

1 AN ACT in relation to counseling.

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

4 Section 5. The Professional Counselor and Clinical
5 Professional Counselor Licensing Act is amended by changing
6 Sections 20 and 80 as follows:

7 (225 ILCS 107/20)

8 Sec. 20. Restrictions and limitations.

9 (a) No person shall, without a valid license as a
10 professional counselor issued by the Department: (i) in any
11 manner hold himself or herself out to the public as a
12 professional counselor under this Act; (ii) attach the title
13 "professional counselor" or "licensed professional
14 counselor"; or (iii) offer to render or render to
15 individuals, corporations, or the public professional
16 counseling services if the words "professional counselor" or
17 "licensed professional counselor" are used to describe the
18 person offering to render or rendering them, or "professional
19 counseling" is used to describe the services rendered or
20 offered to be rendered.

21 (b) No person shall, without a valid license as a
22 clinical professional counselor issued by the Department: (i)
23 in any manner hold himself or herself out to the public as a
24 clinical professional counselor or licensed clinical
25 professional counselor under this Act; (ii) attach the title
26 "clinical professional counselor" or "licensed clinical
27 professional counselor"; or (iii) offer to render to
28 individuals, corporations, or the public clinical
29 professional counseling services if the words "licensed
30 clinical professional counselor" are used to describe the
31 person to render or rendering them, or "clinical professional

1 counseling" is used to describe the services rendered or
2 offered to be rendered.

3 (c) Licensed professional counselors may not engage in
4 independent private practice as defined in this Act without a
5 clinical professional counseling license. In private
6 practice, a licensed professional counselor must practice at
7 all times under the order, control, and full professional
8 responsibility of a licensed clinical professional counselor,
9 a licensed clinical social worker, a licensed clinical
10 psychologist, or a psychiatrist, as defined in Section 1-121
11 of the Mental Health and Developmental Disabilities Code.

12 (d) ~~No association or partnership shall be granted a~~
13 ~~license unless every member, partner, and employee of the~~
14 ~~association or partnership who practices professional~~
15 ~~counseling or clinical professional counseling, or who~~
16 ~~renders professional counseling or clinical professional~~
17 ~~counseling services, holds a currently valid license issued~~
18 ~~under this Act.~~ No license shall be issued to a corporation,
19 the stated purpose of which includes or which practices or
20 which holds itself out as available to practice professional
21 counseling or clinical professional counseling unless it is
22 organized under the Professional Service Corporation Act.

23 (e) Nothing in this Act shall be construed as permitting
24 persons licensed as professional counselors or clinical
25 professional counselors to engage in any manner in the
26 practice of medicine in all its branches as defined by law in
27 this State.

28 (f) When, in the course of providing professional
29 counseling or clinical professional counseling services to
30 any person, a professional counselor or clinical professional
31 counselor licensed under this Act finds indication of a
32 disease or condition that in his or her professional judgment
33 requires professional service outside the scope of practice
34 as defined in this Act, he or she shall refer that person to

1 a physician licensed to practice medicine in all of its
2 branches or another appropriate health care practitioner.

3 (Source: P.A. 87-1011.)

4 (225 ILCS 107/80)

5 Sec. 80. Grounds for discipline.

6 (a) The Department may refuse to issue, renew, or may
7 revoke, suspend, place on probation, reprimand, or take other
8 disciplinary action as the Department deems appropriate,
9 including the issuance of fines not to exceed \$1000 for each
10 violation, with regard to any license for any one or more of
11 the following:

12 (1) Material misstatement in furnishing information
13 to the Department or to any other State agency.

14 (2) Violations or negligent or intentional
15 disregard of this Act, or any of its rules.

16 (3) Conviction of any crime under the laws of the
17 United States or any state or territory thereof that is a
18 felony, or that is a misdemeanor, an essential element of
19 which is dishonesty, or of any crime which is directly
20 related to the practice of the profession.

21 (4) Making any misrepresentation for the purpose of
22 obtaining a license, or violating any provision of this
23 Act or its rules.

24 (5) Professional incompetence or gross negligence
25 in the rendering of professional counseling or clinical
26 professional counseling services.

27 (6) Malpractice.

28 (7) Aiding or assisting another person in violating
29 any provision of this Act or any rules.

30 (8) Failing to provide information within 60 days
31 in response to a written request made by the Department.

32 (9) Engaging in dishonorable, unethical, or
33 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public and violating the rules of
2 professional conduct adopted by the Department.

3 (10) Habitual or excessive use or addiction to
4 alcohol, narcotics, stimulants, or any other chemical
5 agent or drug which results in inability to practice with
6 reasonable skill, judgment, or safety.

7 (11) Discipline by another jurisdiction, if at
8 least one of the grounds for the discipline is the same
9 or substantially equivalent to those set forth in this
10 Section.

11 (12) Directly or indirectly giving to or receiving
12 from any person, firm, corporation, partnership or
13 association any fee, commission, rebate or other form of
14 compensation for any professional service not actually
15 rendered.

16 (13) A finding by the Board that the licensee,
17 after having the license placed on probationary status,
18 has violated the terms of probation.

19 (14) Abandonment of a client.

20 (15) Willfully filing false reports relating to a
21 licensee's practice, including but not limited to false
22 records filed with federal or State agencies or
23 departments.

