) Failing, within 30 days, to provide information
10 in response to a written request made by the Department.

11 (17) Failing to include within the home inspection
12 report the home inspector's license number and the date of
13 expiration of the license. The names of (i) all persons
14 who conducted the home inspection; and (ii) all persons
15 who prepared the subsequent written evaluation or any part
16 thereof must be disclosed in the report. ~~All home~~
17 ~~inspectors providing significant contribution to the~~
18 ~~development and reporting of a home inspection must be~~
19 ~~disclosed in the home inspection report.~~ It is a violation
20 of this Act for a home inspector to sign a home inspection
21 report knowing that the names of all such persons have a
22 ~~person providing a significant contribution to the report~~
23 ~~has~~ not been disclosed in the home inspection report.

24 (18) Advising a client as to whether the client should
25 or should not engage in a transaction regarding the
26 residential real property that is the subject of the home

1 inspection.

2 (19) Performing a home inspection in a manner that
3 damages or alters the residential real property that is
4 the subject of the home inspection without the consent of
5 the owner.

6 (20) Performing a home inspection when the home
7 inspector is providing or may also provide other services
8 in connection with the residential real property or
9 transaction, or has an interest in the residential real
10 property, without providing prior written notice of the
11 potential or actual conflict and obtaining the prior
12 consent of the client as provided by rule.

13 (21) Aiding or assisting another person in violating
14 any provision of this Act or rules adopted under this Act.

15 (22) Inability to practice with reasonable judgment,
16 skill, or safety as a result of habitual or excessive use
17 or addiction to alcohol, narcotics, stimulants, or any
18 other chemical agent or drug.

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

22 (24) Willfully making or filing false records or
23 reports related to the ~~in his or her~~ practice of home
24 inspection, including, but not limited to, false records
25 filed with State agencies or departments.

26 (25) Charging for professional services not rendered,

1 including filing false statements for the collection of
2 fees for which services are not rendered.

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

5 (27) Cheating on or attempting to subvert the
6 licensing examination administered under this Act.

7 (28) Engaging in any of the following prohibited
8 fraudulent, false, deceptive, or misleading advertising
9 practices:

10 (i) advertising as a home inspector or operating a
11 home inspection business entity unless there is a duly
12 licensed home inspector responsible for all inspection
13 activities and all inspections;

14 (ii) advertising that contains a misrepresentation
15 of facts or false statements regarding the licensee's
16 professional achievements, degrees, training, skills,
17 or qualifications in the home inspection profession or
18 any other profession requiring licensure;

19 (iii) advertising that makes only a partial
20 disclosure of relevant facts related to pricing or
21 home inspection services; and

22 (iv) advertising that claims this State or any of
23 its political subdivisions endorse the home inspection
24 report or its contents.

25 (29) Disclosing, except as otherwise required by law,
26 inspection results or client information obtained without

1 the client's written consent. A home inspector shall not
2 deliver a home inspection report to any person other than
3 the client of the home inspector without the client's
4 written consent.

5 (30) Providing fees, gifts, waivers of liability, or
6 other forms of compensation or gratuities to persons
7 licensed under any real estate professional licensing act
8 in this State as consideration or inducement for the
9 referral of business.

10 (b) The Department may suspend, revoke, or refuse to issue
11 or renew an education provider's license, may reprimand, place
12 on probation, or otherwise discipline an education provider
13 licensee, and may suspend or revoke the course approval of any
14 course offered by an education provider, for any of the
15 following:

16 (1) Procuring or attempting to procure licensure by
17 knowingly making a false statement, submitting false
18 information, making any form of fraud or
19 misrepresentation, or refusing to provide complete
20 information in response to a question in an application
21 for licensure.

22 (2) Failing to comply with the covenants certified to
23 on the application for licensure as an education provider.

24 (3) Committing an act or omission involving
25 dishonesty, fraud, or misrepresentation or allowing any
26 such act or omission by any employee or contractor under

1 the control of the education provider.

2 (4) Engaging in misleading or untruthful advertising.

3 (5) Failing to retain competent instructors in
4 accordance with rules adopted under this Act.

5 (6) Failing to meet the topic or time requirements for
6 course approval as the provider of a pre-license
7 curriculum course or a continuing education course.

8 (7) Failing to administer an approved course using the
9 course materials, syllabus, and examinations submitted as
10 the basis of the course approval.

11 (8) Failing to provide an appropriate classroom
12 environment for presentation of courses, with
13 consideration for student comfort, acoustics, lighting,
14 seating, workspace, and visual aid material.

15 (9) Failing to maintain student records in compliance
16 with the rules adopted under this Act.

17 (10) Failing to provide a certificate, transcript, or
18 other student record to the Department or to a student as
19 may be required by rule.

20 (11) Failing to fully cooperate with a Department
21 investigation by knowingly making a false statement,
22 submitting false or misleading information, or refusing to
23 provide complete information in response to written
24 interrogatories or a written request for documentation
25 within 30 days of the request.

26 (c) (Blank). ~~In appropriate cases, the Department may~~

1 ~~resolve a complaint against a licensee through the issuance of~~
2 ~~a Consent to Administrative Supervision order. A licensee~~
3 ~~subject to a Consent to Administrative Supervision order shall~~
4 ~~be considered by the Department as an active licensee in good~~
5 ~~standing. This order shall not be reported as or considered by~~
6 ~~the Department to be a discipline of the licensee. The records~~
7 ~~regarding an investigation and a Consent to Administrative~~
8 ~~Supervision order shall be considered confidential and shall~~
9 ~~not be released by the Department except as mandated by law.~~
10 ~~The complainant shall be notified that his or her complaint~~
11 ~~has been resolved by a Consent to Administrative Supervision~~
12 ~~order.~~

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

23 (e) (Blank).

24 (f) In cases where the Department of Healthcare and Family
25 Services has previously determined that a licensee or a
26 potential licensee is more than 30 days delinquent in the

1 payment of child support and has subsequently certified the
2 delinquency to the Department, the Department may refuse to
3 issue or renew or may revoke or suspend that person's license
4 or may take other disciplinary action against that person
5 based solely upon the certification of delinquency made by the
6 Department of Healthcare and Family Services in accordance
7 with item (5) of subsection (a) of Section 2105-15 of the Civil
8 Administrative Code of Illinois.

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

17 (h) (Blank). ~~In enforcing this Act, the Department, upon a~~
18 ~~showing of a possible violation, may compel an individual~~
19 ~~licensed to practice under this Act, or who has applied for~~
20 ~~licensure under this Act, to submit to a mental or physical~~
21 ~~examination, or both, as required by and at the expense of the~~
22 ~~Department. The Department may order the examining physician~~
23 ~~to present testimony concerning the mental or physical~~
24 ~~examination of the licensee or applicant. No information shall~~
25 ~~be excluded by reason of any common law or statutory privilege~~
26 ~~relating to communications between the licensee or applicant~~

1 ~~and the examining physician. The examining physician shall be~~
2 ~~specifically designated by the Department. The individual to~~
3 ~~be examined may have, at his or her own expense, another~~
4 ~~physician of his or her choice present during all aspects of~~
5 ~~this examination. The examination shall be performed by a~~
6 ~~physician licensed to practice medicine in all its branches.~~
7 ~~Failure of an individual to submit to a mental or physical~~
8 ~~examination, when directed, shall result in an automatic~~
9 ~~suspension without hearing.~~

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

1 ~~Fines shall not be assessed in disciplinary actions involving~~
2 ~~physical or mental illness or impairment.~~

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

12 ~~An individual licensed under this Act and affected under~~
13 ~~this Section shall be afforded an opportunity to demonstrate~~
14 ~~to the Department that he or she can resume practice in~~
15 ~~compliance with acceptable and prevailing standards under the~~
16 ~~provisions of his or her license.~~

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

18 (225 ILCS 441/15-10.1 new)

19 Sec. 15-10.1. Citations.

20 (a) The Department may adopt rules to permit the issuance
21 of citations to any licensee for failure to comply with the
22 continuing education requirements set forth in this Act or as
23 established by rule. The citation shall be issued to the
24 licensee and shall contain the licensee's name, the licensee's
25 address, the licensee's license number, the number of required

1 hours of continuing education that have not been successfully
2 completed by the licensee within the renewal period, and the
3 penalty imposed, which shall not exceed \$2,000. The issuance
4 of a citation shall not excuse the licensee from completing
5 all continuing education required for that renewal period.

6 (b) Service of a citation shall be made in person,
7 electronically, or by mail to the licensee at the licensee's
8 address of record or email address of record, and the citation
9 must clearly state that if the cited licensee wishes to
10 dispute the citation, the cited licensee may make a written
11 request, within 30 days after the citation is served, for a
12 hearing before the Department. If the cited licensee does not
13 request a hearing within 30 days after the citation is served,
14 then the citation shall become a final, non-disciplinary
15 order, and any fine imposed is due and payable within 60 days
16 after that final order. If the cited licensee requests a
17 hearing within 30 days after the citation is served, the
18 Department shall afford the cited licensee a hearing conducted
19 in the same manner as a hearing provided for in this Act for
20 any violation of this Act and shall determine whether the
21 cited licensee committed the violation as charged and whether
22 the fine as levied is warranted. If the violation is found, any
23 fine shall constitute non-public discipline and be due and
24 payable within 30 days after the order of the Secretary, which
25 shall constitute a final order of the Department. No change in
26 license status may be made by the Department until a final

1 order of the Department has been issued.

2 (c) Payment of a fine that has been assessed pursuant to
3 this Section shall not constitute disciplinary action
4 reportable on the Department's website or elsewhere unless a
5 licensee has previously received 2 or more citations and been
6 assessed 2 or more fines.

7 (d) Nothing in this Section shall prohibit or limit the
8 Department from taking further action pursuant to this Act and
9 rules for additional, repeated, or continuing violations.

10 (225 ILCS 441/15-15)

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

12 Sec. 15-15. Investigation; notice; hearing. The Department
13 may investigate the actions of any applicant or licensee or of
14 any person or persons rendering or offering to render home
15 inspection services or any person holding or claiming to hold
16 a license as a home inspector. The Department shall, before
17 refusing to issue or renew a license or to discipline a
18 licensee pursuant to Section 15-10, at least 30 days prior to
19 the date set for the hearing, (i) notify the accused in
20 writing, of the charges made and the time and place for the
21 hearing on the charges, (ii) direct the licensee or applicant
22 ~~him or her~~ to file a written answer with the Department under
23 oath within 20 days after the service of the notice, and (iii)
24 inform the applicant or licensee that failure to file an
25 answer will result in a default judgment being entered against

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

21 A copy of the hearing officer's report or any Order of
22 Default, along with a copy of the original complaint giving
23 rise to the action, shall be served upon the applicant,
24 licensee, or unlicensed person by the Department to the
25 applicant, licensee, or unlicensed individual in the manner
26 provided in this Act for the service of a notice of hearing.

1 Within 20 days after service, the applicant or licensee may
2 present to the Department a motion in writing for a rehearing,
3 which shall specify the particular grounds for rehearing. The
4 Department may respond to the motion, or if a motion for
5 rehearing is denied, then upon denial, the Secretary may enter
6 an order in accordance with the recommendations of the hearing
7 officer. If the applicant or licensee orders from the
8 reporting service and pays for a transcript of the record
9 within the time for filing a motion for rehearing, then the
10 20-day period during which a motion may be filed shall
11 commence upon the delivery of the transcript to the applicant
12 or licensee.

13 (Source: P.A. 97-226, eff. 7-28-11.)

14 (225 ILCS 441/15-20)

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

16 Sec. 15-20. Administrative Review Law; certification fees;
17 Illinois Administrative Procedure Act.

18 (a) All final administrative decisions of the Department
19 under this Act are subject to judicial review pursuant to the
20 provisions of the Administrative Review Law and the rules
21 adopted pursuant thereto. The term "administrative decision"
22 has the meaning ascribed to it in Section 3-101 of the
23 Administrative Review Law.

24 (b) The Department shall not be required to certify any
25 record to the court or file any answer in court or otherwise

1 appear in any court in a judicial review proceeding, unless
2 and until the Department has received from the plaintiff
3 payment of the costs of furnishing and certifying the record,
4 which costs shall be determined by the Department. Exhibits
5 shall be certified without cost. Failure on the part of the
6 plaintiff to file a receipt in court is grounds for dismissal
7 of the action.

8 (c) The Illinois Administrative Procedure Act is hereby
9 expressly adopted and incorporated herein. In the event of a
10 conflict between this Act and the Illinois Administrative
11 Procedure Act, this Act shall control.

12 (d) Proceedings for judicial review shall be commenced in
13 the circuit court of the county in which the party applying for
14 review resides, but if the party is not a resident of Illinois,
15 the venue shall be in Sangamon County or Cook County.

16 (Source: P.A. 97-226, eff. 7-28-11.)

17 (225 ILCS 441/15-36 new)

18 Sec. 15-36. No private right of action. Except as
19 otherwise expressly provided for in this Act, nothing in this
20 Act shall be construed to grant to any person a private right
21 of action to enforce the provisions of this Act or the rules
22 adopted under this Act.

23 (225 ILCS 441/15-55)

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

1 Sec. 15-55. Returned checks and dishonored credit card
2 charges; penalty fee; revocation ~~termination~~. A person who (1)
3 delivers a check or other payment to the Department that is
4 returned to the Department unpaid by the financial institution
5 upon which it was drawn shall pay to the Department; or (2)
6 presents a credit or debit card for payment that is invalid or
7 expired or against which charges by the Department are
8 declined or dishonored, in addition to the amount already
9 owed, a penalty fee of \$50. The Department shall notify the
10 person, ~~by certified mail return receipt requested~~, that the
11 ~~his or her~~ check or payment was returned or that the credit
12 card charge was dishonored and that the person shall pay to the
13 Department by certified check or money order the amount of the
14 returned check plus a \$50 penalty fee within 30 calendar days
15 after the date of the notification. If, after the expiration
16 of 30 calendar days of the notification, the person has failed
17 to remit the necessary funds and penalty, the Department shall
18 automatically revoke ~~terminate~~ the license or deny the
19 application without hearing. If the returned check or other
20 payment was for issuance of a license under this Act and that
21 person practices as a home inspector, that person may be
22 subject to discipline for unlicensed practice as provided in
23 this Act. If, after revocation ~~termination~~ or denial, the
24 person seeks a license, the applicant or licensee ~~he or she~~
25 shall petition the Department for restoration or issuance of
26 the license and ~~he or she~~ may be subject to additional

1 discipline or fines. The Secretary may waive the penalties or
2 fines due under this Section in individual cases where the
3 Secretary finds that the penalties or fines would be
4 unreasonable or unnecessarily burdensome.

