

1 AN ACT concerning children.

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

4 Section 5. The Civil Administrative Code of Illinois is  
5 amended by changing Section 2105-15 as follows:

6 (20 ILCS 2105/2105-15)

7 Sec. 2105-15. General powers and duties.

8 (a) The Department has, subject to the provisions of the  
9 Civil Administrative Code of Illinois, the following powers and  
10 duties:

11 (1) To authorize examinations in English to ascertain  
12 the qualifications and fitness of applicants to exercise  
13 the profession, trade, or occupation for which the  
14 examination is held.

15 (2) To prescribe rules and regulations for a fair and  
16 wholly impartial method of examination of candidates to  
17 exercise the respective professions, trades, or  
18 occupations.

19 (3) To pass upon the qualifications of applicants for  
20 licenses, certificates, and authorities, whether by  
21 examination, by reciprocity, or by endorsement.

22 (4) To prescribe rules and regulations defining, for  
23 the respective professions, trades, and occupations, what

1 shall constitute a school, college, or university, or  
2 department of a university, or other institution,  
3 reputable and in good standing, and to determine the  
4 reputability and good standing of a school, college, or  
5 university, or department of a university, or other  
6 institution, reputable and in good standing, by reference  
7 to a compliance with those rules and regulations; provided,  
8 that no school, college, or university, or department of a  
9 university, or other institution that refuses admittance  
10 to applicants solely on account of race, color, creed, sex,  
11 or national origin shall be considered reputable and in  
12 good standing.

13 (5) To conduct hearings on proceedings to revoke,  
14 suspend, refuse to renew, place on probationary status, or  
15 take other disciplinary action as authorized in any  
16 licensing Act administered by the Department with regard to  
17 licenses, certificates, or authorities of persons  
18 exercising the respective professions, trades, or  
19 occupations and to revoke, suspend, refuse to renew, place  
20 on probationary status, or take other disciplinary action  
21 as authorized in any licensing Act administered by the  
22 Department with regard to those licenses, certificates, or  
23 authorities. The Department shall issue a monthly  
24 disciplinary report. The Department shall deny any license  
25 or renewal authorized by the Civil Administrative Code of  
26 Illinois to any person who has defaulted on an educational

1 loan or scholarship provided by or guaranteed by the  
2 Illinois Student Assistance Commission or any governmental  
3 agency of this State; however, the Department may issue a  
4 license or renewal if the aforementioned persons have  
5 established a satisfactory repayment record as determined  
6 by the Illinois Student Assistance Commission or other  
7 appropriate governmental agency of this State.  
8 Additionally, beginning June 1, 1996, any license issued by  
9 the Department may be suspended or revoked if the  
10 Department, after the opportunity for a hearing under the  
11 appropriate licensing Act, finds that the licensee has  
12 failed to make satisfactory repayment to the Illinois  
13 Student Assistance Commission for a delinquent or  
14 defaulted loan. For the purposes of this Section,  
15 "satisfactory repayment record" shall be defined by rule.  
16 The Department shall refuse to issue or renew a license to,  
17 or shall suspend or revoke a license of, any person who,  
18 after receiving notice, fails to comply with a subpoena or  
19 warrant relating to a paternity or child support  
20 proceeding. However, the Department may issue a license or  
21 renewal upon compliance with the subpoena or warrant.

22 The Department, without further process or hearings,  
23 shall revoke, suspend, or deny any license or renewal  
24 authorized by the Civil Administrative Code of Illinois to  
25 a person who is certified by the Department of Healthcare  
26 and Family Services (formerly Illinois Department of

1 Public Aid) as being more than 30 days delinquent in  
2 complying with a child support order or who is certified by  
3 a court as being in violation of the Non-Support Punishment  
4 Act for more than 60 days. The Department may, however,  
5 issue a license or renewal if the person has established a  
6 satisfactory repayment record as determined by the  
7 Department of Healthcare and Family Services (formerly  
8 Illinois Department of Public Aid) or if the person is  
9 determined by the court to be in compliance with the  
10 Non-Support Punishment Act. The Department may implement  
11 this paragraph as added by Public Act 89-6 through the use  
12 of emergency rules in accordance with Section 5-45 of the  
13 Illinois Administrative Procedure Act. For purposes of the  
14 Illinois Administrative Procedure Act, the adoption of  
15 rules to implement this paragraph shall be considered an  
16 emergency and necessary for the public interest, safety,  
17 and welfare.

