



Sen. Terry Link

Filed: 5/22/2008

09500HB4249sam002

LRB095 14517 RAS 51022 a

1 AMENDMENT TO HOUSE BILL 4249

2 AMENDMENT NO. _____. Amend House Bill 4249 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 4.29 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 Acts repealed January 1, 2008 and December 31,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9 (a) The following Acts are repealed on January 1, 2008: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 Structural Pest Control Act.

11 (b) The following Acts are repealed on December 31, 2008:

12 The Medical Practice Act of 1987.

13 ~~The Environmental Health Practitioner Licensing Act.~~

14 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;
15 94-1085, eff. 1-19-07; 95-187, eff. 8-16-07; 95-235, eff.
16 8-17-07; 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-639,

1 eff. 10-5-07; 95-687, eff. 10-23-07; 95-689, eff. 10-29-07;
2 95-703, eff. 12-31-07; revised 1-7-08.)

3 (5 ILCS 80/4.29 new)

4 Sec. 4.29. Act repealed on January 1, 2019. The following
5 Act is repealed on January 1, 2019:

6 The Environmental Health Practitioner Licensing Act.

7 Section 10. The Environmental Health Practitioner
8 Licensing Act is amended by changing Sections 5, 10, 17, 18,
9 19, 20, 21, 22, 26, 27, 29, 31, 35, 56, 60, 65, 75, 80, 85, 90,
10 95, 100, and 115 as follows:

11 (225 ILCS 37/5)

12 (Section scheduled to be repealed on December 31, 2008)

13 Sec. 5. Legislative intent. In adopting this Act, it is
14 recognized that the field of environmental health is a dynamic
15 field that is continually evolving into new and complex areas
16 of concern. It is the legislative intent of this Act to
17 recognize the occasional existence of overlapping functions
18 with engineers, industrial hygienists, veterinarians, and
19 other professions licensed to carry out specific activities
20 that may touch on some aspects of the field of environmental
21 health. It is not the intent of this Act to require licensure
22 ~~registration~~ of these individuals, nor is it the intent that
23 the licensure ~~registration~~ of any person under this Act would

1 allow that person to perform functions or engage in activities
2 that would include the practice of engineering. It is the sole
3 purpose and intent of this Act to safeguard the health, safety,
4 and general welfare of the public from adverse environmental
5 factors and to license those environmental health
6 professionals who have completed approved environmental health
7 or science curricula, are qualified to work in the field of
8 environmental health, within the scope of practice as defined
9 in this Act, and not to restrict nor interfere with interstate
10 commerce.

11 (Source: P.A. 89-61, eff. 6-30-95; 90-44, eff. 7-3-97.)

12 (225 ILCS 37/10)

13 (Section scheduled to be repealed on December 31, 2008)

14 Sec. 10. Definitions. As used in this Act:

15 "Address of record" means the designated address recorded
16 by the Department in the applicant's or licensee's application
17 file or license file maintained by the Department's licensure
18 maintenance unit. It is the duty of the applicant or licensee
19 to inform the Department of any change of address and such
20 changes must be made either through the Department's Internet
21 website or by contacting the Department's licensure
22 maintenance unit.

23 "Board" means the Environmental Health Practitioners Board
24 as created in this Act.

25 "Department" means the Department of Financial and

1 Professional Regulation.

2 ~~"Director" means the Director of Professional Regulation.~~

3 "Environmental health inspector" means an individual who,
4 in support of and under the general supervision of a licensed
5 environmental health practitioner or licensed professional
6 engineer, practices environmental health and meets the
7 educational qualifications of an environmental health
8 inspector.

9 "Environmental health practice" is the practice of
10 environmental health by licensed environmental health
11 practitioners within the meaning of this Act and includes, but
12 is not limited to, the following areas of professional
13 activities: milk and food sanitation; protection and
14 regulation of private water supplies; private waste water
15 management; domestic solid waste disposal practices;
16 institutional health and safety; and consultation and
17 education in these fields.

18 "Environmental health practitioner in training" means a
19 person licensed under this Act who meets the educational
20 qualifications of a licensed environmental health practitioner
21 and practices environmental health in support of and under the
22 general supervision of a licensed environmental health
23 practitioner or licensed professional engineer, but has not
24 passed the licensed environmental health practitioner
25 examination administered by the Department.

26 "License" means the authorization issued by the Department

1 permitting the person named on the authorization to practice
2 environmental health as defined in this Act.

