

1 AMENDMENT TO SENATE BILL 1689

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1689 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Sections 4.13 and 4.17 as follows:

6 (5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)  
7 Sec. 4.13. Acts repealed on December 31, 2002. The  
8 following Acts are repealed on December 31, 2002:

- 9 ~~The Environmental Health Practitioner Licensing Act.~~
- 10 The Naprapathic Practice Act.
- 11 The Wholesale Drug Distribution Licensing Act.
- 12 The Dietetic and Nutrition Services Practice Act.
- 13 The Funeral Directors and Embalmers Licensing Code.
- 14 The Professional Counselor and Clinical Professional
- 15 Counselor Licensing Act.

16 (Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

17 (5 ILCS 80/4.17)  
18 Sec. 4.17. Acts repealed on January 1, 2007. The  
19 following are repealed on January 1, 2007:

- 20 The Boiler and Pressure Vessel Repairer Regulation
- 21 Act.

1           The Structural Pest Control Act.  
 2           Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB,  
 3           VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois  
 4           Insurance Code.

5           The Clinical Psychologist Licensing Act.

6           The Illinois Optometric Practice Act of 1987.

7           The Medical Practice Act of 1987.

8           The Environmental Health Practitioner Licensing Act.

9           (Source: P.A. 89-467, eff. 1-1-97; 89-484, eff. 6-21-96;  
 10          89-594, eff. 8-1-96; 89-702, eff. 7-1-97.)

11          Section 10. The Environmental Health Practitioner  
 12          Licensing Act is amended by changing Sections 10, 15, 16, 18,  
 13          21, 25, 26, 35, and 50 and adding Sections 20.1, 22, 23, and  
 14          56 as follows:

15           (225 ILCS 37/10)

16           (Section scheduled to be repealed on December 31, 2002)

17          Sec. 10. Definitions. As used in this Act:

18          "Board" means the Environmental Health Practitioners  
 19          Board as created in this Act.

20          "Department" means the Department of Professional  
 21          Regulation.

22          "Director" means the Director of Professional Regulation.

23          "Environmental health inspector" means an individual who,  
 24          in support of and under the general supervision of a licensed  
 25          environmental health practitioner or licensed professional  
 26          engineer, practices environmental health and meets the  
 27          educational qualifications of an environmental health  
 28          inspector.

29          "Environmental health practice" is the practice of  
 30          environmental health by licensed environmental health  
 31          practitioners within the meaning of this Act and includes,  
 32          but is not limited to, the following areas of professional

1 activities: milk and food sanitation; protection and  
2 regulation of private water supplies; private waste water  
3 management; domestic solid waste disposal practices;  
4 institutional health and safety; and consultation and  
5 education in these fields.

6 "Environmental health practitioner in training" means a  
7 person licensed under this Act who meets the educational  
8 qualifications of a licensed environmental health  
9 practitioner and practices environmental health in support of  
10 and under the general supervision of a licensed environmental  
11 health practitioner or licensed professional engineer, but  
12 has not passed the licensed environmental health practitioner  
13 examination administered by the Department.

14 "License" means the authorization issued by the  
15 Department permitting the person named on the authorization  
16 to practice environmental health as defined in this Act.

17 "Licensed environmental health practitioner" is a person  
18 who, by virtue of education and experience in the physical,  
19 chemical, biological, and environmental health sciences, is  
20 especially trained to organize, implement, and manage  
21 environmental health programs, trained to carry out education  
22 and enforcement activities for the promotion and protection  
23 of the public health and environment, and is licensed as an  
24 environmental health practitioner under this Act.

25 (Source: P.A. 89-61, eff. 6-30-95.)

26 (225 ILCS 37/15)

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

28 Sec. 15. License requirement.

29 (a) It shall be unlawful for any person to engage in an  
30 environmental health practice after the effective date of  
31 this amendatory Act of the 92nd General Assembly December-31,  
32 1996 unless the person is licensed by the Department as an  
33 environmental health practitioner or an environmental health

1 practitioner in training or is an environmental health  
2 inspector as defined in this Act.

