



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0128

Introduced 1/31/2007, by Sen. Emil Jones, Jr. - Deanna Demuzio  
- William Delgado - Christine Radogno

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act to change the repeal date of the Clinical Social Work and Social Work Practice Act from January 1, 2008 to January 1, 2018. Amends the Clinical Social Work and Social Work Practice Act. Replaces "Department of Professional Regulation" with "Department of Financial and Professional Regulation" and "Director of the Department of Professional Regulation" with "Secretary of Financial and Professional Regulation" throughout the Act. Adds a provision concerning an applicant's or licensee's change of address. Provides that a civil penalty of \$10,000 (rather than \$5,000) shall be imposed upon an individual for each offense of unlicensed practice. Makes changes to provisions concerning licensure, licensure by endorsement, grounds for disciplinary action, rehearing, and the appointment of a hearing officer. Makes other changes. Effective immediately.

LRB095 05003 RAS 25071 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 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 Acts repealed January 1, 2008 and December 31,  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9 (a) The following Acts are repealed on January 1, 2008: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 Petroleum Education and Marketing Act.

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

18 The Marriage and Family Therapy Licensing Act.

19 The Nursing Home Administrators Licensing and  
20 Disciplinary Act.

21 The Pharmacy Practice Act of 1987.

22 The Physician Assistant Practice Act of 1987.

23 The Podiatric Medical Practice Act of 1987.

1 The Structural Pest Control Act.

2 (b) The following Acts are repealed on December 31, 2008:

3 The Medical Practice Act of 1987.

4 The Environmental Health Practitioner Licensing Act.

5 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06.)

6 (5 ILCS 80/4.28 new)

7 Sec. 4.28. Act repealed on January 1, 2018. The following  
8 Act is repealed on January 1, 2018:

9 The Clinical Social Work and Social Work Practice Act.

10 Section 10. The Clinical Social Work and Social Work  
11 Practice Act is amended by changing Sections 3, 5, 6, 9, 10.5,  
12 11, 12.5, 14, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, and 32 and  
13 by adding Section 7.3 as follows:

14 (225 ILCS 20/3) (from Ch. 111, par. 6353)

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

16 Sec. 3. Definitions: The following words and phrases shall  
17 have the meanings ascribed to them in this Section unless the  
18 context clearly indicates otherwise:

19 1. "Department" means the Department of Financial and  
20 Professional Regulation.

21 2. "Secretary Director" means the Secretary Director of  
22 Financial and ~~the Department of~~ Professional Regulation.

23 3. "Board" means the Social Work Examining and Disciplinary

1 Board.

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

6 5. "Clinical social work practice" means the providing of  
7 mental health services for the evaluation, treatment, and  
8 prevention of mental and emotional disorders in individuals,  
9 families and groups based on knowledge and theory of  
10 psychosocial development, behavior, psychopathology,  
11 unconscious motivation, interpersonal relationships, and  
12 environmental stress.

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

15 7. "Independent practice of clinical social work" means the  
16 application of clinical social work knowledge and skills by a  
17 licensed clinical social worker who regulates and is  
18 responsible for her or his own practice or treatment  
19 procedures.

20 8. "License" means that which is required to practice  
21 clinical social work or social work under this Act, the  
22 qualifications for which include specific education,  
23 acceptable experience and examination requirements.

24 9. "Licensed social worker" means a person who holds a  
25 license authorizing the practice of social work, which includes  
26 social services to individuals, groups or communities in any

1 one or more of the fields of social casework, social group  
2 work, community organization for social welfare, social work  
3 research, social welfare administration or social work  
4 education. Social casework and social group work may also  
5 include clinical social work, as long as it is not conducted in  
6 an independent practice, as defined in this Section.

7 10. "Address of record" means the address recorded by the  
8 Department in the applicant's or licensee's application file or  
9 license file, as maintained by the Department's licensure  
10 maintenance unit.

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

12 (225 ILCS 20/5) (from Ch. 111, par. 6355)

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

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

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

17 2. The Secretary ~~Director~~ shall promulgate rules  
18 consistent with the provisions of this Act for the  
19 administration and enforcement thereof, and shall prescribe  
20 forms which shall be issued in connection therewith.

