



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5772

Introduced 2/16/2012, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

See Index

Amends the Funeral Directors and Embalmers Licensing Code. Provides that the transportation of deceased human remains that have been donated pursuant to the Illinois Anatomical Gift Act to any authorized donee under that Act shall be under the immediate direct supervision of a licensee. Provides that no exemptions from continuing education requirements shall be granted or recognized after January 1, 2016. Creates a provision concerning the endorsement of a funeral director and embalmer license, without the required examination, to an applicant licensed by another state, territory, possession of the United States, or the District of Columbia if specific requirements are met. Provides that the Secretary of the Department of Financial and Professional Regulation may temporarily suspend the license of a licensee without a hearing if the Secretary finds that the public interest, safety, or welfare requires such emergency action. Provides that a person not licensed under the Code who is an owner of a funeral establishment or funeral business shall not aid, abet, assist, procure, advise, employ, or contract with any unlicensed person to offer funeral services or aid, abet, assist, or direct any licensed person contrary to or in violation of any rules or provisions of the Code. Creates a provision concerning the confidentiality of all information collected by the Department in the course of an examination or investigation of a licensee or applicant. Makes other changes. Repeals a provision concerning reciprocity. Amends the Regulatory Sunset Act to extend the Funeral Directors and Embalmers Licensing Code from January 1, 2013 to January 1, 2023. Effective immediately.

LRB097 18992 CEL 64231 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 1. The Regulatory Sunset Act is amended by changing
5 Section 4.23 and by adding Section 4.33 as follows:

6 (5 ILCS 80/4.23)

7 Sec. 4.23. Acts and Sections repealed on January 1, 2013.

8 The following Acts and Sections of Acts are repealed on January
9 1, 2013:

10 The Dietetic and Nutrition Services Practice Act.

11 The Elevator Safety and Regulation Act.

12 The Fire Equipment Distributor and Employee Regulation Act
13 of 2011.

14 ~~The Funeral Directors and Embalmers Licensing Code.~~

15 The Naprapathic Practice Act.

16 The Professional Counselor and Clinical Professional
17 Counselor Licensing Act.

18 The Wholesale Drug Distribution Licensing Act.

19 Section 2.5 of the Illinois Plumbing License Law.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-1499, eff. 1-18-11.)

21 (5 ILCS 80/4.33 new)

22 Sec. 4.33. Act repealed on January 1, 2023. The following

1 Act is repealed on January 1, 2023:

2 The Funeral Directors and Embalmers Licensing Code.

3 Section 5. The Funeral Directors and Embalmers Licensing
4 Code is amended by changing Sections 1-5, 1-10, 1-15, 1-20,
5 1-30, 5-15, 10-20, 10-35, 15-5, 15-15, 15-16, 15-20, 15-21,
6 15-22, 15-25, 15-40, 15-41, 15-45, 15-46, 15-50, 15-65, 15-70,
7 15-75, 15-76, 15-77, 15-80, 15-91, and 20-15 and by adding
8 Sections 5-18, 10-38, 10-43, 15-18, 15-19, and 15-115 as
9 follows:

10 (225 ILCS 41/1-5)

11 (Section scheduled to be repealed on January 1, 2013)

12 Sec. 1-5. Legislative intent. The practice of funeral
13 directing and embalming in the State of Illinois is declared to
14 be a practice affecting the public health, safety and welfare
15 and subject to regulation and control in the public interest.
16 It is further declared to be a matter of public interest and
17 concern that the preparation, care and final disposal of a
18 deceased human body be attended with appropriate observance and
19 understanding, having due regard and respect for the reverent
20 care of the human body and for those bereaved and the overall
21 spiritual dignity of every person ~~man~~. It is further a matter
22 of public interest that the practice of funeral directing and
23 embalming as defined in this Code merit and receive the
24 confidence of the public and that only qualified persons be

1 authorized to practice funeral directing and embalming in the
2 State of Illinois. This Code shall be liberally construed to
3 best carry out these subjects and purposes.

4 (Source: P.A. 87-966.)

5 (225 ILCS 41/1-10)

6 (Section scheduled to be repealed on January 1, 2013)

7 Sec. 1-10. Definitions. As used in this Code:

8 "Address of record" means the designated address recorded
9 by the Department in the applicant's or licensee's application
10 file or license file. It is the duty of the applicant or
11 licensee to inform the Department of any changes of address and
12 those changes must be made either through the Department's
13 website or by contacting the Department.

14 "Applicant" means any person making application for a
15 license ~~or certificate of registration~~. Any applicant or any
16 person who holds himself out as an applicant is considered a
17 licensee for purposes of enforcement, investigation, hearings,
18 and the Illinois Administrative Procedure Act.

19 "Board" means the Funeral Directors and Embalmers
20 Licensing and Disciplinary Board.

21 "Certificate of Death" means a certificate of death as
22 referenced in the Illinois Vital Records Act.

23 "Department" means the Department of Financial and
24 Professional Regulation.

25 "Funeral director and embalmer" means a person who is

1 licensed and qualified to practice funeral directing and to
2 prepare, disinfect and preserve dead human bodies by the
3 injection or external application of antiseptics,
4 disinfectants or preservative fluids and materials and to use
5 derma surgery or plastic art for the restoring of mutilated
6 features. It further means a person who restores the remains of
7 a person for the purpose of funeralization whose organs or bone
8 or tissue has been donated for anatomical purposes.

9 "Funeral director and embalmer intern" means a person
10 licensed by the Department ~~State~~ who is qualified to render
11 assistance to a funeral director and embalmer in carrying out
12 the practice of funeral directing and embalming under the
13 supervision of the funeral director and embalmer.

14 "Embalming" means the process of sanitizing and chemically
15 treating a deceased human body in order to reduce the presence
16 and growth of microorganisms, to retard organic decomposition,
17 to render the remains safe to handle while retaining
18 naturalness of tissue, and to restore an acceptable physical
19 appearance for funeral viewing purposes.

20 "Funeral director" means a person, known by the title of
21 "funeral director" or other similar words or titles, licensed
22 by the Department ~~State~~ who practices funeral directing.

23 "Funeral establishment", "funeral chapel", "funeral home",
24 or "mortuary" means a building or separate portion of a
25 building having a specific street address or location and
26 devoted to activities relating to the shelter, care, custody

1 and preparation of a deceased human body and which may contain
2 facilities for funeral or wake services.

3 "Licensee" means a person licensed under this Code as a
4 funeral director, funeral director and embalmer, or funeral
5 director and embalmer intern. Anyone who holds himself or
6 herself out as a licensee or who is accused of unlicensed
7 practice is considered a licensee for purposes of enforcement,
8 investigation, hearings, and the Illinois Administrative
9 Procedure Act.

10 "Owner" means the individual, partnership, corporation,
11 limited liability company, association, trust, estate, or
12 agent thereof, or other person or combination of persons who
13 owns a funeral establishment or funeral business.

14 "Person" means any individual, partnership, association,
15 firm, corporation, limited liability company, trust or estate,
16 or other entity. "Person" includes both natural persons and
17 legal entities.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation.

20 (Source: P.A. 96-863, eff. 3-1-10; 96-1463, eff. 1-1-11.)

21 (225 ILCS 41/1-15)

22 (Section scheduled to be repealed on January 1, 2013)

23 Sec. 1-15. Funeral directing; definition. Conducting or
24 engaging in or representing or holding out oneself as
25 conducting or engaged in any one or any combination of the

1 following practices constitutes the practice of funeral
2 directing:

3 (a) The practice of preparing, otherwise than by
4 embalming, for the burial, cremation, or disposal and
5 directing and supervising the burial or disposal of
6 deceased human remains or performing any act or service in
7 connection with the preparing of dead human bodies.
8 Preparation, direction, and supervision shall not be
9 construed to mean those functions normally performed by
10 cemetery and crematory personnel.

11 (b) The practice of operating a place for preparing for
12 the disposition of deceased human bodies or for caring for
13 deceased human bodies before their disposition. Nothing in
14 this Code shall prohibit the ownership and management of
15 such a place by an unlicensed owner if the place is
16 operated in accordance with this Code and the unlicensed
17 owner does not engage in any form of funeral directing.

18 (c) The removal of a deceased human body from its place
19 of death, institution, or other location. A licensed
20 funeral director and embalmer intern may remove a deceased
21 human body from its place of death, institution, or other
22 location without another licensee being present. The
23 licensed funeral director may engage others who are not
24 licensed funeral directors, licensed funeral director and
25 embalmers, or licensed funeral director and embalmer
26 interns to assist in the removal if the funeral director

1 directs and instructs them in handling and precautionary
2 procedures and accompanies them on all calls. The
3 transportation of deceased human remains to a cemetery,
4 crematory or other place of final disposition shall be
5 under the immediate direct supervision of a licensee unless
6 otherwise permitted by this Section. The transportation of
7 deceased human remains that are embalmed or otherwise
8 prepared and enclosed in an appropriate container to some
9 other place that is not the place of final disposition,
10 such as another funeral home or common carrier, or to a
11 facility that shares common ownership with the
12 transporting funeral home may be performed under the
13 general supervision of a licensee, but the supervision need
14 not be immediate or direct. The transportation of deceased
15 human remains that have been donated pursuant to the
16 Illinois Anatomical Gift Act to any authorized donee under
17 that Act shall be under the immediate direct supervision of
18 a licensee. If the deceased human remains are transported
19 from this State to another state under the Illinois
20 Anatomical Gift Act, then a person licensed in a
21 jurisdiction contiguous to this State (i) as a funeral
22 director, (ii) as a funeral director and embalmer, or (iii)
23 under a comparable license may also transport the donated
24 deceased human remains from this State to the other
25 jurisdiction. Nothing in this Section shall apply to organs
26 or tissue donated pursuant to the Illinois Anatomical Gift

1 Act.

2 (d) The administering and conducting of, or assuming
3 responsibility for administering and conducting of, at
4 need funeral arrangements.