3 "Licensed environmental health practitioner" is a person
4 who, by virtue of education and experience in the physical,
5 chemical, biological, and environmental health sciences, is
6 especially trained to organize, implement, and manage
7 environmental health programs, trained to carry out education
8 and enforcement activities for the promotion and protection of
9 the public health and environment, and is licensed as an
10 environmental health practitioner under this Act.

11 "Secretary" means the Secretary of Financial and
12 Professional Regulation.

13 (Source: P.A. 92-837, eff. 8-22-02.)

14 (225 ILCS 37/17)

15 (Section scheduled to be repealed on December 31, 2008)

16 Sec. 17. Powers and duties of the Department of Financial
17 and Professional Regulation. Subject to the provisions of this
18 Act, the Department may ~~shall~~ exercise the following functions,
19 powers, and duties:

20 (1) Prescribe rules defining what constitutes an approved
21 school, college, or department of a university, except that no
22 school, college, or department of a university that refuses
23 admittance to applicants solely on account of race, color,
24 creed, sex, or national origin shall be approved.

25 (2) Conduct hearings on proceedings to revoke, suspend, or

1 refuse to issue licenses.

2 (3) Promulgate rules required for the administration of
3 this Act.

4 (Source: P.A. 91-724, eff. 6-2-00.)

5 (225 ILCS 37/18)

6 (Section scheduled to be repealed on December 31, 2008)

7 Sec. 18. Board of Environmental Health Practitioners. The
8 Board of Environmental Health Practitioners is created and
9 shall exercise its duties as provided in this Act. The Board
10 shall consist of 5 members appointed by the Secretary ~~Director~~.
11 Of the 5 members, 3 shall be actively licensed environmental
12 health practitioners, one a Public Health Administrator who
13 meets the minimum qualifications for public health personnel
14 employed by full time local health departments as prescribed by
15 the Illinois Department of Public Health and is actively
16 engaged in the administration of a local health department
17 within this State, and one member of the general public. In
18 making the appointments to the Board, the Secretary may
19 ~~Director shall~~ consider the recommendations of related
20 professional and trade associations including the Illinois
21 Environmental Health Association and the Illinois Public
22 Health Association and of the Director of Public Health. Each
23 of the environmental health practitioners shall have at least 5
24 years of full time employment in the field of environmental
25 health practice before the date of appointment. ~~Each appointee~~

1 ~~filling the seat of an environmental health practitioner~~
2 ~~appointed to the Board must be licensed under this Act.~~

3 The membership of the Board shall reasonably reflect
4 representation from the various geographic areas of the State.

5 A majority of the Board members currently appointed shall
6 constitute a quorum. A vacancy in the membership of the Board
7 shall not impair the right of a quorum to exercise all the
8 rights and perform all the duties of the Board.

9 The members of the Board are entitled to receive as
10 compensation a reasonable sum as determined by the Secretary
11 ~~Director~~ for each day actually engaged in the duties of the
12 office and all legitimate and necessary expenses incurred in
13 attending the meetings of the Board.

14 Members of the Board shall be immune from suit in any
15 action based upon any disciplinary proceedings or other
16 activities performed in good faith as members of the Board.

17 The Secretary ~~Director~~ may remove any member of the Board
18 for any cause that, in the opinion of the Secretary ~~Director~~,
19 reasonably justifies termination.

20 Members shall serve for a term of 3 years and until their
21 successors are appointed and qualified. No Board member, after
22 the effective date of this amendatory Act of the 95th General
23 Assembly, shall be appointed to more than 2 full consecutive
24 terms. The initial terms created by this amendatory Act shall
25 count as full terms for the purposes of reappointment to the
26 Board. Appointments to fill vacancies for an unexpired portion

1 of a vacated term shall be made in the same manner as original
2 appointments and shall constitute a full term.

3 The appointments of those Board members currently
4 appointed and serving on the Board shall end upon the effective
5 date of this amendatory Act of the 95th General Assembly. Board
6 members currently serving on the Board on the effective date of
7 this Amendatory Act, shall continue to serve until the initial
8 appointees are appointed and qualified. The initial Board
9 members appointed after the effective date of this amendatory
10 Act of the 95th General Assembly, shall be appointed to the
11 following terms by and in the discretion of the Secretary: (i)
12 one member shall be appointed for one year; (ii) 2 members
13 shall be appointed to serve 2 years; and (iii) 2 members shall
14 be appointed to serve 3 years. The Board members appointed to
15 initial terms by this amendatory Act of the 95th General
16 Assembly shall be appointed as soon as possible after the
17 effective date of this amendatory Act. Board members serving at
18 the effective date of this Act are eligible to be reappointed
19 to initial terms as described above, but nothing in this Act
20 requires such members to be appointed.