21 3. In addition, the Department shall:

22 (a) Establish rules for determining approved undergraduate  
23 and graduate social work degree programs and prepare and  
24 maintain a list of colleges and universities offering such  
25 approved programs whose graduates, if they otherwise meet the

1 requirements of this Act, are eligible to apply for a license.

2 (b) Promulgate rules, as may be necessary, for the  
3 administration of this Act and to carry out the purposes  
4 thereof and to adopt the methods of examination of candidates  
5 and to provide for the issuance of licenses authorizing the  
6 independent practice of clinical social work or the practice of  
7 social work.

8 (c) Authorize examinations to ascertain the qualifications  
9 and fitness of candidates for a license to engage in the  
10 independent practice of clinical social work and in the  
11 practice of social work, and to determine the qualifications of  
12 applicants from other jurisdictions to practice in Illinois.

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

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

19 (225 ILCS 20/6) (from Ch. 111, par. 6356)

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

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

22 (1) The Secretary ~~Director shall~~ appoint a Social Work  
23 Examining and Disciplinary Board consisting of 9 persons who  
24 shall serve in an advisory capacity to the Secretary ~~Director~~.  
25 The Board shall be composed of 5 licensed clinical social

1 workers, one of whom shall be a certified school social worker,  
2 one of whom shall be employed in the private not-for-profit  
3 sector and one of whom shall serve as the chairperson, two  
4 licensed social workers, and 2 members of the public who are  
5 not regulated under this Act or a similar Act and who clearly  
6 represent consumer interests.

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

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

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

18 (5) The Secretary ~~Director~~ shall consider the  
19 recommendation of the Board on all matters and questions  
20 relating to this Act.

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

1           (7) The Board may ~~shall~~ make recommendations on all matters  
2 relating to continuing education including the number of hours  
3 necessary for license renewal, waivers for those unable to meet  
4 such requirements and acceptable course content. Such  
5 recommendations shall not impose an undue burden on the  
6 Department or an unreasonable restriction on those seeking  
7 license renewal.

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

10          (9) Members of the Board shall be reimbursed for all  
11 authorized legitimate and necessary expenses incurred in  
12 attending the meetings of the Board.

13          (10) A majority of the Board members currently appointed  
14 shall constitute a quorum. A vacancy in the membership of the  
15 Board shall not impair the right of a quorum to perform all of  
16 the duties of the Board.

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

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

21           (225 ILCS 20/7.3 new)

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



1 (225 ILCS 20/9) (from Ch. 111, par. 6359)

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

3 Sec. 9. Qualification for clinical social worker license  
4 ~~license~~. A person shall be qualified to be licensed as a  
5 clinical social worker and the Department shall issue a license  
6 authorizing the independent practice of clinical social work to  
7 an applicant who:

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

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

13 (3) (A) demonstrates to the satisfaction of the Department  
14 that subsequent to securing a master's degree in social  
15 work from an approved program the applicant has  
16 successfully completed at least 3,000 hours of  
17 satisfactory, supervised clinical professional experience;  
18 or

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

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

1 (5) has paid the required fees.

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

3 (225 ILCS 20/10.5)

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

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

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

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

18 (c) The civil penalty shall be paid within 60 days after  
19 the effective date of the order imposing the civil penalty. The  
20 order shall constitute a judgment and may be filed and  
21 execution had thereon in the same manner as any judgment from  
22 any court of record.

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

24 (225 ILCS 20/11) (from Ch. 111, par. 6361)

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

2 Sec. 11. Licenses; renewal; restoration; person in  
3 military service; inactive status.

4 (a) The expiration date and renewal period for each license  
5 ~~A license shall be issued for a 2 year period; however the~~  
6 ~~expiration date for licenses~~ issued under this Act shall be set  
7 by rule. The licensee may renew a license during the 60-day  
8 ~~30-day~~ period preceding its ~~the~~ expiration date by paying the  
9 required fee and by demonstrating compliance with any  
10 continuing education requirements, as defined by rule. ~~Proof of~~  
11 ~~having met the minimum requirements of continuing education, as~~  
12 ~~determined by rule, shall be required for all license renewals.~~  
13 ~~Pursuant to rule, the continuing education requirements may,~~  
14 ~~upon petition to the Board, be waived in whole or in part for~~  
15 ~~licensed social workers or licensed clinical social workers who~~  
16 ~~can demonstrate their service in the Coast Guard or Armed~~  
17 ~~Forces during the period in question, an extreme hardship, or~~  
18 ~~that the license was obtained by examination or endorsement~~  
19 ~~within the preceding renewal period. The Department shall~~  
20 ~~establish, by rule, a means for the verification of completion~~  
21 ~~of the continuing education required by this Section. This~~  
22 ~~verification may be accomplished by audits of records~~  
23 ~~maintained by licensees, by requiring the filing of continuing~~  
24 ~~education records with the Department or an organization~~  
25 ~~selected by the Department to maintain these records, or by~~  
26 ~~other means established by the Department.~~