5 (e) The assuming custody of, transportation, providing
6 shelter, protection and care and disposition of deceased
7 human remains and the furnishing of necessary funeral
8 services, facilities and equipment.

9 (f) Using in connection with a name or practice the
10 word "funeral director", "undertaker", "mortician",
11 "funeral home", "funeral parlor", "funeral chapel", or any
12 other title implying that the person is engaged in the
13 practice of funeral directing.

14 Within the existing scope of the practice of funeral
15 directing or funeral directing and embalming, only a licensed
16 funeral director, a licensed funeral director and embalmer, or
17 a licensed funeral director and embalmer intern under the
18 restrictions provided for in this Code, and not any other
19 person employed or contracted by the licensee, may engage in
20 the following activities at-need: (1) have direct contact with
21 consumers and explain funeral or burial merchandise or services
22 or (2) negotiate, develop, or finalize contracts with
23 consumers. This paragraph shall not be construed or enforced in
24 such a manner as to limit the functions of persons regulated
25 under the Illinois Funeral or Burial Funds Act, the Illinois
26 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the

1 Cemetery Care Act, the Cemetery Association Act, the Illinois
2 Insurance Code, or any other related professional regulatory
3 Act.

4 The practice of funeral directing shall not include the
5 phoning in of obituary notices, ordering of flowers for the
6 funeral, or reporting of prices on the firm's general price
7 list as required by the Federal Trade Commission Funeral Rule
8 by nonlicensed persons, or like clerical tasks incidental to
9 the act of making funeral arrangements.

10 The making of funeral arrangements, at need, shall be done
11 only by licensed funeral directors or licensed funeral
12 directors and embalmers. Licensed funeral director and
13 embalmer interns may, however, assist or participate in the
14 arrangements under the direct supervision of a licensed funeral
15 director or licensed funeral director and embalmer.

16 (Source: P.A. 96-1463, eff. 1-1-11.)

17 (225 ILCS 41/1-20)

18 (Section scheduled to be repealed on January 1, 2013)

19 Sec. 1-20. Funeral directing and embalming; definition.

20 "The practice of funeral directing and embalming" means:

21 (a) The practice of preparing, otherwise than by
22 embalming, for the burial, cremation, or disposal and
23 directing and supervising the burial or disposal of
24 deceased human remains or performing any act or service in
25 connection with the preparing of dead human bodies.

1 Preparation, direction, and supervision shall not be
2 construed to mean those functions normally performed by
3 cemetery and crematory personnel.

4 (b) The practice of operating a place for preparing for
5 the disposition of deceased human bodies or for caring for
6 deceased human bodies before their disposition. Nothing in
7 this Code shall prohibit the ownership and management of
8 such a place by an unlicensed owner if the place is
9 operated in accordance with this Code and the unlicensed
10 owner does not engage in any form of funeral directing and
11 embalming.

12 (c) The removal of a deceased human body from its place
13 of death, institution or other location. A licensed funeral
14 director and embalmer intern may remove a deceased human
15 body from its place of death, institution, or other
16 location without another licensee being present. The
17 licensed funeral director and embalmer may engage others
18 who are not licensed funeral directors and embalmers,
19 licensed funeral directors, or licensed funeral director
20 and embalmer interns to assist in the removal if the
21 funeral director and embalmer directs and instructs them in
22 handling and precautionary procedures and accompanies them
23 on all calls. The transportation of deceased human remains
24 to a cemetery, crematory or other place of final
25 disposition shall be under the immediate, direct
26 supervision of a licensee unless otherwise permitted by

1 this Section. The transportation of deceased human remains
2 that are embalmed or otherwise prepared and enclosed in an
3 appropriate container to some other place that is not the
4 place of final disposition, such as another funeral home or
5 common carrier, or to a facility that shares common
6 ownership with the transporting funeral home may be
7 performed under the general supervision of a licensee, but
8 the supervision need not be immediate or direct. The
9 transportation of deceased human remains that have been
10 donated pursuant to the Illinois Anatomical Gift Act to any
11 authorized donee under that Act shall be under the
12 immediate direct supervision of a licensee. If the deceased
13 human remains are transported from this State to another
14 state under the Illinois Anatomical Gift Act, then a person
15 licensed in a jurisdiction contiguous to this State (i) as
16 a funeral director, (ii) as a funeral director and
17 embalmer, or (iii) under a comparable license may also
18 transport the donated deceased human remains from this
19 State to the other jurisdiction. Nothing in this Section
20 shall apply to organs or tissue donated pursuant to the
21 Illinois Anatomical Gift Act.

22 (d) The administering and conducting of, or assuming
23 responsibility for administering and conducting of, at
24 need funeral arrangements.

25 (e) The assuming custody of, transportation, providing
26 shelter, protection and care and disposition of deceased

1 human remains and the furnishing of necessary funeral
2 services, facilities and equipment.

3 (f) Using in connection with a name or practice the
4 word "funeral director and embalmer", "embalmer", "funeral
5 director", "undertaker", "mortician", "funeral home",
6 "funeral parlor", "funeral chapel", or any other title
7 implying that the person is engaged in the practice of
8 funeral directing and embalming.

9 (g) The embalming or representing or holding out
10 oneself as engaged in the practice of embalming of deceased
11 human bodies or the transportation of human bodies deceased
12 of a contagious or infectious disease.

13 Within the existing scope of the practice of funeral
14 directing or funeral directing and embalming, only a licensed
15 funeral director, a licensed funeral director and embalmer, or
16 a licensed funeral director and embalmer intern under the
17 restrictions provided for in this Code, and not any other
18 person employed or contracted by the licensee, may engage in
19 the following activities at-need: (1) have direct contact with
20 consumers and explain funeral or burial merchandise or services
21 or (2) negotiate, develop, or finalize contracts with
22 consumers. This paragraph shall not be construed or enforced in
23 such a manner as to limit the functions of persons regulated
24 under the Illinois Funeral or Burial Funds Act, the Illinois
25 Pre-Need Cemetery Sales Act, the Cemetery Oversight Act, the
26 Cemetery Care Act, the Cemetery Association Act, the Illinois

1 Insurance Code, or any other related professional regulatory
2 Act.

3 The practice of funeral directing and embalming shall not
4 include the phoning in of obituary notices, ordering of flowers
5 for the funeral, or reporting of prices on the firm's general
6 price list as required by the Federal Trade Commission Funeral
7 Rule by nonlicensed persons, or like clerical tasks incidental
8 to the act of making funeral arrangements.

9 The making of funeral arrangements, at need, shall be done
10 only by licensed funeral directors or licensed funeral
11 directors and embalmers. Licensed funeral director and
12 embalmer interns may, however, assist or participate in the
13 arrangements under the direct supervision of a licensed funeral
14 director or licensed funeral director and embalmer.

15 (Source: P.A. 96-1463, eff. 1-1-11.)

16 (225 ILCS 41/1-30)

17 (Section scheduled to be repealed on January 1, 2013)

18 Sec. 1-30. Powers of the Department. Subject to the
19 provisions of this Code, the Department may exercise the
20 following powers:

21 (1) To authorize examinations to ascertain the
22 qualifications and fitness of applicants for licensing as a
23 licensed funeral director and embalmer and pass upon the
24 qualifications of applicants for licensure.

25 (2) To examine the records of a licensed funeral director

1 or licensed funeral director and embalmer from any year or any
2 other aspect of funeral directing and embalming as the
3 Department deems appropriate.

4 (3) To investigate any and all funeral directing and
5 embalming activity.

6 (4) To conduct hearings on proceedings to refuse to issue
7 or renew licenses or to revoke, suspend, place on probation,
8 reprimand, or otherwise discipline a license under this Code or
9 take other non-disciplinary action.

10 (5) To adopt all necessary and reasonable rules and
11 regulations for the effective ~~required for the~~ administration
12 of this Code.

13 (6) To prescribe forms to be issued for the administration
14 and enforcement of this Code.

15 (7) To maintain rosters of the names and addresses of all
16 licensees and all persons whose licenses have been suspended,
17 revoked, denied renewal, or otherwise disciplined within the
18 previous calendar year. These rosters shall be available upon
19 written request and payment of the required fee as established
20 by rule.

21 (8) To contract with third parties for services necessary
22 for the proper administration of this Code including, without
23 limitation, investigators with the proper knowledge, training,
24 and skills to properly inspect funeral homes and investigate
25 complaints under this Code.

26 (Source: P.A. 96-1463, eff. 1-1-11.)

1 (225 ILCS 41/5-15)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 5-15. Renewal; reinstatement; restoration ~~Expiration~~
4 ~~and renewal; inactive status; continuing education~~. The
5 expiration date and renewal period for each license issued
6 under this Article shall be set by rule. The holder of a
7 license as a licensed funeral director may renew the license
8 during the month preceding the expiration date of the license
9 by paying the required fee. A licensed funeral director whose
10 license has expired may have the license reinstated within 5
11 years from the date of expiration upon payment of the required
12 reinstatement fee. The reinstatement shall be effective as of
13 the date of reissuance of the license.

