

1 AN ACT concerning professional regulation.

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

4 Section 5. The Professional Engineering Practice Act of
5 1989 is amended by changing Section 24 as follows:

6 (225 ILCS 325/24) (from Ch. 111, par. 5224)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 24. Rules of professional conduct; disciplinary or
9 administrative action.

10 (a) The Department shall adopt rules setting standards
11 of professional conduct and establish appropriate penalty for
12 the breach of such rules.

13 (a-1) The Department may, singularly or in combination,
14 refuse to issue, restore, or renew a license or registration,
15 revoke or suspend a license or registration, or place on
16 probation, reprimand, or impose a civil penalty not to exceed
17 \$10,000 upon any person, corporation, partnership, or
18 professional design firm licensed or registered under this
19 Act for any one or combination of the following:

20 (1) Material misstatement in furnishing information
21 to the Department.

22 (2) Failure to comply with any provisions of this
23 Act or any of its rules.

24 (3) Conviction of any crime under the laws of the
25 United States, or any state or territory thereof, which
26 is a felony, whether related to practice or not, or
27 conviction of any crime, whether a felony, misdemeanor,
28 or otherwise, an essential element of which is dishonesty
29 or which is directly related to the practice of
30 engineering.

31 (4) Making any misrepresentation for the purpose of

1 obtaining licensure, or in applying for restoration or
2 renewal; or practice of any fraud or deceit in taking any
3 examination to qualify for licensure under this Act.

4 (5) Purposefully making false statements or signing
5 false statements, certificates, or affidavits to induce
6 payment.

7 (6) Negligence, incompetence or misconduct in the
8 practice of professional engineering as a licensed
9 professional engineer or in working as an engineer
10 intern.

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

13 (8) Failing to provide information in response to a
14 written request made by the Department within 30 days
15 after receipt of such written request.

16 (9) Engaging in dishonorable, unethical or
17 unprofessional conduct of a character likely to deceive,
18 defraud or harm the public.

19 (10) Habitual intoxication or addiction to the use
20 of drugs.

21 (11) Discipline by the United States Government,
22 another state, District of Columbia, territory, foreign
23 nation or government agency, if at least one of the
24 grounds for the discipline is the same or substantially
25 equivalent to those set forth in this Act.

26 (12) Directly or indirectly giving to or receiving
27 from any person, firm, corporation, partnership or
28 association any fee, commission, rebate or other form of
29 compensation for any professional services not actually
30 or personally rendered.

31 (13) A finding by the Board that an applicant or
32 registrant has failed to pay a fine imposed by the
33 Department, a registrant whose license has been placed on
34 probationary status has violated the terms of probation,

1 or a registrant has practiced on an expired, inactive,
2 suspended, or revoked license.

3 (14) Signing, affixing the professional engineer's
4 seal or permitting the professional engineer's seal to be
5 affixed to any technical submissions not prepared as
6 required by Section 14 or completely reviewed by the
7 professional engineer or under the professional
8 engineer's direct supervision.

9 (15) Physical illness, including but not limited to
10 deterioration through the aging process or loss of motor
11 skill, which results in the inability to practice the
12 profession with reasonable judgment, skill or safety.

13 (16) The making of a statement pursuant to the
14 Environmental Barriers Act that a plan for construction
15 or alteration of a public facility or for construction of
16 a multi-story housing unit is in compliance with the
17 Environmental Barriers Act when such plan is not in
18 compliance.

19 (17) Failing to file a return, or to pay the tax,
20 penalty or interest shown in a filed return, or to pay
21 any final assessment of tax, penalty or interest as
22 required by a tax Act administered by the Illinois
23 Department of Revenue, until such time as the
24 requirements of any such tax Act are satisfied.

25 (a-5) In enforcing this Section, the Board upon a
26 showing of a possible violation may compel a person licensed
27 to practice under this Act, or who has applied for licensure
28 or certification pursuant to this Act, to submit to a mental
29 or physical examination, or both, as required by and at the
30 expense of the Department. The examining physicians shall be
31 those specifically designated by the Board. The Board or the
32 Department may order the examining physician to present
33 testimony concerning this mental or physical examination of
34 the licensee or applicant. No information shall be excluded

1 by reason of any common law or statutory privilege relating
2 to communications between the licensee or applicant and the
3 examining physician. The person to be examined may have, at
4 his or her own expense, another physician of his or her
5 choice present during all aspects of the examination.
6 Failure of any person to submit to a mental or physical
7 examination, when directed, shall be grounds for suspension
8 of a license until the person submits to the examination if
9 the Board finds, after notice and hearing, that the refusal
10 to submit to the examination was without reasonable cause.

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

27 (a-10) Nothing in this Act shall prevent a person, sole
28 proprietorship, professional service corporation,
29 corporation, limited liability company, partnership, or other
30 entity from performing their duties. Nothing in this Act
31 shall be deemed unethical or unprofessional because a person,
32 sole proprietorship, professional service corporation,
33 corporation, limited liability company, partnership, or other
34 entity licensed under this Act is a member of or has a

1 collective bargaining agreement with a labor union whose
2 members are performing work on the same site.

3 (b) The determination by a circuit court that a
4 registrant is subject to involuntary admission or judicial
5 admission as provided in the Mental Health and Developmental
6 Disabilities Code, as now or hereafter amended, operates as
7 an automatic suspension. Such suspension will end only upon
8 a finding by a court that the patient is no longer subject to
9 involuntary admission or judicial admission, the issuance of
10 an order so finding and discharging the patient, and the
11 recommendation of the Board to the Director that the
12 registrant be allowed to resume practice.

13 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.