1 (b) Any person who has permitted a license to expire or who  
2 has a license on inactive status may have it restored by  
3 submitting ~~making~~ an application to the Department and filing  
4 proof of fitness, as defined by rule, to have the license  
5 restored, including, if appropriate, evidence, ~~7~~ which is  
6 satisfactory to the Department, ~~7~~ certifying the active practice  
7 of clinical social work or social work in another jurisdiction  
8 and by paying the required fee.

9 (b-5) If the person has not maintained an active practice  
10 in another jurisdiction which is satisfactory to the  
11 Department, the Department shall determine, ~~by an evaluation~~  
12 ~~program recommended by the Board and established by rule,~~ the  
13 person's fitness to resume active status ~~and the Department may~~  
14 ~~require the person to pass an examination.~~ The Department, ~~with~~  
15 ~~the recommendation of the Board,~~ may also require the person to  
16 complete a specific period of evaluated clinical social work or  
17 social work experience and may require successful completion of  
18 an examination.

19 (b-7) Notwithstanding any other provision of this Act  
20 ~~However,~~ any person whose license expired while on active duty  
21 with the armed forces of the United States, while called into  
22 service or training with the State Militia or in training or  
23 education under the supervision of the United States government  
24 prior to induction into the military service may have his or  
25 her license restored without paying any renewal fees if, within  
26 2 years after the honorable termination of that service,

1 training or education, except under conditions other than  
2 honorable, the Department is furnished with satisfactory  
3 evidence that the person has been so engaged and that the  
4 service, training or education has been so terminated.

5 (c) A license to practice shall not be denied any applicant  
6 because of the applicant's race, religion, creed, national  
7 origin, political beliefs or activities, age, sex, sexual  
8 orientation, or physical impairment. ~~Any person who notifies~~  
9 ~~the Department, in writing on forms prescribed by the~~  
10 ~~Department, may place his license on inactive status and shall~~  
11 ~~be excused from the payment of renewal fees until the person~~  
12 ~~notifies the Department in writing of his intention to resume~~  
13 ~~active practice.~~

14 ~~Any person requesting that his license be changed from~~  
15 ~~inactive to active status shall be required to pay the current~~  
16 ~~renewal fee and shall also demonstrate compliance with the~~  
17 ~~continuing education requirements.~~

18 (d) (Blank). ~~Any licensed clinical social worker or~~  
19 ~~licensed social worker whose license is on inactive status~~  
20 ~~shall not engage in the independent practice of clinical social~~  
21 ~~work or in the practice of social work in the State of~~  
22 ~~Illinois. If an individual engages in the independent practice~~  
23 ~~of clinical social work or in the practice of social work while~~  
24 ~~on inactive status, that individual is considered to be~~  
25 ~~practicing without a license and is subject to the disciplinary~~  
26 ~~provisions of this Act.~~

1 (e) (Blank).

2 (f) (Blank).

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

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

6 (225 ILCS 20/12.5)

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

8 Sec. 12.5. Endorsement. The Department may issue a license  
9 as a clinical social worker or as a social worker, without the  
10 required examination, to an applicant licensed under the laws  
11 of another jurisdiction if the requirements for licensure in  
12 that jurisdiction are, on the date of licensure, substantially  
13 equivalent to the requirements of this Act or to any person  
14 who, at the time of his or her licensure, possessed individual  
15 qualifications that were substantially equivalent to the  
16 requirements then in force in this State. An applicant under  
17 this Section shall pay the required fees.