21 (Source: P.A. 91-724, eff. 6-2-00; 91-798, eff. 7-9-00; 92-837,
22 eff. 8-22-02.)

23 (225 ILCS 37/19)

24 (Section scheduled to be repealed on December 31, 2008)

25 Sec. 19. Requirements of approval by Board of Environmental

1 Health Practitioners. The Secretary ~~Director~~ may consider the
2 recommendations of the Board in establishing guidelines for
3 professional conduct, for the conduct of formal disciplinary
4 proceedings brought under this Act, and for establishing
5 guidelines for qualifications and examinations of applicants.
6 Notice of proposed rulemaking shall be transmitted to the
7 Board. The Department shall review the response of the Board
8 and its recommendations. The Department, at any time, may seek
9 the expert advice and knowledge of the Board on any matter
10 relating to the administration or enforcement of this Act.

11 (Source: P.A. 89-61, eff. 6-30-95.)

12 (225 ILCS 37/20)

13 (Section scheduled to be repealed on December 31, 2008)

14 Sec. 20. Qualifications for licensure ~~registration~~ as an
15 environmental health practitioner. A person is qualified to be
16 licensed as an environmental health practitioner if that
17 person:

18 (1) Has applied in writing on the prescribed forms, has
19 paid the required fee, and holds one of the following:

20 (A) A Bachelor's Degree in environmental health
21 science from a college or university approved by the
22 National Environmental Health Association
23 Accreditation Council for environmental health
24 curricula or its equivalent as approved by the
25 Department.

1 (B) A Bachelor's Degree from an accredited college
2 or university which included a minimum of 30 semester
3 hours or equivalent of basic sciences acceptable to the
4 Department and 12 months of full time experience.

5 (C) A Master's Degree in public health or
6 environmental health science from an accredited
7 college or university if the applicant has completed a
8 minimum of 30 semester or equivalent hours of basic
9 science acceptable to the Department.

10 (2) Passes an examination authorized by the
11 Department. The examination shall be of a character to give
12 a fair test of the qualifications of the applicant to
13 practice as an environmental health practitioner.

14 (Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97.)

15 (225 ILCS 37/21)

16 (Section scheduled to be repealed on December 31, 2008)

17 Sec. 21. Grandfather provision. A person who, on the
18 effective date of this amendatory Act of the 92nd General
19 Assembly, was certified by his or her employer as serving as a
20 sanitarian or environmental health practitioner in
21 environmental health practice in this State may be issued a
22 license as an environmental health practitioner in training
23 upon filing an application by July 1, 2003 and paying the
24 required fees.

25 An environmental health practitioner in training license

1 issued under this Section and in an active status on the
2 effective date of this amendatory Act of the 95th General
3 Assembly may be renewed, so long as the licensee continues to
4 practice environmental health and does not allow his or her
5 license to lapse or expire.

6 (Source: P.A. 92-837, eff. 8-22-02.)

7 (225 ILCS 37/22)

8 (Section scheduled to be repealed on December 31, 2008)

9 Sec. 22. Environmental health practitioner in training.

10 (a) Any person who meets the educational qualifications
11 specified in Section 20, but does not meet the experience
12 requirement specified in that Section, may make application to
13 the Department on a form prescribed by the Department for
14 licensure as an environmental health practitioner in training.
15 The Department shall license that person as an environmental
16 health practitioner in training upon payment of the fee
17 required by this Act.

18 (b) An environmental health practitioner in training
19 licensed under this Section shall apply for licensure as an
20 environmental health practitioner within 3 years of his or her
21 licensure as an environmental health practitioner in training.
22 The license may be renewed or extended as defined by rule of
23 the Department. The Board may recommend to extend the licensure
24 of any environmental health practitioner in training licensed
25 under this Section who furnishes, in writing, sufficient cause

1 for not applying for examination as an environmental health
2 practitioner within the 3-year period.

3 (c) An environmental health practitioner in training
4 licensed under this Section may engage in the practice of
5 environmental health for a period not to exceed 6 years
6 provided that he or she is supervised by a licensed
7 professional engineer or a licensed environmental health
8 practitioner as prescribed in this Act.

9 (d) This Section does not apply to environmental health
10 practitioners in training licensed under Section 21 of this
11 Act.

