



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4667

Introduced 1/21/2022, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Provides that the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act will be repealed on January 1, 2028 (instead of January 1, 2023). Amends the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act. Defines "email address of record". Provides the definition of "clinical supervision" includes face-to-face video if the session is synchronous and involves verbal and visual interaction during supervision. Provides that licensees shall provide a valid email address to the Department and inform of any change of email address. Removes a provision that provides that nothing in the Act shall be construed to limit licensed professional counselors from providing social services that do not fall within the definition of professional counseling. Provides that no person shall, without a valid license, hold one's self out to the public as a professional counselor by using the credential "L.P.C.". Removes a provision that the Department of Financial and Professional Regulation may maintain names and addresses of all licenses and all persons whose licenses have been suspended, revoked, or denied renewal for cause within the previous calendar year. Provides that the Professional Counselor Licensing and Disciplinary Board shall consist of 7 persons, one (instead of 2) of whom is licensed solely as a professional counselor and 4 (instead of 3) of whom are licensed solely as a clinical professional counselors. Removes a provision that provides for an exception for an applicant who applied for licensure before a specified date where an approved baccalaureate program in human services approved by the Department and 5 years of supervised experience would count as a qualification for licensure. Provides that if the Department finds an individual unable to practice because of a substance-related violation, the Department may require that individual to submit to a substance abuse evaluation or treatment by programs approved by the Department as a condition, term, or restriction for continued, restored, or renewed licensure to practice. Makes other changes. Section 5 and Section 99 take effect upon becoming law.

LRB102 24195 AMQ 33423 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.33 and 4.38 as follows:

6 (5 ILCS 80/4.33)

7 Sec. 4.33. Acts repealed on January 1, 2023. The following
8 Acts are repealed on January 1, 2023:

9 The Dietitian Nutritionist Practice Act.

10 The Elevator Safety and Regulation Act.

11 The Fire Equipment Distributor and Employee Regulation Act
12 of 2011.

13 The Funeral Directors and Embalmers Licensing Code.

14 The Naprapathic Practice Act.

15 The Pharmacy Practice Act.

16 ~~The Professional Counselor and Clinical Professional~~
17 ~~Counselor Licensing and Practice Act.~~

18 The Wholesale Drug Distribution Licensing Act.

19 (Source: P.A. 101-621, eff. 12-20-19.)

20 (5 ILCS 80/4.38)

21 Sec. 4.38. Acts repealed on January 1, 2028. The following
22 Acts are repealed on January 1, 2028:

1 The Acupuncture Practice Act.

2 The Clinical Social Work and Social Work Practice Act.

3 The Home Medical Equipment and Services Provider License
4 Act.

5 The Illinois Petroleum Education and Marketing Act.

6 The Illinois Speech-Language Pathology and Audiology
7 Practice Act.

8 The Interpreter for the Deaf Licensure Act of 2007.

9 The Nurse Practice Act.

10 The Nursing Home Administrators Licensing and Disciplinary
11 Act.

12 The Physician Assistant Practice Act of 1987.

13 The Podiatric Medical Practice Act of 1987.

14 The Professional Counselor and Clinical Professional
15 Counselor Licensing and Practice Act.

16 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;
17 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.
18 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;
19 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

20 Section 10. The Professional Counselor and Clinical
21 Professional Counselor Licensing and Practice Act is amended
22 by changing Sections 10, 15, 18, 20, 25, 30, 45, 50, 80, 90,
23 100, 110, 130, 155, and 165 and by adding Section 11 as
24 follows:

1 (225 ILCS 107/10)

2 (Section scheduled to be repealed on January 1, 2023)

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

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

11 "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's licensure maintenance unit.

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

17 "Board" means the Professional Counselor Licensing and
18 Disciplinary Board as appointed by the Secretary.

19 "Person" means an individual, association, partnership, or
20 corporation.

21 "Professional counseling" means the provision of services
22 to individuals, couples, groups, families, and organizations
23 in any one or more of the fields of professional counseling.

24 "Professional counseling" includes the therapeutic process of:
25 (i) conducting assessments and diagnosing for the purpose of
26 establishing treatment goals and objectives and (ii) planning,

1 implementing, and evaluating treatment plans using treatment
2 interventions to facilitate human development and to identify
3 and remediate mental, emotional, or behavioral disorders and
4 associated distresses that interfere with mental health.

5 Professional counseling may also include clinical
6 professional counseling as long as it is not conducted in
7 independent private practice as defined in this Act.

8 "Clinical professional counseling" means the provision of
9 professional counseling and mental health services, which
10 includes, but is not limited to, the application of clinical
11 counseling theory and techniques to prevent and alleviate
12 mental and emotional disorders and psychopathology and to
13 promote optimal mental health, rehabilitation, treatment,
14 testing, assessment, and evaluation. "Clinical professional
15 counseling" may include the practice of professional
16 counseling as defined in this Act. It also includes clinical
17 counseling and psychotherapy in a professional relationship to
18 assist individuals, couples, families, groups, and
19 organizations to alleviate emotional disorders, to understand
20 conscious and unconscious motivation, to resolve emotional,
21 relationship, and attitudinal conflicts, and to modify
22 behaviors that interfere with effective emotional, social,
23 adaptive, and intellectual functioning.