14 Any licensed funeral director whose license has been
15 expired for more than 5 years may have the license restored
16 only by fulfilling the requirements of the Department's rules
17 and by paying the required restoration fee. However, any
18 licensed funeral director whose license has expired while he or
19 she has been engaged (1) in federal service on active duty with
20 the United States Army, Navy, Marine Corps, Air Force, or Coast
21 Guard, or the State Militia called into the service or training
22 of the United States of America or (2) in training or education
23 under the supervision of the United States preliminary to
24 induction into the military service may have his or her license
25 restored without paying any lapsed renewal fees or restoration

1 fee or without passing any examination if, within 2 years after
2 termination of the service, training or education other than by
3 dishonorable discharge, he or she furnishes the Department with
4 an affidavit to the effect that he or she has been so engaged
5 and that his or her service, training or education has been so
6 terminated.

7 In addition to any other requirement for renewal of a
8 license or reinstatement or restoration of an expired license,
9 as a condition for the renewal, reinstatement, or restoration
10 of a license as a licensed funeral director, each licensee
11 shall provide evidence to the Department of completion of at
12 least 12 hours of continuing education during the 24 months
13 preceding the expiration date of the license, or in the case of
14 reinstatement or restoration, during the 24 months preceding
15 application for reinstatement or restoration. The continuing
16 education sponsors shall be approved by the Board. In addition,
17 any qualified continuing education course for funeral
18 directors offered by a college, university, the Illinois
19 Funeral Directors Association, Funeral Directors Services
20 Association of Greater Chicago, Cook County Association of
21 Funeral Home Owners, Inc., Illinois Selected Morticians
22 Association, Inc., Illinois Cemetery and Funeral Home
23 Association, National Funeral Directors Association, Selected
24 Independent Funeral Homes, National Funeral Directors and
25 Morticians Association, Inc., International Order of the
26 Golden Rule, or an Illinois school of mortuary science shall be

1 accepted toward satisfaction of the continuing education
2 requirements.

3 The Department shall establish by rule a means for
4 verification of completion of the continuing education
5 required by this Section. This verification may be accomplished
6 through audits of records maintained by licensees, by requiring
7 the filing of continued education certificates with the
8 Department or a qualified organization selected by the
9 Department to maintain these records, or by other means
10 established by the Department.

11 A person who is licensed as a funeral director under this
12 Code and who has engaged in the practice of funeral directing
13 for at least 40 years shall be exempt from the continuing
14 education requirements of this Section. No such exemptions
15 shall be granted or recognized after January 1, 2016. In
16 addition, the Department shall establish by rule an exemption
17 or exception, for a limited period of time, for funeral
18 directors who, by reason of advanced age, health or other
19 extreme condition should reasonably be excused from the
20 continuing education requirement upon the approval of the
21 Secretary. Those persons, identified above, who cannot attend
22 on-site classes, shall have the opportunity to comply by
23 completing home study courses designed for them by sponsors.

24 ~~Any funeral director who notifies the Department in writing~~
25 ~~on forms prescribed by the Department may elect to place his or~~
26 ~~her license on an inactive status and shall, subject to rules~~

~~of the Department, be excused from payment of renewal fees and completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore or reinstate the license to active status. Any licensee requesting restoration or reinstatement from inactive status shall notify the Department as provided by rule of the Department and pay the fee required by the Department for restoration or reinstatement of the license. Any licensee whose license is on inactive status shall not practice in the State of Illinois.~~

~~Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of this Code.~~

(Source: P.A. 96-1463, eff. 1-1-11.)

(225 ILCS 41/5-18 new)

Sec. 5-18. Inactive status.

(a) Any funeral director who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees and completion of continuing education requirements until he or she notifies the Department in writing of an intent to restore or reinstate the license to active status.

(b) Any licensee who has permitted his or her license to expire or who has had his or her license on inactive status may

1 have the license restored by making application to the
2 Department, by filing proof acceptable to the Department of his
3 or her fitness to have the license restored, and by paying the
4 required fees. Proof of fitness may include sworn evidence
5 certifying to active lawful practice in another jurisdiction.
6 If the licensee has not maintained an active practice in
7 another jurisdiction satisfactory to the Department, then the
8 Department shall determine by an evaluation program,
9 established by rule, his or her fitness for restoration of the
10 license and shall establish procedures and requirements for
11 restoration. Any licensee whose license is on inactive status
12 shall not practice in the State.

13 (c) Any licensee whose license is on inactive status or in
14 a non-renewed status shall not engage in the practice of
15 funeral directing in the State or use the title or advertise
16 that he or she performs the services of a licensed funeral
17 director. Any person violating this Section shall be considered
18 to be practicing without a license and shall be subject to the
19 disciplinary provisions of this Code.

20 (225 ILCS 41/10-20)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 10-20. Application. Every person who desires to obtain
23 a license under this Code shall apply to the Department in
24 writing on forms prepared and furnished by the Department. The
25 application shall contain proof of the particular

1 qualifications required of the applicant, shall be certified by
2 the applicant, and shall be accompanied by the required fee.
3 Applicants have 3 years after the date of application to
4 complete the application process. If the process has not been
5 completed in 3 years, then the application shall be denied, the
6 fee shall be forfeited, and the applicant must reapply and meet
7 the requirements in effect at the time of reapplication.

8 (Source: P.A. 87-966.)

9 (225 ILCS 41/10-35)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 10-35. Renewal; reinstatement; restoration;
12 ~~continuing education~~. The expiration date and renewal period
13 for each license issued under this Article shall be set by
14 rule. The holder of a license as a licensed funeral director
15 and embalmer or funeral director and embalmer intern may renew
16 the license during the month preceding the expiration date of
17 the license by paying the required fee. A licensed funeral
18 director and embalmer or licensed funeral director and embalmer
19 trainee whose license has expired may have the license
20 reinstated within 5 years from the date of expiration upon
21 payment of the required reinstatement fee and fulfilling the
22 requirements of the Department's rules. The reinstatement of
23 the license is effective as of the date of the reissuance of
24 the license.

25 Any licensed funeral director and embalmer whose license

1 has been expired for more than 5 years may have the license
2 restored only by fulfilling the requirements set forth in the
3 Department's rules and by paying the required restoration fee.
4 However, any licensed funeral director and embalmer or licensed
5 funeral director and embalmer intern whose license has expired
6 while he or she has been engaged (1) in federal service on
7 active duty with the United States Army, Navy, Marine Corps,
8 Air Force, or Coast Guard, or the State Militia called into the
9 service or training of the United States of America or (2) in
10 training or education under the supervision of the United
11 States preliminary to induction into the military service, may
12 have his or her license restored without paying any lapsed
13 renewal fees or restoration fee or without passing any
14 examination if, within 2 years after termination of the
15 service, training or education other than by dishonorable
16 discharge, he or she furnishes the Department with an affidavit
17 to the effect that he or she has been so engaged and that his or
18 her service, training or education has been so terminated.

19 No license of a funeral director and embalmer intern shall
20 be renewed more than twice.

21 In addition to any other requirement for renewal of a
22 license or reinstatement or restoration of an expired license,
23 as a condition for the renewal, reinstatement, or restoration
24 of a license as a licensed funeral director and embalmer, each
25 licensee shall provide evidence to the Department of completion
26 of at least 24 hours of continuing education during the 24

1 months preceding the expiration date of the license, or in the
2 case of reinstatement or restoration, within the 24 months
3 preceding the application for reinstatement or restoration.
4 The continuing education sponsors shall be approved by the
5 Board. In addition, any qualified continuing education course
6 for funeral directors and embalmers offered by a college,
7 university, the Illinois Funeral Directors Association,
8 Funeral Directors Services Association of Greater Chicago,
9 Cook County Association of Funeral Home Owners, Inc., Illinois
10 Selected Morticians Associations, Inc., Illinois Cemetery and
11 Funeral Home Association, National Funeral Directors
12 Association, Selected Independent Funeral Homes, National
13 Funeral Directors and Morticians Association, Inc.,
14 International Order of the Golden Rule, or an Illinois school
15 of mortuary science shall be accepted toward satisfaction of
16 the continuing education requirements.

17 The Department shall establish by rule a means for
18 verification of completion of the continuing education
19 required by this Section. This verification may be accomplished
20 through audits of records maintained by licensees, by requiring
21 the filing of continued education certificates with the
22 Department or a qualified organization selected by the
23 Department to maintain the records, or by other means
24 established by the Department.

25 A person who is licensed as a funeral director and embalmer
26 under this Code and who has engaged in the practice of funeral

1 directing and embalming for at least 40 years shall be exempt
2 from the continuing education requirements of this Section. No
3 such exemptions shall be granted or recognized after January 1,
4 2016. In addition, the Department shall establish by rule an
5 exemption or exception, for a limited period of time, for
6 funeral directors and embalmers who, by reason of advanced age,
7 health or other extreme condition, should reasonably be excused
8 from the continuing education requirement upon the approval of
9 the Secretary. Those persons, identified above, who cannot
10 attend on-site classes, shall have the opportunity to comply by
11 completing home study courses designed for them by sponsors.

12 ~~Any funeral director and embalmer who notifies the~~
13 ~~Department in writing on forms prescribed by the Department,~~
14 ~~may elect to place his or her license on an inactive status and~~
15 ~~shall, subject to rules of the Department, be excused from~~
16 ~~payment of renewal fees and completion of continuing education~~
17 ~~requirements until he or she notifies the Department in writing~~
18 ~~of an intent to restore or reinstate the license to active~~
19 ~~status. While on inactive status, the licensee shall only be~~
20 ~~required to pay a single fee, established by the Department, to~~
21 ~~have the license placed on inactive status. Any licensee~~
22 ~~requesting restoration or reinstatement from inactive status~~
23 ~~shall notify the Department as provided by rule of the~~
24 ~~Department and pay the fee required by the Department for~~
25 ~~restoration or reinstatement of the license. Any licensee whose~~
26 ~~license is on inactive status shall not practice in the State~~

1 ~~of Illinois.~~

2 ~~Practice on a license that has lapsed or been placed in~~
3 ~~inactive status is practicing without a license and a violation~~
4 ~~of this Code.~~

5 (Source: P.A. 96-1463, eff. 1-1-11.)