12 (Source: P.A. 92-837, eff. 8-22-02; revised 1-16-07.)

13 (225 ILCS 37/26)

14 (Section scheduled to be repealed on December 31, 2008)

15 Sec. 26. Examination for licensure ~~registration~~ as an
16 environmental health practitioner.

17 (a) Beginning on the effective date of this amendatory Act
18 of the 92nd General Assembly, only persons who meet the
19 educational and experience requirements of Section 20 and who
20 pass the examination authorized by the Department shall be
21 licensed as environmental health practitioners.

22 (b) Applicants for examination as environmental health
23 practitioners shall be required to pay, either to the
24 Department or the designated testing service, a fee covering
25 the cost of providing the examination.

1 (Source: P.A. 92-837, eff. 8-22-02.)

2 (225 ILCS 37/27)

3 (Section scheduled to be repealed on December 31, 2008)

4 Sec. 27. Renewals; restoration.

5 (a) The expiration date and renewal period for each license
6 issued under this Act shall be set by rule. As a condition for
7 renewal of a license, the licensee shall be required to
8 complete continuing education requirements as set forth in
9 rules by the Department. Licensees who are 70 years of age or
10 older and have been licensed under this Act for at least 4
11 years shall be exempt from the continuing education
12 requirements.

13 (b) A person who has permitted a license to expire may have
14 the license restored by making application to the Department
15 and filing proof, acceptable to the Department, of fitness to
16 have the license restored. Proof may include (i) sworn evidence
17 certifying to active practice in another jurisdiction that is
18 satisfactory to the Department, (ii) complying with any
19 continuing education requirements, and (iii) paying the
20 required restoration fee.

21 (c) If the person has not maintained an active practice in
22 another jurisdiction satisfactory to the Department, the Board
23 shall determine, by an evaluation program, established by rule,
24 the person's fitness to resume active status. The Board may
25 require the person to complete a period of evaluated clinical

1 experience and successful completion of a practical
2 examination.

3 However, a person whose license expired while (i) in
4 federal service on active duty with the Armed Forces of the
5 United States or called into service or training with the State
6 Militia or (ii) in training or education under the supervision
7 of the United States, preliminary to induction into the
8 military service may have his or her license renewed or
9 restored without paying any lapsed renewal fees if, within 2
10 years after honorable termination of the service, training, or
11 education, except under conditions other than honorable, he or
12 she furnishes the Department with satisfactory evidence to the
13 effect that he or she has been so engaged and that the service,
14 training, or education has been terminated.

15 (d) A person who notifies the Department, in writing on
16 forms prescribed by the Department, may place his or her
17 license on inactive status and shall be excused from the
18 payment of renewal fees until the person notifies the
19 Department, in writing, of the intention to resume active
20 practice.

21 (e) A person requesting his or her license be changed from
22 inactive to active status shall be required to pay the current
23 renewal fee and shall also demonstrate compliance with the
24 continuing education requirements.

25 (f) An environmental health practitioner whose license is
26 not renewed or whose license is on inactive status shall not

1 engage in the practice of environmental health in the State of
2 Illinois or use the title or advertise that he or she performs
3 the services of a "licensed environmental health
4 practitioner".

5 (g) A person violating subsection (f) of this Section shall
6 be considered to be practicing without a license and shall be
7 subject to the disciplinary provisions of this Act.

8 (h) A license to practice shall not be denied any applicant
9 because of the applicant's race, religion, creed, national
10 origin, political beliefs or activities, age, sex, sexual
11 orientation, or physical impairment that does not affect a
12 person's ability to practice with reasonable judgement, skill,
13 or safety impairment.

14 (Source: P.A. 91-724, eff. 6-2-00.)

15 (225 ILCS 37/29)

16 (Section scheduled to be repealed on December 31, 2008)

17 Sec. 29. Deposit of fees and fines; appropriations. All
18 fees and fines collected under this Act shall be deposited into
19 the General Professions Dedicated Fund. All moneys in the Fund
20 shall be used by the Department of Financial and Professional
21 Regulation, as appropriated, for the ordinary and contingent
22 expenses of the Department.

23 (Source: P.A. 89-61, eff. 6-30-95.)

