



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5457

Introduced 2/9/2024, by Rep. Barbara Hernandez

SYNOPSIS AS INTRODUCED:

See Index

Amends the Clinical Social Work and Social Work Practice Act. Provides that a license to practice under the Act shall not be denied an applicant because of the applicant's real or perceived immigration status. Provides that every application for an original license under the Act shall include the applicant's Social Security Number or individual taxpayer identification number. Provides that the Social Work Examining and Disciplinary Board may grant additional examination time to an applicant for whom English is the applicant's second language. Provides that to qualify for consideration, the applicant must submit a request for additional time stating that English is the applicant's second language, and provide additional information. Sets forth what additional information may be provided. Provides that if approved, the applicant shall be allotted extra time when taking the required board-administered examination. Provides that the allowance of the extra time for a required national examination is subject to availability from the exam-administering entity. Provides that the Department of Financial and Professional Regulation may not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a license or permit issued under the Act based solely upon an immigration violation by the licensed clinical social worker. Provides that the Department may not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against the license or permit issued under the Act to practice as a licensed clinical social worker based upon the licensed clinical social worker's license being revoked or suspended, or the licensed clinical social worker being otherwise disciplined by any other state, if that revocation, suspension, or other form of discipline was based solely upon an immigration violation by the licensed clinical social worker. Amends the Marriage and Family Therapy Licensing Act and Professional Counselor and Clinical Professional Counselor Licensing and Practice Act to make similar changes.

LRB103 38890 RTM 69027 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. Findings. The General Assembly finds the
5 following:

6 (1) More than one-in-five Illinois households (23.2%)
7 primarily speak a language other than English at home. The
8 most common non-English languages spoken in Illinois are
9 Spanish (1,627,789 or 13.5% of households), Polish (174,381 or
10 1.44% of households), and dialects of Chinese (including
11 Mandarin and Cantonese at 105,919 or 0.877% of households).

12 (2) An estimated 1.8 million people, or 14.1% of Illinois
13 residents, were born outside the country. These individuals
14 are more likely to face issues of discrimination, racism, and
15 xenophobia, all of which are social determinants of health and
16 can lead to negative behavioral health outcomes. Additionally,
17 this population is likely to be uniquely traumatized due to
18 sociopolitical turmoil in specific parts of the world,
19 uncertainty about immigration status, and grief over family
20 and homeland separation.

21 (3) Illinois has a particularly high population of
22 international students. Illinois has the fifth-highest number
23 of international students in the country, with over 55,000
24 students traveling to Illinois for its educational and

1 vocational opportunities. In 2022, the University of Illinois
2 system announced a record 11,548 international students
3 enrolled in their programs. Additionally, with the recent
4 influx of migrant children attending Chicago public schools,
5 Chicago teachers have highlighted the severe need for
6 bilingual social workers and counselors to address the needs
7 of traumatized children.

8 (4) Illinois faces an unprecedented mental health
9 emergency. In 2022, 12.7% of Illinois adults reported 14 or
10 more days of poor mental health per month. Even the needs of
11 children, whose mental health conditions have been declared a
12 national emergency, are unable to be met in Illinois.

13 (5) Drug overdose deaths have reached crisis levels. In
14 2014, approximately 9.77 people died from drug poisoning per
15 100,000 people. In 2022, that number has risen to 23.8 people
16 who die per population of 100,000. This represents a 243.6%
17 increase in the number of overdose deaths in the last 10 years.

18 (6) The ability to express oneself, particularly when
19 trying to explain emotions or analyze/interpret life events,
20 is crucial to the successful provision of behavioral health
21 services. Studies show that the delivery of services in a
22 client's language is crucial to the development of trust and
23 the comfort of the client. The American Psychological
24 Association's official position is that, due to professional
25 ethics and governmental guidelines, behavioral health services
26 "should be provided in the preferred language of clients with

1 limited English proficiency." Every major behavioral health
2 profession highlights the ethical need for practitioners to
3 enhance cultural sensitivity and competency. However,
4 bilingual clients often opt to receive services in English due
5 to severe availability gaps of services in their language of
6 origin, particularly in rural or underserved areas.

7 (7) The shortage of bilingual therapists prevents
8 communities from adequately addressing issues related to
9 migrant trauma. The lack of bilingual professionals is
10 particularly felt in rural areas. For example, although
11 immigrants account for 7% of the population of McLean County,
12 there are only a handful of clinical professionals who speak
13 Spanish and an even smaller amount who speak other languages.
14 This means clients must rely on translators, which take
15 precious time from the client's therapy session, or wait
16 months and travel great distances for appointments with local
17 bilingual therapists.

18 Section 10. The Clinical Social Work and Social Work
19 Practice Act is amended by changing Sections 7, 7.5, and 19 and
20 by adding Section 8.3 as follows:

21 (225 ILCS 20/7) (from Ch. 111, par. 6357)

22 (Section scheduled to be repealed on January 1, 2028)

23 Sec. 7. Applications for original license. Applications
24 for original licenses shall be made to the Department on forms

1 or electronically as prescribed by the Department and
2 accompanied by the required fee which shall not be refundable.
3 All applications shall contain such information which, in the
4 judgment of the Department, will enable the Department to pass
5 on the qualifications of the applicant for a license as a
6 licensed clinical social worker or as a licensed social
7 worker.

8 A license to practice shall not be denied an applicant
9 because of the applicant's race, religion, creed, national
10 origin, real or perceived immigration status, political
11 beliefs or activities, age, sex, sexual orientation, or
12 physical disability that does not affect a person's ability to
13 practice with reasonable judgment, skill, or safety.

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

19 (Source: P.A. 100-414, eff. 8-25-17.)

20 (225 ILCS 20/7.5)

21 (Section scheduled to be repealed on January 1, 2028)

22 Sec. 7.5. Social Security Number or individual taxpayer
23 identification number on license application. In addition to
24 any other information required to be contained in the
25 application, every application for an original license under

1 this Act shall include the applicant's Social Security Number
2 or individual taxpayer identification number, which shall be
3 retained in the agency's records pertaining to the license. As
4 soon as practical, the Department shall assign a customer's
5 identification number to each applicant for a license.

6 Every application for a renewal or restored license shall
7 require the applicant's customer identification number.

8 (Source: P.A. 97-400, eff. 1-1-12.)

