

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 5, 7, 7.5, and 19
20 as follows:

21 (225 ILCS 20/5) (from Ch. 111, par. 6355)

22 (Section scheduled to be repealed on January 1, 2028)

23 Sec. 5. Powers and duties of the Department. Subject to
24 the provisions of this Act, the Department shall exercise the

1 following functions, powers, and duties:

2 (1) Conduct or authorize examinations or examination
3 alternatives to ascertain the qualifications and fitness
4 of candidates for a license to engage in the independent
5 practice of clinical social work, pass upon the
6 qualifications of applicants for licenses, and issue
7 licenses to those who are found to be fit and qualified.
8 All examinations, either conducted or authorized, must
9 allow reasonable accommodations for applicants for whom
10 English is not their primary language and a test in their
11 primary language is not available. Further, all
12 examinations either conducted or authorized must comply
13 with all communication access and reasonable modification
14 requirements in Section 504 of the federal Rehabilitation
15 Act of 1973 and Title II of the Americans with
16 Disabilities Act of 1990.

17 (2) Adopt rules required for the administration and
18 enforcement of this Act.

19 (3) Adopt rules for determining approved undergraduate
20 and graduate social work degree programs and prepare and
21 maintain a list of colleges and universities offering such
22 approved programs whose graduates, if they otherwise meet
23 the requirements of this Act, are eligible to apply for a
24 license.

25 (4) Prescribe forms to be issued for the
26 administration and enforcement of this Act consistent with

1 and reflecting the requirements of this Act and rules
2 adopted pursuant to this Act.

3 (5) Conduct investigations related to possible
4 violations of this Act.

5 (6) Maintain rosters of the names and addresses of all
6 persons who hold valid licenses under this Act. These
7 rosters shall be available upon written request and
8 payment of the required fee.

9 (Source: P.A. 102-326, eff. 1-1-22; 103-433, eff. 1-1-24.)

10 (225 ILCS 20/7) (from Ch. 111, par. 6357)

11 (Section scheduled to be repealed on January 1, 2028)

12 Sec. 7. Applications for original license. Applications
13 for original licenses shall be made to the Department on forms
14 or electronically as prescribed by the Department and
15 accompanied by the required fee which shall not be refundable.
16 All applications shall contain such information which, in the
17 judgment of the Department, will enable the Department to pass
18 on the qualifications of the applicant for a license as a
19 licensed clinical social worker or as a licensed social
20 worker.

21 A license to practice shall not be denied an applicant
22 because of the applicant's race, religion, creed, national
23 origin, real or perceived immigration status, political
24 beliefs or activities, age, sex, sexual orientation, or
25 physical disability that does not affect a person's ability to

1 practice with reasonable judgment, skill, or safety.

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

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

8 (225 ILCS 20/7.5)

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

10 Sec. 7.5. Social Security Number or individual taxpayer
11 identification number on license application. In addition to
12 any other information required to be contained in the
13 application, every application for an original license under
14 this Act shall include the applicant's Social Security Number
15 or individual taxpayer identification number, which shall be
16 retained in the agency's records pertaining to the license. As
17 soon as practical, the Department shall assign a customer's
18 identification number to each applicant for a license.

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

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

22 (225 ILCS 20/19) (from Ch. 111, par. 6369)

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

24 Sec. 19. Grounds for disciplinary action.

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

8 (a) material misstatements in furnishing information
9 to the Department or to any other State agency or in
10 furnishing information to any insurance company with
11 respect to a claim on behalf of a licensee or a patient;

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

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

24 (d) fraud or misrepresentation in applying for or
25 procuring a license under this Act or in connection with
26 applying for renewal or restoration of a license under

1 this Act;

2 (e) professional incompetence;

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

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

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

8 (i) engaging in dishonorable, unethical or
9 unprofessional conduct of a character likely to deceive,
10 defraud or harm the public as defined by the rules of the
11 Department, or violating the rules of professional conduct
12 adopted by the Department;

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

17 (k) adverse action taken by another state or
18 jurisdiction, if at least one of the grounds for the
19 discipline is the same or substantially equivalent to
20 those set forth in this Section;

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

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

10 (m) a finding by the Department that the licensee,
11 after having the license placed on probationary status,
12 has violated the terms of probation or failed to comply
13 with such terms;

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

15 (o) willfully making or filing false records or
16 reports relating to a licensee's practice, including, but
17 not limited to, false records filed with Federal or State
18 agencies or departments;