6 (225 ILCS 41/10-38 new)

7 Sec. 10-38. Inactive status.

8 (a) Any funeral director and embalmer who notifies the
9 Department in writing on forms prescribed by the Department,
10 may elect to place his or her license on an inactive status and
11 shall, subject to rules of the Department, be excused from
12 payment of renewal fees and completion of continuing education
13 requirements until he or she notifies the Department in writing
14 of an intent to restore or reinstate the license to active
15 status.

16 (b) While on inactive status, the licensee shall only be
17 required to pay a single fee, established by the Department, to
18 have the license placed on inactive status. Any licensee who
19 has permitted his or her license to expire or who has had his
20 or her license on inactive status may have the license restored
21 by making application to the Department, by filing proof
22 acceptable to the Department of his or her fitness to have the
23 license restored, and by paying the required fees. Proof of
24 fitness may include sworn evidence certifying to active lawful
25 practice in another jurisdiction. If the licensee has not

1 maintained an active practice in another jurisdiction
2 satisfactory to the Department, then the Department shall
3 determine by an evaluation program, established by rule, his or
4 her fitness for restoration of the license and shall establish
5 procedures and requirements for restoration.

6 (c) Any licensee whose license is on inactive status or in
7 a non-renewed status shall not engage in the practice of
8 funeral directing and embalming in the State or use the title
9 or advertise that he or she performs the services of a licensed
10 funeral director and embalmer. Any person violating this
11 Section shall be considered to be practicing without a license
12 and shall be subject to the disciplinary provisions of this
13 Code.

14 (225 ILCS 41/10-43 new)

15 Sec. 10-43. Endorsement. The Department may issue a
16 funeral director and embalmer license, without the required
17 examination, to an applicant licensed by another state,
18 territory, possession of the United States, or the District of
19 Columbia, if (i) the licensing requirements of that licensing
20 authority are, on the date of licensure, substantially equal to
21 the requirements set forth under this Code and (ii) the
22 applicant provides the Department with evidence of good
23 standing from the licensing authority of that jurisdiction. An
24 applicant under this Section shall pay all of the required
25 fees.

1 (225 ILCS 41/15-5) (from Ch. 111, par. 2825)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 15-5. Funeral Directors and Embalmers Licensing and
4 Disciplinary Board. A Funeral Directors and Embalmers
5 Licensing and Disciplinary Board is created and shall consist
6 of 7 persons, 6 of whom are licensed to practice funeral
7 directing and embalming in this State, and one who is a
8 knowledgeable public member. Each member shall be appointed by
9 the Secretary ~~of the Department~~. The persons so appointed shall
10 hold their offices for 4 years and until qualified successors
11 are appointed. All vacancies occurring shall be filled by the
12 Secretary for the unexpired portion of the term rendered
13 vacant. No member shall be eligible to serve for more than 2
14 full consecutive terms. The Secretary may remove or suspend any
15 member of the Board for cause at any time before the expiration
16 of his or her term. The Secretary shall be the sole arbiter of
17 cause ~~reasons prescribed by law for removal of State officials~~
18 ~~or for misconduct, incompetence, neglect of duty, or failing to~~
19 ~~attend 2 consecutive Board meetings. The cause for removal must~~
20 ~~be set forth in writing~~. The Board shall annually select a
21 chairman from its membership. The members of the Board shall be
22 reimbursed for all legitimate and necessary expenses incurred
23 in attending meetings of the Board. The Board may meet as often
24 as necessary to perform its duties under this Code, and shall
25 meet at least once a year in Springfield, Illinois.

1 A majority of the then appointed ~~Four~~ members of the Board
2 shall constitute a quorum. A quorum is required for Board
3 decisions.

4 The Department shall consider the recommendation of the
5 Board in the development of proposed rules under this Code.
6 Notice of any proposed rulemaking under this Code shall be
7 transmitted to the Board and the Department shall review the
8 response of the Board and any recommendations relating to that
9 rulemaking.

10 The Department shall seek the advice and recommendations of
11 the Board in connection with any rulemaking or disciplinary
12 actions relating to funeral director and embalmers and funeral
13 director and embalmer interns, including applications for
14 restoration of revoked licenses. Members of the Board shall be
15 immune from suit in any action based upon any disciplinary
16 proceedings or other activities performed in good faith as
17 members of the Board. ~~The Board shall have 60 days to respond~~
18 ~~to a Department request for advice and recommendations.~~

19 ~~The Department shall adopt all necessary and reasonable~~
20 ~~rules and regulations for the effective administration of this~~
21 ~~Code, and without limiting the foregoing, the Department shall~~
22 ~~adopt rules and regulations:~~

23 ~~(1) prescribing a method of examination of candidates;~~
24 ~~(2) defining what shall constitute a school, college,~~
25 ~~university, department of a university or other~~
26 ~~institution to determine the reputability and good~~

1 ~~standing of these institutions by reference to a compliance~~
2 ~~with the rules and regulations; however, no school,~~
3 ~~college, university, department of a university or other~~
4 ~~institution that refuses admittance to applicants, solely~~
5 ~~on account of race, color, creed, sex or national origin~~
6 ~~shall be considered reputable and in good standing.~~

7 ~~(3) establishing expiration dates and renewal periods~~
8 ~~for all licenses;~~

9 ~~(4) prescribing a method of handling complaints and~~
10 ~~conducting hearings on proceedings to take disciplinary~~
11 ~~action under this Code; and~~

12 ~~(5) providing for licensure by reciprocity.~~

13 (Source: P.A. 96-1463, eff. 1-1-11.)

14 (225 ILCS 41/15-15)

15 (Section scheduled to be repealed on January 1, 2013)

16 Sec. 15-15. Complaints; investigations; hearings; ~~summary~~
17 ~~suspension of license.~~ The Department may investigate the
18 actions of any applicant or of any person or persons rendering
19 or offering to render services or any person holding or
20 claiming to hold a license under this Code.

21 The Department shall, before refusing to issue or renew a
22 license or seeking to discipline a licensee under Section 75
23 ~~revoking, suspending, placing on probation, reprimanding, or~~
24 ~~taking any other disciplinary action,~~ at least 30 days before
25 the date set for the hearing, (i) notify the accused in writing

1 of the charges made and the time and place for the hearing on
2 the charges, (ii) direct him or her to file a written answer to
3 the charges under oath within 20 days after ~~the service on him~~
4 ~~or her of the notice~~, and (iii) inform the applicant or
5 licensee ~~accused~~ that, failure if he or she fails to answer,
6 shall result in a default being entered ~~will be taken~~ against
7 the applicant or licensee ~~him or her or that his or her license~~
8 ~~may be suspended, revoked, or placed on probationary status, or~~
9 ~~other disciplinary action taken with regard to the license,~~
10 ~~including limiting the scope, nature, or extent of his or her~~
11 ~~practice, as the Department may consider proper.~~

12 At the time and place fixed in the notice, the Board or the
13 hearing officer appointed by the Secretary ~~Department~~ shall
14 proceed to hear the charges and the parties or their counsel
15 shall be accorded ample opportunity to present any pertinent
16 statements, testimony, evidence, and arguments. The Board or
17 hearing officer ~~Department~~ may continue the hearing from time
18 to time. In case the person, after receiving the notice, fails
19 to file an answer, his or her license may, in the discretion of
20 the Secretary, having first received the recommendation of the
21 Board ~~Department~~, be suspended, revoked, or placed on
22 probationary status, or be subject to ~~the Department may take~~
23 whatever disciplinary action the Secretary ~~it~~ considers
24 proper, including limiting the scope, nature, or extent of the
25 person's practice or the imposition of a fine, without a
26 hearing, if the act or acts charged constitute sufficient

1 grounds for that action under this Code. The written notice and
2 any notice in the subsequent proceeding may be served by
3 regular ~~personal delivery~~ or ~~by~~ certified mail to the
4 licensee's address of record ~~specified by the accused in his or~~
5 ~~her last notification with the Department.~~

6 ~~The Department has the power to subpoena and bring before~~
7 ~~it any person to take oral or written testimony and to compel~~
8 ~~the production of any books, papers, records, or other~~
9 ~~documents that the Secretary or his or her designee deems~~
10 ~~relevant or material to any investigation or hearing conducted~~
11 ~~by the Department, with the same fees and in the same manner as~~
12 ~~prescribed in civil cases. The Secretary, the designated~~
13 ~~hearing officer, and every member of the Board has the power to~~
14 ~~administer oaths to witnesses at any hearing that the~~
15 ~~Department is authorized to conduct, and any other oaths~~
16 ~~authorized in any Act or Code administered by the Department.~~

17 ~~If the Department determines that any licensee is guilty of~~
18 ~~a violation of any of the provisions of this Code, disciplinary~~
19 ~~action shall be taken against the licensee. The Department may~~
20 ~~take disciplinary action without a formal hearing subject to~~
21 ~~Section 10-70 of the Illinois Administrative Procedure Act.~~

22 ~~The Secretary may summarily suspend the license of any~~
23 ~~person licensed under this Code without a hearing,~~
24 ~~simultaneously with the institution of proceedings for a~~
25 ~~hearing provided for in this Section, if the Secretary finds~~
26 ~~that evidence in the possession of the Secretary indicates that~~

1 ~~the continuation of practice by the licensee would constitute~~
2 ~~an imminent danger to the public. In the event that the~~
3 ~~Secretary summarily suspends the license of an individual~~
4 ~~without a hearing, a hearing must be held within 30 days after~~
5 ~~the suspension has occurred and concluded as expeditiously as~~
6 ~~practical.~~

7 (Source: P.A. 96-48, eff. 7-17-09; 96-1463, eff. 1-1-11.)

