



Rep. Angelo Saviano

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LRB095 03935 RAS 31993 a

1 AMENDMENT TO HOUSE BILL 129

2 AMENDMENT NO. _____. Amend House Bill 129 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008 and December 31,
8 2008.

9 (a) The following Acts are repealed on January 1, 2008:

10 The Acupuncture Practice Act.

11 ~~The Clinical Social Work and Social Work Practice Act.~~

12 The Home Medical Equipment and Services Provider
13 License Act.

14 The Nursing and Advanced Practice Nursing Act.

15 The Illinois Speech-Language Pathology and Audiology
16 Practice Act.

1 The Marriage and Family Therapy Licensing Act.

2 The Nursing Home Administrators Licensing and
3 Disciplinary Act.

4 The Pharmacy Practice Act of 1987.

5 The Physician Assistant Practice Act of 1987.

6 The Podiatric Medical Practice Act of 1987.

7 The Structural Pest Control Act.

8 (b) The following Acts are repealed on December 31, 2008:

9 The Medical Practice Act of 1987.

10 The Environmental Health Practitioner Licensing Act.

11 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;
12 94-1085, eff. 1-19-07; revised 1-22-07.)

13 (5 ILCS 80/4.28 new)

14 Sec. 4.28. Act repealed on January 1, 2018. The following
15 Act is repealed on January 1, 2018:

16 The Clinical Social Work and Social Work Practice Act.

17 Section 10. The Clinical Social Work and Social Work
18 Practice Act is amended by changing Sections 3, 5, 6, 9, 10.5,
19 11, 12.5, 14, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, and 32 and
20 by adding Section 7.3 as follows:

21 (225 ILCS 20/3) (from Ch. 111, par. 6353)

22 (Section scheduled to be repealed on January 1, 2008)

23 Sec. 3. Definitions: The following words and phrases shall

1 have the meanings ascribed to them in this Section unless the
2 context clearly indicates otherwise:

3 1. "Department" means the Department of Financial and
4 Professional Regulation.

5 2. "Secretary Director" means the Secretary Director of
6 Financial and ~~the Department of~~ Professional Regulation.

7 3. "Board" means the Social Work Examining and Disciplinary
8 Board.

9 4. "Licensed Clinical Social Worker" means a person who
10 holds a license authorizing the independent practice of
11 clinical social work in Illinois under the auspices of an
12 employer or in private practice.

13 5. "Clinical social work practice" means the providing of
14 mental health services for the evaluation, treatment, and
15 prevention of mental and emotional disorders in individuals,
16 families and groups based on knowledge and theory of
17 psychosocial development, behavior, psychopathology,
18 unconscious motivation, interpersonal relationships, and
19 environmental stress.

20 6. "Treatment procedures" means among other things,
21 individual, marital, family and group psychotherapy.

22 7. "Independent practice of clinical social work" means the
23 application of clinical social work knowledge and skills by a
24 licensed clinical social worker who regulates and is
25 responsible for her or his own practice or treatment
26 procedures.

1 8. "License" means that which is required to practice
2 clinical social work or social work under this Act, the
3 qualifications for which include specific education,
4 acceptable experience and examination requirements.

5 9. "Licensed social worker" means a person who holds a
6 license authorizing the practice of social work, which includes
7 social services to individuals, groups or communities in any
8 one or more of the fields of social casework, social group
9 work, community organization for social welfare, social work
10 research, social welfare administration or social work
11 education. Social casework and social group work may also
12 include clinical social work, as long as it is not conducted in
13 an independent practice, as defined in this Section.

14 10. "Address of record" means the address recorded by the
15 Department in the applicant's or licensee's application file or
16 license file, as maintained by the Department's licensure
17 maintenance unit.

18 (Source: P.A. 85-1440.)

19 (225 ILCS 20/5) (from Ch. 111, par. 6355)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 5. Powers and duties of the Department.

22 1. The Department shall exercise the powers and duties as
23 set forth in this Act.