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

22 (q) being named as a perpetrator in an indicated
23 report by the Department of Children and Family Services
24 under the Abused and Neglected Child Reporting Act, and
25 upon proof by clear and convincing evidence that the
26 licensee has caused a child to be an abused child or

1 neglected child as defined in the Abused and Neglected
2 Child Reporting Act;

3 (r) physical illness, mental illness, or any other
4 impairment or disability, including, but not limited to,
5 deterioration through the aging process, or loss of motor
6 skills that results in the inability to practice the
7 profession with reasonable judgment, skill or safety;

8 (s) solicitation of professional services by using
9 false or misleading advertising;

10 (t) violation of the Health Care Worker Self-Referral
11 Act;

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

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

22 (2) (Blank).

23 (3) The determination by a court that a licensee is
24 subject to involuntary admission or judicial admission as
25 provided in the Mental Health and Developmental Disabilities
26 Code, will result in an automatic suspension of his license.

1 Such suspension will end upon a finding by a court that the
2 licensee is no longer subject to involuntary admission or
3 judicial admission and issues an order so finding and
4 discharging the patient, and upon the recommendation of the
5 Board to the Secretary that the licensee be allowed to resume
6 professional practice.

7 (4) The Department shall refuse to issue or renew or may
8 suspend the license of a person who (i) fails to file a return,
9 pay the tax, penalty, or interest shown in a filed return, or
10 pay any final assessment of tax, penalty, or interest, as
11 required by any tax Act administered by the Department of
12 Revenue, until the requirements of the tax Act are satisfied
13 or (ii) has failed to pay any court-ordered child support as
14 determined by a court order or by referral from the Department
15 of Healthcare and Family Services.

16 (4.5) The Department shall not revoke, suspend, summarily
17 suspend, place on prohibition, reprimand, refuse to issue or
18 renew, or take any other disciplinary or non-disciplinary
19 action against a license or permit issued under this Act based
20 solely upon the licensed clinical social worker authorizing,
21 recommending, aiding, assisting, referring for, or otherwise
22 participating in any health care service, so long as the care
23 was not unlawful under the laws of this State, regardless of
24 whether the patient was a resident of this State or another
25 state.

26 (4.10) The Department shall not revoke, suspend, summarily

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

17 (4.15) The conduct specified in subsection ~~subsections~~
18 (4.5), ~~and~~ (4.10), (4.25), or (4.30) shall not constitute
19 grounds for suspension under Section 32.

20 (4.20) An applicant seeking licensure, certification, or
21 authorization pursuant to this Act who has been subject to
22 disciplinary action by a duly authorized professional
23 disciplinary agency of another jurisdiction solely on the
24 basis of having authorized, recommended, aided, assisted,
25 referred for, or otherwise participated in health care shall
26 not be denied such licensure, certification, or authorization,

1 unless the Department determines that such action would have
2 constituted professional misconduct in this State; however,
3 nothing in this Section shall be construed as prohibiting the
4 Department from evaluating the conduct of such applicant and
5 making a determination regarding the licensure, certification,
6 or authorization to practice a profession under this Act.

7 (4.25) 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 a license or permit issued under this Act based
11 solely upon an immigration violation by the licensed clinical
12 social worker.

13 (4.30) The Department may not revoke, suspend, summarily
14 suspend, place on prohibition, reprimand, refuse to issue or
15 renew, or take any other disciplinary or non-disciplinary
16 action against the license or permit issued under this Act to
17 practice as a licensed clinical social worker based upon the
18 licensed clinical social worker's license being revoked or
19 suspended, or the licensed clinical social worker being
20 otherwise disciplined by any other state, if that revocation,
21 suspension, or other form of discipline was based solely upon
22 an immigration violation by the licensed clinical social
23 worker.

24 (5) (a) In enforcing this Section, the Department or Board,
25 upon a showing of a possible violation, may compel a person
26 licensed to practice under this Act, or who has applied for

1 licensure under this Act, to submit to a mental or physical
2 examination, or both, which may include a substance abuse or
3 sexual offender evaluation, as required by and at the expense
4 of the Department.