8 (225 ILCS 41/15-16)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 15-16. Appointment of a hearing officer. The Secretary
11 has the authority to appoint any attorney licensed to practice
12 law in the State of Illinois to serve as the hearing officer in
13 any action for refusal to issue, restore, or renew a license or
14 to discipline a licensee. The hearing officer has full
15 authority to conduct the hearing. ~~Any Board member may attend~~
16 ~~hearings.~~

17 (Source: P.A. 96-1463, eff. 1-1-11.)

18 (225 ILCS 41/15-18 new)

19 Sec. 15-18. Temporary suspension. The Secretary may
20 temporarily suspend the license of a licensee without a
21 hearing, simultaneously with the institution of proceedings
22 for a hearing provided in Section 15-15 of this Code, if the
23 Secretary finds that the public interest, safety, or welfare
24 requires such emergency action. In the event that the Secretary

1 temporarily suspends a license without a hearing before the
2 Board or a duly appointed hearing officer, a hearing shall be
3 held within 30 days after the suspension has occurred. The
4 suspended licensee may seek a continuance of the hearing,
5 during which time the suspension shall remain in effect. The
6 proceeding shall be concluded without appreciable delay. If the
7 Department does not hold a hearing within 30 days after the
8 date of the suspension, then the licensee's license shall be
9 automatically reinstated.

10 (225 ILCS 41/15-19 new)

11 Sec. 15-19. Consent to Administrative Supervision order.
12 In appropriate cases, the Department may resolve a complaint
13 against a licensee through the issuance of a Consent to
14 Administrative Supervision order. A licensee subject to a
15 Consent to Administrative Supervision order shall be
16 considered by the Department as an active licensee in good
17 standing. This order shall not be reported or considered by the
18 Department to be a discipline of the licensee. The records
19 regarding an investigation and a Consent to Administrative
20 Supervision order shall be considered confidential and shall
21 not be released by the Department except as mandated by law. A
22 complainant shall be notified if his or her complaint has been
23 resolved by a Consent to Administrative Supervision order.

24 (225 ILCS 41/15-20)

1 (Section scheduled to be repealed on January 1, 2013)

2 Sec. 15-20. Transcript; record of proceedings. The
3 Department, at its expense, shall preserve a record of all
4 proceedings at the formal hearing of any case. The notice of
5 hearing, complaint and all other documents in the nature of
6 pleadings and written motions filed in the proceedings, the
7 transcript of testimony, the report of the Board or hearing
8 officer, and the orders of the Department shall be the record
9 of the proceedings. ~~The Department shall furnish a transcript~~
10 ~~of the record to any person interested in the hearing upon~~
11 ~~payment of the actual cost of making the transcript.~~

12 (Source: P.A. 96-1463, eff. 1-1-11.)

13 (225 ILCS 41/15-21)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 15-21. Findings and recommendations. At the
16 conclusion of the hearing, the Board or hearing officer shall
17 present to the Secretary a written report of its findings of
18 fact, conclusions of law, and recommendations. The report shall
19 contain a finding of whether or not the accused person violated
20 this Code or its rules or failed to comply with the conditions
21 required in this Code or its rules. The Board shall specify the
22 nature of any violations or failure to comply and shall make
23 its recommendations to the Secretary. In making
24 recommendations for any disciplinary action, the Board may take
25 into consideration all facts and circumstances bearing upon the

1 reasonableness of the conduct of the accused and the potential
2 for future harm to the public, including, but not limited to,
3 previous discipline of the accused by the Department, intent,
4 degree of harm to the public and likelihood of harm in the
5 future, any restitution made by the accused, and whether the
6 incident or incidents contained in the complaint appear to be
7 isolated or represent a continuing pattern of conduct. In
8 making its recommendations for discipline, the Board shall
9 endeavor to ensure that the severity of the discipline
10 recommended is reasonably related to the severity of the
11 violation.

12 The report of findings of fact, conclusions of law, and
13 recommendation of the Board or hearing officer shall be the
14 basis for the Secretary's ~~Department's~~ order refusing to issue,
15 restore, or renew a license, or otherwise disciplining a
16 licensee. If the Secretary disagrees with the recommendations
17 of the Board or hearing officer, the Secretary may issue an
18 order in contravention of the Board or hearing officer's
19 recommendations. The finding is not admissible in evidence
20 against the person in a criminal prosecution brought for a
21 violation of this Code, but the hearing and finding are not a
22 bar to a criminal prosecution brought for a violation of this
23 Code.

24 (Source: P.A. 96-1463, eff. 1-1-11.)

25 (225 ILCS 41/15-22)

1 (Section scheduled to be repealed on January 1, 2013)

2 Sec. 15-22. Rehearing. At the conclusion of the hearing, a
3 copy of the Board or hearing officer's report shall be served
4 upon the applicant or licensee by the Department, either
5 personally or as provided in this Code for the service of a
6 notice of hearing. Within 20 calendar days after service, the
7 applicant or licensee may present to the Department a motion in
8 writing for a rehearing, which shall specify the particular
9 grounds for rehearing. The Department may respond to the motion
10 for rehearing within 20 calendar days after its service on the
11 Department. If no motion for rehearing is filed, then upon the
12 expiration of the time specified for filing such a motion, or
13 if a motion for rehearing is denied, then upon denial, the
14 Secretary may enter an order in accordance with the
15 recommendations of the Board or hearing officer. If the
16 applicant or licensee orders from the reporting service and
17 pays for a transcript of the record within the time for filing
18 a motion for rehearing, the 20-day period within which a motion
19 may be filed shall commence upon the delivery of the transcript
20 to the applicant or licensee.

21 If the Secretary believes that substantial justice has not
22 been done in the revocation, suspension, or refusal to issue,
23 restore, or renew a license, or other discipline of an
24 applicant or licensee, he or she may order a rehearing by the
25 same or other hearing officers ~~examiners~~.

26 (Source: P.A. 96-1463, eff. 1-1-11.)

1 (225 ILCS 41/15-25)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 15-25. Subpoenas; oaths; attendance of witnesses
4 ~~Court order; contempt.~~

5 (a) The Department may subpoena and bring before it any
6 person to take the oral or written testimony or compel the
7 production of any books, papers, records, or any other
8 documents that the Secretary or his or her designee deems
9 relevant or material to any investigation or hearing conducted
10 by the Department with the same fees and mileage and in the
11 same manner as prescribed in civil cases in the courts of this
12 State.

13 (b) The Secretary, the hearing officer, any member of the
14 Board, or a certified shorthand court reporter may administer
15 oaths at any hearing that the Department conducts.
16 Notwithstanding any other statute or Department rule to the
17 contrary, all requests for testimony, production of documents,
18 or records shall be in accordance with this Code.

19 (c) Any circuit court, upon application of the applicant,
20 licensee or the Department, may, ~~by order duly entered, require~~
21 the attendance and testimony of witnesses and the production of
22 relevant documents, files, books, records, and papers in
23 connection with any hearing or investigation. ~~The before the~~
24 Department in any hearing relating to the refusal, suspension
25 or revocation of a license. ~~Upon refusal or neglect to obey the~~

1 ~~order of the court, the~~ court may compel compliance with its
2 order by proceedings for contempt of court.

3 (Source: P.A. 87-966.)

4 (225 ILCS 41/15-40)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 15-40. Certification of record; receipt. The
7 Department shall not be required to certify any record to the
8 court, to file an answer in court, or otherwise to appear in
9 any court in a judicial review proceeding unless and until the
10 Department has received from the plaintiff payment of the costs
11 of furnishing and certifying the record, which costs shall be
12 determined by the Department. Exhibits shall be certified
13 without cost. Failure on the part of the Plaintiff to file a
14 receipt in court is ~~shall be~~ grounds for dismissal of the
15 action.

16 (Source: P.A. 96-1463, eff. 1-1-11.)

17 (225 ILCS 41/15-41)

18 (Section scheduled to be repealed on January 1, 2013)

19 Sec. 15-41. Order or certified copy; prima facie proof. An
20 order or certified copy thereof, over the seal of the
21 Department and purporting to be signed by the Secretary, is
22 prima facie proof that:

23 (1) the signature is the genuine signature of the
24 Secretary; and

1 (2) the Secretary is duly appointed and qualified. ~~and~~
2 ~~(3) the hearing officer is qualified to act.~~

3 (Source: P.A. 96-1463, eff. 1-1-11.)

4 (225 ILCS 41/15-45)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 15-45. Practice without license; injunction; cease
7 and desist order; civil penalties.