5 (Source: P.A. 97-226, eff. 7-28-11.)

6 (225 ILCS 441/15-60)

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

8 Sec. 15-60. Violations; injunction; cease and desist
9 orders.

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

24 (b) If any person practices as a home inspector or holds
25 oneself ~~himself or herself~~ out as a home inspector without

1 being licensed under the provisions of this Act, then the
2 Secretary, any licensed home inspector, any interested party,
3 or any person injured thereby may petition for relief as
4 provided in subsection (a) of this Section or may apply to the
5 circuit court of the county in which the violation or some part
6 thereof occurred, or in which the person complained of resides
7 or has a ~~his or her~~ principal place of business ~~or resides~~, to
8 prevent the violation. The court has jurisdiction to enforce
9 obedience by injunction or by other process restricting the
10 person complained of from further violation and may enjoin
11 ~~enjoining~~ upon the person ~~him or her~~ obedience.

12 (c) Whoever knowingly practices or offers to practice home
13 inspection in this State without a license for that purpose
14 shall be guilty of a Class A misdemeanor for the first offense
15 and shall be guilty of a Class 4 felony for the second and any
16 subsequent offense.

17 (d) Whenever, in the opinion of the Department, a person
18 violates any provision of this Act, the Department may issue a
19 rule to show cause why an order to cease and desist should not
20 be entered against that person. The rule shall clearly set
21 forth the grounds relied upon by the Department and shall
22 provide a period of 7 days from the date of the rule to file an
23 answer to the satisfaction of the Department. Failure to
24 answer to the satisfaction of the Department shall cause an
25 order to cease and desist to be issued.

26 (Source: P.A. 97-226, eff. 7-28-11.)

1 (225 ILCS 441/20-5)

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

3 Sec. 20-5. Education provider.

4 (a) Only education providers licensed by the Department
5 may provide the pre-license and continuing education courses
6 required for licensure under this Act.

7 (b) A person or entity seeking to be licensed as an
8 education provider under this Act shall provide satisfactory
9 evidence of the following:

10 (1) a sound financial base for establishing,
11 promoting, and delivering the necessary courses;

12 (2) a sufficient number of qualified instructors;

13 (3) adequate support personnel to assist with
14 administrative matters and technical assistance;

15 (4) a written policy dealing with procedures for
16 management of grievances and fee refunds;

17 (5) a qualified school administrator, who is
18 responsible for the administration of the school, courses,
19 and the actions of the instructors; and

20 (6) any other requirements provided by rule.

21 (c) All applicants for an education provider's license
22 shall make initial application to the Department in a manner
23 prescribed ~~on forms provided~~ by the Department and pay the
24 appropriate fee as provided by rule. In addition to any other
25 information required to be contained in the application as

1 prescribed by rule, every application for an original or
2 renewed license shall include the applicant's tax
3 identification number. The term, expiration date, and renewal
4 of an education provider's license shall be established by
5 rule.

6 (d) An education provider shall provide each successful
7 course participant with a certificate of completion signed by
8 the school administrator. The format and content of the
9 certificate shall be specified by rule.

10 (e) All education providers shall provide to the
11 Department a monthly roster of all successful course
12 participants as provided by rule.

13 (Source: P.A. 97-226, eff. 7-28-11.)

14 (225 ILCS 441/25-15)

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

16 Sec. 25-15. Liaison; duties. The Secretary shall appoint
17 an employee of the Department to:

18 (1) (blank);

19 (2) be the direct liaison between the Department, ~~peer~~
20 ~~review advisors,~~ the profession, home inspectors, and
21 related industry organizations and associations; and

22 (3) prepare and circulate to licensees such
23 educational and informational material as the Department
24 deems necessary for providing guidance or assistance to
25 licensees.

1 (Source: P.A. 97-226, eff. 7-28-11.)

2 (225 ILCS 441/25-27)

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

4 Sec. 25-27. Subpoenas; depositions; oaths.

5 (a) The Department may subpoena and bring before it any
6 person to take oral or written testimony or compel the
7 production of any books, papers, records, or any other
8 documents the Secretary or the Secretary's ~~his or her~~ designee
9 deems relevant or material to any investigation or hearing
10 conducted by the Department with the same fees and in the same
11 manner as prescribed in civil cases in the courts of this
12 State.

13 (b) Any circuit court, upon the application of the
14 licensee or the Department, may order the attendance and
15 testimony of witnesses and the production of relevant
16 documents, files, records, books, and papers in connection
17 with any hearing or investigation. The circuit court may
18 compel obedience to its order by proceedings for contempt.

19 (c) The Secretary, the hearing officer, any member of the
20 Board, or a certified shorthand court reporter may administer
21 oaths at any hearing the Department conducts. Notwithstanding
22 any other statute or Department rule to the contrary, all
23 requests for testimony, production of documents, or records
24 shall be in accordance with this Act.

25 (Source: P.A. 97-226, eff. 7-28-11.)

1 (225 ILCS 441/25-17 rep.)

2 Section 75. The Home Inspector License Act is amended by
3 repealing Section 25-17.

4 Section 80. The Real Estate Appraiser Licensing Act of
5 2002 is amended by changing Sections 1-10, 5-5, 5-10, 5-15,
6 5-20, 5-20.5, 5-22, 5-25, 5-30, 5-35, 10-5, 10-10, 15-5,
7 15-10, 15-15, 15-55, 20-5, 20-10, 25-10, 25-15, 25-16, 25-20,
8 25-25, and 30-5 and by adding Sections 1-12, 5-26, 15-10.1,
9 15-11, and 25-35 as follows:

10 (225 ILCS 458/1-10)

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

12 Sec. 1-10. Definitions. As used in this Act, unless the
13 context otherwise requires:

14 "Accredited college or university, junior college, or
15 community college" means a college or university, junior
16 college, or community college that is approved or accredited
17 by the Board of Higher Education, a regional or national
18 accreditation association, or by an accrediting agency that is
19 recognized by the U.S. Secretary of Education.

20 "Address of record" means the designated street address,
21 which may not be a post office box, recorded by the Department
22 in the applicant's or licensee's application file or license
23 file as maintained by the ~~Department's licensure maintenance~~

1 ~~unit. It is the duty of the applicant or licensee to inform the~~
2 ~~Department of any change of address and those changes must be~~
3 ~~made either through the Department's website or by contacting~~
4 ~~the Department.~~

5 "Applicant" means person who applies to the Department for
6 a license under this Act.

7 "Appraisal" means (noun) the act or process of developing
8 an opinion of value; an opinion of value (adjective) of or
9 pertaining to appraising and related functions, such as
10 appraisal practice or appraisal services.

11 "Appraisal assignment" means a valuation service provided
12 pursuant to ~~as a consequence of~~ an agreement between an
13 appraiser and a client.

14 ~~"Appraisal consulting" means the act or process of~~
15 ~~developing an analysis, recommendation, or opinion to solve a~~
16 ~~problem, where an opinion of value is a component of the~~
17 ~~analysis leading to the assignment results.~~

18 "Appraisal firm" means an appraisal entity that is 100%
19 owned and controlled by a person or persons licensed in
20 Illinois as a certified general real estate appraiser or a
21 certified residential real estate appraiser. "Appraisal firm"
22 does not include an appraisal management company.

23 "Appraisal management company" means any corporation,
24 limited liability company, partnership, sole proprietorship,
25 subsidiary, unit, or other business entity that directly or
26 indirectly: (1) provides appraisal management services to

1 creditors or secondary mortgage market participants, including
2 affiliates; (2) provides appraisal management services in
3 connection with valuing the consumer's principal dwelling as
4 security for a consumer credit transaction (including consumer
5 credit transactions incorporated into securitizations); and
6 ~~(3) within a given year, oversees an appraiser panel of any~~
7 ~~size of State certified appraisers in Illinois; and (4) any~~
8 appraisal management company that, within a given 12-month
9 period ~~year~~, oversees an appraiser panel of 16 or more
10 State-certified appraisers in Illinois or 25 or more
11 State-certified or State-licensed appraisers in 2 or more
12 jurisdictions ~~shall be subject to the appraisal management~~
13 ~~company national registry fee in addition to the appraiser~~
14 ~~panel fee~~. "Appraisal management company" includes a hybrid
15 entity.

16 "Appraisal practice" means valuation services performed by
17 an individual acting as an appraiser, including, but not
18 limited to, appraisal or appraisal review, ~~or appraisal~~
19 ~~consulting~~.

20 "Appraisal report" means any communication, written or
21 oral, of an appraisal or appraisal review that is transmitted
22 to a client upon completion of an assignment.

23 "Appraisal review" means the act or process of developing
24 and communicating an opinion about the quality of another
25 appraiser's work that was performed as part of an appraisal,
26 appraisal review, or appraisal assignment.

1 "Appraisal Subcommittee" means the Appraisal Subcommittee
2 of the Federal Financial Institutions Examination Council as
3 established by Title XI.

4 "Appraiser" means a person who performs real estate or
5 real property appraisals competently and in a manner that is
6 independent, impartial, and objective.

7 "Appraiser panel" means a network, list, or roster of
8 licensed or certified appraisers approved by the appraisal
9 management company or by the end-user client to perform
10 appraisals as independent contractors for the appraisal
11 management company. "Appraiser panel" includes both appraisers
12 accepted by an appraisal management company for consideration
13 for future appraisal assignments and appraisers engaged by an
14 appraisal management company to perform one or more
15 appraisals. For the purposes of determining the size of an
16 appraiser panel, only independent contractors of hybrid
17 entities shall be counted towards the appraiser panel.

18 "AQB" means the Appraisal Qualifications Board of the
19 Appraisal Foundation.

20 "Associate real estate trainee appraiser" means an
21 entry-level appraiser who holds a license of this
22 classification under this Act with restrictions as to the
23 scope of practice in accordance with this Act.

24 "Automated valuation model" means an automated system that
25 is used to derive a property value through the use of available
26 property records and various analytic methodologies such as

1 comparable sales prices, home characteristics, and price
2 changes.

3 "Board" means the Real Estate Appraisal Administration and
4 Disciplinary Board.

5 "Broker price opinion" means an estimate or analysis of
6 the probable selling price of a particular interest in real
7 estate, which may provide a varying level of detail about the
8 property's condition, market, and neighborhood and information
9 on comparable sales. The activities of a real estate broker or
10 managing broker engaging in the ordinary course of business as
11 a broker, as defined in this Section, shall not be considered a
12 broker price opinion if no compensation is paid to the broker
13 or managing broker, other than compensation based upon the
14 sale or rental of real estate.

15 "Classroom hour" means 50 minutes of instruction out of
16 each 60 minute segment of coursework.

17 "Client" means the party or parties who engage an
18 appraiser by employment or contract in a specific appraisal
19 assignment.

20 "Comparative market analysis" is an analysis or opinion
21 regarding pricing, marketing, or financial aspects relating to
22 a specified interest or interests in real estate that may be
23 based upon an analysis of comparative market data, the
24 expertise of the real estate broker or managing broker, and
25 such other factors as the broker or managing broker may deem
26 appropriate in developing or preparing such analysis or

1 opinion. The activities of a real estate broker or managing
2 broker engaging in the ordinary course of business as a
3 broker, as defined in this Section, shall not be considered a
4 comparative market analysis if no compensation is paid to the
5 broker or managing broker, other than compensation based upon
6 the sale or rental of real estate.

7 "Coordinator" means the ~~Coordinator of~~ Real Estate
8 Appraisal Coordinator created in Section 25-15 of the Division
9 ~~of Professional Regulation of the Department of Financial and~~
10 ~~Professional Regulation.~~

11 "Department" means the Department of Financial and
12 Professional Regulation.

13 "Email address of record" means the designated email
14 address recorded by the Department in the applicant's
15 application file or the licensee's license file maintained by
16 the Department.

17 "Evaluation" means a valuation permitted by the appraisal
18 regulations of the Federal Financial Institutions Examination
19 Council and its federal agencies for transactions that qualify
20 for the appraisal threshold exemption, business loan
21 exemption, or subsequent transaction exemption.

22 "Federal financial institutions regulatory agencies" means
23 the Board of Governors of the Federal Reserve System, the
24 Federal Deposit Insurance Corporation, the Office of the
25 Comptroller of the Currency, the Consumer Financial Protection
26 Bureau, and the National Credit Union Administration.

1 "Federally related transaction" means any real
2 estate-related financial transaction in which a federal
3 financial institutions regulatory agency engages in, contracts
4 for, or regulates and requires the services of an appraiser.

5 "Financial institution" means any bank, savings bank,
6 savings and loan association, credit union, mortgage broker,
7 mortgage banker, licensee under the Consumer Installment Loan
8 Act or the Sales Finance Agency Act, or a corporate fiduciary,
9 subsidiary, affiliate, parent company, or holding company of
10 any such licensee, or any institution involved in real estate
11 financing that is regulated by state or federal law.

12 "Hybrid entity" means an appraisal management company that
13 hires an appraiser as an employee to perform an appraisal and
14 engages an independent contractor to perform an appraisal.

15 "License" means the privilege conferred by the Department
16 to a person that has fulfilled all requirements prerequisite
17 to any type of licensure under this Act.

18 "Licensee" means any person, as defined in this Section,
19 who holds a valid unexpired license.

20 "Multi-state licensing system" means a web-based platform
21 that allows an applicant to submit the ~~his or her~~ application
22 or license renewal application to the Department online.

23 "Person" means an individual, entity, sole proprietorship,
24 corporation, limited liability company, partnership, and joint
25 venture, foreign or domestic, except that when the context
26 otherwise requires, the term may refer to more than one

1 individual or other described entity.

2 "Real estate" means an identified parcel or tract of land,
3 including any improvements.

4 "Real estate related financial transaction" means any
5 transaction involving:

6 (1) the sale, lease, purchase, investment in, or
7 exchange of real property, including interests in property
8 or the financing thereof;

9 (2) the refinancing of real property or interests in
10 real property; and

11 (3) the use of real property or interest in property
12 as security for a loan or investment, including mortgage
13 backed securities.