24 2. The Secretary ~~Director~~ shall promulgate rules
25 consistent with the provisions of this Act for the

1 administration and enforcement thereof, and shall prescribe
2 forms which shall be issued in connection therewith.

3 3. In addition, the Department shall:

4 (a) Establish rules for determining approved undergraduate
5 and graduate social work degree programs and prepare and
6 maintain a list of colleges and universities offering such
7 approved programs whose graduates, if they otherwise meet the
8 requirements of this Act, are eligible to apply for a license.

9 (b) Promulgate rules, as may be necessary, for the
10 administration of this Act and to carry out the purposes
11 thereof and to adopt the methods of examination of candidates
12 and to provide for the issuance of licenses authorizing the
13 independent practice of clinical social work or the practice of
14 social work.

15 (c) Authorize examinations to ascertain the qualifications
16 and fitness of candidates for a license to engage in the
17 independent practice of clinical social work and in the
18 practice of social work, and to determine the qualifications of
19 applicants from other jurisdictions to practice in Illinois.

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

25 (Source: P.A. 85-1131.)

1 (225 ILCS 20/6) (from Ch. 111, par. 6356)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 6. Social Work Examining and Disciplinary Board.

4 (1) The Secretary ~~Director shall~~ appoint a Social Work
5 Examining and Disciplinary Board consisting of 9 persons who
6 shall serve in an advisory capacity to the Secretary ~~Director~~.
7 The Board shall be composed of 5 licensed clinical social
8 workers, one of whom shall be a certified school social worker,
9 one of whom shall be employed in the private not-for-profit
10 sector and one of whom shall serve as the chairperson, two
11 licensed social workers, and 2 members of the public who are
12 not regulated under this Act or a similar Act and who clearly
13 represent consumer interests.

14 (2) Members shall serve for a term of 4 years and until
15 their successors are appointed and qualified. No member shall
16 be reappointed if such reappointment would cause that person's
17 service on the Board to be longer than 8 successive years.
18 Appointments to fill vacancies for the unexpired portion of a
19 vacated term shall be made in the same manner as original
20 appointments.

21 (3) The membership of the Board should reasonably reflect
22 representation from different geographic areas of Illinois.

23 (4) The Secretary ~~Director~~ may terminate the appointment of
24 any member for cause.

25 (5) The Secretary ~~Director~~ shall consider the
26 recommendation of the Board on all matters and questions

1 relating to this Act.

2 (6) The Board is charged with the duties and
3 responsibilities of recommending to the Secretary ~~Director~~ the
4 adoption of all policies, procedures and rules which may be
5 required or deemed advisable in order to perform the duties and
6 functions conferred on the Board, the Secretary ~~Director~~ and
7 the Department to carry out the provisions of this Act.

8 (7) The Board may ~~shall~~ make recommendations on all matters
9 relating to continuing education including the number of hours
10 necessary for license renewal, waivers for those unable to meet
11 such requirements and acceptable course content. Such
12 recommendations shall not impose an undue burden on the
13 Department or an unreasonable restriction on those seeking
14 license renewal.

15 (8) The Board shall annually elect one of its members as
16 chairperson and one as vice chairperson.

17 (9) Members of the Board shall be reimbursed for all
18 authorized legitimate and necessary expenses incurred in
19 attending the meetings of the Board.

20 (10) A majority of the Board members currently appointed
21 shall constitute a quorum. A vacancy in the membership of the
22 Board shall not impair the right of a quorum to perform all of
23 the duties of the Board.

24 (11) Members of the Board shall have no liability in an
25 action based upon a disciplinary proceeding or other activity
26 performed in good faith as a member of the Board.

1 (Source: P.A. 90-150, eff. 12-30-97.)

2 (225 ILCS 20/7.3 new)

3 Sec. 7.3. Change of address. An applicant or licensee must
4 inform the Department of any change of address, and such
5 changes must be made either through the Department's website or
6 by contacting the Department's licensure maintenance unit.