24 (225 ILCS 37/31)

1 (Section scheduled to be repealed on December 31, 2008)

2 Sec. 31. Checks or orders dishonored. A person who issues
3 or delivers a check or other order to the Department that is
4 returned to the Department unpaid by the financial institution
5 upon which it is drawn shall pay to the Department, in addition
6 to the amount already owed to the Department, a fine of \$50.
7 The fines imposed by this Section are in addition to any other
8 discipline provided under this Act prohibiting unlicensed
9 practice or practice on a nonrenewed license. The Department
10 shall notify the person that payment of fees and fines shall be
11 paid to the Department by certified check or money order within
12 30 calendar days after notification. If, after the expiration
13 of 30 days from the date of the notification, the person fails
14 to submit the necessary remittance, the Department shall
15 automatically terminate the license or certification or deny
16 the application, without hearing. If, after termination or
17 denial, the person seeks a license or certificate, he or she
18 shall apply to the Department for restoration or issuance of a
19 license or certificate and pay all fees and fines due to the
20 Department. The Department may establish a fee for the
21 processing of an application for restoration of a license to
22 pay all costs and expenses of processing of this application.
23 The Secretary ~~Director~~ may waive the fines due under this
24 Section in individual cases where the Secretary ~~Director~~ finds
25 that the fines would be unnecessarily burdensome.

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

1 (225 ILCS 37/35)

2 (Section scheduled to be repealed on December 31, 2008)

3 Sec. 35. Grounds for discipline.

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

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

13 (2) Violations of this Act or its rules.

14 (3) Conviction of or entry of a plea of guilty or nolo
15 contendere to any crime that is a ~~any~~ felony under the laws
16 of the United States or any state or territory thereof,
17 whether related to the practice of the profession or not,
18 or conviction or entry of a plea of guilty or nolo
19 contendere to any crime, any U.S. jurisdiction, any
20 ~~misdemeanor~~ an essential element of which is dishonesty,
21 wanton disregard for the rights of others, or any crime
22 that is directly related to the practice of the profession.

23 (4) Making any misrepresentation for the purpose of
24 obtaining licensure ~~a certificate of registration.~~

25 (5) Professional incompetence.

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

3 (7) Failing to provide information within 30 ~~60~~ days in
4 response to a written request made by the Department.

5 (8) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public as defined by rules of the
8 Department.

9 (9) Habitual or excessive use or addiction to alcohol,
10 narcotics, stimulants, or any other chemical agent or drug
11 that results in an environmental health practitioner's
12 inability to practice with reasonable judgment, skill, or
13 safety.

14 (10) Discipline by another U.S. jurisdiction or
15 foreign nation, if at least one of the grounds for a
16 discipline is the same or substantially equivalent to those
17 set forth in this Act.

18 (11) A finding by the Department that the licensee
19 ~~registrant~~, after having his or her license placed on
20 probationary status, has violated the terms of probation.

21 (12) Willfully making or filing false records or
22 reports in his or her practice, including, but not limited
23 to, false records filed with State agencies or departments.

24 (13) Physical illness or mental illness or impairment,
25 including, but not limited to, deterioration through the
26 aging process or loss of motor skills that result in the

1 inability to practice the profession with reasonable
2 judgment, skill, or safety.

3 (14) Failure to comply with rules promulgated by the
4 Illinois Department of Public Health or other State
5 agencies related to the practice of environmental health.

6 (15) Gross negligence ~~The Department shall deny any~~
7 ~~application for a license or renewal of a license under~~
8 ~~this Act, without hearing, to a person who has defaulted on~~
9 ~~an educational loan guaranteed by the Illinois Student~~
10 ~~Assistance Commission; however, the Department may issue a~~
11 ~~license or renewal of a license if the person in default~~
12 ~~has established a satisfactory repayment record as~~
13 ~~determined by the Illinois Student Assistance Commission.~~

14 (16) Solicitation of professional services by using
15 false or misleading advertising.

16 (17) A finding that the license has been applied for or
17 obtained by fraudulent means.

18 (18) Practicing or attempting to practice under a name
19 other than the full name as shown on the license or any
20 other legally authorized name.

21 (19) Gross overcharging for professional services
22 including filing statements for collection of fees or
23 moneys for which services are not rendered.

24 (b) The Department may refuse to issue or may suspend the
25 license of any person who fails to (i) file a return, (ii) pay
26 the tax, penalty, or interest shown in a filed return; or (iii)

1 pay any final assessment of the tax, penalty, or interest as
2 required by any tax Act administered by the Illinois Department
3 of Revenue until the requirements of the tax Act are satisfied.