8 (a) The practice of funeral directing and embalming or
9 funeral directing by any person who has not been issued a
10 license by the Department, whose license has been suspended or
11 revoked, or whose license has not been renewed is hereby
12 declared to be inimical to the public welfare and to constitute
13 a public nuisance. The Secretary may, in the name of the People
14 of the State of Illinois through the Attorney General of the
15 State of Illinois, or the State's Attorney of any county in
16 which the violation is alleged to have occurred in the State of
17 Illinois, apply for an injunction in the circuit court to
18 enjoin any person who has not been issued a license or whose
19 license has been suspended or revoked, or whose license has not
20 been renewed, from practicing funeral directing and embalming
21 or funeral directing. Upon the filing of a verified complaint
22 in court, the court, if satisfied by affidavit or otherwise
23 that the person is or has been practicing funeral directing and
24 embalming or funeral directing without having been issued a
25 license or after his or her license has been suspended,

1 revoked, or not renewed, may issue a temporary restraining
2 order or preliminary injunction, without notice or bond,
3 enjoining the defendant from further practicing funeral
4 directing and embalming or funeral directing. A copy of the
5 verified complaint shall be served upon the defendant and the
6 proceedings shall thereafter be conducted as in other civil
7 cases. If it is established that the defendant has been or is
8 practicing funeral directing and embalming or funeral
9 directing without having been issued a license or has been or
10 is practicing funeral directing and embalming or funeral
11 directing after his or her license has been suspended, revoked,
12 or not renewed, the court may enter a judgment perpetually
13 enjoining the defendant from further practicing funeral
14 directing and embalming or funeral directing. In case of
15 violation of any injunction entered under this Section, the
16 court may summarily try and punish the offender for contempt of
17 court. Any injunction proceeding shall be in addition to, and
18 not in lieu of, all penalties and other remedies in this Code.

19 (b) Whenever, in the opinion of the Department, any person
20 or other entity violates any provision of this Code, the
21 Department may issue a notice to show cause why an order to
22 cease and desist should not be entered against that person or
23 other entity. The rule shall clearly set forth the grounds
24 relied upon by the Department and shall provide a period of 7
25 days from the date of the rule to file an answer to the
26 satisfaction of the Department. Failure to answer to the

1 satisfaction of the Department shall cause an order to cease
2 and desist to be issued immediately.

3 (c) (Blank).

4 (Source: P.A. 96-1463, eff. 1-1-11; 97-333, eff. 8-12-11.)

5 (225 ILCS 41/15-46)

6 (Section scheduled to be repealed on January 1, 2013)

7 Sec. 15-46. Civil penalties; civil action.

8 (a) In addition to any other penalty provided by law, any
9 person, sole proprietorship, professional service corporation,
10 limited liability company, partnership, or other entity that
11 violates Section 1-15 or 1-20 of this Code shall forfeit and
12 pay to the General Professions Dedicated Fund a civil penalty
13 in an amount determined by the Department not to exceed \$10,000
14 for each violation. The penalty shall be assessed in
15 proceedings as provided in Sections 15-10 through 15-41 of this
16 Code.

17 (b) In addition to the other penalties and remedies
18 provided in this Code, the Department may bring a civil action
19 in the county in which the funeral establishment is located
20 against a licensee or any other person to enjoin any violation
21 or threatened violation of this Code.

22 (c) Unless the amount of the penalty is paid within 60 days
23 after the order becomes final, the order shall constitute a
24 judgment ~~judgement~~ and shall be filed and execution issued
25 thereon in the same manner as the judgment ~~judgement~~ of a court

1 of record.

2 (Source: P.A. 96-1463, eff. 1-1-11.)

3 (225 ILCS 41/15-50)

4 (Section scheduled to be repealed on January 1, 2013)

5 Sec. 15-50. Practice by corporation, limited liability
6 company, partnership, or association. No corporation, limited
7 liability company, partnership or association of individuals,
8 as such, shall be issued a license as a licensed funeral
9 director and embalmer or licensed funeral director, nor shall
10 any corporation, limited liability company, partnership, firm
11 or association of individuals, or any individual connected
12 therewith, publicly advertise any corporation, partnership, or
13 association of individuals as being licensed funeral directors
14 and embalmers or licensed funeral directors. Nevertheless,
15 nothing in this Act shall restrict funeral director licensees
16 or funeral director and embalmer licensees from forming
17 professional service corporations under the Professional
18 Service Corporation Act or from having these corporations
19 registered for the practice of funeral directing.

20 No funeral director licensee or funeral director and
21 embalmer licensee, and no partnership or association of those
22 licensees, formed since July 1, 1935, shall engage in the
23 practice of funeral directing and embalming or funeral
24 directing under a trade name or partnership or firm name unless
25 in the use and advertising of the trade name, partnership or

1 firm name there is published in connection with the advertising
2 the name of the owner or owners as the owner or owners.

3 (Source: P.A. 96-863, eff. 3-1-10.)

4 (225 ILCS 41/15-65)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 15-65. Fees. The Department shall provide by rule for
7 a schedule of fees for the administration and enforcement of
8 this Code, including but not limited to, original licensure,
9 renewal, and restoration. The fees shall be nonrefundable.

10 All fees, fines, and penalties collected under this Code
11 shall be deposited into the General Professions Dedicated Fund
12 and shall be appropriated to the Department for the ordinary
13 and contingent expenses of the Department in the administration
14 of this Code.

15 (Source: P.A. 96-1463, eff. 1-1-11.)

16 (225 ILCS 41/15-70)

17 (Section scheduled to be repealed on January 1, 2013)

18 Sec. 15-70. Returned checks; fines. Any person who delivers
19 a check or other payment to the Department that is returned to
20 the Department unpaid by the financial institution upon which
21 it is drawn shall pay to the Department, in addition to the
22 amount already owed to the Department, a fine of \$50. The fines
23 imposed by this Section are in addition to any other discipline
24 provided under this Code for unlicensed practice or practice on

1 a nonrenewed license. The Department shall notify the person
2 that payment of fees and fines shall be paid to the Department
3 by certified check or money order within 30 calendar days of
4 the notification. If, after the expiration of 30 days from the
5 date of the notification, the person has failed to submit the
6 necessary remittance, the Department shall automatically
7 terminate the license ~~or certificate~~ or deny the application,
8 without hearing. If, after termination or denial, the person
9 seeks a license ~~or certificate~~, he or she shall apply to the
10 Department for restoration or issuance of the license ~~or~~
11 ~~certificate~~ and pay all fees and fines due to the Department.
12 The Department may establish a fee for the processing of an
13 application for restoration of a license ~~or certificate~~ to pay
14 all expenses of processing this application. The Secretary may
15 waive the fines due under this Section in individual cases
16 where the Secretary finds that the fines would be unreasonable
17 or unnecessarily burdensome.

18 (Source: P.A. 96-1463, eff. 1-1-11.)

19 (225 ILCS 41/15-75)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 15-75. Violations; grounds for discipline; penalties.

22 (a) Each of the following acts is a Class A misdemeanor for
23 the first offense, and a Class 4 felony for each subsequent
24 offense. These penalties shall also apply to unlicensed owners
25 of funeral homes.

1 (1) Practicing the profession of funeral directing and
2 embalming or funeral directing, or attempting to practice
3 the profession of funeral directing and embalming or
4 funeral directing without a license as a funeral director
5 and embalmer or funeral director.

6 (2) Serving or attempting to serve as an intern under a
7 licensed funeral director and embalmer ~~or attempting to~~
8 ~~serve as an intern under a licensed funeral director and~~
9 ~~embalmer~~ without a license as a licensed funeral director
10 and embalmer intern.

11 (3) Obtaining or attempting to obtain a license,
12 practice or business, or any other thing of value, by fraud
13 or misrepresentation.

14 (4) Permitting any person in one's employ, under one's
15 control or in or under one's service to serve as a funeral
16 director and embalmer, funeral director, or funeral
17 director and embalmer intern when the person does not have
18 the appropriate license.

19 (5) Failing to display a license as required by this
20 Code.

21 (6) Giving false information or making a false oath or
22 affidavit required by this Code.

23 (b) The Department may refuse to issue or renew, ~~a license~~
24 ~~or may~~ revoke, suspend, place on probation or administrative
25 supervision, reprimand, or take other disciplinary or
26 non-disciplinary action as the Department may deem

1 appropriate, including imposing fines not to exceed \$10,000 for
2 each violation, with regard to any license under the Code for
3 any one or combination of the following:

4 (1) Fraud or any misrepresentation in applying for or
5 procuring a license under this Code or in connection with
6 applying for renewal of a license under this Code ~~Obtaining~~
7 ~~or attempting to obtain a license by fraud or~~
8 ~~misrepresentation.~~

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

21 (3) Violation of the laws of this State relating to the
22 funeral, burial or disposal of deceased human bodies or of
23 the rules and regulations of the Department, or the
24 Department of Public Health.

25 (4) Directly or indirectly paying or causing to be paid
26 any sum of money or other valuable consideration for the

1 securing of business or for obtaining authority to dispose
2 of any deceased human body.

3 (5) Professional incompetence, gross negligence,
4 malpractice, or untrustworthiness in the practice of
5 funeral directing and embalming or funeral directing.

6 (6) (Blank). ~~False or misleading advertising as a~~
7 ~~funeral director and embalmer or funeral director, or~~
8 ~~advertising or using the name of a person other than the~~
9 ~~holder of a license in connection with any service being~~
10 ~~rendered in the practice of funeral directing and embalming~~
11 ~~or funeral directing. Nothing in this paragraph shall~~
12 ~~prevent including the name of any owner, officer or~~
13 ~~corporate director of a funeral business who is not a~~
14 ~~licensee in any advertisement used by a funeral home with~~
15 ~~which the individual is affiliated if the advertisement~~
16 ~~specifies the individual's affiliation with the funeral~~
17 ~~home.~~

18 (7) Engaging in, promoting, selling, or issuing burial
19 contracts, burial certificates, or burial insurance
20 policies in connection with the profession as a funeral
21 director and embalmer, funeral director, or funeral
22 director and embalmer intern in violation of any laws of
23 the State of Illinois.