14 "Real property" means the interests, benefits, and rights
15 inherent in the ownership of real estate.

16 "Secretary" means the Secretary of Financial and
17 Professional Regulation or the Secretary's designee.

18 "State certified general real estate appraiser" means an
19 appraiser who holds a license of this classification under
20 this Act and such classification applies to the appraisal of
21 all types of real property without restrictions as to the
22 scope of practice.

23 "State certified residential real estate appraiser" means
24 an appraiser who holds a license of this classification under
25 this Act and such classification applies to the appraisal of
26 one to 4 units of residential real property without regard to

1 transaction value or complexity, but with restrictions as to
2 the scope of practice in a federally related transaction in
3 accordance with Title XI, the provisions of USPAP, criteria
4 established by the AQB, and further defined by rule.

5 "Supervising appraiser" means either (i) an appraiser who
6 holds a valid license under this Act as either a State
7 certified general real estate appraiser or a State certified
8 residential real estate appraiser, who co-signs an appraisal
9 report for an associate real estate trainee appraiser or (ii)
10 a State certified general real estate appraiser who holds a
11 valid license under this Act who co-signs an appraisal report
12 for a State certified residential real estate appraiser on
13 properties other than one to 4 units of residential real
14 property without regard to transaction value or complexity.

15 "Title XI" means Title XI of the federal Financial
16 Institutions Reform, Recovery and Enforcement Act of 1989.

17 "USPAP" means the Uniform Standards of Professional
18 Appraisal Practice as promulgated by the Appraisal Standards
19 Board pursuant to Title XI and by rule.

20 "Valuation services" means services pertaining to aspects
21 of property value.

22 (Source: P.A. 100-604, eff. 7-13-18.)

23 (225 ILCS 458/1-12 new)

24 Sec. 1-12. Address of record; email address of record. All
25 applicants and licensees shall:

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

5 (2) inform the Department of any change of address of
6 record or email address of record within 14 days after
7 such change through the Department's website.

8 (225 ILCS 458/5-5)

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

10 Sec. 5-5. Necessity of license; use of title; exemptions.

11 (a) It is unlawful for a person to (i) act, offer services,
12 or advertise services as a State certified general real estate
13 appraiser, State certified residential real estate appraiser,
14 or associate real estate trainee appraiser, (ii) develop a
15 real estate appraisal, (iii) practice as a real estate
16 appraiser, or (iv) advertise as ~~or hold himself or herself out~~
17 ~~to be~~ a real estate appraiser without a license issued under
18 this Act. A person who violates this subsection is guilty of a
19 Class A misdemeanor for a first offense and a Class 4 felony
20 for any subsequent offense.

21 (a-5) It is unlawful for a person, unless registered as an
22 appraisal management company, to solicit clients or enter into
23 an appraisal engagement with clients without either a
24 certified residential real estate appraiser license or a
25 certified general real estate appraiser license issued under

1 this Act. A person who violates this subsection is guilty of a
2 Class A misdemeanor for a first offense and a Class 4 felony
3 for any subsequent offense.

4 (b) It is unlawful for a person, other than a person who
5 holds a valid license issued pursuant to this Act as a State
6 certified general real estate appraiser, a State certified
7 residential real estate appraiser, or an associate real estate
8 trainee appraiser to use these titles or any other title,
9 designation, or abbreviation likely to create the impression
10 that the person is licensed as a real estate appraiser
11 pursuant to this Act. A person who violates this subsection is
12 guilty of a Class A misdemeanor for a first offense and a Class
13 4 felony for any subsequent offense.

14 (c) This Act does not apply to a person who holds a valid
15 license as a real estate broker or managing broker pursuant to
16 the Real Estate License Act of 2000 who prepares or provides a
17 broker price opinion or comparative market analysis in
18 compliance with Section 10-45 of the Real Estate License Act
19 of 2000.

20 (d) Nothing in this Act shall preclude a State certified
21 general real estate appraiser, a State certified residential
22 real estate appraiser, or an associate real estate trainee
23 appraiser from rendering appraisals for or on behalf of a
24 partnership, association, corporation, firm, or group.
25 However, no State appraisal license or certification shall be
26 issued under this Act to a partnership, association,

1 corporation, firm, or group.

2 (e) This Act does not apply to a county assessor, township
3 assessor, multi-township assessor, county supervisor of
4 assessments, or any deputy or employee of any county assessor,
5 township assessor, multi-township assessor, or county
6 supervisor of assessments in performance of ~~who is performing~~
7 ~~his or her~~ respective duties in accordance with the provisions
8 of the Property Tax Code.

9 (e-5) For the purposes of this Act, valuation waivers may
10 be prepared by a licensed appraiser notwithstanding any other
11 provision of this Act, and the following types of valuations
12 are not appraisals and may not be represented to be
13 appraisals, and a license is not required under this Act to
14 perform such valuations if the valuations are performed by (1)
15 an employee of the Illinois Department of Transportation who
16 has completed a minimum of 45 hours of course work in real
17 estate appraisal, including the principles ~~principals~~ of real
18 estate appraisals, appraisal of partial acquisitions, easement
19 valuation, reviewing appraisals in eminent domain, appraisal
20 for federal aid highway programs, and appraisal review for
21 federal aid highway programs and has at least 2 years'
22 experience in a field closely related to real estate; (2) a
23 county engineer who is a registered professional engineer
24 under the Professional Engineering Practice Act of 1989; (3)
25 an employee of a municipality who has (i) completed a minimum
26 of 45 hours of coursework in real estate appraisal, including

1 the principles ~~principals~~ of real estate appraisals, appraisal
2 of partial acquisitions, easement valuation, reviewing
3 appraisals in eminent domain, appraisal for federal aid
4 highway programs, and appraisal review for federal aid highway
5 programs and (ii) has either 2 years' experience in a field
6 clearly related to real estate or has completed 20 hours of
7 additional coursework that is sufficient for a person to
8 complete waiver valuations as approved by the Federal Highway
9 Administration; or (4) a municipal engineer who has completed
10 coursework that is sufficient for ~~his or her~~ waiver valuations
11 to be approved by the Federal Highway Administration and who
12 is a registered professional engineer under the Professional
13 Engineering Act of 1989, under the following circumstances:

14 (A) a valuation waiver in an amount not to exceed
15 \$20,000 ~~\$10,000~~ prepared pursuant to the federal Uniform
16 Relocation Assistance and Real Property Acquisition
17 Policies Act of 1970, or prepared pursuant to the federal
18 Uniform Relocation Assistance and Real Property
19 Acquisition for Federal and Federally-Assisted Programs
20 regulations and which is performed by (1) an employee of
21 the Illinois Department of Transportation and co-signed,
22 with a license number affixed, by another employee of the
23 Illinois Department of Transportation who is a registered
24 professional engineer under the Professional Engineering
25 Practice Act of 1989 or (2) an employee of a municipality
26 and co-signed with a license number affixed by a county or

1 municipal engineer who is a registered professional
2 engineer under the Professional Engineering Practice Act
3 of 1989; and

4 (B) a valuation waiver in an amount not to exceed
5 \$20,000 ~~\$10,000~~ prepared pursuant to the federal Uniform
6 Relocation Assistance and Real Property Acquisition
7 Policies Act of 1970, or prepared pursuant to the federal
8 Uniform Relocation Assistance and Real Property
9 Acquisition for Federal and Federally-Assisted Programs
10 regulations and which is performed by a county or
11 municipal engineer who is employed by a county or
12 municipality and is a registered professional engineer
13 under the Professional Engineering Practice Act of 1989.
14 The valuation shall include ~~In addition to his or her~~
15 ~~signature,~~ the county or municipal engineer's signature
16 and ~~engineer shall affix his or her license number to the~~
17 ~~valuation.~~

18 Nothing in this subsection (e-5) shall be construed to
19 allow the State of Illinois, a political subdivision thereof,
20 or any public body to acquire real estate by eminent domain in
21 any manner other than provided for in the Eminent Domain Act.

22 (f) A State real estate appraisal certification or license
23 is not required under this Act for any ~~of the following: (1) A~~
24 person, partnership, association, or corporation that performs
25 appraisals of property owned by that person, partnership,
26 association, or corporation for the sole use of that person,

1 partnership, association, or corporation.

2 ~~(2) A court appointed commissioner who conducts an~~
3 ~~appraisal pursuant to a judicially ordered evaluation of~~
4 ~~property.~~

5 Any ~~However, any~~ person who is certified or licensed under
6 this Act and who performs any of the activities set forth in
7 this subsection (f) must comply with the provisions of this
8 Act. A person who violates this subsection (f) is guilty of a
9 Class A misdemeanor for a first offense and a Class 4 felony
10 for any subsequent offense.

11 (g) This Act does not apply to an employee, officer,
12 director, or member of a credit or loan committee of a
13 financial institution or any other person engaged by a
14 financial institution when performing an evaluation of real
15 property for the sole use of the financial institution in a
16 transaction for which the financial institution would not be
17 required to use the services of a State licensed or State
18 certified appraiser pursuant to federal regulations adopted
19 under Title XI of the federal Financial Institutions Reform,
20 Recovery, and Enforcement Act of 1989, ~~nor does this Act apply~~
21 ~~to the procurement of an automated valuation model.~~

22 (h) This Act does not apply to the procurement of an
23 automated valuation model.

24 ~~"Automated valuation model" means an automated system that~~
25 ~~is used to derive a property value through the use of publicly~~
26 ~~available property records and various analytic methodologies~~

1 ~~such as comparable sales prices, home characteristics, and~~
2 ~~historical home price appreciations.~~

3 (Source: P.A. 98-444, eff. 8-16-13; 98-933, eff. 1-1-15;
4 98-1109, eff. 1-1-15; 99-78, eff. 7-20-15.)

5 (225 ILCS 458/5-10)

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

7 Sec. 5-10. Application for State certified general real
8 estate appraiser.

9 (a) Every person who desires to obtain a State certified
10 general real estate appraiser license shall:

11 (1) apply to the Department on forms provided by the
12 Department, or through a multi-state licensing system as
13 designated by the Secretary, accompanied by the required
14 fee;

15 (2) be at least 18 years of age;

16 (3) (blank);

17 (4) personally take and pass an examination authorized
18 by the Department and endorsed by the AQB;

19 (5) 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 ~~in Modular Course format, with each module~~
23 ~~conforming to the Required Core Curriculum established and~~
24 ~~adopted by the AQB, that he or she has successfully~~
25 ~~completed~~ the prerequisite classroom hours of instruction

1 in appraising as established by the AQB and by rule;
2 evidence shall be in a Modular Course format with each
3 module conforming to the Required Core Curriculum
4 established and adopted by the AQB; and

5 (6) prior to taking the examination, provide evidence
6 to the Department, or through a multi-state licensing
7 system as designated by the Secretary, of successful
8 completion of ~~that he or she has successfully completed~~
9 the prerequisite experience and educational requirements
10 in appraising as established by AQB and by rule.

11 (b) Applicants must provide evidence to the Department, or
12 through a multi-state licensing system as designated by the
13 Secretary, of holding a Bachelor's degree or higher from an
14 accredited college or university.

15 (Source: P.A. 100-604, eff. 7-13-18.)

16 (225 ILCS 458/5-15)

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

18 Sec. 5-15. Application for State certified residential
19 real estate appraiser. Every person who desires to obtain a
20 State certified residential real estate appraiser license
21 shall:

22 (1) apply to the Department on forms provided by the
23 Department, or through a multi-state licensing system as
24 designated by the Secretary, accompanied by the required
25 fee;

- 1 (2) be at least 18 years of age;
- 2 (3) (blank);
- 3 (4) personally take and pass an examination authorized
- 4 by the Department and endorsed by the AQB;
- 5 (5) prior to taking the examination, provide evidence
- 6 to the Department, or through a multi-state licensing
- 7 system as designated by the Secretary, of successful
- 8 completion of ~~in Modular Course format, with each module~~
- 9 ~~conforming to the Required Core Curriculum established and~~
- 10 ~~adopted by the AQB, that he or she has successfully~~
- 11 ~~completed~~ the prerequisite classroom hours of instruction
- 12 in appraising as established by the AQB and by rule;
- 13 evidence shall be in a Modular Course format with each
- 14 module conforming to the Required Core Curriculum
- 15 established and adopted by the AQB; and
- 16 (6) prior to taking the examination, provide evidence
- 17 to the Department, or through a multi-state licensing
- 18 system as designated by the Secretary, of successful
- 19 completion of ~~that he or she has successfully completed~~
- 20 the prerequisite experience and educational requirements
- 21 as established by AQB and by rule.

22 (Source: P.A. 100-201, eff. 8-18-17; 100-604, eff. 7-13-18.)

23 (225 ILCS 458/5-20)

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

25 Sec. 5-20. Application for associate real estate trainee

1 appraiser. Every person who desires to obtain an associate
2 real estate trainee appraiser license shall:

3 (1) apply to the Department on forms provided by the
4 Department, or through a multi-state licensing system as
5 designated by the Secretary, accompanied by the required
6 fee;

7 (2) be at least 18 years of age;

8 (3) provide evidence of having attained a high school
9 diploma or completed an equivalent course of study as
10 determined by an examination conducted or accepted by the
11 Illinois State Board of Education;

12 (4) (blank); and

13 (5) provide evidence to the Department, or through a
14 multi-state licensing system as designated by the
15 Secretary, of successful completion of ~~that he or she has~~
16 ~~successfully completed~~ the prerequisite qualifying and any
17 conditional education requirements as established by rule.

18 (Source: P.A. 100-604, eff. 7-13-18; 100-832, eff. 1-1-19;
19 101-81, eff. 7-12-19.)

20 (225 ILCS 458/5-20.5)

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

22 Sec. 5-20.5. Duration of application. Applicants have 3
23 years from the date of application to complete the application
24 process. If the process has not been completed within 3 years,
25 the application shall expire ~~be denied~~, the fee shall be

1 forfeited, and the applicant must reapply and meet the
2 requirements in effect at the time of reapplication.

3 (Source: P.A. 96-844, eff. 12-23-09.)