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

22 (c) The Board or the Department may order the examining
23 physician or any member of the multidisciplinary team to
24 present testimony concerning this mental or physical
25 examination of the licensee or applicant. No information,
26 report, record, or other documents in any way related to the

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

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

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

19 (f) If the Department or Board finds a person unable to
20 practice because of the reasons set forth in this Section, the
21 Department or Board may require that person to submit to care,
22 counseling, or treatment by physicians approved or designated
23 by the Department or Board, as a condition, term, or
24 restriction for continued, reinstated, or renewed licensure to
25 practice; or, in lieu of care, counseling or treatment, the
26 Department may file, or the Board may recommend to the

1 Department to file, a complaint to immediately suspend,
2 revoke, or otherwise discipline the license of the person. Any
3 person whose license was granted, continued, reinstated,
4 renewed, disciplined or supervised subject to such terms,
5 conditions or restrictions, and who fails to comply with such
6 terms, conditions, or restrictions, shall be referred to the
7 Secretary for a determination as to whether the person shall
8 have his or her license suspended immediately, pending a
9 hearing by the Department.

10 (g) All fines imposed shall be paid within 60 days after
11 the effective date of the order imposing the fine or in
12 accordance with the terms set forth in the order imposing the
13 fine.

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

23 A person licensed under this Act and affected under this
24 Section shall be afforded an opportunity to demonstrate to the
25 Department or Board that he or she can resume practice in
26 compliance with acceptable and prevailing standards under the

1 provisions of his or her license.

2 (h) The Department may adopt rules to implement the
3 changes made by this amendatory Act of the 102nd General
4 Assembly.

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

6 Section 15. The Marriage and Family Therapy Licensing Act
7 is amended by changing Sections 30, 32, 45, and 85 as follows:

8 (225 ILCS 55/30) (from Ch. 111, par. 8351-30)

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

10 Sec. 30. Application.

11 (a) Applications for original licensure shall be made to
12 the Department in writing on forms or electronically as
13 prescribed by the Department and shall be accompanied by the
14 appropriate documentation and the required fee, which shall
15 not be refundable. Any application shall require such
16 information as, in the judgment of the Department, will enable
17 the Department to pass on the qualifications of the applicant
18 for licensing.

19 (b) Applicants have 3 years from the date of application
20 to complete the application process. If the application has
21 not been completed within 3 years, the application shall be
22 denied, the fee shall be forfeited, and the applicant must
23 reapply and meet the requirements in effect at the time of
24 reapplication.

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

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

8 (225 ILCS 55/32)

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

10 Sec. 32. Social Security Number or individual taxpayer
11 identification number on license application. In addition to
12 any other information required to be contained in the
13 application, every application for an original license under
14 this Act shall include the applicant's Social Security Number
15 or individual taxpayer identification number, which shall be
16 retained in the agency's records pertaining to the license. As
17 soon as practical, the Department shall assign a customer's
18 identification number to each applicant for a license.

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

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

22 (225 ILCS 56/45)

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

24 Sec. 45. Powers and duties of the Department. Subject to

1 the provisions of this Act, the Department shall:

2 (1) adopt rules defining what constitutes a curriculum
3 for music therapy that is reputable and in good standing;

4 (2) adopt rules providing for the establishment of a
5 uniform and reasonable standard of instruction and
6 maintenance to be observed by all curricula for music
7 therapy that are approved by the Department and determine
8 the reputability and good standing of the curricula for
9 music therapy by reference to compliance with the rules,
10 provided that no school of music therapy that refuses
11 admittance to applicants solely on account of race, color,
12 creed, sex, or national origin shall be considered
13 reputable and in good standing;

14 (3) adopt and publish rules for a method of
15 examination of candidates for licensed professional music
16 therapists and for issuance of licenses authorizing
17 candidates upon passing examination to practice as
18 licensed professional music therapists;

19 (4) review applications to ascertain the
20 qualifications of applicants for licenses;

21 (5) authorize examinations to ascertain the
22 qualifications of those applicants who require
23 examinations as a component of a license. All
24 examinations, either conducted or authorized, must allow
25 reasonable accommodations for applicants for whom English
26 is not their primary language and a test in their primary

1 language is not available. Further, all examinations
2 either conducted or authorized must comply with all
3 communication access and reasonable modification
4 requirements in Section 504 of the federal Rehabilitation
5 Act of 1973 and Title II of the Americans with
6 Disabilities Act of 1990;

7 (6) conduct hearings on proceedings to refuse to issue
8 or renew a license or to revoke, suspend, place on
9 probation, or reprimand licenses issued under this Act or
10 otherwise discipline; and

11 (7) adopt rules necessary for the administration of
12 this Act.

13 (Source: P.A. 102-993, eff. 5-27-22.)

14 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

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

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

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

24 (1) Material misstatement in furnishing information to
25 the Department.