18 (6) To transfer jurisdiction of any realty under the  
19 control of the Department to any other department of the  
20 State Government or to acquire or accept federal lands when  
21 the transfer, acquisition, or acceptance is advantageous  
22 to the State and is approved in writing by the Governor.

23 (7) To formulate rules and regulations necessary for  
24 the enforcement of any Act administered by the Department.

25 (8) To exchange with the Department of Healthcare and  
26 Family Services information that may be necessary for the

1 enforcement of child support orders entered pursuant to the  
2 Illinois Public Aid Code, the Illinois Marriage and  
3 Dissolution of Marriage Act, the Non-Support of Spouse and  
4 Children Act, the Non-Support Punishment Act, the Revised  
5 Uniform Reciprocal Enforcement of Support Act, the Uniform  
6 Interstate Family Support Act, or the Illinois Parentage  
7 Act of 1984. Notwithstanding any provisions in this Code to  
8 the contrary, the Department of Professional Regulation  
9 shall not be liable under any federal or State law to any  
10 person for any disclosure of information to the Department  
11 of Healthcare and Family Services (formerly Illinois  
12 Department of Public Aid) under this paragraph (8) or for  
13 any other action taken in good faith to comply with the  
14 requirements of this paragraph (8).

15 (8.5) To accept continuing education credit for  
16 mandated reporter training on how to recognize and report  
17 child abuse offered by the Department of Children and  
18 Family Services and completed by any person who holds a  
19 professional license issued by the Department and who is a  
20 mandated reporter under the Abused and Neglected Child  
21 Reporting Act. The Department shall adopt any rules  
22 necessary to implement this paragraph.

23 (9) To perform other duties prescribed by law.

24 (a-5) Except in cases involving default on an educational  
25 loan or scholarship provided by or guaranteed by the Illinois  
26 Student Assistance Commission or any governmental agency of

1 this State or in cases involving delinquency in complying with  
2 a child support order or violation of the Non-Support  
3 Punishment Act, no person or entity whose license, certificate,  
4 or authority has been revoked as authorized in any licensing  
5 Act administered by the Department may apply for restoration of  
6 that license, certification, or authority until 3 years after  
7 the effective date of the revocation.

8 (b) The Department may, when a fee is payable to the  
9 Department for a wall certificate of registration provided by  
10 the Department of Central Management Services, require that  
11 portion of the payment for printing and distribution costs be  
12 made directly or through the Department to the Department of  
13 Central Management Services for deposit into the Paper and  
14 Printing Revolving Fund. The remainder shall be deposited into  
15 the General Revenue Fund.

16 (c) For the purpose of securing and preparing evidence, and  
17 for the purchase of controlled substances, professional  
18 services, and equipment necessary for enforcement activities,  
19 recoupment of investigative costs, and other activities  
20 directed at suppressing the misuse and abuse of controlled  
21 substances, including those activities set forth in Sections  
22 504 and 508 of the Illinois Controlled Substances Act, the  
23 Director and agents appointed and authorized by the Director  
24 may expend sums from the Professional Regulation Evidence Fund  
25 that the Director deems necessary from the amounts appropriated  
26 for that purpose. Those sums may be advanced to the agent when

1 the Director deems that procedure to be in the public interest.  
2 Sums for the purchase of controlled substances, professional  
3 services, and equipment necessary for enforcement activities  
4 and other activities as set forth in this Section shall be  
5 advanced to the agent who is to make the purchase from the  
6 Professional Regulation Evidence Fund on vouchers signed by the  
7 Director. The Director and those agents are authorized to  
8 maintain one or more commercial checking accounts with any  
9 State banking corporation or corporations organized under or  
10 subject to the Illinois Banking Act for the deposit and  
11 withdrawal of moneys to be used for the purposes set forth in  
12 this Section; provided, that no check may be written nor any  
13 withdrawal made from any such account except upon the written  
14 signatures of 2 persons designated by the Director to write  
15 those checks and make those withdrawals. Vouchers for those  
16 expenditures must be signed by the Director. All such  
17 expenditures shall be audited by the Director, and the audit  
18 shall be submitted to the Department of Central Management  
19 Services for approval.