24 "Licensed professional counselor" and "professional
25 counselor" means a person who holds a license authorizing the
26 practice of professional counseling as defined in this Act.

1 "Licensed clinical professional counselor" and "clinical
2 professional counselor" means a person who holds a license
3 authorizing the independent practice of clinical professional
4 counseling in private practice as defined in this Act.

5 "Independent private practice of clinical professional
6 counseling" means the application of clinical professional
7 counseling knowledge and skills by a licensed clinical
8 professional counselor who regulates and is responsible for
9 her or his own practice or treatment procedures.

10 "Clinical supervision" or "supervision" means the
11 experience is under the order, control, and full professional
12 responsibility of a supervisor who reviews ~~review of~~ aspects
13 of counseling and case management in a face-to-face meeting
14 with the person under supervision. "Face-to-face" means the
15 session is live, interactive, and visual. Video is considered
16 face-to-face if the session is synchronous and involves verbal
17 and visual interaction during supervision.

18 "Qualified supervisor" or "qualified clinical supervisor"
19 means any person who is a licensed clinical professional
20 counselor, licensed clinical social worker, licensed clinical
21 psychologist, psychiatrist as defined in Section 1-121 of the
22 Mental Health and Developmental Disabilities Code, or other
23 supervisor as defined by rule. A qualified supervisor may be
24 provided at the applicant's place of work, or may be hired by
25 the applicant to provide supervision.

26 ~~"License" means that which is required to practice~~

1 ~~professional counseling or clinical professional counseling as~~
2 ~~defined in this Act.~~

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

5 "Volunteer" means a person performing services without
6 compensation for a nonprofit organization, a nonprofit
7 corporation, a hospital, a governmental entity, or a private
8 business, other than reimbursement for actual expenses
9 incurred. "Volunteer" includes a person serving as a director,
10 officer, trustee, or direct service volunteer.

11 (Source: P.A. 97-706, eff. 6-25-12.)

12 (225 ILCS 107/11 new)

13 Sec. 11. 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 107/15)

24 (Section scheduled to be repealed on January 1, 2023)

1 Sec. 15. Exemptions.

2 (a) This Act does not prohibit any persons legally
3 regulated in this State by any other Act from engaging in the
4 practice for which they are authorized as long as they do not
5 represent themselves by the title of "professional counselor",
6 "licensed professional counselor", "clinical professional
7 counselor", or "licensed clinical professional counselor".
8 This Act does not prohibit the practice of nonregulated
9 professions whose practitioners are engaged in the delivery of
10 human services as long as these practitioners do not represent
11 themselves as or use the title of "professional counselor",
12 "licensed professional counselor", "clinical professional
13 counselor", or "licensed clinical professional counselor".

14 (b) Nothing in this Act shall be construed to limit the
15 activities and services of a student, intern, or resident in
16 professional counseling or clinical professional counseling
17 seeking to fulfill educational requirements in order to
18 qualify for a license under this Act if (i) these activities
19 and services constitute a part of the student's supervised
20 course of study, (ii) the activities and services are not
21 conducted in an independent practice, as defined in this Act,
22 (iii) the activities and services are supervised as specified
23 in this Act, and (iv) the student, intern, or resident is
24 designated by a title "intern" or "resident" or other
25 designation of trainee status. Nothing contained in this
26 Section shall be construed to permit students, interns, or

1 residents to offer their services as professional counselors
2 or clinical professional counselors to any other person, other
3 than as specifically excepted in this Section, unless they
4 have been licensed under this Act.

5 (b-5) Nothing in this Act shall be construed to limit the
6 activities and services of individuals seeking to fulfill
7 post-degree experience requirements in order to qualify for
8 licensing as a clinical professional counselor under this Act,
9 so long as the individual is not engaged in the independent
10 private practice of clinical professional counseling as
11 defined in this Act, and is in compliance with all applicable
12 regulations regarding supervision including, but not limited
13 to, the requirement that the supervised experience must be
14 under the order, control, and full professional responsibility
15 of their supervisor. The Department may, by rule, adopt
16 further limitations on individuals practicing under this
17 subsection.

18 (c) Corporations, partnerships, and associations may
19 employ practicum students, interns, or post-degree candidates
20 seeking to fulfill educational requirements or the
21 professional experience requirements needed to qualify for a
22 license under this Act if their activities and services
23 constitute a part of the student's supervised course of study
24 or post-degree professional experience requirements. Nothing
25 in this paragraph shall prohibit a corporation, partnership,
26 or association from contracting with a licensed health care

1 professional to provide services that they are licensed to
2 provide.

3 (d) Nothing in this Act shall prevent the employment, by a
4 professional counselor or clinical professional counselor,
5 person, association, partnership, or a corporation furnishing
6 professional counseling or clinical professional counseling
7 services for remuneration, of persons not licensed as
8 professional counselors or clinical professional counselors
9 under this Act to perform services in various capacities as
10 needed if these persons are not in any manner held out to the
11 public or do not hold themselves out to the public by any title
12 or designation stating or implying that they are professional
13 counselors or clinical professional counselors.