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

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

12 (4) Fraud or misrepresentation in applying for or
13 procuring a license under this Act or in connection with
14 applying for renewal or restoration of a license under
15 this Act or its rules.

16 (5) Professional incompetence.

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

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

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

22 (9) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud or harm the public as defined by the rules of the
25 Department, or violating the rules of professional conduct
26 adopted by the Department.

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

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

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

24 (13) A finding by the Department that the licensee,
25 after having his or her license placed on probationary
26 status, has violated the terms of probation or failed to

1 comply with the terms.

2 (14) Abandonment of a patient without cause.

3 (15) Willfully making or filing false records or
4 reports relating to a licensee's practice, including but
5 not limited to false records filed with State agencies or
6 departments.

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

10 (17) Being named as a perpetrator in an indicated
11 report by the Department of Children and Family Services
12 under the Abused and Neglected Child Reporting Act and
13 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 illness or mental illness or impairment,
18 including, but not limited to, deterioration through the
19 aging process or loss of motor skill that results in the
20 inability to practice the profession with reasonable
21 judgment, skill, or safety.

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

24 (20) A pattern of practice or other behavior that
25 demonstrates incapacity or incompetence to practice under
26 this Act.

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

3 (22) Gross, willful, and continued overcharging for
4 professional services, including filing false statements
5 for collection of fees or moneys for which services are
6 not rendered.

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

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

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

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

21 (b) (Blank).

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

1 longer subject to involuntary admission or judicial admission
2 and the issuance of an order so finding and discharging the
3 patient, and upon the recommendation of the Board to the
4 Secretary that the licensee be allowed to resume his or her
5 practice as a licensed marriage and family therapist or an
6 associate licensed marriage and family therapist.

7 (d) The Department shall refuse to issue or may suspend
8 the license of any person who fails to file a return, pay the
9 tax, penalty, or interest shown in a filed return or pay any
10 final assessment of tax, penalty, or interest, as required by
11 any tax Act administered by the Illinois Department of
12 Revenue, until the time the requirements of the tax Act are
13 satisfied.

14 (d-5) 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 solely upon the
20 marriage and family therapist or associate licensed marriage
21 and family therapist authorizing, recommending, aiding,
22 assisting, referring for, or otherwise participating in any
23 health care service, so long as the care was not Unlawful under
24 the laws of this State, regardless of whether the patient was a
25 resident of this State or another state.

26 (d-10) The Department shall not revoke, suspend, summarily

1 suspend, place on prohibition, reprimand, refuse to issue or
2 renew, or take any other disciplinary or non-disciplinary
3 action against the license or permit issued under this Act to
4 practice as a marriage and family therapist or associate
5 licensed marriage and family therapist based upon the marriage
6 and family therapist's or associate licensed marriage and
7 family therapist's license being revoked or suspended, or the
8 marriage and family therapist or associate licensed marriage
9 and family therapist being otherwise disciplined by any other
10 state, if that revocation, suspension, or other form of
11 discipline was based solely on the marriage and family
12 therapist or associate licensed marriage and family therapist
13 violating another state's laws prohibiting the provision of,
14 authorization of, recommendation of, aiding or assisting in,
15 referring for, or participation in any health care service if
16 that health care service as provided would not have been
17 unlawful under the laws of this State and is consistent with
18 the standards of conduct for a marriage and family therapist
19 or an associate licensed marriage and family therapist
20 practicing in Illinois.

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

24 (d-20) An applicant seeking licensure, certification, or
25 authorization pursuant to this Act who has been subject to
26 disciplinary action by a duly authorized professional

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

11 (d-25) The Department may 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 marriage and family therapist or associate
16 licensed marriage and family therapist based solely upon an
17 immigration violation by the marriage and family therapist or
18 associate licensed marriage and family therapist.

19 (d-30) The Department may not revoke, suspend, summarily
20 suspend, place on prohibition, reprimand, refuse to issue or
21 renew, or take any other disciplinary or non-disciplinary
22 action against the license or permit issued under this Act to
23 practice as a marriage and family therapist or associate
24 licensed marriage and family therapist based upon the marriage
25 and family therapist's or associate licensed marriage and
26 family therapist's license being revoked or suspended, or the

1 marriage and family therapist or associate licensed marriage
2 and family therapist being otherwise disciplined by any other
3 state, if that revocation, suspension, or other form of
4 discipline was based solely upon an immigration violation by
5 the marriage and family therapist or associate licensed
6 marriage and family therapist.