20 (d) Whenever the Department is authorized or required by  
21 law to consider some aspect of criminal history record  
22 information for the purpose of carrying out its statutory  
23 powers and responsibilities, then, upon request and payment of  
24 fees in conformance with the requirements of Section 2605-400  
25 of the Department of State Police Law (20 ILCS 2605/2605-400),  
26 the Department of State Police is authorized to furnish,

1 pursuant to positive identification, the information contained  
2 in State files that is necessary to fulfill the request.

3 (e) The provisions of this Section do not apply to private  
4 business and vocational schools as defined by Section 15 of the  
5 Private Business and Vocational Schools Act of 2012.

6 (f) Beginning July 1, 1995, this Section does not apply to  
7 those professions, trades, and occupations licensed under the  
8 Real Estate License Act of 2000, nor does it apply to any  
9 permits, certificates, or other authorizations to do business  
10 provided for in the Land Sales Registration Act of 1989 or the  
11 Illinois Real Estate Time-Share Act.

12 (g) Notwithstanding anything that may appear in any  
13 individual licensing statute or administrative rule, the  
14 Department shall deny any license application or renewal  
15 authorized under any licensing Act administered by the  
16 Department to any person who has failed to file a return, or to  
17 pay the tax, penalty, or interest shown in a filed return, or  
18 to pay any final assessment of tax, penalty, or interest, as  
19 required by any tax Act administered by the Illinois Department  
20 of Revenue, until such time as the requirement of any such tax  
21 Act are satisfied; however, the Department may issue a license  
22 or renewal if the person has established a satisfactory  
23 repayment record as determined by the Illinois Department of  
24 Revenue. For the purpose of this Section, "satisfactory  
25 repayment record" shall be defined by rule.

26 In addition, a complaint filed with the Department by the



1 Illinois Department of Revenue that includes a certification,  
2 signed by its Director or designee, attesting to the amount of  
3 the unpaid tax liability or the years for which a return was  
4 not filed, or both, is prima facie ~~facia~~ evidence of the  
5 licensee's failure to comply with the tax laws administered by  
6 the Illinois Department of Revenue. Upon receipt of that  
7 certification, the Department shall, without a hearing,  
8 immediately suspend all licenses held by the licensee.  
9 Enforcement of the Department's order shall be stayed for 60  
10 days. The Department shall provide notice of the suspension to  
11 the licensee by mailing a copy of the Department's order by  
12 certified and regular mail to the licensee's last known address  
13 as registered with the Department. The notice shall advise the  
14 licensee that the suspension shall be effective 60 days after  
15 the issuance of the Department's order unless the Department  
16 receives, from the licensee, a request for a hearing before the  
17 Department to dispute the matters contained in the order.

18 Any suspension imposed under this subsection (g) shall be  
19 terminated by the Department upon notification from the  
20 Illinois Department of Revenue that the licensee is in  
21 compliance with all tax laws administered by the Illinois  
22 Department of Revenue.

23 The Department shall promulgate rules for the  
24 administration of this subsection (g).

25 (h) The Department may grant the title "Retired", to be  
26 used immediately adjacent to the title of a profession

1 regulated by the Department, to eligible retirees. The use of  
2 the title "Retired" shall not constitute representation of  
3 current licensure, registration, or certification. Any person  
4 without an active license, registration, or certificate in a  
5 profession that requires licensure, registration, or  
6 certification shall not be permitted to practice that  
7 profession.

8 (i) Within 180 days after December 23, 2009 (the effective  
9 date of Public Act 96-852), the Department shall promulgate  
10 rules which permit a person with a criminal record, who seeks a  
11 license or certificate in an occupation for which a criminal  
12 record is not expressly a per se bar, to apply to the  
13 Department for a non-binding, advisory opinion to be provided  
14 by the Board or body with the authority to issue the license or  
15 certificate as to whether his or her criminal record would bar  
16 the individual from the licensure or certification sought,  
17 should the individual meet all other licensure requirements  
18 including, but not limited to, the successful completion of the  
19 relevant examinations.

20 (Source: P.A. 96-459, eff. 8-14-09; 96-852, eff. 12-23-09;  
21 96-1000, eff. 7-2-10; 97-650, eff. 2-1-12; revised 9-9-13.)