4 (b-5) The Department shall deny any application for a
5 license or renewal of a license under this Act, without
6 hearing, to a person who has defaulted on an educational loan
7 guaranteed by the Illinois Student Assistance Commission;
8 however, the Department may issue a license or renew a license
9 if the person in default has established a satisfactory
10 repayment record, as determined by the Illinois Student
11 Assistance Commission.

12 (c) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission to a
14 mental health facility as provided in the Mental Health and
15 Developmental Disabilities Code operates as an automatic
16 suspension. The suspension may end only upon a finding by a
17 court that the licensee is no longer subject to involuntary
18 admission or judicial admission, the issuance of an order so
19 finding and discharging the patient, and the recommendation of
20 the Board to the Secretary ~~Director~~ that the licensee be
21 allowed to resume practice.

22 (d) In enforcing this Section, the Department, upon a
23 showing of a possible violation, may compel any person licensed
24 to practice under this Act or who has applied for licensure or
25 certification pursuant to this Act to submit to a mental or
26 physical examination, or both, as required by and at the

1 expense of the Department. The examining physicians shall be
2 those specifically designated by the Department. The
3 Department may order the examining physician to present
4 testimony concerning this mental or physical examination of the
5 licensee or applicant. No information shall be excluded by
6 reason of any common law or statutory privilege relating to
7 communications between the licensee or applicant and the
8 examining physician. The person to be examined may have, at his
9 or her own expense, another physician of his or her choice
10 present during all aspects of the examination. Failure of any
11 person to submit to a mental or physical examination, when
12 directed, shall be grounds for suspension of a license until
13 the person submits to the examination if the Department finds,
14 after notice and hearing, that the refusal to submit to the
15 examination was without reasonable cause.

16 If the Department finds an individual unable to practice
17 because of the reasons set forth in this Section, the
18 Department may require that individual to submit to care,
19 counseling, or treatment by physicians approved or designated
20 by the Department, as a condition, term, or restriction for
21 continued, reinstated, or renewed licensure to practice or, in
22 lieu of care, counseling, or treatment, the Department may file
23 a complaint to immediately suspend, revoke, or otherwise
24 discipline the license of the individual.

25 Any person whose license was granted, continued,
26 reinstated, renewed, disciplined, or supervised subject to

1 such terms, conditions, or restrictions and who fails to comply
2 with such terms, conditions, or restrictions shall be referred
3 to the Secretary ~~Director~~ for a determination as to whether the
4 person shall have his or her license suspended immediately,
5 pending a hearing by the Department.

6 In instances in which the Secretary ~~Director~~ immediately
7 suspends a person's license under this Section, a hearing on
8 that person's license must be convened by the Department within
9 15 days after the suspension and completed without appreciable
10 delay. The Department shall have the authority to review the
11 subject person's record of treatment and counseling regarding
12 the impairment, to the extent permitted by applicable federal
13 statutes and regulations safeguarding the confidentiality of
14 medical records.

15 A person licensed under this Act and affected under this
16 Section shall be afforded an opportunity to demonstrate to the
17 Department that he or she can resume practice in compliance
18 with acceptable and prevailing standards under the provisions
19 of his or her license.

20 (Source: P.A. 92-837, eff. 8-22-02.)

21 (225 ILCS 37/56)

22 (Section scheduled to be repealed on December 31, 2008)

23 Sec. 56. Unlicensed practice; violation; civil penalty.

24 (a) Any person who practices, offers to practice, attempts
25 to practice, or holds himself or herself out to practice

1 environmental health without being licensed under this Act
2 shall, in addition to any other penalty provided by law, pay a
3 civil penalty to the Department in an amount not to exceed
4 \$10,000 ~~\$5,000~~ for each offense as determined by the
5 Department. The civil penalty shall be assessed by the
6 Department after a hearing is held in accordance with the
7 provisions set forth in this Act regarding the provision of a
8 hearing for the discipline of a licensee.

9 (b) The Department has the authority and power to
10 investigate any and all unlicensed activity.

11 (c) The civil penalty shall be paid within 60 days after
12 the effective date of the order imposing the civil penalty. The
13 order shall constitute a judgment and may be filed and
14 execution had thereon in the same manner as any judgment from
15 any court of record.

16 (Source: P.A. 92-837, eff. 8-22-02.)