9 (225 ILCS 20/8.3 new)

10 Sec. 8.3. Additional examination time.

11 (a) The Board, in its sole discretion, may grant
12 additional examination time to an applicant for whom English
13 is the applicant's second language. To qualify for
14 consideration, the applicant must submit a request for
15 additional time stating that English is the applicant's second
16 language, and provide one of the following:

17 (1) A Test of English as a Foreign Language
18 certification score of 85 or below, sent by Educational
19 Testing Service directly to the Board. The test must have
20 been taken within the previous 2 years prior to
21 application.

22 (2) Documentation from the qualifying master's degree
23 program that the program granted the applicant additional
24 examination time or other allowance due to speaking
25 English as a second language while the applicant was

1 enrolled in the program. Acceptable documentation
2 includes, but is not limited to, a letter from the chair of
3 the qualifying master's degree program or from the
4 educational institution's chief academic officer.

5 (3) Documentation proving that the qualifying master's
6 degree was obtained from an educational institution
7 outside the United States and that at least 50% of the
8 coursework was presented in a language other than English.
9 Acceptable documentation includes, but is not limited to,
10 a letter from the chair of the qualifying master's degree
11 program or from the educational institution's chief
12 academic officer.

13 (b) If approved, then the applicant shall be allotted up
14 to 2 extra hours when taking the required Board-administered
15 examination. The allowance of this option for a required
16 national examination is subject to availability from the
17 exam-administering entity.

18 (c) Any individual approved for additional time under this
19 Section may also be allowed use of an approved word-to-word
20 bilingual dictionary without definitions or sentences, which
21 must be provided by the examinee and is subject to inspection
22 by the test administrator.

23 (d) The Department shall have the authority to issue rules
24 to implement and enforce this Section. The Department shall
25 adopt rules to accept score transfers for test-takers that
26 tested with English as a second language arrangements in

1 another jurisdiction within the 10 years preceding the
2 effective date of this amendatory Act of the 103rd General
3 Assembly and to accept such score transfers indefinitely
4 thereafter.

5 (225 ILCS 20/19) (from Ch. 111, par. 6369)

6 (Section scheduled to be repealed on January 1, 2028)

7 Sec. 19. Grounds for disciplinary action.

8 (1) The Department may refuse to issue or renew a license,
9 or may suspend, revoke, place on probation, reprimand, or take
10 any other disciplinary or non-disciplinary action deemed
11 appropriate by the Department, including the imposition of
12 fines not to exceed \$10,000 for each violation, with regard to
13 any license issued under the provisions of this Act for any one
14 or a combination of the following grounds:

15 (a) material misstatements in furnishing information
16 to the Department or to any other State agency or in
17 furnishing information to any insurance company with
18 respect to a claim on behalf of a licensee or a patient;

19 (b) violations or negligent or intentional disregard
20 of this Act, or any of the rules promulgated hereunder;

21 (c) conviction of or entry of a plea of guilty or nolo
22 contendere, finding of guilt, jury verdict, or entry of
23 judgment or sentencing, including, but not limited to,
24 convictions, preceding sentences of supervision,
25 conditional discharge, or first offender probation, under

1 the laws of any jurisdiction of the United States that is
2 (i) a felony or (ii) a misdemeanor, an essential element
3 of which is dishonesty, or that is directly related to the
4 practice of the clinical social work or social work
5 professions;

6 (d) fraud or misrepresentation in applying for or
7 procuring a license under this Act or in connection with
8 applying for renewal or restoration of a license under
9 this Act;

10 (e) professional incompetence;

11 (f) gross negligence in practice under this Act;

12 (g) aiding or assisting another person in violating
13 any provision of this Act or its rules;

14 (h) failing to provide information within 60 days in
15 response to a written request made by the Department;

16 (i) engaging in dishonorable, unethical or
17 unprofessional conduct of a character likely to deceive,
18 defraud or harm the public as defined by the rules of the
19 Department, or violating the rules of professional conduct
20 adopted by the Department;

21 (j) habitual or excessive use or abuse of drugs
22 defined in law as controlled substances, of alcohol, or of
23 any other substances that results in the inability to
24 practice with reasonable judgment, skill, or safety;

25 (k) adverse action taken by another state or
26 jurisdiction, if at least one of the grounds for the

1 discipline is the same or substantially equivalent to
2 those set forth in this Section;

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

18 (m) a finding by the Department that the licensee,
19 after having the license placed on probationary status,
20 has violated the terms of probation or failed to comply
21 with such terms;

22 (n) abandonment, without cause, of a client;

23 (o) willfully making or filing false records or
24 reports relating to a licensee's practice, including, but
25 not limited to, false records filed with Federal or State
26 agencies or departments;

1 (p) willfully failing to report an instance of
2 suspected child abuse or neglect as required by the Abused
3 and Neglected Child Reporting Act;

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

11 (r) physical illness, mental illness, or any other
12 impairment or disability, including, but not limited to,
13 deterioration through the aging process, or loss of motor
14 skills that results in the inability to practice the
15 profession with reasonable judgment, skill or safety;

16 (s) solicitation of professional services by using
17 false or misleading advertising;

18 (t) violation of the Health Care Worker Self-Referral
19 Act;

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

24 (v) being named as an abuser in a verified report by
25 the Department on Aging under the Adult Protective
26 Services Act, and upon proof by clear and convincing

1 evidence that the licensee abused, neglected, or
2 financially exploited an eligible adult as defined in the
3 Adult Protective Services Act.

4 (2) (Blank).

5 (3) The determination by a court that a licensee is
6 subject to involuntary admission or judicial admission as
7 provided in the Mental Health and Developmental Disabilities
8 Code, will result in an automatic suspension of his license.
9 Such suspension will end upon a finding by a court that the
10 licensee is no longer subject to involuntary admission or
11 judicial admission and issues an order so finding and
12 discharging the patient, and upon the recommendation of the
13 Board to the Secretary that the licensee be allowed to resume
14 professional practice.

15 (4) The Department shall refuse to issue or renew or may
16 suspend the license of a person who (i) fails to file a return,
17 pay the tax, penalty, or interest shown in a filed return, or
18 pay any final assessment of tax, penalty, or interest, as
19 required by any tax Act administered by the Department of
20 Revenue, until the requirements of the tax Act are satisfied
21 or (ii) has failed to pay any court-ordered child support as
22 determined by a court order or by referral from the Department
23 of Healthcare and Family Services.

