

SB0670



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0670

Introduced 2/25/2021, by Sen. Suzy Glowiak Hilton

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-15

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois to provide that the Division of Professional Regulation of the Department of Financial and Professional Regulation shall process an application for a license within 4 weeks after receiving a complete application that contains no deficiencies.

LRB102 14814 SPS 20167 b

A BILL FOR

1 AN ACT concerning professional regulation.

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

4 Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers
11 and duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

20 (3) To pass upon the qualifications of applicants for
21 licenses, certificates, and authorities, whether by
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for

1 the respective professions, trades, and occupations, what
2 shall constitute a school, college, or university, or
3 department of a university, or other institution,
4 reputable and in good standing, and to determine the
5 reputability and good standing of a school, college, or
6 university, or department of a university, or other
7 institution, reputable and in good standing, by reference
8 to a compliance with those rules and regulations;
9 provided, that no school, college, or university, or
10 department of a university, or other institution that
11 refuses admittance to applicants solely on account of
12 race, color, creed, sex, sexual orientation, or national
13 origin shall be considered reputable and in good standing.

14 (5) To conduct hearings on proceedings to revoke,
15 suspend, refuse to renew, place on probationary status, or
16 take other disciplinary action as authorized in any
17 licensing Act administered by the Department with regard
18 to licenses, certificates, or authorities of persons
19 exercising the respective professions, trades, or
20 occupations and to revoke, suspend, refuse to renew, place
21 on probationary status, or take other disciplinary action
22 as authorized in any licensing Act administered by the
23 Department with regard to those licenses, certificates, or
24 authorities.

25 The Department shall issue a monthly disciplinary
26 report.

1 The Department shall refuse to issue or renew a
2 license to, or shall suspend or revoke a license of, any
3 person who, after receiving notice, fails to comply with a
4 subpoena or warrant relating to a paternity or child
5 support proceeding. However, the Department may issue a
6 license or renewal upon compliance with the subpoena or
7 warrant.

8 The Department, without further process or hearings,
9 shall revoke, suspend, or deny any license or renewal
10 authorized by the Civil Administrative Code of Illinois to
11 a person who is certified by the Department of Healthcare
12 and Family Services (formerly Illinois Department of
13 Public Aid) as being more than 30 days delinquent in
14 complying with a child support order or who is certified
15 by a court as being in violation of the Non-Support
16 Punishment Act for more than 60 days. The Department may,
17 however, issue a license or renewal if the person has
18 established a satisfactory repayment record as determined
19 by the Department of Healthcare and Family Services
20 (formerly Illinois Department of Public Aid) or if the
21 person is determined by the court to be in compliance with
22 the Non-Support Punishment Act. The Department may
23 implement this paragraph as added by Public Act 89-6
24 through the use of emergency rules in accordance with
25 Section 5-45 of the Illinois Administrative Procedure Act.
26 For purposes of the Illinois Administrative Procedure Act,

1 the adoption of rules to implement this paragraph shall be
2 considered an emergency and necessary for the public
3 interest, safety, and welfare.

4 (6) To transfer jurisdiction of any realty under the
5 control of the Department to any other department of the
6 State Government or to acquire or accept federal lands
7 when the transfer, acquisition, or acceptance is
8 advantageous to the State and is approved in writing by
9 the Governor.

10 (7) To formulate rules and regulations necessary for
11 the enforcement of any Act administered by the Department.

12 (8) To exchange with the Department of Healthcare and
13 Family Services information that may be necessary for the
14 enforcement of child support orders entered pursuant to
15 the Illinois Public Aid Code, the Illinois Marriage and
16 Dissolution of Marriage Act, the Non-Support of Spouse and
17 Children Act, the Non-Support Punishment Act, the Revised
18 Uniform Reciprocal Enforcement of Support Act, the Uniform
19 Interstate Family Support Act, the Illinois Parentage Act
20 of 1984, or the Illinois Parentage Act of 2015.
21 Notwithstanding any provisions in this Code to the
22 contrary, the Department of Professional Regulation shall
23 not be liable under any federal or State law to any person
24 for any disclosure of information to the Department of
25 Healthcare and Family Services (formerly Illinois
26 Department of Public Aid) under this paragraph (8) or for

1 any other action taken in good faith to comply with the
2 requirements of this paragraph (8).

3 (8.3) To exchange information with the Department of
4 Human Rights regarding recommendations received under
5 paragraph (B) of Section 8-109 of the Illinois Human
6 Rights Act regarding a licensee or candidate for licensure
7 who has committed a civil rights violation that may lead
8 to the refusal, suspension, or revocation of a license
9 from the Department.

10 (8.5) To accept continuing education credit for
11 mandated reporter training on how to recognize and report
12 child abuse offered by the Department of Children and
13 Family Services and completed by any person who holds a
14 professional license issued by the Department and who is a
15 mandated reporter under the Abused and Neglected Child
16 Reporting Act. The Department shall adopt any rules
17 necessary to implement this paragraph.

18 (9) To perform other duties prescribed by law.

19 (a-5) Except in cases involving delinquency in complying
20 with a child support order or violation of the Non-Support
21 Punishment Act and notwithstanding anything that may appear in
22 any individual licensing Act or administrative rule, no person
23 or entity whose license, certificate, or authority has been
24 revoked as authorized in any licensing Act administered by the
25 Department may apply for restoration of that license,
26 certification, or authority until 3 years after the effective

1 date of the revocation.