7 (225 ILCS 20/9) (from Ch. 111, par. 6359)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 9. Qualification for clinical social worker license
10 ~~license~~. A person shall be qualified to be licensed as a
11 clinical social worker and the Department shall issue a license
12 authorizing the independent practice of clinical social work to
13 an applicant who:

14 (1) has applied in writing on the prescribed form;

15 (2) is of good moral character. In determining good moral
16 character, the Department may take into consideration whether
17 the applicant was engaged in conduct or actions that would
18 constitute grounds for discipline under this Act;

19 (3) (A) demonstrates to the satisfaction of the Department
20 that subsequent to securing a master's degree in social
21 work from an approved program the applicant has
22 successfully completed at least 3,000 hours of
23 satisfactory, supervised clinical professional experience;
24 or

1 (B) demonstrates to the satisfaction of the Department
2 that such applicant has received a doctor's degree in
3 social work from an approved program and has completed at
4 least 2,000 hours of satisfactory, supervised clinical
5 professional experience subsequent to the degree;

6 (4) has passed the examination for the practice of clinical
7 social work as authorized by the Department; and

8 (5) has paid the required fees.

9 (Source: P.A. 90-150, eff. 12-30-97.)

10 (225 ILCS 20/10.5)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 10.5. Unlicensed practice; violation; civil penalty.

13 (a) Any person who practices, offers to practice, attempts
14 to practice, or holds himself or herself out to practice as a
15 clinical social worker or social worker without being licensed
16 or exempt under this Act shall, in addition to any other
17 penalty provided by law, pay a civil penalty to the Department
18 in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense, as
19 determined by the Department. The civil penalty shall be
20 assessed by the Department after a hearing is held in
21 accordance with the provisions set forth in this Act regarding
22 the provision of a hearing for the discipline of a licensee.

23 (b) The Department may investigate any actual, alleged, or
24 suspected unlicensed activity.

25 (c) The civil penalty shall be paid within 60 days after

1 the effective date of the order imposing the civil penalty. The
2 order shall constitute a judgment and may be filed and
3 execution had thereon in the same manner as any judgment from
4 any court of record.

5 (Source: P.A. 90-150, eff. 12-30-97.)

6 (225 ILCS 20/11) (from Ch. 111, par. 6361)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 11. Licenses.

9 (a) The expiration date and renewal period for each license
10 ~~A license shall be issued for a 2 year period; however the~~
11 ~~expiration date for licenses~~ issued under this Act shall be set
12 by rule. The licensee may renew a license during the 60-day
13 ~~30-day~~ period preceding its ~~the~~ expiration date by paying the
14 required fee and by demonstrating compliance with any
15 continuing education requirements. The Department shall adopt
16 rules establishing minimum requirements of continuing
17 education and means for verification of the completion of the
18 continuing education requirements. The Department may, by
19 rule, specify circumstances under which the continuing
20 education requirements may be waived. Proof of having met the
21 ~~minimum requirements of continuing education, as determined by~~
22 ~~rule, shall be required for all license renewals. Pursuant to~~
23 ~~rule, the continuing education requirements may, upon petition~~
24 ~~to the Board, be waived in whole or in part for licensed social~~
25 ~~workers or licensed clinical social workers who can demonstrate~~

1 ~~their service in the Coast Guard or Armed Forces during the~~
2 ~~period in question, an extreme hardship, or that the license~~
3 ~~was obtained by examination or endorsement within the preceding~~
4 ~~renewal period. The Department shall establish, by rule, a~~
5 ~~means for the verification of completion of the continuing~~
6 ~~education required by this Section. This verification may be~~
7 ~~accomplished by audits of records maintained by licensees, by~~
8 ~~requiring the filing of continuing education records with the~~
9 ~~Department or an organization selected by the Department to~~
10 ~~maintain these records, or by other means established by the~~
11 ~~Department.~~

12 (b) Any person who has permitted a license to expire or who
13 has a license on inactive status may have it restored by
14 submitting ~~making~~ an application to the Department and filing
15 proof of fitness, as defined by rule, to have the license
16 restored, including, if appropriate, evidence, ~~7~~ which is
17 satisfactory to the Department, ~~7~~ certifying the active practice
18 of clinical social work or social work in another jurisdiction
19 and by paying the required fee.