24 (4.5) The Department shall not revoke, suspend, summarily
25 suspend, place on prohibition, reprimand, refuse to issue or
26 renew, or take any other disciplinary or non-disciplinary

1 action against a license or permit issued under this Act based
2 solely upon the licensed clinical social worker authorizing,
3 recommending, aiding, assisting, referring for, or otherwise
4 participating in any health care service, so long as the care
5 was not unlawful under the laws of this State, regardless of
6 whether the patient was a resident of this State or another
7 state.

8 (4.10) The Department shall not revoke, suspend, summarily
9 suspend, place on prohibition, reprimand, refuse to issue or
10 renew, or take any other disciplinary or non-disciplinary
11 action against the license or permit issued under this Act to
12 practice as a licensed clinical social worker based upon the
13 licensed clinical social worker's license being revoked or
14 suspended, or the licensed clinical social worker being
15 otherwise disciplined by any other state, if that revocation,
16 suspension, or other form of discipline was based solely on
17 the licensed clinical social worker violating another state's
18 laws prohibiting the provision of, authorization of,
19 recommendation of, aiding or assisting in, referring for, or
20 participation in any health care service if that health care
21 service as provided would not have been unlawful under the
22 laws of this State and is consistent with the standards of
23 conduct for a licensed clinical social worker practicing in
24 Illinois.

25 (4.15) The conduct specified in subsection ~~subsections~~
26 (4.5), ~~and~~ (4.10), (4.25), or (4.30) shall not constitute

1 grounds for suspension under Section 32.

2 (4.20) An applicant seeking licensure, certification, or
3 authorization pursuant to this Act who has been subject to
4 disciplinary action by a duly authorized professional
5 disciplinary agency of another jurisdiction solely on the
6 basis of having authorized, recommended, aided, assisted,
7 referred for, or otherwise participated in health care shall
8 not be denied such licensure, certification, or authorization,
9 unless the Department determines that such action would have
10 constituted professional misconduct in this State; however,
11 nothing in this Section shall be construed as prohibiting the
12 Department from evaluating the conduct of such applicant and
13 making a determination regarding the licensure, certification,
14 or authorization to practice a profession under this Act.

15 (4.25) The Department may not revoke, suspend, summarily
16 suspend, place on prohibition, reprimand, refuse to issue or
17 renew, or take any other disciplinary or non-disciplinary
18 action against a license or permit issued under this Act based
19 solely upon an immigration violation by the licensed clinical
20 social worker.

21 (4.30) The Department may not revoke, suspend, summarily
22 suspend, place on prohibition, reprimand, refuse to issue or
23 renew, or take any other disciplinary or non-disciplinary
24 action against the license or permit issued under this Act to
25 practice as a licensed clinical social worker based upon the
26 licensed clinical social worker's license being revoked or

1 suspended, or the licensed clinical social worker being
2 otherwise disciplined by any other state, if that revocation,
3 suspension, or other form of discipline was based solely upon
4 an immigration violation by the licensed clinical social
5 worker.

6 (5) (a) In enforcing this Section, the Department or Board,
7 upon a showing of a possible violation, may compel a person
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, which may include a substance abuse or
11 sexual offender evaluation, as required by and at the expense
12 of the Department.

13 (b) The Department shall specifically designate the
14 examining physician licensed to practice medicine in all of
15 its branches or, if applicable, the multidisciplinary team
16 involved in providing the mental or physical examination or
17 both. The multidisciplinary team shall be led by a physician
18 licensed to practice medicine in all of its branches and may
19 consist of one or more or a combination of physicians licensed
20 to practice medicine in all of its branches, licensed clinical
21 psychologists, licensed clinical social workers, licensed
22 clinical professional counselors, and other professional and
23 administrative staff. Any examining physician or member of the
24 multidisciplinary team may require any person ordered to
25 submit to an examination pursuant to this Section to submit to
26 any additional supplemental testing deemed necessary to

1 complete any examination or evaluation process, including, but
2 not limited to, blood testing, urinalysis, psychological
3 testing, or neuropsychological testing.

4 (c) The Board or the Department may order the examining
5 physician or any member of the multidisciplinary team to
6 present testimony concerning this mental or physical
7 examination of the licensee or applicant. No information,
8 report, record, or other documents in any way related to the
9 examination shall be excluded by reason of any common law or
10 statutory privilege relating to communications between the
11 licensee or applicant and the examining physician or any
12 member of the multidisciplinary team. No authorization is
13 necessary from the licensee or applicant ordered to undergo an
14 examination for the examining physician or any member of the
15 multidisciplinary team to provide information, reports,
16 records, or other documents or to provide any testimony
17 regarding the examination and evaluation.

18 (d) The person to be examined may have, at his or her own
19 expense, another physician of his or her choice present during
20 all aspects of the examination. However, that physician shall
21 be present only to observe and may not interfere in any way
22 with the examination.

23 (e) Failure of any person to submit to a mental or physical
24 examination without reasonable cause, when ordered, shall
25 result in an automatic suspension of his or her license until
26 the person submits to the examination.

1 (f) If the Department or Board finds a person unable to
2 practice because of the reasons set forth in this Section, the
3 Department or Board may require that person to submit to care,
4 counseling, or treatment by physicians approved or designated
5 by the Department or Board, as a condition, term, or
6 restriction for continued, reinstated, or renewed licensure to
7 practice; or, in lieu of care, counseling or treatment, the
8 Department may file, or the Board may recommend to the
9 Department to file, a complaint to immediately suspend,
10 revoke, or otherwise discipline the license of the person. Any
11 person whose license was granted, continued, reinstated,
12 renewed, disciplined or supervised subject to such terms,
13 conditions or restrictions, and who fails to comply with such
14 terms, conditions, or restrictions, shall be referred to the
15 Secretary for a determination as to whether the person shall
16 have his or her license suspended immediately, pending a
17 hearing by the Department.

18 (g) All fines imposed shall be paid within 60 days after
19 the effective date of the order imposing the fine or in
20 accordance with the terms set forth in the order imposing the
21 fine.

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 person's record of treatment and counseling
2 regarding the impairment, to the extent permitted by
3 applicable federal statutes and regulations safeguarding the
4 confidentiality of medical records.

5 A person licensed under this Act and affected under this
6 Section shall be afforded an opportunity to demonstrate to the
7 Department or Board that he or she can resume practice in
8 compliance with acceptable and prevailing standards under the
9 provisions of his or her license.

10 (h) The Department may adopt rules to implement the
11 changes made by this amendatory Act of the 102nd General
12 Assembly.