4 (225 ILCS 458/5-22)

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

6 Sec. 5-22. Criminal history records check.

7 (a) An application ~~Each applicant~~ for licensure by
8 examination or restoration shall include the applicant's ~~have~~
9 ~~his or her~~ fingerprints submitted to the Department of State
10 Police in an electronic format that complies with the form and
11 manner for requesting and furnishing criminal history record
12 information as prescribed by the Department of State Police.
13 These fingerprints shall be checked against the Department of
14 State Police and Federal Bureau of Investigation criminal
15 history record databases now and hereafter filed. The
16 Department of State Police shall charge applicants a fee for
17 conducting the criminal history records check, which shall be
18 deposited into the State Police Services Fund and shall not
19 exceed the actual cost of the records check. The Department of
20 State Police shall furnish, pursuant to positive
21 identification, records of Illinois convictions to the
22 Department. The Department may require applicants to pay a
23 separate fingerprinting fee, either to the Department or to a
24 vendor. The Department may adopt any rules necessary to
25 implement this Section.

1 (b) The Secretary may designate a multi-state licensing
2 system to perform the functions described in subsection (a).
3 The Department may require applicants to pay a separate
4 fingerprinting fee, either to the Department or to the
5 multi-state licensing system. The Department may adopt any
6 rules necessary to implement this subsection.

7 (c) The Department shall not consider the following
8 criminal history records in connection with an application for
9 licensure:

10 (1) juvenile adjudications of delinquent minors as
11 defined in Section 5-105 of the Juvenile Court Act of 1987
12 subject to the restrictions set forth in Section 5-130 of
13 that Act;

14 (2) law enforcement records, court records, and
15 conviction records of an individual who was 17 years old
16 at the time of the offense and before January 1, 2014,
17 unless the nature of the offense required the individual
18 to be tried as an adult;

19 (3) records of arrest not followed by a charge or
20 conviction;

21 (4) records of arrest in which the charges were
22 dismissed unless related to the practice of the
23 profession; however, applicants shall not be asked to
24 report any arrests, and an arrest not followed by a
25 conviction shall not be the basis of a denial and may be
26 used only to assess an applicant's rehabilitation;

1 (5) convictions overturned by a higher court; or

2 (6) convictions or arrests that have been sealed or
3 expunged.

4 (d) If an applicant makes a false statement of material
5 fact on the application, the false statement may in itself be
6 sufficient grounds to revoke or refuse to issue a license.

7 (e) An applicant or licensee shall report to the
8 Department, in a manner prescribed by the Department, upon
9 application and within 30 days after the occurrence, if during
10 the term of licensure, (i) any conviction of or plea of guilty
11 or nolo contendere to forgery, embezzlement, obtaining money
12 under false pretenses, larceny, extortion, conspiracy to
13 defraud, or any similar offense or offenses or any conviction
14 of a felony involving moral turpitude, (ii) the entry of an
15 administrative sanction by a government agency in this State
16 or any other jurisdiction that has as an essential element
17 dishonesty or fraud or involves larceny, embezzlement, or
18 obtaining money, property, or credit by false pretenses, or
19 (iii) a crime that subjects the licensee to compliance with
20 the requirements of the Sex Offender Registration Act.

21 (Source: P.A. 100-604, eff. 7-13-18.)

22 (225 ILCS 458/5-25)

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

24 Sec. 5-25. Renewal of license.

25 (a) The expiration date and renewal period for a State

1 certified general real estate appraiser license or a State
2 certified residential real estate appraiser license issued
3 under this Act shall be set by rule. Except as otherwise
4 provided in subsections (b) and (f) of this Section, the
5 holder of a license may renew the license within 90 days
6 preceding the expiration date by:

7 (1) completing and submitting to the Department, or
8 through a multi-state licensing system as designated by
9 the Secretary, a renewal application form as provided by
10 the Department;

11 (2) paying the required fees; and

12 (3) providing evidence to the Department, or through a
13 multi-state licensing system as designated by the
14 Secretary, of successful completion of the continuing
15 education requirements through courses approved by the
16 Department from education providers licensed by the
17 Department, as established by the AQB and by rule.

18 (b) A State certified general real estate appraiser or
19 State certified residential real estate appraiser whose
20 license under this Act has expired may renew the license for a
21 period of 2 years following the expiration date by complying
22 with the requirements of paragraphs (1), (2), and (3) of
23 subsection (a) of this Section and paying any late penalties
24 established by rule.

25 (c) (Blank).

26 (d) The expiration date and renewal period for an

1 associate real estate trainee appraiser license issued under
2 this Act shall be set by rule. Except as otherwise provided in
3 subsections (e) and (f) of this Section, the holder of an
4 associate real estate trainee appraiser license may renew the
5 license within 90 days preceding the expiration date by:

6 (1) completing and submitting to the Department, or
7 through a multi-state licensing system as designated by
8 the Secretary, a renewal application form as provided by
9 the Department;

10 (2) paying the required fees; and

11 (3) providing evidence to the Department, or through a
12 multi-state licensing system as designated by the
13 Secretary, of successful completion of the continuing
14 education requirements through courses approved by the
15 Department from education providers approved by the
16 Department, as established by rule.

17 (e) Any associate real estate trainee appraiser ~~trainee~~
18 whose license under this Act has expired may renew the license
19 for a period of 2 years following the expiration date by
20 complying with the requirements of paragraphs (1), (2), and
21 (3) of subsection (d) of this Section and paying any late
22 penalties as established by rule.

23 (f) Notwithstanding subsections (c) and (e), an appraiser
24 whose license under this Act has expired may renew or convert
25 the license without paying any lapsed renewal fees or late
26 penalties if the license expired while the appraiser was:

1 (1) on active duty with the United States Armed
2 Services;

3 (2) serving as the Coordinator ~~of Real Estate~~
4 ~~Appraisal~~ or an employee of the Department who was
5 required to surrender the ~~his or her~~ license during the
6 term of employment.

7 Application for renewal must be made within 2 years
8 following the termination of the military service or related
9 education, training, or employment and shall include an
10 affidavit from the licensee of engagement. ~~The licensee shall~~
11 ~~furnish the Department with an affidavit that he or she was so~~
12 ~~engaged.~~

13 (g) The Department shall provide reasonable care and due
14 diligence to ensure that each licensee under this Act is
15 provided with a renewal application at least 90 days prior to
16 the expiration date, but ~~each licensee is responsible to~~
17 timely renewal or conversion of the ~~renew or convert his or her~~
18 license prior to its expiration date is the responsibility of
19 the licensee.

20 (h) The Department shall not renew a license if the
21 licensee has an unpaid fine from a disciplinary matter or an
22 unpaid fee from a non-disciplinary action imposed by the
23 Department until the fine or fee is paid to the Department or
24 the licensee has entered into a payment plan and is current on
25 the required payments.

26 (i) The Department shall not issue a license if the

1 applicant has an unpaid fine imposed by the Department for
2 unlicensed practice until the fine is paid to the Department
3 or the applicant has entered into a payment plan and is current
4 on the required payments.

5 (Source: P.A. 100-604, eff. 7-13-18; 100-832, eff. 1-1-19;
6 101-81, eff. 7-12-19.)

7 (225 ILCS 458/5-26 new)

8 Sec. 5-26. Inactive licenses. Any licensee who notifies
9 the Department, in writing on forms prescribed by the
10 Department, may elect to place the license on an inactive
11 status and shall, subject to the rules of the Department, be
12 excused from payment of renewal fees until notification in
13 writing to the Department of the desire to resume active
14 status. Any licensee requesting reinstatement from inactive
15 status shall pay the current renewal fee, provide proof of
16 meeting the continuing education requirements for the period
17 of time the license is inactive (not to exceed 2 renewal
18 periods), and follow the requirements for reinstatement as
19 provided by rule. Any licensee whose license is in an inactive
20 status shall not practice in the State of Illinois. The
21 Department will update the licensee's record in the National
22 Registry to show that the license is inactive.

23 (225 ILCS 458/5-30)

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

1 Sec. 5-30. Endorsement. The Department may issue an
2 appraiser license, without the required examination, to an
3 applicant licensed by another state, territory, possession of
4 the United States, or the District of Columbia, if (i) the
5 licensing requirements of that licensing authority are, on the
6 date of licensure, substantially equal to the requirements set
7 forth under this Act or to a person who, at the time of ~~the his~~
8 ~~or her~~ application, possessed individual qualifications that
9 were substantially equivalent to the requirements of this Act
10 or (ii) the applicant provides the Department with evidence of
11 good standing from the Appraisal Subcommittee National
12 Registry report and a criminal history records check in
13 accordance with Section 5-22. An applicant under this Section
14 shall pay all of the required fees.

15 (Source: P.A. 98-1109, eff. 1-1-15.)

16 (225 ILCS 458/5-35)

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

18 Sec. 5-35. Qualifying education requirements. ~~(a)~~ The
19 prerequisite classroom hours necessary for a person to be
20 approved to sit for the examination for licensure as a State
21 certified general real estate appraiser or a State certified
22 residential real estate appraiser shall be in accordance with
23 AQB criteria and established by rule.

24 ~~(b) The prerequisite classroom hours necessary for a~~
25 ~~person to sit for the examination for licensure as an~~

1 ~~associate real estate trainee appraiser shall be established~~
2 ~~by rule.~~

3 (Source: P.A. 98-1109, eff. 1-1-15.)

4 (225 ILCS 458/10-5)

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

6 Sec. 10-5. Scope of practice.

7 (a) This Act does not limit a State certified general real
8 estate appraiser's ~~appraiser in his or her~~ scope of practice
9 in a federally related transaction. A State certified general
10 real estate appraiser may independently provide appraisal
11 services, review, or consult related ~~consulting relating~~ to
12 any type of property for which there is related ~~he or she has~~
13 experience or competency by the appraiser ~~is competent~~. All
14 such appraisal practice must be made in accordance with the
15 provisions of USPAP, criteria established by the AQB, and
16 rules adopted pursuant to this Act.

17 (b) A State certified residential real estate appraiser is
18 limited in ~~his or her~~ scope of practice to the provisions of
19 USPAP, criteria established by the AQB, and the rules adopted
20 pursuant to this Act.

21 (c) A State certified residential real estate appraiser
22 must have a State certified general real estate appraiser who
23 holds a valid license under this Act co-sign all appraisal
24 reports on properties other than one to 4 units of residential
25 real property without regard to transaction value or

1 complexity.

2 (d) An associate real estate trainee appraiser is limited
3 in ~~his or her~~ scope of practice in all transactions in
4 accordance with the provisions of USPAP, this Act, and the
5 rules adopted pursuant to this Act. In addition, an associate
6 real estate trainee appraiser shall be required to have a
7 State certified general real estate appraiser or State
8 certified residential real estate appraiser who holds a valid
9 license under this Act to co-sign all appraisal reports. A
10 supervising appraiser may not supervise more than 3 associate
11 real estate trainee appraisers at one time. Associate real
12 estate trainee appraisers shall not be limited in the number
13 of concurrent supervising appraisers. A chronological
14 appraisal log on an approved log form shall be maintained by
15 the associate real estate trainee appraiser and shall be made
16 available to the Department upon request.

17 (Source: P.A. 97-602, eff. 8-26-11; 98-1109, eff. 1-1-15.)

18 (225 ILCS 458/10-10)

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

20 Sec. 10-10. Standards of practice. All persons licensed
21 under this Act must comply with standards of professional
22 appraisal practice adopted by the Department. The Department
23 must adopt, as part of its rules, the Uniform Standards of
24 Professional Appraisal Practice (USPAP) as published from time
25 to time by the Appraisal Standards Board of the Appraisal

1 Foundation. The Department shall consider federal laws and
2 regulations regarding the licensure of real estate appraisers
3 prior to adopting its rules for the administration of this
4 Act. When an appraisal obtained through an appraisal
5 management company is used for loan purposes, the borrower or
6 loan applicant shall be provided with a written disclosure of
7 the total compensation to the appraiser or appraisal firm
8 within the body ~~certification~~ of the appraisal report and it
9 shall not be redacted or otherwise obscured.

10 (Source: P.A. 96-844, eff. 12-23-09; 97-602, eff. 8-26-11.)

11 (225 ILCS 458/15-5)

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

13 Sec. 15-5. Unlicensed practice; civil penalty; injunctive
14 relief; unlawful influence.

15 (a) A person who violates Section 5-5 of this Act shall, in
16 addition to any other penalty provided by law, pay a civil
17 penalty to the Department in an amount not to exceed \$25,000
18 for each violation as determined by the Secretary. The civil
19 penalty shall be assessed by the Secretary after a hearing in
20 accordance with the provisions of this Act regarding the
21 provision of a hearing for the discipline of a license.

22 (b) The Department has the authority to investigate any
23 activity that may violate this Act.

24 (c) A civil penalty imposed pursuant to subsection (a)
25 shall be paid within 60 days after the effective date of the

1 order imposing the civil penalty. The order shall constitute a
2 judgment and may be filed and executed in the same manner as
3 any judgment from any court of record. Any civil penalty
4 collected under this Act shall be made payable to the
5 Department of Financial and Professional Regulation and
6 deposited into the Appraisal Administration Fund. In addition
7 to or in lieu of the imposition of a civil penalty, the
8 Department may report a violation of this Act or the failure or
9 refusal to comply with an order of the Department to the
10 Attorney General or to the appropriate State's Attorney.

11 (d) Practicing as an appraiser without holding an active ~~a~~
12 ~~valid~~ license as required under this Act is declared to be
13 adverse to the public welfare, to constitute a public
14 nuisance, and to cause irreparable harm to the public welfare.
15 The Secretary, the Attorney General, or the State's Attorney
16 of any county in the State may maintain an action for
17 injunctive relief in any circuit court to enjoin any person
18 from engaging in such practice.

19 Upon the filing of a verified petition in a circuit court,
20 the court, if satisfied by affidavit or otherwise that a
21 person has been engaged in the practice of real estate
22 appraisal without an active ~~a valid~~ license, may enter a
23 temporary restraining order without notice or bond enjoining
24 the defendant from further practice. The showing of
25 non-licensure, by affidavit or otherwise, is sufficient for
26 the issuance of a temporary injunction. If it is established

1 that the defendant has been or is engaged in unlawful
2 practice, the court may enter an order or judgment perpetually
3 enjoining the defendant from further unlawful practice. In all
4 proceedings under this Section, the court, in its discretion,
5 may apportion the costs among the parties interested in the
6 action, including the cost of filing the complaint, service of
7 process, witness fees and expenses, court reporter charges,
8 and reasonable attorneys' fees. These injunction proceedings
9 shall be in addition to, and not in lieu of, all penalties and
10 other remedies provided in this Act.