14 (e) Nothing in this Act shall be construed to limit the
15 services of a person, not licensed under the provisions of
16 this Act, in the employ of a federal, State, county, or
17 municipal agency or other political subdivision or
18 not-for-profit corporation providing human services if (1) the
19 services are a part of the duties in his or her salaried
20 position, (2) the services are performed solely on behalf of
21 his or her employer, and (3) that person does not in any manner
22 represent himself or herself as or use the title of
23 "professional counselor", "licensed professional counselor",
24 "clinical professional counselor", or "licensed clinical
25 professional counselor".

26 (f) Duly recognized members of any religious organization

1 shall not be restricted from functioning in their ministerial
2 capacity provided they do not represent themselves as being
3 professional counselors or clinical professional counselors,
4 or as providing "professional counseling" or "clinical
5 professional counseling". This Act shall not apply or be
6 construed so as to apply to the employees or agents of a church
7 or religious organization or an organization owned,
8 controlled, or affiliated with a church or religious
9 organization, unless the church, religious organization, or
10 owned, controlled, or affiliated organization designates or
11 holds these employees or agents out to the public as
12 professional counselors or clinical professional counselors or
13 holds out their services as being "professional counseling" or
14 "clinical professional counseling".

15 (g) Nothing in this Act shall prohibit individuals not
16 licensed under the provisions of this Act who work in
17 self-help groups or programs or not-for-profit organizations
18 from providing services in those groups, programs, or
19 organizations, as long as those persons are not in any manner
20 held out to the public as practicing professional counseling
21 or clinical professional counseling, or do not hold themselves
22 out to the public by any title or designation stating or
23 implying that they are professional counselors or clinical
24 professional counselors.

25 (h) Nothing in this Act shall be construed to limit the
26 activities and use of the official title of "professional

1 counselor" or "clinical professional counselor" on the part of
2 a person not licensed under this Act who is an academic
3 employee of a duly chartered institution of higher education
4 and who holds educational and professional qualifications
5 equivalent to those required for licensing under this Act,
6 insofar as such activities are performed in the person's role
7 as an academic employee, or insofar as such person engages in
8 public speaking with or without remuneration.

9 (i) Nothing in this Act shall be construed to require
10 licensure under this Act or limit the services of a school
11 counselor licensed ~~certified~~ by the Illinois State Board of
12 Education ~~State Teacher Certification Board~~ and employed as
13 authorized by Section 10-22-24a or any other provision of the
14 School Code as long as that person is not in any manner held
15 out to the public as a "professional counselor" or "clinical
16 professional counselor" or does not hold out his or her
17 services as being "professional counseling" or "clinical
18 professional counseling".

19 (j) Nothing in this Act shall be construed to require any
20 hospital, clinic, home health agency, hospice, or other entity
21 that provides health care to employ or to contract with a
22 person licensed under this Act to provide professional
23 counseling or clinical professional counseling services. These
24 persons may not hold themselves out or represent themselves to
25 the public as being licensed under this Act.

26 (k) Nothing in this Act shall be construed to require

1 licensure under this Act or limit the services of a person
2 employed by a private elementary or secondary school who
3 provides counseling within the scope of his or her employment
4 as long as that person is not in any manner held out to the
5 public as a "professional counselor" or "clinical professional
6 counselor" or does not hold out his or her services as being
7 "professional counseling" or "clinical professional
8 counseling".

9 (l) Nothing in this Act shall be construed to require
10 licensure under this Act or limit the services of a rape crisis
11 counselor who is an employee or volunteer of a rape crisis
12 organization as defined in Section 8-802.1 of the Code of
13 Civil Procedure as long as that person is not in any manner
14 held out to the public as a "professional counselor" or
15 "clinical professional counselor" or does not hold out his or
16 her services as being "professional counseling" or "clinical
17 professional counseling".

18 (m) Nothing in this Act shall be construed to prevent any
19 licensed social worker, licensed clinical social worker, or
20 licensed clinical psychologist from practicing professional
21 counseling as long as that person is not in any manner held out
22 to the public as a "professional counselor" or "clinical
23 professional counselor" or does not hold out his or her
24 services as being "professional counseling" or "clinical
25 professional counseling".

26 (n) Nothing in this Act shall be construed to limit the

1 activities and use of the official title of "professional
2 counselor" or "clinical professional counselor" on the part of
3 a person not licensed under this Act who is a physician
4 licensed to practice medicine in all of its branches under the
5 Medical Practice Act of 1987.

6 (o) Nothing in this Act shall be construed to require
7 licensure under this Act or limit the services of a domestic
8 violence counselor who is an employee or volunteer of a
9 domestic violence program as defined in Section 227 of the
10 Illinois Domestic Violence Act of 1986.

11 (Source: P.A. 97-706, eff. 6-25-12.)

12 (225 ILCS 107/18)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 18. Provision of clinical services by licensed
15 professional counselors; scope of practice.

16 (a) Licensed professional counselors may not engage in the
17 independent practice of clinical professional counseling
18 without a clinical professional counselor license.

19 (b) In an independent private practice, a licensed
20 professional counselor must practice at all times under the
21 order, control, and full professional responsibility of a
22 licensed clinical professional counselor, a licensed clinical
23 social worker, a licensed clinical psychologist, or a
24 psychiatrist as defined in Section 1-121 of the Mental Health
25 and Developmental Disabilities Code.