13 (Source: P.A. 102-1117, eff. 1-13-23.)

14 Section 15. The Marriage and Family Therapy Licensing Act
15 is amended by changing Sections 30, 32, and 85 and by adding
16 Section 37 as follows:

17 (225 ILCS 55/30) (from Ch. 111, par. 8351-30)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 30. Application.

20 (a) Applications for original licensure shall be made to
21 the Department in writing on forms or electronically as
22 prescribed by the Department and shall be accompanied by the
23 appropriate documentation and the required fee, which shall
24 not be refundable. Any application shall require such

1 information as, in the judgment of the Department, will enable
2 the Department to pass on the qualifications of the applicant
3 for licensing.

4 (b) Applicants have 3 years from the date of application
5 to complete the application process. If the application has
6 not been completed within 3 years, the application shall be
7 denied, the fee shall be forfeited, and the applicant must
8 reapply and meet the requirements in effect at the time of
9 reapplication.

10 (c) A license shall not be denied to an applicant because
11 of the applicant's race, religion, creed, national origin,
12 real or perceived immigration status, political beliefs or
13 activities, age, sex, sexual orientation, or physical
14 disability that does not affect a person's ability to practice
15 with reasonable judgment, skill, or safety.

16 (Source: P.A. 100-372, eff. 8-25-17.)

17 (225 ILCS 55/32)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 32. Social Security Number or individual taxpayer
20 identification number on license application. In addition to
21 any other information required to be contained in the
22 application, every application for an original license under
23 this Act shall include the applicant's Social Security Number
24 or individual taxpayer identification number, which shall be
25 retained in the agency's records pertaining to the license. As

1 soon as practical, the Department shall assign a customer's
2 identification number to each applicant for a license.

3 Every application for a renewal or restored license shall
4 require the applicant's customer identification number.

5 (Source: P.A. 97-400, eff. 1-1-12.)

6 (225 ILCS 55/37 new)

7 Sec. 37. Additional examination time.

8 (a) The Department, in its sole discretion, may grant
9 additional examination time to an applicant for whom English
10 is the applicant's second language. To qualify for
11 consideration, the applicant must submit a request for
12 additional time stating that English is the applicant's second
13 language, and provide one of the following:

14 (1) A Test of English as a Foreign Language
15 certification score of 85 or below, sent by the
16 Educational Testing Service directly to the Department.
17 The test must have been taken within the previous 2 years
18 prior to application.

19 (2) Documentation from the qualifying master's degree
20 program that the program had granted the applicant
21 additional examination time or other allowance due to
22 speaking English as a second language while the applicant
23 was enrolled in the program. Acceptable documentation
24 includes, but is not limited to, a letter from the chair of
25 the qualifying master's degree program or from the

1 educational institution's chief academic officer.

2 (3) Documentation providing that the qualifying
3 master's degree was obtained from an educational
4 institution outside the United States, and that at least
5 50% of the coursework was presented in a language other
6 than English. Acceptable documentation includes, but is
7 not limited to, a letter from the chair of the qualifying
8 master's degree program or from the educational
9 institution's chief academic officer.

10 (b) If approved, then the applicant shall be allotted
11 either one or 2 extra hours when taking a required
12 Department-authorized examination. Allowance of this option
13 for a required national examination is subject to availability
14 from the exam-administering entity.

15 (c) Any individual approved for additional time under this
16 Section may also be allowed use of an approved word-to-word
17 bilingual dictionary without definitions or sentences, which
18 must be provided by the examinee and is subject to inspection
19 by the test administrator.

20 (d) The Department shall have the authority to adopt rules
21 to implement and enforce this Section. The Department shall
22 adopt rules to accept score transfers for test-takers that
23 tested with English as a second language arrangements in
24 another jurisdiction within the 10 years preceding the
25 effective date of this amendatory Act of the 103rd General
26 Assembly and to accept such score transfers indefinitely

1 thereafter.

2 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

3 (Section scheduled to be repealed on January 1, 2027)

4 Sec. 85. Refusal, revocation, or suspension.

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

12 (1) Material misstatement in furnishing information to
13 the Department.

14 (2) Violation of any provision of this Act or its
15 rules.

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 laws of any jurisdiction of the United States that is
22 (i) a felony or (ii) a misdemeanor, an essential element
23 of which is dishonesty or that is directly related to the
24 practice of the profession.

25 (4) Fraud or misrepresentation in applying for or

1 procuring a license under this Act or in connection with
2 applying for renewal or restoration of a license under
3 this Act or its rules.

4 (5) Professional incompetence.

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

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

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

10 (9) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud or harm the public as defined by the rules of the
13 Department, or violating the rules of professional conduct
14 adopted by the Department.

15 (10) Habitual or excessive use or abuse of drugs
16 defined in law as controlled substances, of alcohol, or
17 any other substance that results in the inability to
18 practice with reasonable judgment, skill, or safety.

19 (11) Discipline by another jurisdiction if at least
20 one of the grounds for the discipline is the same or
21 substantially equivalent to those set forth in this Act.

22 (12) Directly or indirectly giving to or receiving
23 from any person, firm, corporation, partnership, or
24 association any fee, commission, rebate, or other form of
25 compensation for any professional services not actually or
26 personally rendered. Nothing in this paragraph (12)

1 affects any bona fide independent contractor or employment
2 arrangements among health care professionals, health
3 facilities, health care providers, or other entities,
4 except as otherwise prohibited by law. Any employment
5 arrangements may include provisions for compensation,
6 health insurance, pension, or other employment benefits
7 for the provision of services within the scope of the
8 licensee's practice under this Act. Nothing in this
9 paragraph (12) shall be construed to require an employment
10 arrangement to receive professional fees for services
11 rendered.

12 (13) A finding by the Department that the licensee,
13 after having his or her license placed on probationary
14 status, has violated the terms of probation or failed to
15 comply with the terms.

16 (14) Abandonment of a patient without cause.

17 (15) Willfully making or filing false records or
18 reports relating to a licensee's practice, including but
19 not limited to false records filed with State agencies or
20 departments.

21 (16) Willfully failing to report an instance of
22 suspected child abuse or neglect as required by the Abused
23 and Neglected Child Reporting Act.

24 (17) Being named as a perpetrator in an indicated
25 report by the Department of Children and Family Services
26 under the Abused and Neglected Child Reporting Act and

1 upon proof by clear and convincing evidence that the
2 licensee has caused a child to be an abused child or
3 neglected child as defined in the Abused and Neglected
4 Child Reporting Act.