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

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

24 (225 ILCS 20/14) (from Ch. 111, par. 6364)

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

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

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

2 (225 ILCS 20/19) (from Ch. 111, par. 6369)

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

4 Sec. 19. Grounds for disciplinary action.

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

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

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

19 (c) conviction of or entry of a plea of guilty or nolo  
20 contendere to any crime that is a felony under the laws of  
21 the United States or any state or territory thereof or that  
22 is a ~~felony or~~ misdemeanor, of which an essential element  
23 is dishonesty, or ~~of~~ any crime that ~~which~~ is directly  
24 related to the practice of the clinical social work or  
25 social work professions;



1 (d) making any misrepresentation for the purpose of  
2 obtaining licenses, or violating any provision of this Act  
3 or any of the rules promulgated hereunder;

4 (e) professional incompetence;

5 (f) malpractice;

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

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

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

15 (j) habitual or excessive use or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or drug  
17 that results in a clinical social worker's or social  
18 worker's inability to practice with reasonable judgment,  
19 skill, or safety;

20 (k) discipline by another jurisdiction, if at least one  
21 of the grounds for the discipline is the same or  
22 substantially equivalent to those set forth in this  
23 Section;

24 (l) directly or indirectly giving to or receiving from  
25 any person, firm, corporation, partnership or association  
26 any fee, commission, rebate or other form of compensation

1 for any professional service not actually rendered;

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

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

6 (o) wilfully filing false reports relating to a  
7 licensee's practice, including but not limited to false  
8 records filed with Federal or State agencies or  
9 departments;

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

13 (q) being named as a perpetrator in an indicated report  
14 by the Department of Children and Family Services under the  
15 Abused and Neglected Child Reporting Act, and upon proof by  
16 clear and convincing evidence that the licensee has caused  
17 a child to be an abused child or neglected child as defined  
18 in the Abused and Neglected Child Reporting Act;

19 (r) physical illness, ~~or~~ mental illness, or any other  
20 impairment or disability, including, but not limited to,  
21 deterioration through the aging process, or loss of motor  
22 ~~abilities and skills that which~~ results in the inability to  
23 practice the profession with reasonable judgment, skill or  
24 safety;

25 (s) solicitation of professional services by using  
26 false or misleading advertising; or

1 (t) violation of the Health Care Worker Self-Referral  
2 Act.

3 (2) (Blank).

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

14 (4) The Department may refuse to issue or renew or may  
15 suspend the license of a person who fails to file a return, pay  
16 the tax, penalty, or interest shown in a filed return, or pay  
17 any final assessment of tax, penalty, or interest, as required  
18 by any tax Act administered by the Department of Revenue, until  
19 the requirements of the tax Act are satisfied.

20 (5) In enforcing this Section, the Board upon a showing of  
21 a possible violation may compel a person licensed to practice  
22 under this Act, or who has applied for licensure or  
23 certification pursuant to this Act, to submit to a mental or  
24 physical examination, or both, as required by and at the  
25 expense of the Department. The examining physicians shall be  
26 those specifically designated by the Board. The Board or the

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

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

1 determination as to whether the person shall have his or her  
2 license suspended immediately, pending a hearing by the Board.

3 In instances in which the Secretary ~~Director~~ immediately  
4 suspends a person's license under this Section, a hearing on  
5 that person's license must be convened by the Board within 30  
6 ~~15~~ days after the suspension and completed without appreciable  
7 delay. The Board shall have the authority to review the subject  
8 person's record of treatment and counseling regarding the  
9 impairment, to the extent permitted by applicable federal  
10 statutes and regulations safeguarding the confidentiality of  
11 medical records.

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

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

18 (225 ILCS 20/20) (from Ch. 111, par. 6370)

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

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

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

1 petition, the court with appropriate jurisdiction may issue a  
2 temporary restraining order without notice or bond, and may  
3 preliminarily and permanently enjoin such violation. If it is  
4 established that such person has violated or is violating the  
5 injunction, the court may punish the offender for contempt of  
6 court. Proceedings under this Section shall be in addition to  
7 all other remedies and penalties provided by this Act.

8 2. If any person shall hold herself or himself out as a  
9 licensed clinical social worker or licensed social worker and  
10 is not licensed under this Act, then any licensed clinical  
11 social worker, licensed social worker, interested party or any  
12 person injured thereby may petition for relief as provided in  
13 subsection (1) of this Section.