20 (b-5) If the person has not maintained an active practice
21 in another jurisdiction which is satisfactory to the
22 Department, the Department shall determine, ~~by an evaluation~~
23 ~~program recommended by the Board and established by rule,~~ the
24 person's fitness to resume active status ~~and the Department may~~
25 ~~require the person to pass an examination.~~ The Department, ~~with~~
26 ~~the recommendation of the Board,~~ may also require the person to

1 complete a specific period of evaluated clinical social work or
2 social work experience and may require successful completion of
3 an examination.

4 (b-7) Notwithstanding any other provision of this Act
5 ~~However,~~ any person whose license expired while on active duty
6 with the armed forces of the United States, while called into
7 service or training with the State Militia or in training or
8 education under the supervision of the United States government
9 prior to induction into the military service may have his or
10 her license restored without paying any renewal fees if, within
11 2 years after the honorable termination of that service,
12 training or education, except under conditions other than
13 honorable, the Department is furnished with satisfactory
14 evidence that the person has been so engaged and that the
15 service, training or education has been so terminated.

16 (c) A license to practice shall not be denied any applicant
17 because of the applicant's race, religion, creed, national
18 origin, political beliefs or activities, age, sex, sexual
19 orientation, or physical impairment. ~~Any person who notifies~~
20 ~~the Department, in writing on forms prescribed by the~~
21 ~~Department, may place his license on inactive status and shall~~
22 ~~be excused from the payment of renewal fees until the person~~
23 ~~notifies the Department in writing of his intention to resume~~
24 ~~active practice.~~

25 ~~Any person requesting that his license be changed from~~
26 ~~inactive to active status shall be required to pay the current~~

1 ~~renewal fee and shall also demonstrate compliance with the~~
2 ~~continuing education requirements.~~

3 (d) (Blank). ~~Any licensed clinical social worker or~~
4 ~~licensed social worker whose license is on inactive status~~
5 ~~shall not engage in the independent practice of clinical social~~
6 ~~work or in the practice of social work in the State of~~
7 ~~Illinois. If an individual engages in the independent practice~~
8 ~~of clinical social work or in the practice of social work while~~
9 ~~on inactive status, that individual is considered to be~~
10 ~~practicing without a license and is subject to the disciplinary~~
11 ~~provisions of this Act.~~

12 (e) (Blank).

13 (f) (Blank).

14 (g) The Department shall indicate on each license the
15 academic degree of the licensee.

16 (Source: P.A. 90-150, eff. 12-30-97.)

17 (225 ILCS 20/12.5)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 12.5. Endorsement. The Department may issue a license
20 as a clinical social worker or as a social worker, without the
21 required examination, to an applicant licensed under the laws
22 of another jurisdiction if the requirements for licensure in
23 that jurisdiction are, on the date of licensure, substantially
24 equivalent to the requirements of this Act or to any person
25 who, at the time of his or her licensure, possessed individual

1 qualifications that were substantially equivalent to the
2 requirements then in force in this State. An applicant under
3 this Section shall pay the required fees.

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

9 (Source: P.A. 90-150, eff. 12-30-97.)