5 (18) Physical illness or mental illness or impairment,
6 including, but not limited to, deterioration through the
7 aging process or loss of motor skill that results in the
8 inability to practice the profession with reasonable
9 judgment, skill, or safety.

10 (19) Solicitation of professional services by using
11 false or misleading advertising.

12 (20) A pattern of practice or other behavior that
13 demonstrates incapacity or incompetence to practice under
14 this Act.

15 (21) Practicing under a false or assumed name, except
16 as provided by law.

17 (22) Gross, willful, and continued overcharging for
18 professional services, including filing false statements
19 for collection of fees or moneys for which services are
20 not rendered.

21 (23) Failure to establish and maintain records of
22 patient care and treatment as required by law.

23 (24) Cheating on or attempting to subvert the
24 licensing examinations administered under this Act.

25 (25) Willfully failing to report an instance of
26 suspected abuse, neglect, financial exploitation, or

1 self-neglect of an eligible adult as defined in and
2 required by the Adult Protective Services Act.

3 (26) Being named as an abuser in a verified report by
4 the Department on Aging and under the Adult Protective
5 Services Act and upon proof by clear and convincing
6 evidence that the licensee abused, neglected, or
7 financially exploited an eligible adult as defined in the
8 Adult Protective Services Act.

9 (b) (Blank).

10 (c) The determination by a circuit court that a licensee
11 is subject to involuntary admission or judicial admission, as
12 provided in the Mental Health and Developmental Disabilities
13 Code, operates as an automatic suspension. The suspension will
14 terminate only upon a finding by a court that the patient is no
15 longer subject to involuntary admission or judicial admission
16 and the issuance of an order so finding and discharging the
17 patient, and upon the recommendation of the Board to the
18 Secretary that the licensee be allowed to resume his or her
19 practice as a licensed marriage and family therapist or an
20 associate licensed marriage and family therapist.

21 (d) The Department shall refuse to issue or may suspend
22 the license of any person who fails to file a return, pay the
23 tax, penalty, or interest shown in a filed return or pay any
24 final assessment of tax, penalty, or interest, as required by
25 any tax Act administered by the Illinois Department of
26 Revenue, until the time the requirements of the tax Act are

1 satisfied.

2 (d-5) The Department shall not revoke, suspend, summarily
3 suspend, place on prohibition, reprimand, refuse to issue or
4 renew, or take any other disciplinary or non-disciplinary
5 action against the license or permit issued under this Act to
6 practice as a marriage and family therapist or associate
7 licensed marriage and family therapist based solely upon the
8 marriage and family therapist or associate licensed marriage
9 and family therapist authorizing, recommending, aiding,
10 assisting, referring for, or otherwise participating in any
11 health care service, so long as the care was not Unlawful under
12 the laws of this State, regardless of whether the patient was a
13 resident of this State or another state.

14 (d-10) The Department shall not revoke, suspend, summarily
15 suspend, place on prohibition, reprimand, refuse to issue or
16 renew, or take any other disciplinary or non-disciplinary
17 action against the license or permit issued under this Act to
18 practice as a marriage and family therapist or associate
19 licensed marriage and family therapist based upon the marriage
20 and family therapist's or associate licensed marriage and
21 family therapist's license being revoked or suspended, or the
22 marriage and family therapist or associate licensed marriage
23 and family therapist being otherwise disciplined by any other
24 state, if that revocation, suspension, or other form of
25 discipline was based solely on the marriage and family
26 therapist or associate licensed marriage and family therapist

1 violating another state's laws prohibiting the provision of,
2 authorization of, recommendation of, aiding or assisting in,
3 referring for, or participation in any health care service if
4 that health care service as provided would not have been
5 unlawful under the laws of this State and is consistent with
6 the standards of conduct for a marriage and family therapist
7 or an associate licensed marriage and family therapist
8 practicing in Illinois.

9 (d-15) The conduct specified in subsection ~~subsections~~
10 (d-5), ~~or~~ (d-10), (d-25), or (d-30) shall not constitute
11 grounds for suspension under Section 145.

12 (d-20) An applicant seeking licensure, certification, or
13 authorization pursuant to this Act who has been subject to
14 disciplinary action by a duly authorized professional
15 disciplinary agency of another jurisdiction solely on the
16 basis of having authorized, recommended, aided, assisted,
17 referred for, or otherwise participated in health care shall
18 not be denied such licensure, certification, or authorization,
19 unless the Department determines that such action would have
20 constituted professional misconduct in this State; however,
21 nothing in this Section shall be construed as prohibiting the
22 Department from evaluating the conduct of such applicant and
23 making a determination regarding the licensure, certification,
24 or authorization to practice a profession under this Act.

25 (d-25) The Department may not revoke, suspend, summarily
26 suspend, place on prohibition, reprimand, refuse to issue or

1 renew, or take any other disciplinary or non-disciplinary
2 action against the license or permit issued under this Act to
3 practice as a marriage and family therapist or associate
4 licensed marriage and family therapist based solely upon an
5 immigration violation of the marriage and family therapist or
6 associate licensed marriage and family therapist.

7 (d-30) The Department may not revoke, suspend, summarily
8 suspend, place on prohibition, reprimand, refuse to issue or
9 renew, or take any other disciplinary or non-disciplinary
10 action against the license or permit issued under this Act to
11 practice as a marriage and family therapist or associate
12 licensed marriage and family therapist based upon the marriage
13 and family therapist's or associate licensed marriage and
14 family therapist's license being revoked or suspended, or the
15 marriage and family therapist or associate licensed marriage
16 and family therapist being otherwise disciplined by any other
17 state, if that revocation, suspension, or other form of
18 discipline was based solely upon an immigration violation of
19 the marriage and family therapist or associate licensed
20 marriage and family therapist.

21 (e) In enforcing this Section, the Department or Board
22 upon a showing of a possible violation may compel an
23 individual licensed to practice under this Act, or who has
24 applied for licensure under this Act, to submit to a mental or
25 physical examination, or both, which may include a substance
26 abuse or sexual offender evaluation, as required by and at the

1 expense of the Department.