24 (8) Refusing, without cause, to surrender the custody
25 of a deceased human body upon the proper request of the
26 person or persons lawfully entitled to the custody of the

1 body.

2 (9) Taking undue advantage of a client or clients as to
3 amount to the perpetration of fraud.

4 (10) Engaging in funeral directing and embalming or
5 funeral directing without a license.

6 (11) Encouraging, requesting, or suggesting by a
7 licensee or some person working on his behalf and with his
8 consent for compensation that a person utilize the services
9 of a certain funeral director and embalmer, funeral
10 director, or funeral establishment unless that information
11 has been expressly requested by the person. This does not
12 prohibit general advertising or pre-need solicitation.

13 (12) Making or causing to be made any false or
14 misleading statements about the laws concerning the
15 disposal of human remains, including, but not limited to,
16 the need to embalm, the need for a casket for cremation or
17 the need for an outer burial container.

18 (13) (Blank).

19 (14) Embalming or attempting to embalm a deceased human
20 body without express prior authorization of the person
21 responsible for making the funeral arrangements for the
22 body. This does not apply to cases where embalming is
23 directed by local authorities who have jurisdiction or when
24 embalming is required by State or local law.

25 (15) Making a false statement on a Certificate of Death
26 where the person making the statement knew or should have

1 known that the statement was false.

2 (16) Soliciting human bodies after death or while death
3 is imminent.

4 (17) Performing any act or practice that is a violation
5 of this Code, the rules for the administration of this
6 Code, or any federal, State or local laws, rules, or
7 regulations governing the practice of funeral directing or
8 embalming.

9 (18) Performing any act or practice that is a violation
10 of Section 2 of the Consumer Fraud and Deceptive Business
11 Practices Act.

12 (19) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud or harm the public.

15 (20) Taking possession of a dead human body without
16 having first obtained express permission from next of kin
17 or a public agency legally authorized to direct, control or
18 permit the removal of deceased human bodies.

19 (21) Advertising in a false or misleading manner or
20 advertising using the name of an unlicensed person in
21 connection with any service being rendered in the practice
22 of funeral directing or funeral directing and embalming.
23 The use of any name of an unlicensed or unregistered person
24 in an advertisement so as to imply that the person will
25 perform services is considered misleading advertising.
26 Nothing in this paragraph shall prevent including the name

1 of any owner, officer or corporate director of a funeral
2 home, who is not a licensee, in any advertisement used by a
3 funeral home with which the individual is affiliated, if
4 the advertisement specifies the individual's affiliation
5 with the funeral home.

6 (22) Charging for professional services not rendered,
7 including filing false statements for the collection of
8 fees for which services are not rendered ~~Directly or~~
9 ~~indirectly receiving compensation for any professional~~
10 ~~services not actually performed.~~

11 (23) Failing to account for or remit any monies,
12 documents, or personal property that belongs to others that
13 comes into a licensee's possession.

14 (24) Treating any person differently to his detriment
15 because of race, color, creed, gender, religion, or
16 national origin.

17 (25) Knowingly making any false statements, oral or
18 otherwise, of a character likely to influence, persuade or
19 induce others in the course of performing professional
20 services or activities.

21 (26) Willfully ~~Knowingly~~ making or filing false
22 records or reports in the practice of funeral directing and
23 embalming, including, but not limited to, false records
24 filed with State agencies or departments.

25 (27) Failing to acquire continuing education required
26 under this Code.

1 (28) (Blank). ~~Violations of this Code or of the rules~~
2 ~~adopted pursuant to this Code.~~

3 (29) Aiding or assisting another person in violating
4 any provision of this Code or rules adopted pursuant to
5 this Code.

6 (30) Failing within 10 days, to provide information in
7 response to a written request made by the Department.

8 (31) Discipline by another state, District of
9 Columbia, territory, ~~or~~ foreign nation, or governmental
10 agency, if at least one of the grounds for the discipline
11 is the same or substantially equivalent to those set forth
12 in this Section.

13 (32) (Blank). ~~Directly or indirectly giving to or~~
14 ~~receiving from any person, firm, corporation, partnership,~~
15 ~~or association any fee, commission, rebate, or other form~~
16 ~~of compensation for professional services not actually or~~
17 ~~personally rendered.~~

18 (33) Mental illness or disability which results in the
19 inability ~~inability~~ to practice the profession with
20 reasonable judgment, skill, or safety.

21 (34) Gross, willful, or continued overcharging for
22 professional services, including filing false statements
23 for collection of fees for which services are not rendered.

24 (35) Physical illness, including, but not limited to,
25 deterioration through the aging process or loss of motor
26 skill which results in a licensee's inability to practice

1 under this Code with reasonable judgment, skill, or safety
2 ~~A pattern of practice or other behavior that demonstrates~~
3 ~~incapacity or incompetence to practice under this Code.~~

4 (36) Failing to comply with any of the following
5 required activities:

6 (A) When reasonably possible, a funeral director
7 licensee or funeral director and embalmer licensee or
8 anyone acting on his or her behalf shall obtain the
9 express authorization of the person or persons
10 responsible for making the funeral arrangements for a
11 deceased human body prior to removing a body from the
12 place of death or any place it may be or embalming or
13 attempting to embalm a deceased human body, unless
14 required by State or local law. This requirement is
15 waived whenever removal or embalming is directed by
16 local authorities who have jurisdiction. If the
17 responsibility for the handling of the remains
18 lawfully falls under the jurisdiction of a public
19 agency, then the regulations of the public agency shall
20 prevail.

21 (B) A licensee shall clearly mark the price of any
22 casket offered for sale or the price of any service
23 using the casket on or in the casket if the casket is
24 displayed at the funeral establishment. If the casket
25 is displayed at any other location, regardless of
26 whether the licensee is in control of that location,

1 the casket shall be clearly marked and the registrant
2 shall use books, catalogues, brochures, or other
3 printed display aids to show the price of each casket
4 or service.

5 (C) At the time funeral arrangements are made and
6 prior to rendering the funeral services, a licensee
7 shall furnish a written statement of services to be
8 retained by the person or persons making the funeral
9 arrangements, signed by both parties, that shall
10 contain: (i) the name, address and telephone number of
11 the funeral establishment and the date on which the
12 arrangements were made; (ii) the price of the service
13 selected and the services and merchandise included for
14 that price; (iii) a clear disclosure that the person or
15 persons making the arrangement may decline and receive
16 credit for any service or merchandise not desired and
17 not required by law or the funeral director or the
18 funeral director and embalmer; (iv) the supplemental
19 items of service and merchandise requested and the
20 price of each item; (v) the terms or method of payment
21 agreed upon; and (vi) a statement as to any monetary
22 advances made by the registrant on behalf of the
23 family. The licensee shall maintain a copy of the
24 written statement of services in its permanent
25 records. All written statements of services are
26 subject to inspection by the Department.

1 (D) In all instances where the place of final
2 disposition of a deceased human body or the cremated
3 remains of a deceased human body is a cemetery, the
4 licensed funeral director and embalmer, or licensed
5 funeral director, who has been engaged to provide
6 funeral or embalming services shall remain at the
7 cemetery and personally witness the placement of the
8 human remains in their designated grave or the sealing
9 of the above ground depository, crypt, or urn. The
10 licensed funeral director or licensed funeral director
11 and embalmer may designate a licensed funeral director
12 and embalmer intern or representative of the funeral
13 home to be his or her witness to the placement of the
14 remains. If the cemetery authority, cemetery manager,
15 or any other agent of the cemetery takes any action
16 that prevents compliance with this paragraph (D), then
17 the funeral director and embalmer or funeral director
18 shall provide written notice to the Department within 5
19 business days after failing to comply. If the
20 Department receives this notice, then the Department
21 shall not take any disciplinary action against the
22 funeral director and embalmer or funeral director for a
23 violation of this paragraph (D) unless the Department
24 finds that the cemetery authority, manager, or any
25 other agent of the cemetery did not prevent the funeral
26 director and embalmer or funeral director from

1 complying with this paragraph (D) as claimed in the
2 written notice.

3 (E) A funeral director or funeral director and
4 embalmer shall fully complete the portion of the
5 Certificate of Death under the responsibility of the
6 funeral director or funeral director and embalmer and
7 provide all required information. In the event that any
8 reported information subsequently changes or proves
9 incorrect, a funeral director or funeral director and
10 embalmer shall immediately upon learning the correct
11 information correct the Certificate of Death.

12 (37) A finding by the Department that the license,
13 after having his or her license placed on probationary
14 status or subjected to conditions or restrictions,
15 violated the terms of the probation or failed to comply
16 with such terms or conditions.

17 (38) (Blank). ~~Violation of any final administrative~~
18 ~~action of the Secretary.~~

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

26 (40) Habitual or excessive use or abuse of drugs

1 defined in law as controlled substances, alcohol, or any
2 other substance which results in the inability to practice
3 with reasonable judgment, skill, or safety.

4 (41) Practicing under a false or, except as provided by
5 law, an assumed name.

6 (42) Cheating on or attempting to subvert the licensing
7 examination administered under this Code.

8 (c) The Department may refuse to issue or renew⁷ or may
9 suspend without a hearing, as provided for in the Department of
10 Professional Regulation Law of the Civil Administrative Code of
11 Illinois, the license of any person who fails to file a return,
12 to pay the tax, penalty or interest shown in a filed return, or
13 to pay any final assessment of tax, penalty or interest as
14 required by any tax Act administered by the Illinois Department
15 of Revenue, until the time as the requirements of the tax Act
16 are satisfied in accordance with subsection (g) of Section
17 2105-15 of the Department of Professional Regulation Law of the
18 Civil Administrative Code of Illinois.