1 (c) When providing clinical professional counseling as set
2 forth in this Act, a licensed professional counselor may not
3 represent himself or herself as a sole or independent
4 practitioner and may not use the title "clinical professional
5 counselor" or "licensed clinical professional counselor". A
6 licensed professional counselor providing clinical
7 professional counseling shall always operate and represent
8 himself or herself as providing services through or as a part
9 of a group practice or through a clinical supervisor's
10 practice, and the licensed professional counselor shall have
11 no ownership interest in either type of practice. Licensed
12 professional counselors providing clinical services shall
13 provide the name and contact information of the licensed
14 professional counselor's supervisor to all clients.

15 (d) (Blank). ~~Nothing in this Act shall be construed to~~
16 ~~limit licensed professional counselors from owning or engaging~~
17 ~~in sole or other type of practice or from using the title~~
18 ~~"licensed professional counselor" or "professional counselor"~~
19 ~~when providing social services that do not fall within the~~
20 ~~definition of professional counseling or clinical professional~~
21 ~~counseling as set forth in this Act.~~

22 (e) The Department may adopt rules necessary to implement
23 this Section.

24 (Source: P.A. 97-706, eff. 6-25-12.)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 20. Restrictions and limitations.

3 (a) No person shall, without a valid license as a
4 professional counselor issued by the Department: (i) in any
5 manner hold himself or herself out to the public as a
6 professional counselor under this Act; (ii) attach the title
7 "professional counselor", ~~or~~ "licensed professional
8 counselor", or use the credential "L.P.C."; or (iii) offer to
9 render or render to individuals, corporations, or the public
10 professional counseling services.

11 (b) No person shall, without a valid license as a clinical
12 professional counselor issued by the Department: (i) in any
13 manner hold himself or herself out to the public as a clinical
14 professional counselor or licensed clinical professional
15 counselor under this Act; (ii) attach the title "clinical
16 professional counselor", ~~or~~ "licensed clinical professional
17 counselor", or use the credential "L.P.C."; or (iii) offer to
18 render to individuals, corporations, or the public clinical
19 professional counseling services.

20 (c) (Blank).

21 (d) No association, limited liability company,
22 professional limited liability company, or partnership shall
23 provide, attempt to provide, or offer to provide clinical
24 professional counseling or professional counseling services
25 unless every member, partner, and employee of the association,
26 limited liability company, professional limited liability

1 company, or partnership who practices professional counseling
2 or clinical professional counseling or who renders
3 professional counseling or clinical professional counseling
4 services holds a currently valid license issued under this
5 Act. No business shall provide, attempt to provide, or offer
6 to provide professional counseling or clinical professional
7 counseling services unless it is organized under the
8 Professional Service Corporation Act or Professional Limited
9 Liability Company Act.

10 (d-5) Nothing in this Act shall preclude individuals
11 licensed under this Act from practicing directly or indirectly
12 for a physician licensed to practice medicine in all its
13 branches under the Medical Practice Act of 1987 or for any
14 legal entity as provided under subsection (c) of Section 22.2
15 of the Medical Practice Act of 1987.

16 (e) Nothing in this Act shall be construed as permitting
17 persons licensed as professional counselors or clinical
18 professional counselors to engage in any manner in the
19 practice of medicine in all its branches as defined by law in
20 this State.

21 (f) When, in the course of providing professional
22 counseling or clinical professional counseling services to any
23 person, a professional counselor or clinical professional
24 counselor licensed under this Act finds indication of a
25 disease or condition that in his or her professional judgment
26 requires professional service outside the scope of practice as

1 defined in this Act, he or she shall refer that person to a
2 physician licensed to practice medicine in all of its branches
3 or another appropriate health care practitioner.

4 (Source: P.A. 99-227, eff. 8-3-15.)

5 (225 ILCS 107/25)

6 (Section scheduled to be repealed on January 1, 2023)

7 Sec. 25. Powers and duties of the Department. Subject to
8 the provisions of this Act, the Department may:

9 (a) Authorize examinations to ascertain the qualifications
10 and fitness of applicants for licensing as professional
11 counselors or clinical professional counselors and pass upon
12 the qualifications of applicants for licensure by endorsement.

13 (b) Conduct hearings on proceedings to refuse to issue or
14 renew or to revoke licenses or suspend, place on probation,
15 censure, or reprimand or take any other disciplinary or
16 non-disciplinary action with regard to a person licensed under
17 this Act.

18 (c) Formulate rules and regulations required for the
19 administration of this Act.

20 (d) (Blank). ~~Maintain rosters of the names and addresses~~
21 ~~of all licensees, and all persons whose licenses have been~~
22 ~~suspended, revoked, or denied renewal for cause within the~~
23 ~~previous calendar year. These rosters shall be available upon~~
24 ~~written request and payment of the required fee.~~

25 (e) Establish rules for determining approved graduate

1 professional counseling, clinical professional counseling,
2 psychology, rehabilitation counseling and similar programs.

3 (Source: P.A. 97-706, eff. 6-25-12.)