10 (225 ILCS 20/14) (from Ch. 111, par. 6364)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 14. Checks or order to Department dishonored because
13 of insufficient funds. Any person who delivers a check or other
14 payment to the Department that is returned to the Department
15 unpaid by the financial institution upon which it is drawn
16 shall pay to the Department, in addition to the amount already
17 owed to the Department, a fine of \$50. The fines imposed by
18 this Section are in addition to any other discipline provided
19 under this Act for unlicensed practice or practice on a
20 nonrenewed license. The Department shall notify the person that
21 payment of fees and fines shall be paid to the Department by
22 certified check or money order within 30 calendar days of the
23 notification. If, after the expiration of 30 days from the date
24 of the notification, the person has failed to submit the
25 necessary remittance, the Department shall automatically

1 terminate the license or certificate or deny the application,
2 without hearing. If, after termination or denial, the person
3 seeks a license or certificate, he or she shall apply to the
4 Department for restoration or issuance of the license or
5 certificate and pay all fees and fines due to the Department.
6 The Department may establish a fee for the processing of an
7 application for restoration of a license or certificate to pay
8 all expenses of processing this application. The Secretary
9 ~~Director~~ may waive the fines due under this Section in
10 individual cases where the Secretary ~~Director~~ finds that the
11 fines would be unreasonable or unnecessarily burdensome.

12 (Source: P.A. 92-146, eff. 1-1-02.)

13 (225 ILCS 20/19) (from Ch. 111, par. 6369)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 19. Grounds for disciplinary action.

16 (1) The Department may refuse to issue, refuse to renew,
17 suspend, or revoke any license, or may place on probation,
18 censure, reprimand, or take other disciplinary or
19 non-disciplinary action deemed appropriate by the Department,
20 including the imposition of fines not to exceed \$10,000 ~~\$1,000~~
21 for each violation, with regard to any license issued under the
22 provisions of this Act for any one or a combination of the
23 following reasons:

24 (a) material misstatements of fact in furnishing
25 information to the Department or to any other State agency

1 or in furnishing information to any insurance company with
2 respect to a claim on behalf of a licensee or a patient;

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

5 (c) conviction of or entry of a plea of guilty or nolo
6 contendere to any crime that is a felony under the laws of
7 the United States or any state or territory thereof or that
8 is a ~~felony or~~ misdemeanor, of which an essential element
9 is dishonesty, or ~~of~~ any crime that ~~which~~ is directly
10 related to the practice of the clinical social work or
11 social work professions;

12 (d) making any misrepresentation for the purpose of
13 obtaining licenses, or violating any provision of this Act
14 or any of the rules promulgated hereunder;

15 (e) professional incompetence;

16 (f) malpractice;

17 (g) aiding or assisting another person in violating any
18 provision or this Act or any rules;

19 (h) failing to provide information within 30 ~~60~~ days in
20 response to a written request made by the Department;

21 (i) engaging in dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud or harm the public as defined by the rules of the
24 Department, or violating the rules of professional conduct
25 adopted by the Board and published by the Department;

26 (j) habitual or excessive use or addiction to alcohol,

1 narcotics, stimulants, or any other chemical agent or drug
2 that results in a clinical social worker's or social
3 worker's inability to practice with reasonable judgment,
4 skill, or safety;

5 (k) discipline by another jurisdiction, if at least one
6 of the grounds for the discipline is the same or
7 substantially equivalent to those set forth in this
8 Section;

9 (l) directly or indirectly giving to or receiving from
10 any person, firm, corporation, partnership or association
11 any fee, commission, rebate or other form of compensation
12 for any professional service not actually rendered;

13 (m) a finding by the Board that the licensee, after
14 having the license placed on probationary status, has
15 violated the terms of probation;

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

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

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

24 (q) being named as a perpetrator in an indicated report
25 by the Department of Children and Family Services under the
26 Abused and Neglected Child Reporting Act, and upon proof by

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

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

10 (s) solicitation of professional services by using
11 false or misleading advertising; or

12 (t) violation of the Health Care Worker Self-Referral
13 Act.

14 (2) (Blank).

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

25 (4) The Department may refuse to issue or renew or may
26 suspend the license of a person who fails to file a return, pay

1 the tax, penalty, or interest shown in a filed return, or pay
2 any final assessment of tax, penalty, or interest, as required
3 by any tax Act administered by the Department of Revenue, until
4 the requirements of the tax Act are satisfied.