17 (225 ILCS 37/60)

18 (Section scheduled to be repealed on December 31, 2008)

19 Sec. 60. Violations; injunctions; cease and desist order.

20 (a) If a person violates a provision of this Act, the
21 Secretary ~~Director~~ may, in the name of the People of the State
22 of Illinois, through the Attorney General of the State of
23 Illinois, petition for an order enjoining the violation or for
24 any order enforcing compliance with this Act. Upon the filing
25 of a verified petition in court, the court may issue a

1 temporary restraining order, without notice or bond, and may
2 preliminarily and permanently enjoin the violation. If it is
3 established that the person has violated or is violating the
4 injunction, the Court may punish the offender for contempt of
5 court. Proceedings under this Section are in addition to, and
6 not in lieu of, all other remedies and penalties provided by
7 this Act.

8 (b) If a person practices as an environmental health
9 practitioner or holds himself or herself out as such without
10 having a valid license under this Act, then a licensee, an
11 interested party, or a person injured thereby may, in addition
12 to the Secretary ~~Director~~, petition for relief as provided in
13 subsection (a) of this Section.

14 (c) Whenever in the opinion of the Department a person
15 violates a provision of this Act, the Department may issue a
16 rule to show cause why an order to cease and desist should not
17 be entered against him or her. The rule shall clearly set forth
18 the grounds relied upon by the Department and shall provide a
19 period of 7 days from the date of the rule to file an answer to
20 the satisfaction of the Department. Failure to answer to the
21 satisfaction of the Department shall cause an order to cease
22 and desist to be issued immediately.

23 (Source: P.A. 89-61, eff. 6-30-95.)

24 (225 ILCS 37/65)

25 (Section scheduled to be repealed on December 31, 2008)

1 Sec. 65. Investigation; notice; hearing. The Department
2 may investigate the actions of an applicant or a person or
3 persons holding or claiming to hold a license. Before refusing
4 to issue, refusing to renew, or taking any disciplinary action
5 regarding a license, the Department shall, at least 30 days
6 before the date set for the hearing, notify in writing the
7 applicant for, or holder of, a license of the nature of any
8 charges and that a hearing will be held on a date designated.
9 The Department shall direct the applicant or licensee to file a
10 written answer with the Board under oath within 20 days after
11 the service of the notice and inform the applicant or licensee
12 that failure to file an answer shall result in default being
13 taken against the applicant or licensee and that the license
14 may be suspended, revoked, or placed on probationary status, or
15 that other disciplinary action may be taken, including limiting
16 the scope, nature, or extent of practice, as the Secretary
17 ~~Director~~ may consider proper. Written notice may be served by
18 personal delivery or certified or registered mail to the
19 respondent at the last address of record with ~~his or her last~~
20 ~~notification to~~ the Department. If the person fails to file an
21 answer after receiving notice, his or her license or
22 certificate may, in the discretion of the Department, be
23 suspended, revoked, or placed on probationary status or the
24 Department may take any disciplinary action considered proper,
25 including limiting the scope, nature, or extent of the person's
26 practice or the imposition of a fine, without a hearing, if the

1 act or acts charged constitute sufficient grounds for such
2 action under this Act. At the time and place fixed in the
3 notice, the Board shall proceed to hear the charges and the
4 parties or their counsel shall be accorded ample opportunity to
5 present statements, testimony, evidence, and arguments as may
6 be pertinent to the charges or to their defense. The Board may
7 continue a hearing from time to time.

8 (Source: P.A. 89-61, eff. 6-30-95.)

9 (225 ILCS 37/75)

10 (Section scheduled to be repealed on December 31, 2008)

11 Sec. 75. Subpoenas; oaths; attendance of witnesses. The
12 Department has the power to subpoena and to bring before it any
13 person and to take testimony either orally or by deposition, or
14 both, with the same fees and mileage and in the same manner as
15 prescribed in civil cases in the courts of this State.

16 The Secretary ~~Director~~, the designated hearing officer,
17 and every member of the Board has the power to administer oaths
18 to witnesses at any hearing that the Department is authorized
19 to conduct and any other oaths authorized in any Act
20 administered by the Department.

21 (Source: P.A. 89-61, eff. 6-30-95.)

22 (225 ILCS 37/80)

23 (Section scheduled to be repealed on December 31, 2008)

24 Sec. 80. Recommendations for disciplinary action. At the

1 conclusion of the hearing, the Board shall present to the
2 Secretary ~~Director~~ a written report of its findings and
3 recommendations. The report shall contain a finding whether or
4 not the licensee violated this Act or failed to comply with the
5 conditions required in this Act. The Board shall specify the
6 nature of the violation or failure to comply and shall make its
7 recommendations to the Secretary ~~Director~~.