24 (16) Willfully failing to report an instance of
25 suspected child abuse or neglect as required by the
26 Abused and Neglected Child Reporting Act.

27 (17) Being named as a perpetrator in an indicated
28 report by the Department of Children and Family Services
29 pursuant to the Abused and Neglected Child Reporting Act,
30 and upon proof by clear and convincing evidence that the
31 licensee has caused a child to be an abused child or
32 neglected child as defined in the Abused and Neglected
33 Child Reporting Act.

34 (18) Physical or mental disability, including

1 deterioration through the aging process or loss of
2 abilities and skills which results in the inability to
3 practice the profession with reasonable judgment, skill,
4 or safety.

5 (19) Solicitation of professional services by using
6 false or misleading advertising.

7 (20) Failure to file a return, or to pay the tax,
8 penalty or interest shown in a filed return, or to pay
9 any final assessment of tax, penalty or interest, as
10 required by any tax Act administered by the Illinois
11 Department of Revenue or any successor agency or the
12 Internal Revenue Service or any successor agency.

13 (21) A finding that licensure has been applied for
14 or obtained by fraudulent means.

15 (22) Practicing or attempting to practice under a
16 name other than the full name as shown on the license or
17 any other legally authorized name.

18 (23) Gross overcharging for professional services
19 including filing statements for collection of fees or
20 monies for which services are not rendered.

21 (b) The Department shall deny, without hearing, any
22 application or renewal for a license under this Act to any
23 person who has defaulted on an educational loan guaranteed by
24 the Illinois State Assistance Commission; however, the
25 Department may issue a license or renewal if the person in
26 default has established a satisfactory repayment record as
27 determined by the Illinois Student Assistance Commission.

28 (b-1) In enforcing this Section, the Board, upon a
29 showing of a possible violation, may compel a licensee or
30 applicant to submit to a mental or physical examination, or
31 both, as required by and at the expense of the Department.
32 The examining physician or clinical psychologist shall be
33 specifically designated by the Board. The Board or the
34 Department may order the examining physician or clinical

1 psychologist to present testimony concerning the mental or
2 physical examination of a licensee or applicant. No
3 information may be excluded by reason of any common law or
4 statutory privilege relating to communications between a
5 licensee or applicant and the examining physician or clinical
6 psychologist. Eye examinations may be provided by a licensed
7 and certified therapeutic optometrist. An individual to be
8 examined may have, at his or her own expense, another
9 physician of his or her choice present during all aspects of
10 the examination. Failure of an individual to submit to a
11 mental or physical examination, when directed, is grounds for
12 suspension of his or her license. The license must remain
13 suspended until the time that the individual submits to the
14 examination or the Board finds, after notice and a hearing,
15 that the refusal to submit to the examination was with
16 reasonable cause.

17 (b-2) If the Board finds that an individual is unable to
18 practice because of the reasons set forth in this Section,
19 the Board must require the individual to submit to care,
20 counseling, or treatment by a physician or clinical
21 psychologist approved by the Board, as a condition, term, or
22 restriction for continued, reinstated, or renewed licensure
23 to practice. In lieu of care, counseling, or treatment, the
24 Board may recommend that the Department file a complaint to
25 immediately suspend or revoke the license of the individual
26 or otherwise discipline him or her. Any individual whose
27 license was granted, continued, reinstated, or renewed
28 subject to conditions, terms, or restrictions, as provided
29 for in this Section, or any individual who was disciplined or
30 placed on supervision pursuant to this Section must be
31 referred to the Director for a determination as to whether
32 the individual shall have his or her license suspended
33 immediately, pending a hearing by the Board.

34 (c) The determination by a court that a licensee is

1 subject to involuntary admission or judicial admission as
 2 provided in the Mental Health and Developmental Disabilities
 3 Code will result in an automatic suspension of his or her
 4 license. The suspension will end upon a finding by a court
 5 that the licensee is no longer subject to involuntary
 6 admission or judicial admission, the issuance of an order so
 7 finding and discharging the patient, and the recommendation
 8 of the Board to the Director that the licensee be allowed to
 9 resume professional practice.

10 (Source: P.A. 87-1011; 87-1269.)

11 (225 ILCS 107/55 rep.)

12 (225 ILCS 107/60 rep.)

13 Section 10. The Professional Counselor and Clinical
 14 Professional Counselor Licensing Act is amended by repealing
 15 Sections 55 and 60.

16 Section 90. The Regulatory Sunset Act is amended by
 17 changing Section 4.13 and adding Section 4.22 as follows:

18 (5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

19 Sec. 4.13. Acts repealed on December 31, 2002. The
 20 following Acts are repealed on December 31, 2002:

21 The Environmental Health Practitioner Licensing Act.

22 The Naprapathic Practice Act.

23 The Wholesale Drug Distribution Licensing Act.

24 The Dietetic and Nutrition Practice Act.

25 The Funeral Directors and Embalmers Licensing Code.

26 ~~The--Professional--Counselor--and--Clinical--Professional~~
 27 ~~Counselor-Licensing-Act-~~

28 (Source: P.A. 88-45; 89-61, eff. 6-30-95.)

29 (5 ILCS 80/4.22 new)

30 Sec. 4.22. Act repealed on January 1, 2012. The

1 following Act is repealed on January 1, 2012:

2 The Clinical Professional Counselor Licensing Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.