5 (5) In enforcing this Section, the Board upon a showing of
6 a possible violation may compel a person licensed to practice
7 under this Act, or who has applied for licensure or
8 certification pursuant to this Act, to submit to a mental or
9 physical examination, or both, as required by and at the
10 expense of the Department. The examining physicians shall be
11 those specifically designated by the Board. The Board or the
12 Department may order the examining physician to present
13 testimony concerning this mental or physical examination of the
14 licensee or applicant. No information shall be excluded by
15 reason of any common law or statutory privilege relating to
16 communications between the licensee or applicant and the
17 examining physician. The person to be examined may have, at his
18 or her own expense, another physician of his or her choice
19 present during all aspects of the examination. Failure of any
20 person to submit to a mental or physical examination, when
21 directed, shall be grounds for suspension of a license until
22 the person submits to the examination if the Board finds, after
23 notice and hearing, that the refusal to submit to the
24 examination was without reasonable cause.

25 If the Board finds a person unable to practice because of
26 the reasons set forth in this Section, the Board may require

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

14 In instances in which the Secretary ~~Director~~ immediately
15 suspends a person's license under this Section, a hearing on
16 that person's license must be convened by the Board within 30
17 ~~15~~ days after the suspension and completed without appreciable
18 delay. The Board shall have the authority to review the subject
19 person's record of treatment and counseling regarding the
20 impairment, to the extent permitted by applicable federal
21 statutes and regulations safeguarding the confidentiality of
22 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 Board that he or she can resume practice in compliance with
26 acceptable and prevailing standards under the provisions of his

1 or her license.

2 (Source: P.A. 90-150, eff. 12-30-97.)

3 (225 ILCS 20/20) (from Ch. 111, par. 6370)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 20. Violations - Injunction - Cease and desist order.

6 1. If any person violates the provisions of this Act, the
7 Secretary ~~Director~~ may, in the name of the People of the State
8 of Illinois, through the Attorney General, petition for an
9 order enjoining such violation or for an order enforcing
10 compliance with this Act. Upon the filing of a verified
11 petition, the court with appropriate jurisdiction may issue a
12 temporary restraining order without notice or bond, and may
13 preliminarily and permanently enjoin such violation. If it is
14 established that such person has violated or is violating the
15 injunction, the court may punish the offender for contempt of
16 court. Proceedings under this Section shall be in addition to
17 all other remedies and penalties provided by this Act.

18 2. If any person shall hold herself or himself out as a
19 licensed clinical social worker or licensed social worker and
20 is not licensed under this Act, then any licensed clinical
21 social worker, licensed social worker, interested party or any
22 person injured thereby may petition for relief as provided in
23 subsection (1) of this Section.

24 3. Whenever, in the opinion of the Department, a person
25 violates any provision of this Act, the Department may issue a

1 rule to show cause why an order to cease and desist should not
2 be entered against such person. The rule shall clearly set
3 forth the grounds relied upon by the Department and shall allow
4 at least 7 days from the date of the rule to file an answer
5 satisfactory to the Department. Failure to answer to the
6 satisfaction of the Department shall cause an order to cease
7 and desist to be issued.

8 (Source: P.A. 85-1131.)

9 (225 ILCS 20/21) (from Ch. 111, par. 6371)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 21. Investigations; notice and hearing. The
12 Department may investigate the actions of any applicant or of
13 any person holding or claiming to hold a license. The
14 Department shall, before refusing to issue or renew a license,
15 at least 30 days prior to the date set for the hearing, notify,
16 in writing, the applicant for, or holder of, a license of the
17 nature of the charges and that a hearing will be held on the
18 date designated. The Department shall direct the applicant or
19 licensee to file a written answer to the Board under oath
20 within 20 days after the service of the notice and inform the
21 applicant or licensee that failure to file an answer will
22 result in default being taken against the applicant or licensee
23 and that the license or certificate may be suspended, revoked,
24 placed on probationary status, or other disciplinary action may
25 be taken, including limiting the scope, nature or extent of