14 3. Whenever, in the opinion of the Department, a person  
15 violates any 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 such person. The rule shall clearly set  
18 forth the grounds relied upon by the Department and shall allow  
19 at least 7 days from the date of the rule to file an answer  
20 satisfactory to the Department. Failure to answer to the  
21 satisfaction of the Department shall cause an order to cease  
22 and desist to be issued.

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

24 (225 ILCS 20/21) (from Ch. 111, par. 6371)

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

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

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

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

9 (225 ILCS 20/23) (from Ch. 111, par. 6373)

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

11 Sec. 23. Subpoenas - Depositions - Oaths. The Department  
12 shall have 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 and  
17 every member of the Board shall have power to administer oaths  
18 to witnesses at any hearing which the Department is authorized  
19 to conduct, and any other oaths authorized in any Act  
20 administered by the Department.

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

22 (225 ILCS 20/24) (from Ch. 111, par. 6374)

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

24 Sec. 24. Compelling Testimony. Any court, upon application



1 of the Department, designated hearing officer or the applicant  
2 or licensee against whom proceedings under Section 19 ~~17~~ of  
3 this Act are pending, may enter an order requiring the  
4 attendance of witnesses and their testimony, and the production  
5 of documents, papers, files, books and records in connection  
6 with any hearing or investigation. The court may compel  
7 obedience to its order by proceedings for contempt.

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

9 (225 ILCS 20/25) (from Ch. 111, par. 6375)

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

11 Sec. 25. Findings and recommendations. At the conclusion of  
12 the hearing the Board shall present to the Secretary ~~Director~~ a  
13 written report of its findings of fact, conclusions of law and  
14 recommendations. The report shall contain a finding whether or  
15 not the licensee violated this act or failed to comply with the  
16 conditions required in this Act. The Board shall specify the  
17 nature of the violation or failure to comply, and shall make  
18 its recommendations to the Secretary ~~Director~~.

19 The report of findings of fact, conclusions of law and  
20 recommendation of the Board shall be the basis for the  
21 Department's order or refusal or for the granting of the  
22 license. If the Secretary ~~Director~~ disagrees with the  
23 recommendations of the Board, the Secretary ~~Director~~ may issue  
24 an order in contravention thereof. The Secretary ~~Director~~ shall  
25 provide a written report to the Board on any disagreement and

1 shall specify the reasons for said action in the final order.  
2 The finding is not admissible in evidence against the person in  
3 a criminal prosecution brought for the violation of this Act,  
4 but the hearing and findings are not a bar to a criminal  
5 prosecution brought for the violation of this Act.

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

7 (225 ILCS 20/26) (from Ch. 111, par. 6376)

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

9 Sec. 26. Board - Rehearing. In any case involving the  
10 refusal to issue or to renew a license or to discipline a  
11 licensee, a copy of the Board's report shall be served upon the  
12 applicant or licensee by the Department, either personally or  
13 by registered or certified mail or as provided in this Act for  
14 the service of the notice of hearing. Within 20 days after such  
15 service, the applicant or licensee may present to the  
16 Department a motion in writing for a rehearing which shall  
17 specify the particular grounds therefor. If no motion for a  
18 rehearing is filed, then upon the expiration of the time  
19 specified for filing such a motion, or if a motion for  
20 rehearing is denied, then upon such denial, the Secretary  
21 ~~Director~~ may enter an order in accordance with recommendations  
22 of the Board, except as provided in Section 25 of this Act. ~~If~~  
23 ~~the applicant or licensee requests and pays for a transcript of~~  
24 ~~the record within the time for filing a motion for rehearing,~~  
25 ~~the 20 day period within which such a motion may be filed shall~~

1 ~~commence upon the delivery of the transcript to the applicant~~  
2 ~~or licensee.~~

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

4 (225 ILCS 20/27) (from Ch. 111, par. 6377)

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

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

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

11 (225 ILCS 20/28) (from Ch. 111, par. 6378)