2 The Department shall specifically designate the examining
3 physician licensed to practice medicine in all of its branches
4 or, if applicable, the multidisciplinary team involved in
5 providing the mental or physical examination or both. The
6 multidisciplinary team shall be led by a physician licensed to
7 practice medicine in all of its branches and may consist of one
8 or more or a combination of physicians licensed to practice
9 medicine in all of its branches, licensed clinical
10 psychologists, licensed clinical social workers, licensed
11 clinical professional counselors, licensed marriage and family
12 therapists, and other professional and administrative staff.
13 Any examining physician or member of the multidisciplinary
14 team may require any person ordered to submit to an
15 examination and evaluation pursuant to this Section to submit
16 to any additional supplemental testing deemed necessary to
17 complete any examination or evaluation process, including, but
18 not limited to, blood testing, urinalysis, psychological
19 testing, or neuropsychological testing.

20 The Department may order the examining physician or any
21 member of the multidisciplinary team to provide to the
22 Department any and all records, including business records,
23 that relate to the examination and evaluation, including any
24 supplemental testing performed.

25 The Department or Board may order the examining physician
26 or any member of the multidisciplinary team to present

1 testimony concerning the mental or physical examination of the
2 licensee or applicant. No information, report, record, or
3 other documents in any way related to the examination shall be
4 excluded by reason of any common law or statutory privilege
5 relating to communications between the licensee or applicant
6 and the examining physician or any member of the
7 multidisciplinary team. No authorization is necessary from the
8 licensee or applicant ordered to undergo an examination for
9 the examining physician or any member of the multidisciplinary
10 team to provide information, reports, records, or other
11 documents or to provide any testimony regarding the
12 examination and evaluation.

13 The individual to be examined may have, at his or her own
14 expense, another physician of his or her choice present during
15 all aspects of this examination. However, that physician shall
16 be present only to observe and may not interfere in any way
17 with the examination.

18 Failure of an individual to submit to a mental or physical
19 examination, when ordered, shall result in an automatic
20 suspension of his or her license until the individual submits
21 to the examination.

22 If the Department or Board finds an individual unable to
23 practice because of the reasons set forth in this Section, the
24 Department or Board may require that individual to submit to
25 care, counseling, or treatment by physicians approved or
26 designated by the Department or Board, as a condition, term,

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

13 In instances in which the Secretary immediately suspends a
14 person's license under this Section, a hearing on that
15 person's license must be convened by the Department within 30
16 days after the suspension and completed without appreciable
17 delay. The Department and Board shall have the authority to
18 review the subject individual's record of treatment and
19 counseling regarding the impairment to the extent permitted by
20 applicable federal statutes and regulations safeguarding the
21 confidentiality of medical records.

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

1 (f) A fine shall be paid within 60 days after the effective
2 date of the order imposing the fine or in accordance with the
3 terms set forth in the order imposing the fine.

4 (g) The Department may adopt rules to implement the
5 changes made by this amendatory Act of the 102nd General
6 Assembly.

7 (Source: P.A. 102-1117, eff. 1-13-23.)

8 Section 20. The Professional Counselor and Clinical
9 Professional Counselor Licensing and Practice Act is amended
10 by changing Sections 37, 50, and 80 and by adding Section 43 as
11 follows:

12 (225 ILCS 107/37)

13 (Section scheduled to be repealed on January 1, 2028)

14 Sec. 37. Social Security Number or individual taxpayer
15 identification number on license application. In addition to
16 any other information required to be contained in the
17 application, every application for an original license under
18 this Act shall include the applicant's Social Security Number
19 or individual taxpayer identification number, which shall be
20 retained in the agency's records pertaining to the license. As
21 soon as practical, the Department shall assign a customer's
22 identification number to each applicant for a license.

23 Every application for a renewal or restored license shall
24 require the applicant's customer identification number.

1 (Source: P.A. 97-400, eff. 1-1-12.)

2 (225 ILCS 107/43 new)

3 Sec. 43. Additional examination time.

4 (a) The Department, in its sole discretion, may grant
5 additional examination time to an applicant for whom English
6 is the applicants second language. To qualify for
7 consideration, the applicant must submit a request for
8 additional time stating that English is the applicant's second
9 language, and provide one of the following:

10 (1) A Test of English as a Foreign Language
11 certification score of 85 or below, sent by the
12 Educational Testing Service directly to the Department.
13 The test must have been taken within the previous 2 years
14 prior to application.

15 (2) Documentation from the qualifying master's degree
16 program that the program had granted the applicant
17 additional examination time or other allowance due to
18 speaking English as a second language while the applicant
19 was enrolled in the program. Acceptable documentation
20 includes, but is not limited to, a letter from the chair of
21 the qualifying master's degree program or from the
22 educational institution's chief academic officer.

23 (3) Documentation providing that the qualifying
24 master's degree was obtained from an educational
25 institution outside the United States, and that at least

1 50% of the coursework was presented in a language other
2 than English. The acceptable documentation includes, but
3 is not limited to, a letter from the chair of the
4 qualifying master's degree program or from the educational
5 institution's chief academic officer.

6 (b) If approved, then the applicant shall be allotted 150%
7 of the standard testing time when taking the required
8 Department-authorized examination. Allowance of this option
9 for a required national examination is subject to availability
10 from the exam-administering entity.

11 (c) An individual approved for additional time under this
12 Section may be allowed to use an approved word-to-word
13 bilingual dictionary without definitions or sentences, which
14 must be provided by the examinee and is subject to inspection
15 by the test administrator.

16 (d) The Department shall have the authority to adopt rules
17 to implement and enforce this Section. The Department shall
18 adopt rules to accept score transfers for test-takers that
19 tested with English as a second language arrangements in
20 another jurisdiction within the 10 years preceding the
21 effective date of this amendatory Act of the 103rd General
22 Assembly and to accept score transfers.

23 (225 ILCS 107/50)

24 (Section scheduled to be repealed on January 1, 2028)

25 Sec. 50. Licenses; renewal; restoration; person in

1 military service; inactive status.

2 (a) The expiration date and renewal period for each
3 license issued under this Act shall be set by rule. As a
4 condition for renewal of a license, the licensee shall be
5 required to complete continuing education in accordance with
6 rules established by the Department and pay the current
7 renewal fee.

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

16 (c) If the person has not maintained an active practice in
17 another jurisdiction which is satisfactory to the Department,
18 the Department shall determine, by rule, the person's fitness
19 to resume active status and shall establish procedures and
20 requirements for restoration.

21 (d) However, any person whose license expired while he or
22 she was (i) in federal service on active duty with the armed
23 forces of the United States or the State Militia or (ii) in
24 training or education under the supervision of the United
25 States government prior to induction into the military service
26 may have his or her license restored without paying any lapsed

1 renewal fees if, within 2 years after the honorable
2 termination of such service, training, or education, the
3 Department is furnished with satisfactory evidence that the
4 person has been so engaged and that such service, training, or
5 education has been so terminated.