4 (225 ILCS 107/30) (from Ch. 111, par. 8451-30)

5 (Section scheduled to be repealed on January 1, 2023)

6 Sec. 30. Professional Counselor Licensing and Disciplinary
7 Board.

8 (a) The Secretary shall appoint a Board which shall serve
9 in an advisory capacity to the Secretary. The Board shall
10 consist of 7 persons, one ~~2~~ of whom is ~~are~~ licensed solely as a
11 professional counselor ~~counselors~~, 4 ~~3~~ of whom are licensed
12 solely as clinical professional counselors, one full-time
13 faculty member of an accredited college or university that is
14 engaged in training professional counselors or clinical
15 professional counselors who possesses the qualifications
16 substantially equivalent to the education and experience
17 requirements for a professional counselor or clinical
18 professional counselor, and one member of the public ~~who is~~
19 ~~not a licensed health care provider~~. In appointing members of
20 the Board, the Secretary shall give due consideration to the
21 adequate representation of the various fields of counseling.
22 In appointing members of the Board, the Secretary shall give
23 due consideration to recommendations by members of the
24 professions of professional counseling and clinical
25 professional counseling, the Statewide organizations

1 representing the interests of professional counselors and
2 clinical professional counselors, organizations representing
3 the interests of academic programs, rehabilitation counseling
4 programs, and approved counseling programs in the State of
5 Illinois.

6 (b) Members shall be appointed for and shall serve 4 year
7 terms and until their successors are appointed and qualified.
8 No member of the Board shall serve more than 2 full consecutive
9 terms. Any appointment to fill a vacancy shall be for the
10 unexpired portion of the term.

11 (c) The membership of the Board should reasonably reflect
12 representation from different geographic areas of Illinois.

13 (d) (Blank).

14 (e) The Secretary shall have the authority to remove or
15 suspend any member for cause at any time prior to the
16 expiration of his or her term. The Secretary shall be the sole
17 arbiter of cause.

18 (f) The Board shall annually elect one of its members as
19 chairperson.

20 (g) The members of the Board shall be reimbursed for all
21 legitimate, necessary, and authorized expenses incurred in
22 attending the meetings of the Board.

23 (h) The Board may make recommendations on matters relating
24 to approving graduate counseling, rehabilitation counseling,
25 psychology, and related programs.

26 (i) The Board may make recommendations on matters relating

1 to continuing education including the number of hours
2 necessary for license renewal, waivers for those unable to
3 meet such requirements, and acceptable course content. These
4 recommendations shall not impose an undue burden on the
5 Department or an unreasonable restriction on those seeking
6 license renewal.

7 (j) The Secretary shall give due consideration to all
8 recommendations of the Board.

9 (k) Four members of the Board shall constitute a quorum. A
10 quorum is required for all Board decisions.

11 (l) Members of the Board shall have no criminal, civil, or
12 professional liability in an action based upon a disciplinary
13 proceeding or other activity performed in good faith as a
14 member of the Board, except for willful or wanton misconduct.

15 (Source: P.A. 100-201, eff. 8-18-17.)

16 (225 ILCS 107/45)

17 (Section scheduled to be repealed on January 1, 2023)

18 Sec. 45. Qualifications for a license.

19 (a) Professional counselor. A person is qualified to be
20 licensed as a licensed professional counselor, and the
21 Department shall issue a license authorizing the practice of
22 professional counseling to an applicant who:

23 (1) has applied in writing on the prescribed form and
24 has paid the required fee;

25 (2) is at least 21 years of age and has not engaged in

1 conduct or activities which would constitute grounds for
2 discipline under this Act;

3 (3) is a graduate of: ~~(A)~~ a master's or doctoral level
4 program in the field of counseling, rehabilitation
5 counseling, psychology, or similar degree program approved
6 by the Department; ~~or~~

7 ~~(B) in the case of an applicant who applied for~~
8 ~~licensure before the effective date of this amendatory~~
9 ~~Act of the 96th General Assembly, an approved~~
10 ~~baccalaureate program in human services or similar~~
11 ~~degree program approved by the Department and can~~
12 ~~document the equivalent of 5 years of full-time~~
13 ~~satisfactory supervised experience, as established by~~
14 ~~rule, under a qualified supervisor;~~

15 (4) has passed an examination for the practice of
16 professional counseling as authorized by the Department;
17 and

18 (5) has paid the fees required by this Act.

19 Any person who has received certification by any State or
20 national organization whose standards are accepted by the
21 Department as being substantially similar to the standards in
22 this Act may apply for a professional counselor license and
23 need not be examined further.

24 (b) Clinical professional counselor. A person is qualified
25 to be licensed as a clinical professional counselor, and the
26 Department shall issue a license authorizing the practice of

1 clinical professional counseling to an applicant who:

2 (1) has applied in writing on the prescribed form and
3 has paid the required fee;

4 (2) is at least 21 years of age ~~and has not engaged in~~
5 ~~conduct or activities which would constitute grounds for~~
6 ~~discipline under this Act;~~

7 (3) is a graduate of:

8 (A) a master's level program in the field of
9 counseling, rehabilitation counseling, psychology, or
10 similar degree program approved by the Department and
11 has completed the equivalent of 2 years full-time
12 satisfactory supervised employment or experience
13 working as a clinical counselor under the direction of
14 a qualified supervisor subsequent to the degree; or

15 (B) a doctoral program in the field of counseling,
16 rehabilitation counseling, psychology, or similar
17 program approved by the Department and has completed
18 the equivalent of 2 years full-time satisfactory
19 supervised employment or experience working as a
20 clinical counselor under the direction of a qualified
21 supervisor, at least one year of which is subsequent
22 to the degree;

23 (4) has passed the examination for the practice of
24 clinical professional counseling as authorized by the
25 Department; and

26 (5) has paid the fees required by this Act.