3 (b) It is the responsibility of an individual required  
4 to be licensed under this Act to obtain a license and to pay  
5 all necessary fees, not the responsibility of his or her  
6 employer.

7 (Source: P.A. 89-61, eff. 6-30-95.)

8 (225 ILCS 37/16)

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

10 Sec. 16. Exemptions. This Act does not prohibit or  
11 restrict any of the following:

12 (1) A person performing the functions and duties of an  
13 environmental health practitioner under the general direct  
14 supervision of a licensed environmental health practitioner  
15 or licensed professional engineer if that person (i) is not  
16 responsible for the administration or supervision of one or  
17 more employees engaged in an environmental health program,  
18 (ii) establishes a method of verbal communication with the  
19 licensed environmental health practitioner or licensed  
20 professional engineer to whom they can refer and report  
21 questions, problems, and emergency situations encountered in  
22 environmental health practice, and (iii) has his or her  
23 written reports reviewed monthly by a licensed environmental  
24 health practitioner or licensed professional engineer.

25 (2) A person licensed in this State under any other Act  
26 from engaging in the practice for which he or she is  
27 licensed.

28 (3) A person working in laboratories licensed by,  
29 registered with, or operated by the State of Illinois.

30 (4) A person employed by a State-licensed health care  
31 facility who engages in the practice of environmental health  
32 or whose job responsibilities include ensuring that the  
33 environment in the health care facility is healthy and safe

1 for employees, patients, and visitors.

2 (5) A person employed with the Illinois Department of  
3 Agriculture who engages in meat and poultry inspections or  
4 environmental inspections under the authority of the  
5 Department of Agriculture.

6 (6) A person holding a degree of Doctor of Veterinary  
7 Medicine and Surgery and licensed under the Veterinary  
8 Medicine and Surgery Practice Act.

9 (Source: P.A. 89-61, eff. 6-30-95.)

10 (225 ILCS 37/18)

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

12 Sec. 18. Board of Environmental Health Practitioners.  
13 The Board of Environmental Health Practitioners is created  
14 and shall exercise its duties as provided in this Act. The  
15 Board shall consist of 5 7 members appointed by the Director.  
16 Of the 5 7 members, 3 4 shall be environmental health  
17 practitioners, one a Public Health Administrator who meets  
18 the minimum qualifications for public health personnel  
19 employed by full time local health departments as prescribed  
20 by the Illinois Department of Public Health and is actively  
21 engaged in the administration of a local health department  
22 within this State, ~~one full-time professor teaching in the~~  
23 ~~field of environmental health practice,~~ and one member of the  
24 general public. In making the appointments to the Board, the  
25 Director shall consider the recommendations of related  
26 professional and trade associations including the Illinois  
27 Environmental Health Association and the Illinois Public  
28 Health Association and of the Director of Public Health.  
29 Each of the environmental health practitioners shall have at  
30 least 5 years of full time employment in the field of  
31 environmental health practice before the date of appointment.  
32 Each appointee filling the seat of an environmental health  
33 practitioner appointed to the Board must be licensed under

1 this Act, however, in appointing the environmental health  
 2 practitioner members of the first Board, the Director may  
 3 appoint any environmental health practitioner who possesses  
 4 the qualifications set forth in Section 20 of this Act. Of  
 5 the initial appointments, 3 members shall be appointed for  
 6 3-year terms, 2 members for 2-year terms, and 2 members for  
 7 one-year terms. Each succeeding member shall serve for a  
 8 3-year term.

9 The membership of the Board shall reasonably reflect  
 10 representation from the various geographic areas of the  
 11 State.

12 A vacancy in the membership of the Board shall not impair  
 13 the right of a quorum to exercise all the rights and perform  
 14 all the duties of the Board.