6 (e) A license to practice shall not be denied any
7 applicant because of the applicant's race, religion, creed,
8 national origin, real or perceived immigration status,
9 political beliefs or activities, age, sex, sexual orientation,
10 or physical impairment.

11 (f) (Blank).

12 (g) Notwithstanding any other provision of law, the
13 following requirements for restoration of an inactive or
14 expired license of 5 years or less as set forth in subsections
15 (b), (c), and (f) are suspended for any licensed clinical
16 professional counselor who has had no disciplinary action
17 taken against his or her license in this State or in any other
18 jurisdiction during the entire period of licensure: proof of
19 fitness, certification of active practice in another
20 jurisdiction, and the payment of a renewal fee. An individual
21 may not restore his or her license in accordance with this
22 subsection more than once.

23 (Source: P.A. 102-878, eff. 1-1-23; 102-1053, eff. 6-10-22;
24 103-154, eff. 6-30-23.)

25 (225 ILCS 107/80)

1 (Section scheduled to be repealed on January 1, 2028)

2 Sec. 80. Grounds for discipline.

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

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

11 (2) Violations or negligent or intentional disregard
12 of this Act or rules adopted under this Act.

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

22 (4) Fraud or any misrepresentation in applying for or
23 procuring a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (5) Professional incompetence or gross negligence in
26 the rendering of professional counseling or clinical

1 professional counseling services.

2 (6) Malpractice.

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

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

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

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

15 (11) Discipline by another jurisdiction, the District
16 of Columbia, territory, county, or governmental agency, if
17 at least one of the grounds for the discipline is the same
18 or substantially equivalent to those set forth in this
19 Section.

20 (12) Directly or indirectly giving to or receiving
21 from any person, firm, corporation, partnership, or
22 association any fee, commission, rebate or other form of
23 compensation for any professional service not actually
24 rendered. Nothing in this paragraph (12) affects any bona
25 fide independent contractor or employment arrangements
26 among health care professionals, health facilities, health

1 care providers, or other entities, except as otherwise
2 prohibited by law. Any employment arrangements may include
3 provisions for compensation, health insurance, pension, or
4 other employment benefits for the provision of services
5 within the scope of the licensee's practice under this
6 Act. Nothing in this paragraph (12) shall be construed to
7 require an employment arrangement to receive professional
8 fees for services rendered.

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

12 (14) Abandonment of a client.

13 (15) Willfully filing false reports relating to a
14 licensee's practice, including but not limited to false
15 records filed with federal or State agencies or
16 departments.

17 (16) Willfully failing to report an instance of
18 suspected child abuse or neglect as required by the Abused
19 and Neglected Child Reporting Act and in matters
20 pertaining to suspected abuse, neglect, financial
21 exploitation, or self-neglect of adults with disabilities
22 and older adults as set forth in the Adult Protective
23 Services Act.

24 (17) Being named as a perpetrator in an indicated
25 report by the Department of Children and Family Services
26 pursuant to the Abused and Neglected Child Reporting Act,

1 and upon proof by clear and convincing evidence that the
2 licensee has caused a child to be an abused child or
3 neglected child as defined in the Abused and Neglected
4 Child Reporting Act.

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

10 (19) Solicitation of professional services by using
11 false or misleading advertising.

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

14 (21) A finding that licensure has been applied for or
15 obtained by fraudulent means.

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

18 (23) Gross and willful overcharging for professional
19 services including filing statements for collection of
20 fees or moneys ~~monies~~ for which services are not rendered.

21 (24) Rendering professional counseling or clinical
22 professional counseling services without a license or
23 practicing outside the scope of a license.

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

26 All fines imposed under this Section shall be paid within

1 60 days after the effective date of the order imposing the
2 fine.

3 (b) (Blank).

4 (b-5) The Department may refuse to issue or may suspend
5 without hearing, as provided for in the Code of Civil
6 Procedure, the license of any person who fails to file a
7 return, pay the tax, penalty, or interest shown in a filed
8 return, or pay any final assessment of the tax, penalty, or
9 interest as required by any tax Act administered by the
10 Illinois Department of Revenue, until such time as the
11 requirements of any such tax Act are satisfied in accordance
12 with subsection (g) of Section 2105-15 of the Department of
13 Professional Regulation Law of the Civil Administrative Code
14 of Illinois.

15 (b-10) In cases where the Department of Healthcare and
16 Family Services has previously determined a licensee or a
17 potential licensee is more than 30 days delinquent in the
18 payment of child support and has subsequently certified the
19 delinquency to the Department, the Department may refuse to
20 issue or renew or may revoke or suspend that person's license
21 or may take other disciplinary action against that person
22 based solely upon the certification of delinquency made by the
23 Department of Healthcare and Family Services in accordance
24 with item (5) of subsection (a) of Section 2105-15 of the
25 Department of Professional Regulation Law of the Civil
26 Administrative Code of Illinois.

1 (c) The determination by a court that a licensee is
2 subject to involuntary admission or judicial admission as
3 provided in the Mental Health and Developmental Disabilities
4 Code will result in an automatic suspension of his or her
5 license. The suspension will end upon a finding by a court that
6 the licensee is no longer subject to involuntary admission or
7 judicial admission, the issuance of an order so finding and
8 discharging the patient, and the recommendation of the Board
9 to the Secretary that the licensee be allowed to resume
10 professional practice.

11 (c-1) The Department shall not revoke, suspend, summarily
12 suspend, place on prohibition, reprimand, refuse to issue or
13 renew, or take any other disciplinary or non-disciplinary
14 action against the license or permit issued under this Act to
15 practice as a professional counselor or clinical professional
16 counselor based solely upon the professional counselor or
17 clinical professional counselor authorizing, recommending,
18 aiding, assisting, referring for, or otherwise participating
19 in any health care service, so long as the care was not
20 unlawful under the laws of this State, regardless of whether
21 the patient was a resident of this State or another state.