1 Any person who has received certification or licensure by
2 any State or national organization whose standards are
3 accepted by the Department as being substantially similar to
4 the standards in this Act may apply for a clinical
5 professional counselor license, and need not be examined
6 further.

7 (c) Examination for applicants under this Act shall be
8 held at the discretion of the Department from time to time but
9 not less than once each year. The examination used shall be
10 authorized by the Department.

11 (d) Upon application and payment of the required fee, an
12 applicant who has an active license as a clinical psychologist
13 or a clinical social worker licensed under the laws of this
14 State may, without examination, be granted registration as a
15 licensed clinical professional counselor by the Department.

16 (Source: P.A. 96-1139, eff. 7-21-10; 97-706, eff. 6-25-12.)

17 (225 ILCS 107/50)

18 (Section scheduled to be repealed on January 1, 2023)

19 Sec. 50. Licenses; renewal; restoration; person in
20 military service; inactive status.

21 (a) The expiration date and renewal period for each
22 license issued under this Act shall be set by rule. As a
23 condition for renewal of a license, the licensee shall be
24 required to complete continuing education in accordance with
25 rules established by the Department and pay the current

1 renewal fee.

2 (b) Any person who has permitted a license to expire or who
3 has a license on inactive status may have it restored by
4 submitting an application to the Department and filing proof
5 of fitness acceptable to the Department, to have the license
6 restored, including, if appropriate, evidence which is
7 satisfactory to the Department certifying the active practice
8 of professional counseling or clinical professional counseling
9 in another jurisdiction and by paying the required fee.

10 (c) If the person has not maintained an active practice in
11 another jurisdiction which is satisfactory to the Department,
12 the Department shall determine, ~~by an evaluation program~~
13 ~~established~~ by rule, the person's fitness to resume active
14 status and shall establish procedures and requirements for
15 restoration.

16 (d) However, any person whose license expired while he or
17 she was (i) in federal service on active duty with the armed
18 forces of the United States or the State Militia or (ii) in
19 training or education under the supervision of the United
20 States government prior to induction into the military service
21 may have his or her license restored without paying any lapsed
22 renewal fees if, within 2 years after the honorable
23 termination of such service, training, or education, the
24 Department is furnished with satisfactory evidence that the
25 person has been so engaged and that such service, training, or
26 education has been so terminated.

1 (e) A license to practice shall not be denied any
2 applicant because of the applicant's race, religion, creed,
3 national origin, political beliefs or activities, age, sex,
4 sexual orientation, or physical impairment.

5 (f) (Blank). ~~Any person requesting restoration from~~
6 ~~inactive status shall (i) be required to pay the current~~
7 ~~renewal fee, (ii) meet continuing education requirements, and~~
8 ~~(iii) be required to restore his or her license as provided in~~
9 ~~this Act.~~

10 (Source: P.A. 97-706, eff. 6-25-12.)

11 (225 ILCS 107/80)

12 (Section scheduled to be repealed on January 1, 2023)

13 Sec. 80. Grounds for discipline.

14 (a) The Department may refuse to issue, renew, or may
15 revoke, suspend, place on probation, reprimand, or take other
16 disciplinary or non-disciplinary action as the Department
17 deems appropriate, including the issuance of fines not to
18 exceed \$10,000 for each violation, with regard to any license
19 for any one or more of the following:

20 (1) Material misstatement in furnishing information to
21 the Department or to any other State agency.

22 (2) Violations or negligent or intentional disregard
23 of this Act or rules adopted under this Act.

24 (3) Conviction by plea of guilty or nolo contendere,
25 finding of guilt, jury verdict, or entry of judgment or by

1 sentencing of any crime, including, but not limited to,
2 convictions, preceding sentences of supervision,
3 conditional discharge, or first offender probation, under
4 the laws of any jurisdiction of the United States: (i)
5 that is a felony or (ii) that is a misdemeanor, an
6 essential element of which is dishonesty, or that is
7 directly related to the practice of the profession.

8 (4) Fraud or any misrepresentation in applying for or
9 procuring a license under this Act or in connection with
10 applying for renewal of a license under this Act.

11 (5) Professional incompetence or gross negligence in
12 the rendering of professional counseling or clinical
13 professional counseling services.

14 (6) Malpractice.

15 (7) Aiding or assisting another person in violating
16 any provision of this Act or any rules.

17 (8) Failing to provide information within 60 days in
18 response to a written request made by the Department.

19 (9) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public and violating the rules of
22 professional conduct adopted by the Department.

23 (10) Habitual or excessive use or abuse of drugs as
24 defined in law as controlled substances, alcohol, or any
25 other substance which results in inability to practice
26 with reasonable skill, judgment, or safety.