11 (e) No person shall influence or attempt to influence
12 through coercion, extortion, or bribery the independent
13 judgment of an appraiser licensed or certified under this Act
14 in the development, reporting, result, or review of a real
15 estate appraisal. A person who violates this subsection (e) is
16 guilty of a Class A misdemeanor for the first offense and a
17 Class 4 felony for any subsequent offense.

18 (Source: P.A. 96-844, eff. 12-23-09.)

19 (225 ILCS 458/15-10)

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

21 Sec. 15-10. Grounds for disciplinary action.

22 (a) The Department may suspend, revoke, refuse to issue,
23 renew, or restore a license and may reprimand place on
24 probation or administrative supervision, or take any
25 disciplinary or non-disciplinary action, including imposing

1 conditions limiting the scope, nature, or extent of the real
2 estate appraisal practice of a licensee or reducing the
3 appraisal rank of a licensee, and may impose an administrative
4 fine not to exceed \$25,000 for each violation upon a licensee
5 for any one or combination of the following:

6 (1) Procuring or attempting to procure a license by
7 knowingly making a false statement, submitting false
8 information, engaging in any form of fraud or
9 misrepresentation, or refusing to provide complete
10 information in response to a question in an application
11 for licensure.

12 (2) Failing to meet the minimum qualifications for
13 licensure as an appraiser established by this Act.

14 (3) Paying money, other than for the fees provided for
15 by this Act, or anything of value to a member or employee
16 of the Board or the Department to procure licensure under
17 this Act.

18 (4) Conviction of, or by plea of guilty or nolo
19 contendere, as enumerated in subsection (e) of Section
20 5-22 finding of guilt, jury verdict, or entry of judgment
21 or by sentencing of any crime, including, but not limited
22 to, convictions, preceding sentences of supervision,
23 conditional discharge, or first offender probation, under
24 the laws of any jurisdiction of the United States: (i)
25 that is a felony, ~~or (ii) that is a misdemeanor, or~~
26 administrative sanction or (ii) that is a crime that

1 subjects the licensee to compliance with the requirements
2 of the Sex Offender Registration Act ~~an essential element~~
3 ~~of which is dishonesty, or that is directly related to the~~
4 ~~practice of the profession.~~

5 (5) Committing an act or omission involving
6 dishonesty, fraud, or misrepresentation with the intent to
7 substantially benefit the licensee or another person or
8 with intent to substantially injure another person as
9 defined by rule.

10 (6) Violating a provision or standard for the
11 development or communication of real estate appraisals as
12 provided in Section 10-10 of this Act or as defined by
13 rule.

14 (7) Failing or refusing without good cause to exercise
15 reasonable diligence in developing, reporting, or
16 communicating an appraisal, as defined by this Act or by
17 rule.

18 (8) Violating a provision of this Act or the rules
19 adopted pursuant to this Act.

20 (9) Having been disciplined by another state, the
21 District of Columbia, a territory, a foreign nation, a
22 governmental agency, or any other entity authorized to
23 impose discipline if at least one of the grounds for that
24 discipline is the same as or the equivalent of one of the
25 grounds for which a licensee may be disciplined under this
26 Act.

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

4 (11) Accepting an appraisal assignment when the
5 employment itself is contingent upon the appraiser
6 reporting a predetermined estimate, analysis, or opinion
7 or when the fee to be paid is contingent upon the opinion,
8 conclusion, or valuation reached or upon the consequences
9 resulting from the appraisal assignment.

10 (12) Developing valuation conclusions based on the
11 race, color, religion, sex, national origin, ancestry,
12 age, marital status, family status, physical or mental
13 disability, sexual orientation, pregnancy, order of
14 protection status, military status, or unfavorable
15 military discharge, as defined under the Illinois Human
16 Rights Act, of the prospective or present owners or
17 occupants of the area or property under appraisal.

18 (13) Violating the confidential nature of government
19 records to which the licensee gained access through
20 employment or engagement as an appraiser by a government
21 agency.

22 (14) Being adjudicated liable in a civil proceeding on
23 grounds of fraud, misrepresentation, or deceit. In a
24 disciplinary proceeding based upon a finding of civil
25 liability, the appraiser shall be afforded an opportunity
26 to present mitigating and extenuating circumstances, but

1 may not collaterally attack the civil adjudication.

2 (15) Being adjudicated liable in a civil proceeding
3 for violation of a state or federal fair housing law.

4 (16) Engaging in misleading or untruthful advertising
5 or using a trade name or insignia of membership in a real
6 estate appraisal or real estate organization of which the
7 licensee is not a member.

8 (17) 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 (18) Failing to include within the certificate of
15 appraisal for all written appraisal reports the
16 appraiser's license number and licensure title. All
17 appraisers providing significant contribution to the
18 development and reporting of an appraisal must be
19 disclosed in the appraisal report. It is a violation of
20 this Act for an appraiser to sign a report, transmittal
21 letter, or appraisal certification knowing that a person
22 providing a significant contribution to the report has not
23 been disclosed in the appraisal report.

24 (19) Violating the terms of a disciplinary order or
25 consent to administrative supervision order.

26 (20) Habitual or excessive use or addiction to

1 alcohol, narcotics, stimulants, or any other chemical
2 agent or drug that results in a licensee's inability to
3 practice with reasonable judgment, skill, or safety.

4 (21) A physical or mental illness or disability which
5 results in the inability to practice under this Act with
6 reasonable judgment, skill, or safety.

7 (22) Gross negligence in developing an appraisal or in
8 communicating an appraisal or failing to observe one or
9 more of the Uniform Standards of Professional Appraisal
10 Practice.

11 (23) A pattern of practice or other behavior that
12 demonstrates incapacity or incompetence to practice under
13 this Act.

14 (24) Using or attempting to use the seal, certificate,
15 or license of another as one's ~~his or her~~ own; falsely
16 impersonating any duly licensed appraiser; using or
17 attempting to use an inactive, expired, suspended, or
18 revoked license; or aiding or abetting any of the
19 foregoing.

20 (25) Solicitation of professional services by using
21 false, misleading, or deceptive advertising.

22 (26) Making a material misstatement in furnishing
23 information to the Department.

24 (27) Failure to furnish information to the Department
25 upon written request.

26 (b) The Department may reprimand suspend, revoke, or

1 refuse to issue or renew an education provider's license, may
2 reprimand, place on probation, or otherwise discipline an
3 education provider and may suspend or revoke the course
4 approval of any course offered by an education provider and
5 may impose an administrative fine not to exceed \$25,000 upon
6 an education provider, for any of the following:

7 (1) Procuring or attempting to procure licensure by
8 knowingly making a false statement, submitting false
9 information, engaging in any form of fraud or
10 misrepresentation, or refusing to provide complete
11 information in response to a question in an application
12 for licensure.

13 (2) Failing to comply with the covenants certified to
14 on the application for licensure as an education provider.

15 (3) Committing an act or omission involving
16 dishonesty, fraud, or misrepresentation or allowing any
17 such act or omission by any employee or contractor under
18 the control of the provider.

19 (4) Engaging in misleading or untruthful advertising.

20 (5) Failing to retain competent instructors in
21 accordance with rules adopted under this Act.

22 (6) Failing to meet the topic or time requirements for
23 course approval as the provider of a qualifying curriculum
24 course or a continuing education course.

25 (7) Failing to administer an approved course using the
26 course materials, syllabus, and examinations submitted as

1 the basis of the course approval.

2 (8) Failing to provide an appropriate classroom
3 environment for presentation of courses, with
4 consideration for student comfort, acoustics, lighting,
5 seating, workspace, and visual aid material.

6 (9) Failing to maintain student records in compliance
7 with the rules adopted under this Act.

8 (10) Failing to provide a certificate, transcript, or
9 other student record to the Department or to a student as
10 may be required by rule.

11 (11) Failing to fully cooperate with an investigation
12 by the Department by knowingly making a false statement,
13 submitting false or misleading information, or refusing to
14 provide complete information in response to written
15 interrogatories or a written request for documentation
16 within 30 days of the request.

17 (c) In appropriate cases, the Department may resolve a
18 complaint against a licensee through the issuance of a Consent
19 to Administrative Supervision order. A licensee subject to a
20 Consent to Administrative Supervision order shall be
21 considered by the Department as an active licensee in good
22 standing. This order shall not be reported or considered by
23 the Department to be a discipline of the licensee. The records
24 regarding an investigation and a Consent to Administrative
25 Supervision order shall be considered confidential and shall
26 not be released by the Department except as mandated by law. A

1 complainant shall be notified if the ~~his or her~~ complaint has
2 been resolved by a Consent to Administrative Supervision
3 order.

4 (Source: P.A. 97-602, eff. 8-26-11; 97-877, eff. 8-2-12;
5 98-1109, eff. 1-1-15.)

6 (225 ILCS 458/15-10.1 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. For associate real estate trainee appraisers, a copy
13 shall also be sent to the licensee's supervising appraiser of
14 record. The citation shall contain the licensee's name, the
15 licensee's address, the licensee's license number, the number
16 of required hours of continuing education that have not been
17 successfully completed by the licensee within the renewal
18 period, and the penalty imposed, which shall not exceed
19 \$2,000. The issuance of a citation shall not excuse the
20 licensee from completing all continuing education required for
21 that renewal period.

22 (b) Service of a citation shall be made in person,
23 electronically, or by mail to the licensee at the licensee's
24 address of record or email address of record. Service of a
25 citation must clearly state that if the cited licensee wishes

1 to dispute the citation, the cited licensee may make a written
2 request, within 30 days after the citation is served, for a
3 hearing before the Department. If the cited licensee does not
4 request a hearing within 30 days after the citation is served,
5 then the citation shall become a final, non-disciplinary
6 order, and any fine imposed is due and payable within 60 days
7 after that final order. If the cited licensee requests a
8 hearing within 30 days after the citation is served, the
9 Department shall afford the cited licensee a hearing conducted
10 in the same manner as a hearing provided for in this Act for
11 any violation of this Act and shall determine whether the
12 cited licensee committed the violation as charged and whether
13 the fine as levied is warranted. If the violation is found, any
14 fine shall constitute non-public discipline and be due and
15 payable within 30 days after the order of the Secretary, which
16 shall constitute a final order of the Department. No change in
17 license status may be made by the Department until a final
18 order of the Department has been issued.

19 (c) Payment of a fine that has been assessed pursuant to
20 this Section shall not constitute disciplinary action
21 reportable on the Department's website or elsewhere unless a
22 licensee has previously received 2 or more citations and been
23 assessed 2 or more fines.

24 (d) Nothing in this Section shall prohibit or limit the
25 Department from taking further action pursuant to this Act and
26 rules for additional, repeated, or continuing violations.

1 (225 ILCS 458/15-11 new)

2 Sec. 15-11. Illegal discrimination. When there has been
3 an adjudication in a civil or criminal proceeding that a
4 licensee has illegally discriminated while engaged in any
5 activity for which a license is required under this Act, the
6 Department, upon the recommendation of the Board as to the
7 extent of the suspension or revocation, shall suspend or
8 revoke the license of that licensee in a timely manner, unless
9 the adjudication is in the appeal process. When there has been
10 an order in an administrative proceeding finding that a
11 licensee has illegally discriminated while engaged in any
12 activity for which a license is required under this Act, the
13 Department, upon recommendation of the Board as to the nature
14 and extent of the discipline, shall take one or more of the
15 disciplinary actions provided for in Section 15-10 in a timely
16 manner, unless the administrative order is in the appeal
17 process.

18 (225 ILCS 458/15-15)

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

20 Sec. 15-15. Investigation; notice; hearing.

21 (a) Upon the motion of the Department or the Board or upon
22 a complaint in writing of a person setting forth facts that, if
23 proven, would constitute grounds for suspension, revocation,
24 or other disciplinary action against a licensee or applicant

1 for licensure, the Department shall investigate the actions of
2 the licensee or applicant. If, upon investigation, the
3 Department believes that there may be cause for suspension,
4 revocation, or other disciplinary action, the Department shall
5 use the services of a State certified general real estate
6 appraiser, a State certified residential real estate
7 appraiser, or the Real Estate Coordinator to assist in
8 determining whether grounds for disciplinary action exist
9 prior to commencing formal disciplinary proceedings.

10 (b) Formal disciplinary proceedings shall commence upon
11 the issuance of a written complaint describing the charges
12 that are the basis of the disciplinary action and delivery of
13 the detailed complaint to the address of record of the
14 licensee or applicant. For an associate real estate trainee
15 appraiser, a copy shall also be sent to the licensee's
16 supervising appraiser of record. The Department shall notify
17 the licensee or applicant to file a verified written answer
18 within 20 days after the service of the notice and complaint.
19 The notification shall inform the licensee or applicant of the
20 ~~his or her~~ right to be heard in person or by legal counsel;
21 that the hearing will be afforded not sooner than 20 ~~30~~ days
22 after service of the complaint; that failure to file an answer
23 will result in a default being entered against the licensee or
24 applicant; that the license may be suspended, revoked, or
25 placed on probationary status; and that other disciplinary
26 action may be taken pursuant to this Act, including limiting

1 the scope, nature, or extent of the licensee's practice. If
2 the licensee or applicant fails to file an answer after
3 service of notice, the respective ~~his or her~~ license may, at
4 the discretion of the Department, be suspended, revoked, or
5 placed on probationary status and the Department may take
6 whatever disciplinary action it deems proper, including
7 limiting the scope, nature, or extent of the person's
8 practice, without a hearing.

9 (c) At the time and place fixed in the notice, the Board
10 shall conduct hearing of the charges, providing both the
11 accused person and the complainant ample opportunity to
12 present in person or by counsel such statements, testimony,
13 evidence, and argument as may be pertinent to the charges or to
14 a defense thereto.