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

13 Sec. 28. Appointment of a hearing officer. The Secretary  
14 ~~Director~~ shall have the authority to appoint any attorney  
15 licensed to practice law in the State of Illinois to serve as  
16 the hearing officer in any action for refusal to issue or renew  
17 a license or permit or to discipline a licensee. The Secretary  
18 ~~Director~~ shall promptly notify the Board of any such  
19 appointment. The hearing officer shall have full authority to  
20 conduct the hearing. ~~At least one member of the Board shall~~  
21 ~~attend each hearing.~~ The hearing officer shall report his  
22 findings of fact, conclusions of law and recommendations to the  
23 Board and to the Secretary ~~Director~~. Upon receipt of the  
24 report, the ~~The Board shall have at least 60 days after receipt~~

1 ~~of the report to~~ review it and ~~to~~ present its findings of fact,  
2 conclusions of law and recommendation to the Secretary  
3 Director. If the Board does not present its report ~~within the~~  
4 ~~60 days period~~, the Secretary ~~Director~~ may issue an order based  
5 on the report of the hearing officer. If the Secretary ~~Director~~  
6 disagrees with the recommendation of the Board or of the  
7 hearing officer, the Secretary ~~Director~~ may issue an order in  
8 contravention of the Board's report. The Secretary ~~Director~~  
9 shall promptly provide a written explanation to the Board on  
10 any such disagreement, and shall specify the reasons for such  
11 action in the final order.

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

13 (225 ILCS 20/29) (from Ch. 111, par. 6379)

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

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

19 (1) Such signature is the genuine signature of the  
20 Secretary ~~Director~~;

21 (2) Such Secretary ~~Director~~ is duly appointed and  
22 qualified; and

23 (3) The Board and the members thereof are qualified to act.

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

1 (225 ILCS 20/32) (from Ch. 111, par. 6382)

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

3 Sec. 32. Temporary suspension of a license. The Secretary  
4 ~~Director~~ may temporarily suspend the license of a licensed  
5 clinical social worker or licensed social worker without a  
6 hearing simultaneously with the institution of proceedings for  
7 a hearing provided for in Section 21 of this Act if the  
8 Secretary ~~Director~~ finds conclusive evidence indicating that a  
9 licensee's continuation in practice would constitute an  
10 imminent danger to the public. In the event the Secretary  
11 ~~Director~~ temporarily suspends such license without a hearing, a  
12 hearing by the Board shall be held within 30 days after such  
13 suspension has occurred.

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

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

|    |   |                         |
|----|---|-------------------------|
| 1  | INDEX                                   |                         |
| 2  | Statutes amended in order of appearance |                         |
| 3  | 5 ILCS 80/4.18                          |                         |
| 4  | 5 ILCS 80/4.28 new                      |                         |
| 5  | 225 ILCS 20/3                           | from Ch. 111, par. 6353 |
| 6  | 225 ILCS 20/5                           | from Ch. 111, par. 6355 |
| 7  | 225 ILCS 20/6                           | from Ch. 111, par. 6356 |
| 8  | 225 ILCS 20/7.3 new                     |                         |
| 9  | 225 ILCS 20/9                           | from Ch. 111, par. 6359 |
| 10 | 225 ILCS 20/10.5                        |                         |
| 11 | 225 ILCS 20/11                          | from Ch. 111, par. 6361 |
| 12 | 225 ILCS 20/12.5                        |                         |
| 13 | 225 ILCS 20/14                          | from Ch. 111, par. 6364 |
| 14 | 225 ILCS 20/19                          | from Ch. 111, par. 6369 |
| 15 | 225 ILCS 20/20                          | from Ch. 111, par. 6370 |
| 16 | 225 ILCS 20/21                          | from Ch. 111, par. 6371 |
| 17 | 225 ILCS 20/23                          | from Ch. 111, par. 6373 |
| 18 | 225 ILCS 20/24                          | from Ch. 111, par. 6374 |
| 19 | 225 ILCS 20/25                          | from Ch. 111, par. 6375 |
| 20 | 225 ILCS 20/26                          | from Ch. 111, par. 6376 |
| 21 | 225 ILCS 20/27                          | from Ch. 111, par. 6377 |
| 22 | 225 ILCS 20/28                          | from Ch. 111, par. 6378 |
| 23 | 225 ILCS 20/29                          | from Ch. 111, par. 6379 |
| 24 | 225 ILCS 20/32                          | from Ch. 111, par. 6382 |