1 (11) Discipline by another jurisdiction, the District
2 of Columbia, territory, county, or governmental agency, if
3 at least one of the grounds for the discipline is the same
4 or substantially equivalent to those set forth in this
5 Section.

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

21 (13) A finding by the Board that the licensee, after
22 having the license placed on probationary status, has
23 violated the terms of probation.

24 (14) Abandonment of a client.

25 (15) Willfully filing false reports relating to a
26 licensee's practice, including but not limited to false

1 records filed with federal or State agencies or
2 departments.

3 (16) Willfully failing to report an instance of
4 suspected child abuse or neglect as required by the Abused
5 and Neglected Child Reporting Act and in matters
6 pertaining to suspected abuse, neglect, financial
7 exploitation, or self-neglect of adults with disabilities
8 and older adults as set forth in the Adult Protective
9 Services Act.

10 (17) Being named as a perpetrator in an indicated
11 report by the Department of Children and Family Services
12 pursuant to the Abused and Neglected Child Reporting Act,
13 and upon proof by clear and convincing evidence that the
14 licensee has caused a child to be an abused child or
15 neglected child as defined in the Abused and Neglected
16 Child Reporting Act.

17 (18) Physical or mental illness or disability,
18 including, but not limited to, deterioration through the
19 aging process or loss of abilities and skills which
20 results in the inability to practice the profession with
21 reasonable judgment, skill, or safety.

22 (19) Solicitation of professional services by using
23 false or misleading advertising.

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

26 (21) A finding that licensure has been applied for or

1 obtained by fraudulent means.

2 (22) Practicing under a false or, except as provided
3 by law, an assumed name.

4 (23) Gross and willful overcharging for professional
5 services including filing statements for collection of
6 fees or monies for which services are not rendered.

7 (24) Rendering professional counseling or clinical
8 professional counseling services without a license or
9 practicing outside the scope of a license.

10 (25) Clinical supervisors failing to adequately and
11 responsibly monitor supervisees.

12 All fines imposed under this Section shall be paid within
13 60 days after the effective date of the order imposing the
14 fine.

15 (b) (Blank).

16 (b-5) The Department may refuse to issue or may suspend
17 without hearing, as provided for in the Code of Civil
18 Procedure, the license of any person who fails to file a
19 return, pay the tax, penalty, or interest shown in a filed
20 return, or pay any final assessment of the tax, penalty, or
21 interest as required by any tax Act administered by the
22 Illinois Department of Revenue, until such time as the
23 requirements of any such tax Act are satisfied in accordance
24 with subsection (g) of Section 2105-15 of the Department of
25 Professional Regulation Law of the Civil Administrative Code
26 of Illinois.

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

13 (c) The determination by a court that a licensee is
14 subject to involuntary admission or judicial admission as
15 provided in the Mental Health and Developmental Disabilities
16 Code will result in an automatic suspension of his or her
17 license. The suspension will end upon a finding by a court that
18 the licensee is no longer subject to involuntary admission or
19 judicial admission, the issuance of an order so finding and
20 discharging the patient, and the recommendation of the Board
21 to the Secretary that the licensee be allowed to resume
22 professional practice.

23 (c-5) In enforcing this Act, the Department, upon a
24 showing of a possible violation, may compel an individual
25 licensed to practice under this Act, or who has applied for
26 licensure under this Act, to submit to a mental or physical

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

16 All substance-related violations shall mandate an
17 automatic substance abuse assessment. Failure to submit to an
18 assessment by a licensed physician who is certified as an
19 addictionist or an advanced practice registered nurse with
20 specialty certification in addictions may be grounds for an
21 automatic suspension.

22 If the Department finds an individual unable to practice
23 or unfit for duty because of the reasons set forth in this
24 subsection (c-5), the Department may require that individual
25 to submit to a substance abuse evaluation or treatment by
26 individuals or programs approved or designated by the

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

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

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

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

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

21 (d) (Blank).

22 (Source: P.A. 100-201, eff. 8-18-17; 100-872, eff. 8-14-18.)

23 (225 ILCS 107/90)

24 (Section scheduled to be repealed on January 1, 2023)

25 Sec. 90. Investigations; notice and hearing.

1 (a) The Department may investigate the actions of any
2 applicant or any person holding or claiming to hold a license.

3 (b) The Department shall, before refusing to issue or
4 renew a license or disciplining a licensee under Section 80 of
5 this Act, at least 30 days prior to the date set for the
6 hearing, (i) notify the accused, in writing, of any charges
7 made and the time and place for the hearing on the charges,
8 (ii) direct him or her to file a written answer to the charges
9 with the Board 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 shall result in default being taken
12 against the applicant or licensee. At the time and place fixed
13 in the notice, the Department shall proceed to hear the
14 charges, and the parties or their counsel shall be accorded
15 ample opportunity to present any pertinent statements,
16 testimony, evidence, and arguments. The Department may
17 continue the hearing from time to time. In case the person,
18 after receiving the notice, fails to 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 action 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 and
26 any notice in the subsequent proceeding may be served by

1 ~~registered or certified~~ mail or email to the licensee's
2 address of record.