15 (d) The Board shall present to the Secretary a written
16 report of its findings of fact and recommendations. A copy of
17 the report shall be served upon the licensee or applicant,
18 either personally, ~~or by certified mail, or, at the discretion~~
19 of the Department, by electronic means. For associate real
20 estate trainee appraisers, a copy shall also be sent to the
21 licensee's supervising appraiser of record. Within 20 days
22 after the service, the licensee or applicant may present the
23 Secretary with a motion in writing for ~~either a rehearing, a~~
24 ~~proposed finding of fact, a conclusion of law, or an~~
25 ~~alternative sanction,~~ and shall specify the particular grounds
26 for the request. If the accused orders a transcript of the

1 record as provided in this Act, the time elapsing thereafter
2 and before the transcript is ready for delivery to the accused
3 shall not be counted as part of the 20 days. If the Secretary
4 is not satisfied that substantial justice has been done, the
5 Secretary may order a rehearing by the Board or other special
6 committee appointed by the Secretary, may remand the matter to
7 the Board for its reconsideration of the matter based on the
8 pleadings and evidence presented to the Board, or may enter a
9 final order in contravention of the Board's recommendation.
10 Notwithstanding a licensee's or applicant's failure to file a
11 motion for rehearing, the Secretary shall have the right to
12 take any of the actions specified in this subsection (d). Upon
13 the suspension or revocation of a license, the licensee shall
14 be required to surrender the respective ~~his or her~~ license to
15 the Department, and upon failure or refusal to do so, the
16 Department shall have the right to seize the license.

17 (e) The Department has the power to issue subpoenas and
18 subpoenas duces tecum to bring before it any person in this
19 State, to take testimony, or to require production of any
20 records relevant to an inquiry or hearing by the Board in the
21 same manner as prescribed by law in judicial proceedings in
22 the courts of this State. In a case of refusal of a witness to
23 attend, testify, or to produce books or papers concerning a
24 matter upon which the witness ~~he or she~~ might be lawfully
25 examined, the circuit court of the county where the hearing is
26 held, upon application of the Department or any party to the

1 proceeding, may compel obedience by proceedings as for
2 contempt.

3 (f) Any license that is ~~suspended indefinitely or~~ revoked
4 may not be restored for a minimum period of 3 ~~2~~ years, ~~or as~~
5 ~~otherwise ordered by the Secretary.~~

6 (g) In addition to the provisions of this Section
7 concerning the conduct of hearings and the recommendations for
8 discipline, the Department has the authority to negotiate
9 disciplinary and non-disciplinary settlement agreements
10 concerning any license issued under this Act. All such
11 agreements shall be recorded as Consent Orders or Consent to
12 Administrative Supervision Orders.

13 (h) The Secretary shall have the authority to appoint an
14 attorney duly licensed to practice law in the State of
15 Illinois to serve as the hearing officer in any action to
16 suspend, revoke, or otherwise discipline any license issued by
17 the Department. The Hearing Officer shall have full authority
18 to conduct the hearing.

19 (i) The Department, at its expense, shall preserve a
20 record of all formal hearings of any contested case involving
21 the discipline of a license. At all hearings or pre-hearing
22 conferences, the Department and the licensee shall be entitled
23 to have the proceedings transcribed by a certified shorthand
24 reporter. A copy of the transcribed proceedings shall be made
25 available to the licensee by the certified shorthand reporter
26 upon payment of the prevailing contract copy rate.

1 (Source: P.A. 100-831, eff. 1-1-19.)

2 (225 ILCS 458/15-55)

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

4 Sec. 15-55. Checks, credit card charges, or orders to
5 Department dishonored because of insufficient funds. Any
6 person who:

7 (1) delivers a check or other payment to the
8 Department that is returned to the Department unpaid by
9 the financial institution upon which it was drawn; or

10 (2) presents a credit card or debit card for payment
11 that is invalid or expired or against which charges by the
12 Department are declined or dishonored;

13 shall pay to the Department, in addition to the amount already
14 owed to the Department, a fine of \$50. The fines imposed by
15 this Section are in addition to any other discipline provided
16 under this Act for unlicensed practice or practice on a
17 non-renewed license. The Department shall notify the applicant
18 or licensee that payment of fees and fines shall be paid to the
19 Department by certified check or money order within 30
20 calendar days after the notification. If, after the expiration
21 of 30 days from the date of the notification, the person has
22 failed to submit the necessary remittance, the Department
23 shall automatically terminate the license or deny the
24 application, without hearing. After ~~If, after~~ termination or
25 denial, the person seeking ~~seeks~~ a license, ~~he or she~~ must

1 apply to the Department for restoration or issuance of the
2 license and pay all fees and fines due to the Department. The
3 Department may establish a fee for the processing of an
4 application for restoration of a license to pay all of the
5 expenses of processing the application. The Secretary may
6 waive the fines due under this Section in individual cases
7 where the Secretary finds that the penalties or fines would be
8 unreasonable or unnecessarily burdensome.

9 (Source: P.A. 96-844, eff. 12-23-09.)

10 (225 ILCS 458/20-5)

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

12 Sec. 20-5. Education providers.

13 (a) No person shall operate an education provider entity
14 without possessing an active license issued by the Department.
15 Only Beginning July 1, 2002, only education providers licensed
16 or otherwise approved by the Department may provide the
17 qualifying and continuing education courses required for
18 licensure under this Act. Every person that desires to obtain
19 an education provider license shall make application to the
20 Department in a manner prescribed by the Department and pay
21 the fee prescribed by rule.

22 (b) A person or entity seeking to be licensed as an
23 education provider under this Act shall provide satisfactory
24 evidence of the following:

25 (1) a sound financial base for establishing,

1 promoting, and delivering the necessary courses;

2 (2) (blank); ~~a sufficient number of qualified~~
3 ~~instructors;~~

4 (3) (blank); ~~adequate support personnel to assist with~~
5 ~~administrative matters and technical assistance;~~

6 (4) (blank); ~~a written policy dealing with procedures~~
7 ~~for management of grievances and fee refunds;~~

8 (5) a qualified administrator, who is responsible for
9 the administration of the education provider, courses, and
10 the actions of the instructors; ~~and~~

11 (6) any other requirements as provided by rule; and-

12 (7) proof of good standing with the Secretary of State
13 and authority to conduct businesses in this State.

14 (c) All applicants for an education provider's license
15 shall make initial application to the Department on forms
16 provided by the Department, or through a multi-state licensing
17 system as designated by the Secretary, and pay the appropriate
18 fee as provided by rule. The term, expiration date, and
19 renewal of an education provider's license shall be
20 established by rule.

21 (d) An education provider shall provide each successful
22 course participant with a certificate of completion signed by
23 the school administrator. The format and content of the
24 certificate shall be specified by rule.

25 (e) All education providers shall provide to the
26 Department a monthly roster of all successful course

1 participants as provided by rule.

2 (Source: P.A. 100-604, eff. 7-13-18.)

3 (225 ILCS 458/20-10)

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

5 Sec. 20-10. Course approval.

6 (a) Only courses offered by licensed education providers
7 and approved by the Department, courses approved by the AQB,
8 or courses approved by jurisdictions monitored ~~regulated~~ by
9 the Appraisal Subcommittee shall be used to meet the
10 requirements of this Act and rules.

11 (b) An education provider licensed under this Act may
12 submit courses to the Department, or through a multi-state
13 licensing system as designated by the Secretary, for approval.
14 The criteria, requirements, and fees for courses shall be
15 established by rule in accordance with this Act and the
16 criteria established by the AQB.

17 (c) For each course approved, the Department shall issue a
18 license to the education provider. The term, expiration date,
19 and renewal of a course approval shall be established by rule.

20 (d) An education provider must use an instructor for each
21 course approved by the Department who (i) holds a valid real
22 estate appraisal license in good standing as a State certified
23 general real estate appraiser or a State certified residential
24 real estate appraiser in Illinois or any other jurisdiction
25 monitored by the Appraisal Subcommittee, (ii) holds a valid

1 teaching certificate issued by the State of Illinois, (iii) is
2 a faculty member in good standing with an accredited college
3 or university or community college, or (iv) satisfies
4 requirements established by rule ~~is an approved appraisal~~
5 ~~instructor from an appraisal organization that is a member of~~
6 ~~the Appraisal Foundation.~~

7 (Source: P.A. 100-604, eff. 7-13-18.)

8 (225 ILCS 458/25-10)

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

10 Sec. 25-10. Real Estate Appraisal Administration and
11 Disciplinary Board; appointment.

12 (a) There is hereby created the Real Estate Appraisal
13 Administration and Disciplinary Board. The Board shall be
14 composed of the Coordinator and 10 persons appointed by the
15 Governor, ~~plus the Coordinator of the Real Estate Appraisal~~
16 ~~Division~~. Members shall be appointed to the Board subject to
17 the following conditions:

18 (1) All appointed members shall have been residents
19 and citizens of this State for at least 5 years prior to
20 the date of appointment.

21 (2) The appointed membership of the Board should
22 reasonably reflect the geographic distribution of the
23 population of the State.

24 (3) Four appointed members shall have been actively
25 engaged and currently licensed as State certified general

1 real estate appraisers for a period of not less than 5
2 years.

3 (4) Three ~~Two~~ appointed members shall have been
4 actively engaged and currently licensed as State certified
5 residential real estate appraisers for a period of not
6 less than 5 years.

7 (5) One ~~Two~~ appointed member ~~members~~ shall hold a
8 valid license as a real estate broker for at least 3 ~~10~~
9 years prior to the date of the appointment ~~and, one of whom~~
10 shall hold either a valid State certified general real
11 estate appraiser license or a valid State certified
12 residential appraiser license issued under this Act or a
13 predecessor Act for a period of at least 5 years prior to
14 the appointment ~~and one of whom shall hold a valid State~~
15 ~~certified residential real estate appraiser license issued~~
16 ~~under this Act or a predecessor Act for a period of at~~
17 ~~least 5 years prior to the appointment.~~

18 (6) One appointed member shall be a representative of
19 a financial institution, as evidenced by proof of ~~his or~~
20 ~~her~~ employment with a financial institution.

21 (7) One appointed member shall represent the interests
22 of the general public. This member or the member's ~~his or~~
23 ~~her~~ spouse shall not be licensed under this Act nor be
24 employed by or have any financial interest in an appraisal
25 business, appraisal management company, real estate
26 brokerage business, or a financial institution.

1 In making appointments as provided in paragraphs (3) and
2 (4) of this subsection, the Governor shall give due
3 consideration to recommendations by members and organizations
4 representing the profession.

5 In making the appointments as provided in paragraph (5) of
6 this subsection, the Governor shall give due consideration to
7 the recommendations by members and organizations representing
8 the real estate industry.

9 In making the appointment as provided in paragraph (6) of
10 this subsection, the Governor shall give due consideration to
11 the recommendations by members and organizations representing
12 financial institutions.

13 (b) The members' terms shall be for 4 years or until a
14 successor is appointed ~~and expire upon completion of the term.~~
15 No member shall be reappointed to the Board for a term that
16 would cause the member's ~~his or her~~ cumulative service to the
17 Board to exceed 10 years. Appointments to fill vacancies shall
18 be for the unexpired portion of the term.

19 (c) The Governor may terminate the appointment of a member
20 for cause that, in the opinion of the Governor, reasonably
21 justifies the termination. Cause for termination may include,
22 without limitation, misconduct, incapacity, neglect of duty,
23 or missing 4 Board meetings during any one fiscal ~~calendar~~
24 year.

25 (d) A majority of the Board members shall constitute a
26 quorum. A vacancy in the membership of the Board shall not

1 impair the right of a quorum to exercise all of the rights and
2 perform all of the duties of the Board.

3 (e) The Board shall meet at least monthly ~~quarterly~~ and
4 may be convened by the Chairperson, Vice-Chairperson, or 3
5 members of the Board upon 10 days written notice.

6 (f) The Board shall, annually at the first meeting of the
7 fiscal year, elect a Chairperson and Vice-Chairperson from its
8 members. The Chairperson shall preside over the meetings and
9 shall coordinate with the Coordinator in developing and
10 distributing an agenda for each meeting. In the absence of the
11 Chairperson, the Vice-Chairperson shall preside over the
12 meeting.

13 (g) The Coordinator ~~of the Real Estate Appraisal Division~~
14 shall serve as a member of the Board without vote.

15 (h) The Board shall advise and make recommendations to the
16 Department on the education and experience qualifications of
17 any applicant for initial licensure as a State certified
18 general real estate appraiser or a State certified residential
19 real estate appraiser. The Department shall not make any
20 decisions concerning education or experience qualifications of
21 an applicant for initial licensure as a State certified
22 general real estate appraiser or a State certified residential
23 real estate appraiser without having first received the advice
24 and recommendation of the Board and shall give due
25 consideration to all such advice and recommendations; however,
26 if the Board does not render advice or make a recommendation

1 within a reasonable amount of time, then the Department may
2 render a decision.

3 (i) Except as provided in Section 15-17 of this Act, the
4 Board shall hear and make recommendations to the Secretary on
5 disciplinary matters that require a formal evidentiary
6 hearing. The Secretary shall give due consideration to the
7 recommendations of the Board involving discipline and
8 questions involving standards of professional conduct of
9 licensees.

10 (j) The Department shall seek and the Board shall provide
11 recommendations to the Department consistent with the
12 provisions of this Act and for the administration and
13 enforcement of all rules adopted pursuant to this Act. The
14 Department shall give due consideration to such
15 recommendations prior to adopting rules.

16 (k) The Department shall seek and the Board shall provide
17 recommendations to the Department on the approval of all
18 courses submitted to the Department pursuant to this Act and
19 the rules adopted pursuant to this Act. The Department shall
20 not approve any courses without having first received the
21 recommendation of the Board and shall give due consideration
22 to such recommendations prior to approving and licensing
23 courses; however, if the Board does not make a recommendation
24 within a reasonable amount of time, then the Department may
25 approve courses.

26 (l) Each voting member of the Board shall receive a per

1 diem stipend in an amount to be determined by the Secretary.
2 While engaged in the performance of duties, each ~~Each~~ member
3 shall be paid the ~~his or her~~ necessary expenses ~~while engaged~~
4 ~~in the performance of his or her duties.~~

5 (m) Members of the Board shall be immune from suit in an
6 action based upon any disciplinary proceedings or other acts
7 performed in good faith as members of the Board.

8 (n) If the Department disagrees with any advice or
9 recommendation provided by the Board under this Section to the
10 Secretary or the Department, then notice of such disagreement
11 must be provided to the Board by the Department.