1 practice, as the Secretary ~~Director~~ may deem proper. Written
2 notice may be served by personal delivery or certified or
3 registered mail to the applicant or licensee at the applicant's
4 last address of record ~~the last notification to the Department.~~

5 In case the person fails to file an answer after receiving
6 notice, his or her license or certificate may, in the
7 discretion of the Department, be suspended, revoked, or placed
8 on probationary status, or the Department may take whatever
9 disciplinary action deemed proper, including limiting the
10 scope, nature, or extent of the person's practice or the
11 imposition of a fine, without a hearing, if the act or acts
12 charged constitute sufficient grounds for such action under
13 this Act. At the time and place fixed in the notice, the Board
14 shall proceed to hear the charges and the parties or their
15 counsel shall be accorded ample opportunity to present any
16 statements, testimony, evidence and argument as may be
17 pertinent to the charges or to their defense. The Board may
18 continue a hearing from time to time.

19 (Source: P.A. 87-1031.)

20 (225 ILCS 20/23) (from Ch. 111, par. 6373)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 23. Subpoenas - Depositions - Oaths. The Department
23 shall have the power to subpoena and to bring before it any
24 person and to take testimony either orally or by deposition, or
25 both, with the same fees and mileage and in the same manner as

1 prescribed in civil cases in the courts of this State.

2 The Secretary ~~Director~~, the designated hearing officer and
3 every member of the Board shall have power to administer oaths
4 to witnesses at any hearing which the Department is authorized
5 to conduct, and any other oaths authorized in any Act
6 administered by the Department.

7 (Source: P.A. 85-967.)

8 (225 ILCS 20/24) (from Ch. 111, par. 6374)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 24. Compelling Testimony. Any court, upon application
11 of the Department, designated hearing officer or the applicant
12 or licensee against whom proceedings under Section 19 ~~17~~ of
13 this Act are pending, may enter an order requiring the
14 attendance of witnesses and their testimony, and the production
15 of documents, papers, files, books and records in connection
16 with any hearing or investigation. The court may compel
17 obedience to its order by proceedings for contempt.

18 (Source: P.A. 85-967.)

19 (225 ILCS 20/25) (from Ch. 111, par. 6375)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 25. Findings and recommendations. At the conclusion of
22 the hearing the Board shall present to the Secretary ~~Director~~ a
23 written report of its findings of fact, conclusions of law and
24 recommendations. The report shall contain a finding whether or

1 not the licensee violated this act or failed to comply with the
2 conditions required in this Act. The Board shall specify the
3 nature of the violation or failure to comply, and shall make
4 its recommendations to the Secretary ~~Director~~.

5 The report of findings of fact, conclusions of law and
6 recommendation of the Board shall be the basis for the
7 Department's order or refusal or for the granting of the
8 license. If the Secretary ~~Director~~ disagrees with the
9 recommendations of the Board, the Secretary ~~Director~~ may issue
10 an order in contravention thereof. The Secretary ~~Director~~ shall
11 provide a written report to the Board on any disagreement and
12 shall specify the reasons for said action in the final order.
13 The finding is not admissible in evidence against the person in
14 a criminal prosecution brought for the violation of this Act,
15 but the hearing and findings are not a bar to a criminal
16 prosecution brought for the violation of this Act.

17 (Source: P.A. 85-967.)