3 (Source: P.A. 97-706, eff. 6-25-12.)

4 (225 ILCS 107/100)

5 (Section scheduled to be repealed on January 1, 2023)

6 Sec. 100. Subpoenas; oaths.

7 (a) The Department has the power to subpoena and bring
8 before it any person to take the oral or written testimony or
9 compel the production of any books, papers, records, or any
10 other documents that the Secretary or his or her designee
11 deems relevant or material to any investigation or hearing
12 conducted by the Department, with the same fees and mileage
13 and in the same manner as prescribed in civil cases in the
14 courts of this State.

15 (b) The Secretary, the designated hearing officer, any
16 member of the Board, or a certified shorthand court reporter
17 may administer oaths at any hearing which the Department
18 conducts, and any other oaths authorized in any Act
19 administered by the Department. Notwithstanding any other
20 statute or Department rules to the contrary, all requests for
21 testimony, production of documents, or records shall be in
22 accordance with this Act.

23 (Source: P.A. 97-706, eff. 6-25-12.)

24 (225 ILCS 107/110)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 110. Findings and recommendations.

3 (a) At the conclusion of the hearing, the Board shall
4 present to the Secretary a written report of its findings of
5 fact, conclusions of law, and recommendations. The report
6 shall contain a finding whether the licensee violated this Act
7 or failed to comply with the conditions required in this Act.
8 The Board shall specify the nature of the violation or failure
9 to comply, and shall make its recommendations to the
10 Secretary.

11 (b) The report of findings of fact, conclusions of law,
12 and recommendation of the Board shall be the basis for the
13 Department's order for refusing to issue, restore, or renew a
14 license, or otherwise discipline a licensee. If the Secretary
15 disagrees with the recommendations of the Board, the Secretary
16 may issue an order in contravention of the Board
17 recommendations. The finding is not admissible in evidence
18 against the person in a criminal prosecution brought for the
19 violation of this Act, but the hearing and findings are not a
20 bar to a criminal prosecution brought for the violation of
21 this Act.

22 (Source: P.A. 97-706, eff. 6-25-12.)

23 (225 ILCS 107/130)

24 (Section scheduled to be repealed on January 1, 2023)

25 Sec. 130. Order or certified copy; prima facie proof. An

1 order or certified copy thereof, over the seal of the
2 Department and purporting to be signed by the Secretary, is
3 prima facie proof that:

4 (a) the signature is the genuine signature of the
5 Secretary; ~~and~~

6 (b) the Secretary is duly appointed and qualified; ~~and-~~

7 (c) the Board and the members thereof are qualified to
8 act.

9 Such proof may be rebutted.

10 (Source: P.A. 97-706, eff. 6-25-12.)

11 (225 ILCS 107/155)

12 (Section scheduled to be repealed on January 1, 2023)

13 Sec. 155. Certification of record; costs. The Department
14 shall not be required to certify any record to the court, to
15 file an answer in court, or to otherwise appear in any court in
16 a judicial review proceeding, unless and until the Department
17 has received from the plaintiff payment of the costs of
18 furnishing and certifying the record, which costs shall be
19 determined by the Department. ~~Exhibits shall be certified~~
20 ~~without cost.~~ Failure on the part of the plaintiff to file the
21 receipt in court is grounds for dismissal of the action.

22 (Source: P.A. 97-706, eff. 6-25-12.)

23 (225 ILCS 107/165)

24 (Section scheduled to be repealed on January 1, 2023)

1 Sec. 165. Administrative Procedure Act; application. The
2 Illinois Administrative Procedure Act is hereby expressly
3 adopted and incorporated in this Act as if all of the
4 provisions of such Act were included in this Act, except that
5 the provisions of subsection (d) of Section 10-65 of the
6 Illinois Administrative Procedure Act that provides that at
7 hearings the clinical professional counselor or professional
8 counselor has the right to show compliance with all lawful
9 requirements for retention, continuation, or renewal of the
10 license is specifically excluded. For the purposes of this Act
11 the notice required under Section 10-25 of the Illinois
12 Administrative Procedure Act is deemed sufficient when mailed
13 or emailed to the last known address of record of a party.
14 (Source: P.A. 97-706, eff. 6-25-12.)

15 (225 ILCS 107/55 rep.)

16 (225 ILCS 107/125 rep.)

17 Section 15. The Professional Counselor and Clinical
18 Professional Counselor Licensing and Practice Act is amended
19 by repealing Sections 55 and 125.

20 Section 99. Effective date. This Section and Section 5
21 take effect upon becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 80/4.33

4 5 ILCS 80/4.38

5 225 ILCS 107/10

6 225 ILCS 107/11 new

7 225 ILCS 107/15

8 225 ILCS 107/18

9 225 ILCS 107/20

10 225 ILCS 107/25

11 225 ILCS 107/30 from Ch. 111, par. 8451-30

12 225 ILCS 107/45

13 225 ILCS 107/50

14 225 ILCS 107/80

15 225 ILCS 107/90

16 225 ILCS 107/100

17 225 ILCS 107/110

18 225 ILCS 107/130

19 225 ILCS 107/155

20 225 ILCS 107/165

21 225 ILCS 107/55 rep.

22 225 ILCS 107/125 rep.