7 (e) In enforcing this Section, the Department or Board
8 upon a showing of a possible violation may compel an
9 individual licensed to practice under this Act, or who has
10 applied for licensure under this Act, to submit to a mental or
11 physical examination, or both, which may include a substance
12 abuse or sexual offender evaluation, as required by and at the
13 expense of the Department.

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

1 examination and evaluation pursuant to this Section to submit
2 to any additional supplemental testing deemed necessary to
3 complete any examination or evaluation process, including, but
4 not limited to, blood testing, urinalysis, psychological
5 testing, or neuropsychological testing.

6 The Department may order the examining physician or any
7 member of the multidisciplinary team to provide to the
8 Department any and all records, including business records,
9 that relate to the examination and evaluation, including any
10 supplemental testing performed.

11 The Department or Board may order the examining physician
12 or any member of the multidisciplinary team to present
13 testimony concerning the mental or physical examination of the
14 licensee or applicant. No information, report, record, or
15 other documents in any way related to the examination shall be
16 excluded by reason of any common law or statutory privilege
17 relating to communications between the licensee or applicant
18 and the examining physician or any member of the
19 multidisciplinary team. No authorization is necessary from the
20 licensee or applicant ordered to undergo an examination for
21 the examining physician or any member of the multidisciplinary
22 team to provide information, reports, records, or other
23 documents or to provide any testimony regarding the
24 examination and evaluation.

25 The individual to be examined may have, at his or her own
26 expense, another physician of his or her choice present during

1 all aspects of this examination. However, that physician shall
2 be present only to observe and may not interfere in any way
3 with the examination.

4 Failure of an individual to submit to a mental or physical
5 examination, when ordered, shall result in an automatic
6 suspension of his or her license until the individual submits
7 to the examination.

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

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that

1 person's license must be convened by the Department within 30
2 days after the suspension and completed without appreciable
3 delay. The Department and Board shall have the authority to
4 review the subject individual's record of treatment and
5 counseling regarding the impairment to the extent permitted by
6 applicable federal statutes and regulations safeguarding the
7 confidentiality of medical records.

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

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

16 (g) The Department may adopt rules to implement the
17 changes made by this amendatory Act of the 102nd General
18 Assembly.

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

20 Section 20. The Professional Counselor and Clinical
21 Professional Counselor Licensing and Practice Act is amended
22 by changing Sections 25, 37, 50, and 80 as follows:

23 (225 ILCS 107/25)

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

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

3 (a) Authorize examinations to ascertain the
4 qualifications and fitness of applicants for licensing as
5 professional counselors or clinical professional
6 counselors and pass upon the qualifications of applicants
7 for licensure by endorsement. All examinations, either
8 conducted or authorized, must allow reasonable
9 accommodations for applicants for whom English is not
10 their primary language and a test in their primary
11 language test is not available. Further, all examinations
12 either conducted or authorized must comply with all
13 communication access and reasonable modification
14 requirements in Section 504 of the federal Rehabilitation
15 Act of 1973 and Title II of the Americans with
16 Disabilities Act of 1990.

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

22 (c) Formulate rules and regulations required for the
23 administration of this Act.

24 (d) (Blank).

25 (e) Establish rules for determining approved graduate
26 professional counseling, clinical professional

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

3 (Source: P.A. 102-878, eff. 1-1-23.)

4 (225 ILCS 107/37)

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

6 Sec. 37. Social Security Number or individual taxpayer
7 identification number on license application. In addition to
8 any other information required to be contained in the
9 application, every application for an original license under
10 this Act shall include the applicant's Social Security Number
11 or individual taxpayer identification number, which shall be
12 retained in the agency's records pertaining to the license. As
13 soon as practical, the Department shall assign a customer's
14 identification number to each applicant for a license.

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

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

18 (225 ILCS 107/50)

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

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

22 (a) The expiration date and renewal period for each
23 license issued under this Act shall be set by rule. As a
24 condition for renewal of a license, the licensee shall be

1 required to complete continuing education in accordance with
2 rules established by the Department and pay the current
3 renewal fee.

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

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

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

1 education has been so terminated.

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

7 (f) (Blank).

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

19 (Source: P.A. 102-878, eff. 1-1-23; 102-1053, eff. 6-10-22;
20 103-154, eff. 6-30-23.)