2 (b) (Blank).

3 (c) For the purpose of securing and preparing evidence,
4 and for the purchase of controlled substances, professional
5 services, and equipment necessary for enforcement activities,
6 recoupment of investigative costs, and other activities
7 directed at suppressing the misuse and abuse of controlled
8 substances, including those activities set forth in Sections
9 504 and 508 of the Illinois Controlled Substances Act, the
10 Director and agents appointed and authorized by the Director
11 may expend sums from the Professional Regulation Evidence Fund
12 that the Director deems necessary from the amounts
13 appropriated for that purpose. Those sums may be advanced to
14 the agent when the Director deems that procedure to be in the
15 public interest. Sums for the purchase of controlled
16 substances, professional services, and equipment necessary for
17 enforcement activities and other activities as set forth in
18 this Section shall be advanced to the agent who is to make the
19 purchase from the Professional Regulation Evidence Fund on
20 vouchers signed by the Director. The Director and those agents
21 are authorized to maintain one or more commercial checking
22 accounts with any State banking corporation or corporations
23 organized under or subject to the Illinois Banking Act for the
24 deposit and withdrawal of moneys to be used for the purposes
25 set forth in this Section; provided, that no check may be
26 written nor any withdrawal made from any such account except

1 upon the written signatures of 2 persons designated by the
2 Director to write those checks and make those withdrawals.
3 Vouchers for those expenditures must be signed by the
4 Director. All such expenditures shall be audited by the
5 Director, and the audit shall be submitted to the Department
6 of Central Management Services for approval.

7 (d) Whenever the Department is authorized or required by
8 law to consider some aspect of criminal history record
9 information for the purpose of carrying out its statutory
10 powers and responsibilities, then, upon request and payment of
11 fees in conformance with the requirements of Section 2605-400
12 of the Department of State Police Law (20 ILCS 2605/2605-400),
13 the Department of State Police is authorized to furnish,
14 pursuant to positive identification, the information contained
15 in State files that is necessary to fulfill the request.

16 (e) The provisions of this Section do not apply to private
17 business and vocational schools as defined by Section 15 of
18 the Private Business and Vocational Schools Act of 2012.

19 (f) (Blank).

20 (f-5) Notwithstanding anything that may appear in any
21 individual licensing statute or administrative rule, the
22 Department shall allow an applicant to provide his or her
23 individual taxpayer identification number as an alternative to
24 providing a social security number when applying for a
25 license.

26 (g) Notwithstanding anything that may appear in any

1 individual licensing statute or administrative rule, the
2 Department shall deny any license application or renewal
3 authorized under any licensing Act administered by the
4 Department to any person who has failed to file a return, or to
5 pay the tax, penalty, or interest shown in a filed return, or
6 to pay any final assessment of tax, penalty, or interest, as
7 required by any tax Act administered by the Illinois
8 Department of Revenue, until such time as the requirement of
9 any such tax Act are satisfied; however, the Department may
10 issue a license or renewal if the person has established a
11 satisfactory repayment record as determined by the Illinois
12 Department of Revenue. For the purpose of this Section,
13 "satisfactory repayment record" shall be defined by rule.

14 In addition, a complaint filed with the Department by the
15 Illinois Department of Revenue that includes a certification,
16 signed by its Director or designee, attesting to the amount of
17 the unpaid tax liability or the years for which a return was
18 not filed, or both, is prima facie evidence of the licensee's
19 failure to comply with the tax laws administered by the
20 Illinois Department of Revenue. Upon receipt of that
21 certification, the Department shall, without a hearing,
22 immediately suspend all licenses held by the licensee.
23 Enforcement of the Department's order shall be stayed for 60
24 days. The Department shall provide notice of the suspension to
25 the licensee by mailing a copy of the Department's order to the
26 licensee's address of record or emailing a copy of the order to

1 the licensee's email address of record. The notice shall
2 advise the licensee that the suspension shall be effective 60
3 days after the issuance of the Department's order unless the
4 Department receives, from the licensee, a request for a
5 hearing before the Department to dispute the matters contained
6 in the order.

7 Any suspension imposed under this subsection (g) shall be
8 terminated by the Department upon notification from the
9 Illinois Department of Revenue that the licensee is in
10 compliance with all tax laws administered by the Illinois
11 Department of Revenue.

12 The Department may promulgate rules for the administration
13 of this subsection (g).

14 (h) The Department may grant the title "Retired", to be
15 used immediately adjacent to the title of a profession
16 regulated by the Department, to eligible retirees. For
17 individuals licensed under the Medical Practice Act of 1987,
18 the title "Retired" may be used in the profile required by the
19 Patients' Right to Know Act. The use of the title "Retired"
20 shall not constitute representation of current licensure,
21 registration, or certification. Any person without an active
22 license, registration, or certificate in a profession that
23 requires licensure, registration, or certification shall not
24 be permitted to practice that profession.

25 (i) The Department shall make available on its website
26 general information explaining how the Department utilizes

1 criminal history information in making licensure application
2 decisions, including a list of enumerated offenses that serve
3 as a statutory bar to licensure.

4 (j) The Department shall process an application for a
5 license within 4 weeks after receiving a complete application
6 that contains no deficiencies.

7 (Source: P.A. 100-262, eff. 8-22-17; 100-863, eff. 8-14-18;
8 100-872, eff. 8-14-18; 100-883, eff. 8-14-18; 100-1078, eff.
9 1-1-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20.)