19 (d) No action may be taken under this Code against a person
20 licensed under this Code unless the action is commenced within
21 5 years after the occurrence of the alleged violations. A
22 continuing violation shall be deemed to have occurred on the
23 date when the circumstances last existed that give rise to the
24 alleged violation.

25 (e) Nothing in this Section shall be construed or enforced
26 to give a funeral director and embalmer, or his or her

1 designees, authority over the operation of a cemetery or over
2 cemetery employees. Nothing in this Section shall be construed
3 or enforced to impose duties or penalties on cemeteries with
4 respect to the timing of the placement of human remains in
5 their designated grave or the sealing of the above ground
6 depository, crypt, or urn due to patron safety, the allocation
7 of cemetery staffing, liability insurance, a collective
8 bargaining agreement, or other such reasons.

9 (f) All fines imposed under this Section shall be paid 60
10 days after the effective date of the order imposing the fine.

11 (g) The Department shall deny a license or renewal
12 authorized by this Code to a person who has defaulted on an
13 educational loan or scholarship provided or guaranteed by the
14 Illinois Student Assistance Commission or any governmental
15 agency of this State in accordance with item (5) of subsection
16 (g) of Section 2105-15 of the Department of Professional
17 Regulation Law of the Civil Administrative Code of Illinois.

18 (h) In cases where the Department of Healthcare and Family
19 Services has previously determined a licensee or a potential
20 licensee is more than 30 days delinquent in the payment of
21 child support and has subsequently certified the delinquency to
22 the Department, the Department may refuse to issue or renew or
23 may revoke or suspend that person's license or may take other
24 disciplinary action against that person based solely upon the
25 certification of delinquency made by the Department of
26 Healthcare and Family Services in accordance with item (5) of

1 subsection (g) of Section 1205-15 of the Department of
2 Professional Regulation Law of the Civil Administrative Code of
3 Illinois.

4 (i) A person not licensed under this Code who is an owner
5 of a funeral establishment or funeral business shall not aid,
6 abet, assist, procure, advise, employ, or contract with any
7 unlicensed person to offer funeral services or aid, abet,
8 assist, or direct any licensed person contrary to or in
9 violation of any rules or provisions of this Code. A person
10 violating this subsection shall be treated as a licensee for
11 the purposes of disciplinary action under this Section and
12 shall be subject to cease and desist orders as provided in this
13 Code, the imposition of a fine up to \$10,000 for each violation
14 and any other penalty provided by law.

15 (j) The determination by a circuit court that a licensee is
16 subject to involuntary admission or judicial admission as
17 provided in the Mental Health and Developmental Disabilities
18 Code, as amended, operates as an automatic suspension. The
19 suspension may end only upon a finding by a court that the
20 licensee is no longer subject to the involuntary admission or
21 judicial admission and issues an order so finding and
22 discharging the licensee, and upon the recommendation of the
23 Board to the Secretary that the licensee be allowed to resume
24 his or her practice.

25 (k) In enforcing this Code, the Department, upon a showing
26 of a possible violation, may compel an individual licensed to

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

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

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

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

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

25 (Source: P.A. 96-863, eff. 3-1-10; 96-1463, eff. 1-1-11.)

1 (225 ILCS 41/15-76)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 15-76. Vehicle traffic control. A funeral director
4 licensee or funeral director and embalmer licensee planning an
5 ~~a~~ interment, inurnment, or entombment at a cemetery shall use
6 his or her ~~its~~ reasonable best efforts to ensure that funeral
7 processions entering and exiting the cemetery grounds do not
8 obstruct traffic on any street for a period in excess of 10
9 minutes, except where such funeral procession is continuously
10 moving or cannot be moved by reason of circumstances over which
11 the licensee ~~cemetery authority~~ has no reasonable control. The
12 ~~funeral director licensee or funeral director and embalmer~~
13 licensee arranging funeral processions to the cemetery shall
14 use his or her ~~its~~ reasonable best efforts to ~~help~~ prevent
15 multiple funeral processions from arriving at the cemetery
16 simultaneously. Notwithstanding any provision of this Code Act
17 to the contrary, any ~~funeral director licensee or funeral~~
18 ~~director and embalmer~~ licensee who violates the provisions of
19 this Section shall be guilty of a business offense and receive
20 ~~punishable by~~ a fine of not more than \$500 for each offense.

21 (Source: P.A. 96-863, eff. 3-1-10.)

22 (225 ILCS 41/15-77)

23 (Section scheduled to be repealed on January 1, 2013)

24 Sec. 15-77. Method of payment, receipt. No licensee shall
25 require payment for any goods or services by cash only.

1 Licensees ~~Each licensee subject to this Section~~ shall permit
2 payment by at least one other option, including, but not
3 limited to, personal check, cashier's check, money order, or
4 credit or debit card. In addition to the statement of services,
5 the licensee shall provide a receipt to the consumer upon
6 payment in part or in full, ~~whatever the case may be.~~

7 (Source: P.A. 96-1463, eff. 1-1-11.)

8 (225 ILCS 41/15-80)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 15-80. Statement of place of practice; roster. Each
11 applicant for a funeral director and embalmer's license shall
12 with his or her application submit a statement of the place of
13 practice, ownership, names and license numbers of all funeral
14 directors and embalmers and funeral directors associated with
15 the applicant.

16 The Department shall maintain a roster of names and
17 addresses of all persons who hold valid licenses and all
18 persons whose licenses have been suspended or revoked within
19 the previous year. This roster shall be available upon request
20 and payment of the required fee. ~~The Department shall keep a~~
21 ~~record, which shall be open to public inspection at all~~
22 ~~reasonable times, of its proceedings relating to the issuance,~~
23 ~~refusal, renewal, suspension and revocation of licenses. This~~
24 ~~record shall also contain the name, known place of practice and~~
25 ~~residence, and the date and number of the license of every~~

1 ~~licensed funeral director and embalmer, licensed funeral~~
2 ~~director, and licensed funeral director and embalmer intern in~~
3 ~~this State.~~

4 ~~The Department shall publish an annual list of the names~~
5 ~~and addresses of all licensees registered by it under the~~
6 ~~provisions of this Code, and of all persons whose licenses have~~
7 ~~been suspended or revoked within the past year, together with~~
8 ~~other information relative to the enforcement of the provisions~~
9 ~~of this Code as it may deem of interest to the public. One list~~
10 ~~shall be mailed to each local registrar of vital statistics~~
11 ~~upon request by the registrar. Lists shall also be mailed by~~
12 ~~the Department to any person in the State upon request.~~

13 (Source: P.A. 93-268, eff. 1-1-04.)

14 (225 ILCS 41/15-91)

15 (Section scheduled to be repealed on January 1, 2013)

16 Sec. 15-91. Denial of license. If the Department determines
17 that an application for licensure should be denied pursuant to
18 Section 15-75, then the applicant shall be sent a notice of
19 intent to deny license ~~or exemption from licensure~~ and the
20 applicant shall be given the opportunity to request, within 20
21 days of the notice, a hearing on the denial. If the applicant
22 requests a hearing, then the Secretary shall schedule a hearing
23 within 30 days after the request for a hearing, unless
24 otherwise agreed to by the parties. The Secretary shall have
25 the authority to appoint an attorney duly licensed to practice

1 law in the State of Illinois to serve as the hearing officer.
2 The hearing officer shall have full authority to conduct the
3 hearing. The hearing shall be held at the time and place
4 designated by the Secretary. The Secretary shall have the
5 authority to prescribe rules for the administration of this
6 Section.

7 (Source: P.A. 96-1463, eff. 1-1-11.)

8 (225 ILCS 41/15-115 new)

9 Sec. 15-115. Confidentiality. All information collected
10 by the Department in the course of an examination or
11 investigation of a licensee or applicant, including, but not
12 limited to, any complaint against a licensee filed with the
13 Department and information collected to investigate any such
14 complaint, shall be maintained for the confidential use of the
15 Department and shall not be disclosed. The Department shall not
16 disclose the information to anyone other than law enforcement
17 officials, regulatory agencies that have an appropriate
18 regulatory interest as determined by the Secretary, or a party
19 presenting a lawful subpoena to the Department. Information and
20 documents disclosed to a federal, State, county, or local law
21 enforcement agency shall not be disclosed by the agency for any
22 purpose to any other agency or person. A formal complaint filed
23 against a licensee by the Department or any order issued by the
24 Department against a licensee or applicant shall be a public
25 record, except as otherwise prohibited by law.

1 (225 ILCS 41/20-15)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 20-15. Home rule. The regulation and licensing
4 provided for in this Code are exclusive powers and functions of
5 the State. A home rule unit may not regulate or license funeral
6 directors, funeral director and embalmers, ~~customer service~~
7 ~~employees,~~ or any activities relating to the services of
8 funeral directing and embalming. This Section is a denial and
9 limitation of home rule powers and functions under subsection
10 (h) of Section 6 of Article VII of the Illinois Constitution.
11 (Source: P.A. 96-1463, eff. 1-1-11.)

12 (225 ILCS 41/10-40 rep.)

13 (225 ILCS 41/15-71 rep.)

14 (225 ILCS 41/15-110 rep.)

15 Section 10. The Funeral Directors and Embalmers Licensing
16 Code is amended by repealing Sections 10-40, 15-71, and 15-110.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.

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