18 (225 ILCS 20/26) (from Ch. 111, par. 6376)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 26. Board - Rehearing. In any case involving the
21 refusal to issue or to renew a license or to discipline a
22 licensee, a copy of the Board's report shall be served upon the
23 applicant or licensee by the Department, either personally or
24 by registered or certified mail or as provided in this Act for
25 the service of the notice of hearing. Within 20 days after such

1 service, the applicant or licensee may present to the
2 Department a motion in writing for a rehearing which shall
3 specify the particular grounds therefor. If no motion for a
4 rehearing is filed, then upon the expiration of the time
5 specified for filing such a motion, or if a motion for
6 rehearing is denied, then upon such denial, the Secretary
7 ~~Director~~ may enter an order in accordance with recommendations
8 of the Board, except as provided in Section 25 of this Act. ~~If~~
9 ~~the applicant or licensee requests and pays for a transcript of~~
10 ~~the record within the time for filing a motion for rehearing,~~
11 ~~the 20-day period within which such a motion may be filed shall~~
12 ~~commence upon the delivery of the transcript to the applicant~~
13 ~~or licensee.~~

14 (Source: P.A. 86-615.)

15 (225 ILCS 20/27) (from Ch. 111, par. 6377)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 27. Rehearing ~~Director; rehearing~~. Whenever the
18 Secretary ~~Director~~ believes justice has not been done in the
19 revocation, suspension, or discipline of a license or refusal
20 to issue or renew a license, he or she may order a rehearing.

21 (Source: P.A. 90-150, eff. 12-30-97.)

22 (225 ILCS 20/28) (from Ch. 111, par. 6378)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 28. Appointment of a hearing officer. The Secretary

1 ~~Director~~ shall have the authority to appoint any attorney
2 licensed to practice law in the State of Illinois to serve as
3 the hearing officer in any action for refusal to issue or renew
4 a license or permit or to discipline a licensee. The Secretary
5 ~~Director~~ shall promptly notify the Board of any such
6 appointment. The hearing officer shall have full authority to
7 conduct the hearing. ~~At least one member of the Board shall~~
8 ~~attend each hearing.~~ The hearing officer shall report his
9 findings of fact, conclusions of law and recommendations to the
10 Board and to the Secretary ~~Director~~. Upon receipt of the
11 report, the ~~The~~ Board shall ~~have at least 60 days after receipt~~
12 ~~of the report to~~ review it and ~~to~~ present its findings of fact,
13 conclusions of law and recommendation to the Secretary
14 ~~Director~~. If the Board does not present its report ~~within the~~
15 ~~60 days period,~~ the Secretary ~~Director~~ may issue an order based
16 on the report of the hearing officer. If the Secretary ~~Director~~
17 disagrees with the recommendation of the Board or of the
18 hearing officer, the Secretary ~~Director~~ may issue an order in
19 contravention of the Board's report. The Secretary ~~Director~~
20 shall promptly provide a written explanation to the Board on
21 any such disagreement, and shall specify the reasons for such
22 action in the final order.

23 (Source: P.A. 90-150, eff. 12-30-97.)

24 (225 ILCS 20/29) (from Ch. 111, par. 6379)

25 (Section scheduled to be repealed on January 1, 2008)

1 Sec. 29. Order or certified copy thereof - prima facie
2 proof. An order or a certified copy thereof, over the seal of
3 the Department and purporting to be signed by the Secretary
4 ~~Director~~, shall be prima facie proof that:

5 (1) Such signature is the genuine signature of the
6 Secretary ~~Director~~;

7 (2) Such Secretary ~~Director~~ is duly appointed and
8 qualified; and

9 (3) The Board and the members thereof are qualified to act.
10 (Source: P.A. 85-967.)

11 (225 ILCS 20/32) (from Ch. 111, par. 6382)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 32. Temporary suspension of a license. The Secretary
14 ~~Director~~ may temporarily suspend the license of a licensed
15 clinical social worker or licensed social worker without a
16 hearing simultaneously with the institution of proceedings for
17 a hearing provided for in Section 21 of this Act if the
18 Secretary ~~Director~~ finds conclusive evidence indicating that a
19 licensee's continuation in practice would constitute an
20 imminent danger to the public. In the event the Secretary
21 ~~Director~~ temporarily suspends such license without a hearing, a
22 hearing by the Board shall be held within 30 days after such
23 suspension has occurred.

24 (Source: P.A. 85-1131.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".