15 The members of the Board are entitled to receive as  
 16 compensation a reasonable sum as determined by the Director  
 17 for each day actually engaged in the duties of the office and  
 18 all legitimate and necessary expenses incurred in attending  
 19 the meetings of the Board.

20 Members of the Board shall be immune from suit in any  
 21 action based upon any disciplinary proceedings or other  
 22 activities performed in good faith as members of the Board.

23 The Director may remove any member of the Board for any  
 24 cause that, in the opinion of the Director, reasonably  
 25 justifies termination.

26 (Source: P.A. 91-724, eff. 6-2-00; 91-798, eff. 7-9-00.)

27 (225 ILCS 37/20.1 new)

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

29 Sec. 20.1. Qualifications for an environmental health  
 30 inspector. An environmental health inspector must have an  
 31 associate's degree or its equivalent, including a minimum of  
 32 9 credit hours of science.

(225 ILCS 37/21)

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

Sec. 21. Grandfather provision. (a) A person who, on the effective date of this amendatory Act of the 92 General Assembly June-30-1995, was certified by his or her employer as serving as a sanitarian or environmental health practitioner in environmental health practice in this State may be issued a license as an environmental health practitioner in training upon filing an application by July 1, 2003 ~~1999~~ and paying the required fees, ~~and by passing the~~ examination.

~~(b) The Department may, upon application and payment of the required fee within 12 months, issue a license to a person who holds a current license as a sanitarian or environmental health practitioner issued by the Illinois Environmental Health Association or National Environmental Health Association.~~

(Source: P.A. 89-61, eff. 6-30-95; 90-602, eff. 6-26-98.)

(225 ILCS 37/22 new)

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

Sec. 22. Environmental health practitioner in training.

(a) Any person who meets the educational qualifications specified in Section 20, but does not meet the experience requirement specified in that Section, may make application to the Department on a form prescribed by the Department for licensure as an environmental health practitioner in training. The Department shall license that person as an environmental health practitioner in training upon payment of the fee required by this Act.

(b) An environmental health practitioner in training shall apply for licensure as an environmental health practitioner within 3 years of his or her licensure as an environmental health practitioner in training. The license

1 may be renewed or extended as defined by rule of the  
2 Department. The Board may extend the licensure of any  
3 environmental health practitioner in training who furnishes,  
4 in writing, sufficient cause for not applying for examination  
5 as an environmental health practitioner within the 3-year  
6 period.

7 (c) An environmental health practitioner in training may  
8 engage in the practice of environmental health for a period  
9 not to exceed 6 years provided that he or she is supervised  
10 by a licensed professional engineer or a licensed  
11 environmental health practitioner as prescribed in this Act.

12 (225 ILCS 37/23 new)

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

14 Sec. 23. Supervision.

15 (a) A licensed Environmental health practitioner in  
16 training or an environmental health inspector may perform the  
17 duties and functions of environmental health practice under  
18 the supervision of a licensed environmental health  
19 practitioner or licensed professional engineer.

20 (b) A licensed environmental health practitioner or a  
21 licensed professional engineer may serve as a supervisor to  
22 any licensed environmental health practitioner in training or  
23 environmental health inspector. The supervisor shall fulfill  
24 the minimum supervisor requirements, including but not  
25 limited to:

26 (1) being available for consultation on a daily  
27 basis;

28 (2) reviewing and advising on law enforcement  
29 proceedings; and

30 (3) evaluating the practice of environmental health  
31 performed by the licensed environmental health  
32 practitioner in training or the environmental health  
33 inspector.



1       (c) A licensed environmental health practitioner or  
 2 licensed professional engineer is responsible for assuring  
 3 that a licensed environmental health practitioner in training  
 4 or environmental health inspector that he or she is  
 5 supervising properly engages in the practice of environmental  
 6 health.

7           (225 ILCS 37/25)

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

9           Sec. 25. Application for original license. Applications  
 10 for original licenses shall be made to the Department on  
 11 forms prescribed by the Department and accompanied by the  
 12 required nonrefundable fee. All applications shall contain  
 13 information that, in the judgment of the Department, will  
 14 enable the Department to pass on the qualifications of the  
 15 applicant for a license as an environmental health  
 16 practitioner or environmental health practitioner in  
 17 training.