12 (o) (Blank). ~~Upon resolution adopted at any Board meeting,~~
13 ~~the exercise of any Board function, power, or duty enumerated~~
14 ~~in this Section or in subsection (d) of Section 15-10 of this~~
15 ~~Act may be suspended. The exercise of any suspended function,~~
16 ~~power, or duty of the Board may be reinstated by a resolution~~
17 ~~adopted at a subsequent Board meeting. Any resolution adopted~~
18 ~~pursuant to this Section shall take effect immediately.~~

19 (Source: P.A. 100-886, eff. 8-14-18.)

20 (225 ILCS 458/25-15)

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

22 Sec. 25-15. ~~Coordinator of~~ Real Estate Appraisal
23 Coordinator; appointment; duties. The Secretary shall appoint
24 ~~subject to the Personnel Code,~~ a Coordinator ~~of Real Estate~~
25 ~~Appraisal~~. In appointing the Coordinator, the Secretary shall

1 give due consideration to recommendations made by members,
2 organizations, and associations of the real estate appraisal
3 industry. ~~The~~ ~~On or after January 1, 2010,~~ the Coordinator
4 must hold a current, valid State certified general real estate
5 appraiser license for a period of at least 5 years prior to
6 appointment. The Coordinator shall not practice during the
7 term of the ~~his or her~~ appointment. ~~The Coordinator must take~~
8 ~~the 30 hour National Instructors Course on Uniform Standards~~
9 ~~of Professional Appraisal Practice~~. The Coordinator shall be
10 credited with all fees that came due during the Coordinator's
11 ~~his or her~~ employment. The Coordinator shall:

12 (1) serve as a member of the Real Estate Appraisal
13 Administration and Disciplinary Board without vote;

14 (2) be the direct liaison between the Department, the
15 profession, and the real estate appraisal industry
16 organizations and associations;

17 (3) prepare and circulate to licensees such
18 educational and informational material as the Department
19 deems necessary for providing guidance or assistance to
20 licensees;

21 (4) appoint necessary committees to assist in the
22 performance of the functions and duties of the Department
23 under this Act;

24 (5) (blank); and

25 (6) be authorized to investigate and determine the
26 facts of a complaint; the coordinator may interview

1 witnesses, the complainant, and any licensees involved in
2 the alleged matter and make a recommendation as to the
3 findings of fact.

4 (Source: P.A. 97-602, eff. 8-26-11; 98-1109, eff. 1-1-15.)

5 (225 ILCS 458/25-16)

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

7 Sec. 25-16. Staff. The Department shall employ a minimum
8 of one investigator ~~with an active certified appraiser license~~
9 per 2,000 licensees in order to have sufficient staff to
10 perform the Department's obligations under this Act.

11 (Source: P.A. 100-832, eff. 1-1-19.)

12 (225 ILCS 458/25-20)

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

14 Sec. 25-20. Department; powers and duties. The Department
15 of Financial and Professional Regulation shall exercise the
16 powers and duties prescribed by the Civil Administrative Code
17 of Illinois for the administration of licensing Acts and shall
18 exercise such other powers and duties as are prescribed by
19 this Act for the administration of this Act. The Department
20 may contract with third parties for services necessary for the
21 proper administration of this Act, including without
22 limitation, investigators with the proper knowledge, training,
23 and skills to ~~properly~~ investigate complaints against real
24 estate appraisers.

1 The Department shall maintain and update a registry of the
2 names and addresses of all licensees and a listing of
3 disciplinary orders issued pursuant to this Act and shall
4 transmit the registry, along with any national registry fees
5 that may be required, to the entity specified by, and in a
6 manner consistent with, Title XI of the federal Financial
7 Institutions Reform, Recovery and Enforcement Act of 1989.

8 (Source: P.A. 96-844, eff. 12-23-09.)

9 (225 ILCS 458/25-25)

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

11 Sec. 25-25. Rules. The Department, after notifying and
12 considering any recommendations of the Board, if any, shall
13 adopt rules that may be necessary for administration,
14 implementation, and enforcement of the Act.

15 (Source: P.A. 96-844, eff. 12-23-09.)

16 (225 ILCS 458/25-35 new)

17 Sec. 25-35. No private right of action. Except as
18 otherwise expressly provided for in this Act, nothing in this
19 Act shall be construed to grant to any person a private right
20 of action to enforce the provisions of this Act or the rules
21 adopted under this Act.

22 (225 ILCS 458/30-5)

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

1 Sec. 30-5. Savings provisions.

2 (a) This Act is intended to replace the Real Estate
3 Appraiser Licensing Act in all respects.

4 (b) Beginning July 1, 2002, the rights, powers, and duties
5 exercised by the Office of Banks and Real Estate under the Real
6 Estate Appraiser Licensing Act shall continue to be vested in,
7 to be the obligation of, and to be exercised by the Division of
8 Real Estate of the Department of Financial and Professional
9 Regulation ~~Office of Banks and Real Estate~~ under the
10 provisions of this Act.

11 (c) This Act does not affect any act done, ratified, or
12 cancelled, any right occurring or established, or any action
13 or proceeding commenced in an administrative, civil, or
14 criminal cause before July 1, 2002 by the Office of Banks and
15 Real Estate under the Real Estate Appraiser Licensing Act.
16 Those actions or proceedings may be prosecuted and continued
17 by the Division of Real Estate of the Department of Financial
18 and Professional Regulation ~~Office of Banks and Real Estate~~
19 under this Act.

20 (d) This Act does not affect any license, certificate,
21 permit, or other form of licensure issued by the Office of
22 Banks and Real Estate under the Real Estate Appraiser
23 Licensing Act, except as provided in subsection (c) of Section
24 5-25. All such licenses, certificates, permits, or other form
25 of licensure shall continue to be valid under the terms and
26 conditions of this Act.

1 (e) The rules adopted by the Office of Banks and Real
2 Estate relating to the Real Estate Appraiser Licensing Act,
3 unless inconsistent with the provisions of this Act, are not
4 affected by this Act, and on July 1, 2002, those rules become
5 rules under this Act. ~~The Office of Banks and Real Estate~~
6 ~~shall, as soon as practicable, adopt new or amended rules~~
7 ~~consistent with the provisions of this Act.~~

8 (f) This Act does not affect any discipline, suspension,
9 or termination that has occurred under the Real Estate
10 Appraiser Licensing Act or other predecessor Act. Any action
11 for discipline, suspension, or termination instituted under
12 the Real Estate Appraiser Licensing Act shall be continued
13 under this Act.

14 (Source: P.A. 92-180, eff. 7-1-02.)

15 (225 ILCS 458/10-17 rep.)

16 (225 ILCS 458/30-10 rep.)

17 Section 85. The Real Estate Appraiser Licensing Act of
18 2002 is amended by repealing Sections 10-17 and 30-10.

19 Section 90. The Appraisal Management Company Registration
20 Act is amended by changing Sections 10 and 15 as follows:

21 (225 ILCS 459/10)

22 Sec. 10. Definitions. In this Act:

23 "Address of record" means the principal address recorded

1 by the Department in the applicant's or registrant's
2 application file or registration file maintained by the
3 Department's registration maintenance unit.

4 "Applicant" means a person or entity who applies to the
5 Department for a registration under this Act.

6 "Appraisal" means (noun) the act or process of developing
7 an opinion of value; an opinion of value (adjective) of or
8 pertaining to appraising and related functions.

9 "Appraisal firm" means an appraisal entity that is 100%
10 owned and controlled by a person or persons licensed in
11 Illinois as a certified general real estate appraiser or a
12 certified residential real estate appraiser. An appraisal firm
13 does not include an appraisal management company.

14 "Appraisal management company" means any corporation,
15 limited liability company, partnership, sole proprietorship,
16 subsidiary, unit, or other business entity that directly or
17 indirectly: (1) provides appraisal management services to
18 creditors or secondary mortgage market participants, including
19 affiliates; (2) provides appraisal management services in
20 connection with valuing the consumer's principal dwelling as
21 security for a consumer credit transaction (including consumer
22 credit transactions incorporated into securitizations); and
23 ~~(3) within a given year, oversees an appraiser panel of any~~
24 ~~size of State-certified appraisers in Illinois; and (4) any~~
25 appraisal management company that, within a given 12-month
26 period ~~year~~, oversees an appraiser panel of 16 or more

1 State-certified appraisers in Illinois or 25 or more
2 State-certified or State-licensed appraisers in 2 or more
3 jurisdictions ~~shall be subject to the appraisal management~~
4 ~~company national registry fee in addition to the appraiser~~
5 ~~panel fee.~~ "Appraisal management company" includes a hybrid
6 entity.

7 "Appraisal management company national registry fee" means
8 the fee implemented pursuant to Title XI of the federal
9 Financial Institutions Reform, Recovery and Enforcement Act of
10 1989 for an appraiser management company's national registry.

11 "Appraisal management services" means one or more of the
12 following:

13 (1) recruiting, selecting, and retaining appraisers;

14 (2) contracting with State-certified or State-licensed
15 appraisers to perform appraisal assignments;

16 (3) managing the process of having an appraisal
17 performed, including providing administrative services
18 such as receiving appraisal orders and appraisal reports;
19 submitting completed appraisal reports to creditors and
20 secondary market participants; collecting compensation
21 from creditors, underwriters, or secondary market
22 participants for services provided; or paying appraisers
23 for services performed; or

24 (4) reviewing and verifying the work of appraisers.

25 "Appraiser panel" means a network, list, or roster of
26 licensed or certified appraisers approved by the appraisal

1 management company or by the end-user client to perform
2 appraisals as independent contractors for the appraisal
3 management company. "Appraiser panel" includes both appraisers
4 accepted by an appraisal management company for consideration
5 for future appraisal assignments and appraisers engaged by an
6 appraisal management company to perform one or more
7 appraisals. For the purposes of determining the size of an
8 appraiser panel, only independent contractors of hybrid
9 entities shall be counted towards the appraiser panel.

10 "Appraiser panel fee" means the amount collected from a
11 registrant that, where applicable, includes an appraisal
12 management company's national registry fee.

13 "Appraisal report" means a written appraisal by an
14 appraiser to a client.

15 "Appraisal practice service" means valuation services
16 performed by an individual acting as an appraiser, including,
17 but not limited to, appraisal or appraisal review.

18 "Appraisal subcommittee" means the appraisal subcommittee
19 of the Federal Financial Institutions Examination Council as
20 established by Title XI.

21 "Appraiser" means a person who performs real estate or
22 real property appraisals.

23 "Assignment result" means an appraiser's opinions and
24 conclusions developed specific to an assignment.

25 "Audit" includes, but is not limited to, an annual or
26 special audit, visit, or review necessary under this Act or

1 required by the Secretary or the Secretary's authorized
2 representative in carrying out the duties and responsibilities
3 under this Act.

4 "Client" means the party or parties who engage an
5 appraiser by employment or contract in a specific appraisal
6 assignment.

7 "Controlling Person" means:

8 (1) an owner, officer, or director of an entity
9 seeking to offer appraisal management services;

10 (2) an individual employed, appointed, or authorized
11 by an appraisal management company who has the authority
12 to:

13 (A) enter into a contractual relationship with a
14 client for the performance of an appraisal management
15 service or appraisal practice service; and

16 (B) enter into an agreement with an appraiser for
17 the performance of a real estate appraisal activity;

18 (3) an individual who possesses, directly or
19 indirectly, the power to direct or cause the direction of
20 the management or policies of an appraisal management
21 company; or

22 (4) an individual who will act as the sole compliance
23 officer with regard to this Act and any rules adopted
24 under this Act.

25 ~~"Coordinator" means the Coordinator of the Appraisal~~
26 ~~Management Company Registration Unit of the Department or his~~

1 ~~or her designee.~~

2 "Covered transaction" means a consumer credit transaction
3 secured by a consumer's principal dwelling.

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

6 "Email address of record" means the designated email
7 address recorded by the Department in the applicant's
8 application file or the registrant's registration file
9 maintained by the Department's registration maintenance unit.

10 "Entity" means a corporation, a limited liability company,
11 partnership, a sole proprietorship, or other entity providing
12 services or holding itself out to provide services as an
13 appraisal management company or an appraisal management
14 service.

15 "End-user client" means any person who utilizes or engages
16 the services of an appraiser through an appraisal management
17 company.

18 "Federally regulated appraisal management company" means
19 an appraisal management company that is owned and controlled
20 by an insured depository institution, as defined in 12 U.S.C.
21 1813, or an insured credit union, as defined in 12 U.S.C. 1752,
22 and regulated by the Office of the Comptroller of the
23 Currency, the Federal Reserve Board, the National Credit Union
24 Association, or the Federal Deposit Insurance Corporation.

25 "Financial institution" means any bank, savings bank,
26 savings and loan association, credit union, mortgage broker,

1 mortgage banker, registrant under the Consumer Installment
2 Loan Act or the Sales Finance Agency Act, or a corporate
3 fiduciary, subsidiary, affiliate, parent company, or holding
4 company of any registrant, or any institution involved in real
5 estate financing that is regulated by State or federal law.

6 "Foreign appraisal management company" means any appraisal
7 management company organized under the laws of any other state
8 of the United States, the District of Columbia, or any other
9 jurisdiction of the United States.

10 "Hybrid entity" means an appraisal management company that
11 hires an appraiser as an employee to perform an appraisal and
12 engages an independent contractor to perform an appraisal.

13 "Multi-state licensing system" means a web-based platform
14 that allows an applicant to submit the ~~his or her~~ application
15 or registration renewal to the Department online.

16 "Person" means individuals, entities, sole
17 proprietorships, corporations, limited liability companies,
18 and alien, foreign, or domestic partnerships, except that when
19 the context otherwise requires, the term may refer to a single
20 individual or other described entity.

21 "Principal dwelling" means a residential structure that
22 contains one to 4 units, whether or not that structure is
23 attached to real property. "Principal dwelling" includes an
24 individual condominium unit, cooperative unit, manufactured
25 home, mobile home, and trailer, if it is used as a residence.

26 "Principal office" means the actual, physical business

1 address, which shall not be a post office box or a virtual
2 business address, of a registrant, at which (i) the Department
3 may contact the registrant and (ii) records required under
4 this Act are maintained.

5 "Qualified to transact business in this State" means being
6 in compliance with the requirements of the Business
7 Corporation Act of 1983.

