

1                                    AMENDMENT TO SENATE BILL 1687

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1687, after  
3 Section 5, by inserting the following:

4            "Section 10. The Funeral Directors and Embalmers  
5 Licensing Code is amended by changing Sections 5-15 and 15-15  
6 as follows:

7            (225 ILCS 41/5-15)

8            (Section scheduled to be repealed on December 31, 2002)

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

20            Any licensed funeral director whose license has been  
21 expired for more than 5 years may have the license restored  
22 only by fulfilling the requirements of the Department's rules

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

17 In addition to any other requirement for renewal of a  
18 license or reinstatement of an expired license, beginning  
19 with licenses renewed or reinstated in 1993, as a condition  
20 for the renewal or reinstatement of a license as a licensed  
21 funeral director, each licensee shall provide evidence to the  
22 Department of completion of at least 12 hours of continuing  
23 education during the 24 months preceding the expiration date  
24 of the license, or in the case of reinstatement, during the  
25 24 months preceding application for reinstatement. The  
26 continuing education sponsors shall be approved by the Board.  
27 In addition, any qualified continuing education course for  
28 funeral directors offered by a college, university, the  
29 Illinois Funeral Directors Association, Funeral Directors  
30 Services Association of Greater Chicago, Cook County  
31 Association of Funeral Home Owners, Inc., Illinois Selected  
32 Morticians Association, Inc., National Funeral Directors  
33 Association, National Foundation of Funeral Service, National  
34 Selected Morticians, National Funeral Directors and

1 Morticians Association, Inc., International Order of the  
2 Golden Rule, or an Illinois school of mortuary science shall  
3 be accepted toward satisfaction of the continuing education  
4 requirements.

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

13 A person who is licensed as a funeral director under this  
14 Act and who has engaged in the practice of funeral directing  
15 for at least 40 years shall be exempt from the continuing  
16 education requirements of this Section. In addition, the  
17 Department shall establish by rule an exemption or exception  
18 for funeral directors who, by reason of advanced age, health  
19 or other extreme condition should reasonably be excused from  
20 the continuing education requirement upon explanation to the  
21 Board, the approval of the Director, or both. Those persons,  
22 identified above, who cannot attend on-site classes, shall  
23 have the opportunity to comply by completing home study  
24 courses designed for them by sponsors.

25 Any funeral director who notifies the Department in  
26 writing on forms prescribed by the Department may elect to  
27 place his or her license on an inactive status and shall be  
28 excused from completion of continuing education requirements  
29 until he or she notifies the Department in writing of an  
30 intent to restore the license to active status. ~~While--on~~  
31 ~~inactive-status, the licensee shall only be required to pay a~~  
32 ~~single-fee, established by the Department, to have his or her~~  
33 ~~license--placed--on--inactive--status.~~ Any licensee requesting  
34 restoration from inactive status shall notify the Department

1 as provided by rule of the Department and pay the fee  
2 required by the Department for restoration of the license.  
3 Any licensee whose license is on inactive status shall not  
4 practice in the State of Illinois.

5 Practice on a license that has lapsed or been placed in  
6 inactive status is practicing without a license and a  
7 violation of this Act.

8 (Source: P.A. 90-50, eff. 1-1-98.)

9 (225 ILCS 41/15-15)

10 (Section scheduled to be repealed on December 31, 2002)

11 Sec. 15-15. Complaints; investigations; hearings. The  
12 Department ~~shall~~ may conduct regular inspections of all  
13 funeral establishments to determine compliance with the  
14 provisions of this Code. The Department may upon its own  
15 motion and shall upon the verified complaint in writing of  
16 any person setting forth facts that if proved would  
17 constitute grounds for refusal, suspension, revocation, or  
18 other disciplinary action investigate the action of any  
19 person holding or claiming to hold a license under this Code.  
20 The Department shall report to the Board, on at least a  
21 quarterly basis, the status or disposition of all complaints  
22 against, and investigations of, license holders. The  
23 Department shall, before refusing to issue or renew,  
24 suspending, revoking, or taking any other disciplinary action  
25 with respect to any license and at least 30 days before the  
26 date set for the hearing, notify in writing the licensee of  
27 any charges made and shall direct that person to file a  
28 written answer to the Board under oath within 20 days after  
29 the service of the notice and inform that person that failure  
30 to file an answer may result in default being taken and the  
31 person's license or certificate may be suspended, revoked,  
32 placed on probationary status, or other disciplinary action  
33 may be taken, including limiting the scope, nature or extent

1 of practice, as the Director may deem proper. The Department  
2 shall afford the licensee an opportunity to be heard in  
3 person or by counsel in reference to the charges. Written  
4 notice may be served by personal delivery to the licensee or  
5 by mailing it by registered mail to the last known business  
6 address of licensee. In case the person fails to file an  
7 answer after receiving notice, his or her license or  
8 certificate may, in the discretion of the Department, be  
9 suspended, revoked, or placed on probationary status, or the  
10 Department may take whatever disciplinary action deemed  
11 proper, including limiting the scope, nature, or extent of  
12 the person's practice or the imposition of a fine, without a  
13 hearing, if the act or acts charged constitute sufficient  
14 grounds for such action under this Act. The hearing on the  
15 charges shall be at a time and place as the Department shall  
16 prescribe. The Department may appoint a hearing officer to  
17 conduct the hearing. The Department shall notify the Board of  
18 the time and place of the hearing and Board members shall be  
19 allowed to sit at the hearing. The Department has the power  
20 to subpoena and bring before it any person in this State, or  
21 take testimony of any person by deposition, with the same  
22 fees and mileage, in the same manner as prescribed by law in  
23 judicial proceedings in circuit courts of this State in civil  
24 cases. If the Department determines that any licensee is  
25 guilty of a violation of any of the provisions of this Code,  
26 disciplinary action shall be taken against the licensee. The  
27 Department may take disciplinary action without a formal  
28 hearing subject to Section 10-70 of the Illinois  
29 Administrative Procedure Act.  
30 (Source: P.A. 87-966; 88-45.)".