22 (c-2) The Department shall not revoke, suspend, summarily
23 suspend, place on prohibition, reprimand, refuse to issue or
24 renew, or take any other disciplinary or non-disciplinary
25 action against the license or permit issued under this Act to
26 practice as a professional counselor or clinical professional

1 counselor based upon the professional counselor's or clinical
2 professional counselor's license being revoked or suspended,
3 or the professional counselor or clinical professional
4 counselor being otherwise disciplined by any other state, if
5 that revocation, suspension, or other form of discipline was
6 based solely on the professional counselor or clinical
7 professional counselor violating another state's laws
8 prohibiting the provision of, authorization of, recommendation
9 of, aiding or assisting in, referring for, or participation in
10 any health care service if that health care service as
11 provided would not have been unlawful under the laws of this
12 State and is consistent with the standards of conduct for a
13 professional counselor or clinical professional counselor
14 practicing in Illinois.

15 (c-3) The conduct specified in subsection ~~subsections~~
16 (c-1), ~~and~~ (c-2), (c-6), or (c-7) shall not constitute grounds
17 for suspension under Section 145.

18 (c-4) An applicant seeking licensure, certification, or
19 authorization pursuant to this Act who has been subject to
20 disciplinary action by a duly authorized professional
21 disciplinary agency of another jurisdiction solely on the
22 basis of having authorized, recommended, aided, assisted,
23 referred for, or otherwise participated in health care shall
24 not be denied such licensure, certification, or authorization,
25 unless the Department determines that such action would have
26 constituted professional misconduct in this State; however,

1 nothing in this Section shall be construed as prohibiting the
2 Department from evaluating the conduct of such applicant and
3 making a determination regarding the licensure, certification,
4 or authorization to practice a profession under this Act.

5 (c-5) In enforcing this Act, the Department, upon a
6 showing of a possible violation, may compel an individual
7 licensed to practice under this Act, or who has applied for
8 licensure under this Act, to submit to a mental or physical
9 examination, or both, as required by and at the expense of the
10 Department. The Department may order the examining physician
11 to present testimony concerning the mental or physical
12 examination of the licensee or applicant. No information shall
13 be excluded by reason of any common law or statutory privilege
14 relating to communications between the licensee or applicant
15 and the examining physician. The examining physicians shall be
16 specifically designated by the Department. The individual to
17 be examined may have, at his or her own expense, another
18 physician of his or her choice present during all aspects of
19 this examination. The examination shall be performed by a
20 physician licensed to practice medicine in all its branches.
21 Failure of an individual to submit to a mental or physical
22 examination, when directed, shall result in an automatic
23 suspension without hearing.

24 All substance-related violations shall mandate an
25 automatic substance abuse assessment. Failure to submit to an
26 assessment by a licensed physician who is certified as an

1 addictionist or an advanced practice registered nurse with
2 specialty certification in addictions may be grounds for an
3 automatic suspension.

4 If the Department finds an individual unable to practice
5 or unfit for duty because of the reasons set forth in this
6 subsection (c-5), the Department may require that individual
7 to submit to a substance abuse evaluation or treatment by
8 individuals or programs approved or designated by the
9 Department, as a condition, term, or restriction for
10 continued, restored, or renewed licensure to practice; or, in
11 lieu of evaluation or treatment, the Department may file, or
12 the Board may recommend to the Department to file, a complaint
13 to immediately suspend, revoke, or otherwise discipline the
14 license of the individual. An individual whose license was
15 granted, continued, restored, renewed, disciplined, or
16 supervised subject to such terms, conditions, or restrictions,
17 and who fails to comply with such terms, conditions, or
18 restrictions, shall be referred to the Secretary for a
19 determination as to whether the individual shall have his or
20 her license suspended immediately, pending a hearing by the
21 Department.

22 A person holding a license under this Act or who has
23 applied for a license under this Act who, because of a physical
24 or mental illness or disability, including, but not limited
25 to, deterioration through the aging process or loss of motor
26 skill, is unable to practice the profession with reasonable

1 judgment, skill, or safety, may be required by the Department
2 to submit to care, counseling, or treatment by physicians
3 approved or designated by the Department as a condition, term,
4 or restriction for continued, reinstated, or renewed licensure
5 to practice. Submission to care, counseling, or treatment as
6 required by the Department shall not be considered discipline
7 of a license. If the licensee refuses to enter into a care,
8 counseling, or treatment agreement or fails to abide by the
9 terms of the agreement, the Department may file a complaint to
10 revoke, suspend, or otherwise discipline the license of the
11 individual. The Secretary may order the license suspended
12 immediately, pending a hearing by the Department. Fines shall
13 not be assessed in disciplinary actions involving physical or
14 mental illness or impairment.

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

24 An individual licensed under this Act and affected under
25 this Section shall be afforded an opportunity to demonstrate
26 to the Department that he or she can resume practice in

1 compliance with acceptable and prevailing standards under the
2 provisions of his or her license.

3 (c-6) The Department may not revoke, suspend, summarily
4 suspend, place on prohibition, reprimand, refuse to issue or
5 renew, or take any other disciplinary or non-disciplinary
6 action against the license or permit issued under this Act to
7 practice as a professional counselor or clinical professional
8 counselor based solely upon an immigration violation by the
9 counselor.

10 (c-7) The Department may not revoke, suspend, summarily
11 suspend, place on prohibition, reprimand, refuse to issue or
12 renew, or take any other disciplinary or non-disciplinary
13 action against the license or permit issued under this Act to
14 practice as a professional counselor or clinical professional
15 counselor based upon the professional counselor's or clinical
16 professional counselor's license being revoked or suspended,
17 or the professional counselor or clinical professional
18 counselor being otherwise disciplined by any other state, if
19 that revocation, suspension, or other form of discipline was
20 based solely upon an immigration violation by the counselor.

21 (d) (Blank).

22 (e) The Department may adopt rules to implement the
23 changes made by this amendatory Act of the 102nd General
24 Assembly.

25 (Source: P.A. 102-878, eff. 1-1-23; 102-1117, eff. 1-13-23.)

1 INDEX
2 Statutes amended in order of appearance

- 3 225 ILCS 20/7 from Ch. 111, par. 6357
- 4 225 ILCS 20/7.5
- 5 225 ILCS 20/8.3 new
- 6 225 ILCS 20/19 from Ch. 111, par. 6369
- 7 225 ILCS 55/30 from Ch. 111, par. 8351-30
- 8 225 ILCS 55/32
- 9 225 ILCS 55/37 new
- 10 225 ILCS 55/85 from Ch. 111, par. 8351-85
- 11 225 ILCS 107/37
- 12 225 ILCS 107/43 new
- 13 225 ILCS 107/50
- 14 225 ILCS 107/80