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

18 (Source: P.A. 89-61, eff. 6-30-95.)

19 (225 ILCS 37/85)

20 (Section scheduled to be repealed on December 31, 2008)

21 Sec. 85. Rehearing. In any hearing involving disciplinary
22 action against an applicant or licensee, a copy of the Board's
23 report shall be served upon the applicant or licensee by the
24 Department, either personally or as provided in this Act for
25 the service of the notice of hearing. Within 20 calendar days

1 after service, the applicant or licensee may present to the
2 Department a motion in writing for a rehearing that shall
3 specify the particular grounds for rehearing. If no motion for
4 rehearing is filed, then upon the expiration of the time
5 specified for filing a motion, or if a motion for rehearing is
6 denied, then upon denial, the Secretary ~~Director~~ may enter an
7 order in accordance with recommendations of the Board, except
8 as provided in this Act. If the applicant or licensee orders
9 from the reporting service, and pays for a transcript of the
10 record within the time for filing a motion for rehearing, the
11 20 calendar day period within which a motion may be filed shall
12 commence upon the delivery of the transcript to the respondent.
13 (Source: P.A. 88-670, eff. 12-2-94; 89-61, eff. 6-30-95.)

14 (225 ILCS 37/90)

15 (Section scheduled to be repealed on December 31, 2008)

16 Sec. 90. Hearing by other hearing officer ~~examiner~~.
17 Whenever the Secretary ~~Director~~ is not satisfied that
18 substantial justice has been done in the revocation,
19 suspension, or refusal to issue or renew a license, the
20 Secretary ~~Director~~ may order a rehearing by the same or other
21 hearing officers ~~examiners~~.

22 (Source: P.A. 88-683, eff. 1-24-95; 89-61, eff. 6-30-95;
23 89-626, eff. 8-9-96.)

24 (225 ILCS 37/95)

1 (Section scheduled to be repealed on December 31, 2008)

2 Sec. 95. Appointment of hearing officer. The Secretary
3 ~~Director~~ has the authority to appoint any attorney duly
4 licensed to practice law in the State of Illinois to serve as
5 the hearing officer in any action for Departmental refusal to
6 issue a license, renew a license, or to discipline a licensee.
7 The hearing officer has full authority to conduct the hearing.
8 At least one member of the Board shall attend each hearing. The
9 hearing officer shall report the findings of fact, conclusions
10 of law, and recommendations to the Board and the Secretary
11 ~~Director~~. The Board has 60 calendar days from receipt of the
12 report to review the report of the hearing officer and present
13 its findings of fact, conclusions of law, and recommendations
14 to the Secretary ~~Director~~. If the Board fails to present its
15 report within the 60 calendar day period, the Secretary
16 ~~Director~~ may issue an order based on the report of the hearing
17 officer. If the Secretary ~~Director~~ disagrees with the
18 recommendation of the Board or the hearing officer, the
19 Secretary ~~Director~~ may issue an order in contravention of the
20 recommendation.

21 (Source: P.A. 89-61, eff. 6-30-95.)

22 (225 ILCS 37/100)

23 (Section scheduled to be repealed on December 31, 2008)

24 Sec. 100. Order or certified copy. An order or a certified
25 copy thereof, over the seal of the Department and purporting to

1 be signed by the Secretary ~~Director~~, shall be prima facie proof
2 that:

3 (1) the signature is the genuine signature of the Secretary
4 ~~Director~~;

5 (2) the Secretary ~~Director~~ is duly appointed and qualified;
6 and

7 (3) the Board and its members are qualified to act.

8 (Source: P.A. 89-61, eff. 6-30-95.)

9 (225 ILCS 37/115)

10 (Section scheduled to be repealed on December 31, 2008)

11 Sec. 115. Temporary suspension. The Secretary ~~Director~~ may
12 summarily suspend the license of an environmental health
13 practitioner without a hearing, simultaneously with the
14 initiation of proceedings for a hearing provided for in this
15 Act, if the Secretary ~~Director~~ finds that evidence in his or
16 her possession indicates that an environmental health
17 practitioner's continuation in practice would constitute an
18 imminent danger to the public. In the event that the Secretary
19 ~~Director~~ summarily suspends the license of an environmental
20 health practitioner without a hearing, a hearing by the Board
21 must be held within 30 calendar days after the suspension has
22 occurred.

23 (Source: P.A. 89-61, eff. 6-30-95.)

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".