21 (225 ILCS 107/80)

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

23 Sec. 80. Grounds for discipline.

24 (a) The Department may refuse to issue, renew, or may
25 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary or non-disciplinary action as the Department
2 deems appropriate, including the issuance of fines not to
3 exceed \$10,000 for each violation, with regard to any license
4 for any one or more of the following:

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

7 (2) Violations or negligent or intentional disregard
8 of this Act or rules adopted under this Act.

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

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

21 (5) Professional incompetence or gross negligence in
22 the rendering of professional counseling or clinical
23 professional counseling services.

24 (6) Malpractice.

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

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

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

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

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

16 (12) Directly or indirectly giving to or receiving
17 from any person, firm, corporation, partnership, or
18 association any fee, commission, rebate or other form of
19 compensation for any professional service not actually
20 rendered. Nothing in this paragraph (12) affects any bona
21 fide independent contractor or employment arrangements
22 among health care professionals, health facilities, health
23 care providers, or other entities, except as otherwise
24 prohibited by law. Any employment arrangements may include
25 provisions for compensation, health insurance, pension, or
26 other employment benefits for the provision of services

1 within the scope of the licensee's practice under this
2 Act. Nothing in this paragraph (12) shall be construed to
3 require an employment arrangement to receive professional
4 fees for services rendered.

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

8 (14) Abandonment of a client.

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

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

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

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

6 (19) Solicitation of professional services by using
7 false or misleading advertising.

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

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

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

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

17 (24) Rendering professional counseling or clinical
18 professional counseling services without a license or
19 practicing outside the scope of a license.

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

22 All fines imposed under this Section shall be paid within
23 60 days after the effective date of the order imposing the
24 fine.

25 (b) (Blank).

26 (b-5) The Department may refuse to issue or may suspend

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

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

23 (c) The determination by a court that a licensee is
24 subject to involuntary admission or judicial admission as
25 provided in the Mental Health and Developmental Disabilities
26 Code will result in an automatic suspension of his or her

1 license. The suspension will end upon a finding by a court that
2 the licensee is no longer subject to involuntary admission or
3 judicial admission, the issuance of an order so finding and
4 discharging the patient, and the recommendation of the Board
5 to the Secretary that the licensee be allowed to resume
6 professional practice.

7 (c-1) The Department shall 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 professional counselor or clinical professional
12 counselor based solely upon the professional counselor or
13 clinical professional counselor authorizing, recommending,
14 aiding, assisting, referring for, or otherwise participating
15 in any health care service, so long as the care was not
16 unlawful under the laws of this State, regardless of whether
17 the patient was a resident of this State or another state.

18 (c-2) The Department shall not revoke, suspend, summarily
19 suspend, place on prohibition, reprimand, refuse to issue or
20 renew, or take any other disciplinary or non-disciplinary
21 action against the license or permit issued under this Act to
22 practice as a professional counselor or clinical professional
23 counselor based upon the professional counselor's or clinical
24 professional counselor's license being revoked or suspended,
25 or the professional counselor or clinical professional
26 counselor being otherwise disciplined by any other state, if

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

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

14 (c-4) An applicant seeking licensure, certification, or
15 authorization pursuant to this Act who has been subject to
16 disciplinary action by a duly authorized professional
17 disciplinary agency of another jurisdiction solely on the
18 basis of having authorized, recommended, aided, assisted,
19 referred for, or otherwise participated in health care shall
20 not be denied such licensure, certification, or authorization,
21 unless the Department determines that such action would have
22 constituted professional misconduct in this State; however,
23 nothing in this Section shall be construed as prohibiting the
24 Department from evaluating the conduct of such applicant and
25 making a determination regarding the licensure, certification,
26 or authorization to practice a profession under this Act.

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

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

26 If the Department finds an individual unable to practice

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

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

1 to practice. Submission to care, counseling, or treatment as
2 required by the Department shall not be considered discipline
3 of a license. If the licensee refuses to enter into a care,
4 counseling, or treatment agreement or fails to abide by the
5 terms of the agreement, the Department may file a complaint to
6 revoke, suspend, or otherwise discipline the license of the
7 individual. The Secretary may order the license suspended
8 immediately, pending a hearing by the Department. Fines shall
9 not be assessed in disciplinary actions involving physical or
10 mental illness or impairment.

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

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

25 (c-6) 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 professional counselor or clinical professional
4 counselor based solely upon an immigration violation by the
5 counselor.

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

17 (d) (Blank).

18 (e) The Department may adopt rules to implement the
19 changes made by this amendatory Act of the 102nd General
20 Assembly.

21 (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