8 "Quality control review" means a review of an appraisal
9 report for compliance and completeness, including grammatical,
10 typographical, or other similar errors, unrelated to
11 developing an opinion of value.

12 "Real estate" means an identified parcel or tract of land,
13 including any improvements.

14 "Real estate related financial transaction" means any
15 transaction involving:

16 (1) the sale, lease, purchase, investment in, or
17 exchange of real property, including interests in property
18 or the financing thereof;

19 (2) the refinancing of real property or interests in
20 real property; and

21 (3) the use of real property or interest in property
22 as security for a loan or investment, including mortgage
23 backed securities.

24 "Real property" means the interests, benefits, and rights
25 inherent in the ownership of real estate.

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

2 "USPAP" means the Uniform Standards of Professional
3 Appraisal Practice as adopted by the Appraisal Standards Board
4 under Title XI.

5 "Valuation" means any estimate of the value of real
6 property in connection with a creditor's decision to provide
7 credit, including those values developed under a policy of a
8 government sponsored enterprise or by an automated valuation
9 model or other methodology or mechanism.

10 "Written notice" means a communication transmitted by mail
11 or by electronic means that can be verified between an
12 appraisal management company and a licensed or certified real
13 estate appraiser.

14 (Source: P.A. 100-604, eff. 7-13-18.)

15 (225 ILCS 459/15)

16 Sec. 15. Exemptions.

17 (a) Nothing in this Act shall apply to any of the
18 following:

19 (1) an agency of the federal, State, county, or
20 municipal government or an officer or employee of a
21 government agency, or person, described in this Section
22 when acting within the scope of employment of the officer
23 or employee;

24 (2) a corporate relocation company when the appraisal
25 is not used for mortgage purposes and the end user client

1 is an employer company;

2 (3) any person licensed in this State under any other
3 Act while engaged in the activities or practice for which
4 he or she is licensed;

5 (4) any person licensed to practice law in this State
6 who is working with or on behalf of a client of that person
7 in connection with one or more appraisals for that client;

8 (5) an appraiser that enters into an agreement,
9 whether written or otherwise, with another appraiser for
10 the performance of an appraisal, and upon the completion
11 of the appraisal, the report of the appraiser performing
12 the appraisal is signed by both the appraiser who
13 completed the appraisal and the appraiser who requested
14 the completion of the appraisal, except that an appraisal
15 management company may not avoid the requirement of
16 registration under this Act by requiring an employee of
17 the appraisal management company who is an appraiser to
18 sign an appraisal that was completed by another appraiser
19 who is part of the appraisal panel of the appraisal
20 management company;

21 (6) any person acting as an agent of the Illinois
22 Department of Transportation in the acquisition or
23 relinquishment of land for transportation issues to the
24 extent of their contract scope;

25 (7) a design professional entity when the appraisal is
26 not used for mortgage purposes and the end user client is

1 an agency of State government or a unit of local
2 government;

3 (8) an appraiser firm whose ownership is appropriately
4 certified under the Real Estate Appraiser Licensing Act of
5 2002; ~~or~~

6 (9) an appraisal management company solely engaged in
7 non-residential appraisal management services; ~~or~~

8 (10) a department or division of an entity that
9 provides appraisal management services only to that
10 entity.

11 (b) A federally regulated appraisal management company
12 shall register with the Department for the sole purpose of
13 collecting required information for, and to pay all fees
14 associated with, the State of Illinois' obligation to register
15 the federally regulated appraisal management company with the
16 Appraisal Management Companies National Registry, but the
17 federally regulated appraisal management company is otherwise
18 exempt from all other provisions in this Act.

19 (c) In the event that the Final Interim Rule of the federal
20 Dodd-Frank Wall Street Reform and Consumer Protection Act
21 provides that an appraisal management company is a subsidiary
22 owned and controlled by a financial institution regulated by a
23 federal financial institution's regulatory agency and is
24 exempt from State appraisal management company registration
25 requirements, the Department, shall, by rule, provide for the
26 implementation of such an exemption.

1 (Source: P.A. 100-604, eff. 7-13-18.)

2 Section 95. The Petroleum Equipment Contractors Licensing
3 Act is amended by changing Sections 35, 45, 60, and 65 and by
4 adding Section 73 as follows:

5 (225 ILCS 729/35)

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

7 Sec. 35. Licensure qualifications and fees.

8 (a) Applicants for a license must submit to the Office all
9 of the following:

10 (1) fees as established by the Office;

11 (2) evidence of current registration as an Illinois
12 corporation or other business entity and, when applicable,
13 evidence of compliance with the Assumed Business Name Act;
14 if the corporation or business entity does not have
15 evidence of current registration, such as a Secretary of
16 State issued Certificate of Good Standing, the Office has
17 the authority to deny or revoke the license of such a
18 corporation or business entity;

19 (3) evidence of financial responsibility in a minimum
20 amount of \$1,000,000 through liability insurance,
21 self-insurance, group insurance, group self-insurance, or
22 risk retention groups that must include completed
23 operations and environmental impairment; and

24 (4) evidence of compliance with the qualifications and

1 standards established by the Office.

2 (b) The contractor must possess a license from the Office
3 to perform the following types of activity:

4 (1) installation of underground storage tanks;

5 (2) repair of USTs, which shall include retrofitting
6 and installation of cathodic protection systems;

7 (3) decommissioning of USTs including abandonment in
8 place;

9 (4) relining of USTs;

10 (5) tank and piping tightness testing;

11 (6) testing of cathodic protection systems; and

12 (7) any other category established by the Office of
13 the State Fire Marshal.

14 (c) (Blank).

15 (Source: P.A. 97-428, eff. 8-16-11.)

16 (225 ILCS 729/45)

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

18 Sec. 45. Issuance of license; renewal.

19 (a) The State Fire Marshal shall, upon the applicant's
20 satisfactory completion of the requirements authorized under
21 this Act, and upon receipt of the requisite fees, issue the
22 appropriate license showing the name and business location of
23 the licensee and the dates of issuance and expiration.

24 (b) Each licensee may apply for renewal of his or her
25 license upon payment of the requisite fee. The expiration date

1 and renewal period for each license issued under this Act
2 shall be set by rule. Failure to renew by the expiration date
3 shall cause the license to lapse. A lapsed license may not be
4 reinstated until an ~~a written~~ application is filed, the
5 renewal fee is paid, and a \$50 reinstatement fee is paid. The
6 renewal and reinstatement fees shall be waived for persons who
7 did not renew while on active duty in the military and who file
8 for renewal or restoration within one year after discharge
9 from the active duty service.

10 (c) All fees paid pursuant to this Act are non-refundable.
11 This shall not preclude the State Fire Marshal from refunding
12 accidental overpayment of fees.

13 (Source: P.A. 97-428, eff. 8-16-11.)

14 (225 ILCS 729/60)

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

16 Sec. 60. License renewal; display of license; inspection.

17 (a) As a condition of renewal of a license, the State Fire
18 Marshal may require the licensee to report information
19 pertaining to his or her practice that the State Fire Marshal
20 determines to be in the interest of public safety.

21 (b) A licensee shall report a change in home or office
22 address within 10 days.

23 (c) Each licensee shall prominently display his or her
24 license to practice at each place from which the practice is
25 being performed. If more than one location is used, branch

1 office certificates shall be issued upon payment of the fees
2 to be established by the State Fire Marshal.

3 ~~(d) If a license or certificate is lost, a duplicate shall~~
4 ~~be issued upon payment of the required fee to be established by~~
5 ~~the State Fire Marshal.~~ If a licensee wishes to change his or
6 her name, the State Fire Marshal shall issue a license in the
7 new name upon payment of the required fee and upon receipt of
8 satisfactory proof that the change was done in accordance with
9 law.

10 (e) Each licensee shall permit his or her facilities to be
11 inspected by representatives of the Office of the State Fire
12 Marshal.

13 (Source: P.A. 97-428, eff. 8-16-11.)

14 (225 ILCS 729/65)

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

16 Sec. 65. Disciplinary actions. Licensees shall be subject
17 to disciplinary action for any of the following:

18 (1) obtaining or renewing a license by the use of
19 fraud or material deception;

20 (2) being professionally incompetent as manifested by
21 poor standards of service;

22 (3) engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public in the course of professional
25 services or activities;

1 (4) being convicted of a crime that has a substantial
2 relationship to his or her practice or an essential
3 element of which is misstatement, fraud, or dishonesty,
4 being convicted in this or another state of any crime that
5 is a felony under the laws of Illinois or of that state, or
6 being convicted of a felony in a federal court, unless the
7 licensee demonstrates that he or she has been sufficiently
8 rehabilitated to warrant the public trust;

9 (5) performing any service in a grossly negligent
10 manner or permitting any licensed employee to perform
11 services in a grossly negligent manner, regardless of
12 whether actual damage or damage to the public is
13 established;

14 (6) (blank); ~~being a habitual drunk or having a~~
15 ~~habitual addiction to the use of morphine, cocaine,~~
16 ~~controlled substances, or other habit forming drugs;~~

17 (7) willfully receiving compensation, directly or
18 indirectly, for any professional service not actually
19 rendered;

20 (8) having disciplinary action taken against his or
21 her license in another State;

22 (9) contracting or assisting unlicensed persons to
23 perform services for which a license is required under
24 this Act;

25 (10) permitting the use of his or her license to
26 enable an unlicensed person or agency to operate as a

1 licensee;

2 (11) performing and charging for services without
3 having authorization to do so from the member of the
4 public being served; or

5 (12) failing to comply with any provision of this Act
6 or the rules adopted under this Act.

7 (Source: P.A. 92-618, eff. 7-11-02.)

8 (225 ILCS 729/73 new)

9 Sec. 73. Citations.

10 (a) The Office of the State Fire Marshal may adopt rules to
11 permit the issuance of citations for certain violations of
12 this Act or the rules adopted under this Act. The citation
13 shall be issued to the licensee and shall contain the
14 licensee's name and address, the licensee's license number, a
15 brief factual statement, the Sections of the law or rules
16 allegedly violated, and the penalty imposed. The citation must
17 clearly state that the licensee may choose, in lieu of
18 accepting the citation, to request a hearing to appeal the
19 citation. If the licensee does not file a written appeal of the
20 citation with the Office of the State Fire Marshal within 15
21 days after the citation is served, then the citation shall
22 become a final order imposing a monetary penalty. The penalty
23 shall be a monetary civil fine. In the event of a timely
24 written appeal, the Office of the State Fire Marshal shall
25 conduct an administrative hearing governed by the Illinois

1 Administrative Procedure Act and enter an order to sustain,
2 modify, or revoke such citation. Any appeal from such hearing
3 order shall be to the circuit court of the county in which the
4 violation took place and shall be governed by the
5 Administrative Review Law.

6 (b) The Office of the State Fire Marshal shall adopt rules
7 designating violations for which a citation may be issued,
8 which may specify separate hearing procedures for appeals of
9 such citations so long as the hearing procedures are not
10 inconsistent with the Illinois Administrative Procedure Act.

11 (c) Service of a citation may be made by personal service
12 or certified mail to the licensee at the licensee's last known
13 address as listed with the Office of the State Fire Marshal.

14 Section 100. The Mercury Thermostat Collection Act is
15 amended by changing Section 55 as follows:

16 (415 ILCS 98/55)

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

18 Sec. 55. Repealer. This Act is repealed on January 1, 2023
19 2022.

20 (Source: P.A. 101-639, eff. 6-12-20.)

21 Section 105. The Professional Service Corporation Act is
22 amended by changing Section 3.6 as follows:

1 (805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

2 Sec. 3.6. "Related professions" and "related professional
3 services" mean more than one personal service which requires
4 as a condition precedent to the rendering thereof the
5 obtaining of a license and which prior to October 1, 1973 could
6 not be performed by a corporation by reason of law; provided,
7 however, that these terms shall be restricted to:

8 (1) a combination of 2 or more of the following
9 personal services: (a) "architecture" as defined in
10 Section 5 of the Illinois Architecture Practice Act of
11 1989, (b) "professional engineering" as defined in Section
12 4 of the Professional Engineering Practice Act of 1989,
13 (c) "structural engineering" as defined in Section 5 of
14 the Structural Engineering Practice Act of 1989, (d) "land
15 surveying" as defined in Section 2 of the Illinois
16 Professional Land Surveyor Act of 1989;

17 (2) a combination of the following personal services:
18 (a) the practice of medicine by persons licensed under the
19 Medical Practice Act of 1987, (b) the practice of podiatry
20 as defined in the Podiatric Medical Practice Act of 1987,
21 (c) the practice of dentistry as defined in the Illinois
22 Dental Practice Act, (d) the practice of optometry as
23 defined in the Illinois Optometric Practice Act of 1987;

24 (3) a combination of 2 or more of the following
25 personal services: (a) the practice of clinical psychology
26 by persons licensed under the Clinical Psychologist

1 Licensing Act, (b) the practice of social work or clinical
2 social work by persons licensed under the Clinical Social
3 Work and Social Work Practice Act, (c) the practice of
4 marriage and family therapy by persons licensed under the
5 Marriage and Family Therapy Licensing Act, (d) the
6 practice of professional counseling or clinical
7 professional counseling by persons licensed under the
8 Professional Counselor and Clinical Professional Counselor
9 Licensing and Practice Act, or (e) the practice of sex
10 offender evaluations by persons licensed under the Sex
11 Offender Evaluation and Treatment Provider Act; or

12 (4) a combination of 2 or more of the following
13 personal services: (a) the practice of acupuncture by
14 persons licensed under the Acupuncture Practice Act, (b)
15 the practice of massage by persons licensed under the
16 Massage Therapy Practice ~~Licensing~~ Act, (c) the practice
17 of naprapathy by persons licensed under the Naprapathic
18 Practice Act, (d) the practice of occupational therapy by
19 persons licensed under the Illinois Occupational Therapy
20 Practice Act, (e) the practice of physical therapy by
21 persons licensed under the Illinois Physical Therapy Act,
22 or (f) the practice of speech-language therapy by persons
23 licensed under the Illinois Speech-Language Pathology and
24 Audiology Practice Act.

25 (Source: P.A. 101-95, eff. 7-19-19.)

1 Section 999. Effective date. This Act takes effect January
2 1, 2022, except that this Section and Sections 5, 10, 40, and
3 45 take effect upon becoming law.".