18           If an applicant for a license as an environmental health  
 19 practitioner neglects, fails, or refuses to take an  
 20 examination or fails to pass an examination for a license  
 21 under this Act within 3 years after filing an application,  
 22 the application is denied. However, the applicant may  
 23 thereafter make a new application, accompanied by the  
 24 required fee, if the applicant meets the requirements in  
 25 force at the time of making the new application.

26           (Source: P.A. 89-61, eff. 6-30-95.)

27           (225 ILCS 37/26)

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

29           Sec. 26. Examination for registration as an  
 30 environmental health practitioner.

31           (a) Beginning on the effective date of this amendatory  
 32 Act of the 92nd General Assembly June-30-1995, only persons

1 who meet the educational and experience requirements of  
 2 Section 20 and who pass the examination authorized by the  
 3 Department shall be licensed as environmental health  
 4 practitioners. ~~Persons--who--meet---the---requirements---of~~  
 5 ~~subsection--(b)--of--Section--21--or--Section--30--shall--not--be~~  
 6 ~~required--to--take--and--pass--the--examination.~~

7 (b) Applicants for examination as environmental health  
 8 practitioners shall be required to pay, either to the  
 9 Department or the designated testing service, a fee covering  
 10 the cost of providing the examination.

11 (Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97;  
 12 90-14, eff. 7-1-97.)

13 (225 ILCS 37/35)

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

15 Sec. 35. Grounds for discipline.

16 (a) The Department may refuse to issue or renew, or may  
 17 revoke, suspend, place on probation, reprimand, or take other  
 18 disciplinary action with regard to any license issued under  
 19 this Act as the Department may consider proper, including the  
 20 imposition of fines not to exceed \$5,000 for each violation,  
 21 for any one or combination of the following causes:

22 (1) Material misstatement in furnishing information  
 23 to the Department.

24 (2) Violations of this Act or its rules.

25 (3) Conviction of any felony under the laws of any  
 26 U.S. jurisdiction, any misdemeanor an essential element  
 27 of which is dishonesty, or any crime that is directly  
 28 related to the practice of the profession.

29 (4) Making any misrepresentation for the purpose of  
 30 obtaining a certificate of registration.

31 (5) Professional incompetence.

32 (6) Aiding or assisting another person in violating  
 33 any provision of this Act or its rules.

1           (7) Failing to provide information within 60 days  
2 in response to a written request made by the Department.

3           (8) Engaging in dishonorable, unethical, or  
4 unprofessional conduct of a character likely to deceive,  
5 defraud, or harm the public as defined by rules of the  
6 Department.

7           (9) Habitual or excessive use or addiction to  
8 alcohol, narcotics, stimulants, or any other chemical  
9 agent or drug that results in an environmental health  
10 practitioner's inability to practice with reasonable  
11 judgment, skill, or safety.

12           (10) Discipline by another U.S. jurisdiction or  
13 foreign nation, if at least one of the grounds for a  
14 discipline is the same or substantially equivalent to  
15 those set forth in this Act.

16           (11) A finding by the Department that the  
17 registrant, after having his or her license placed on  
18 probationary status, has violated the terms of probation.

19           (12) Willfully making or filing false records or  
20 reports in his or her practice, including, but not  
21 limited to, false records filed with State agencies or  
22 departments.

23           (13) Physical illness, including, but not limited  
24 to, deterioration through the aging process or loss of  
25 motor skills that result in the inability to practice the  
26 profession with reasonable judgment, skill, or safety.

27           (14) Failure to comply with rules promulgated by  
28 the Illinois Department of Public Health or other State  
29 agencies related to the practice of environmental health.

30           (15) The Department shall deny any application for  
31 a license or renewal of a license under this Act, without  
32 hearing, to a person who has defaulted on an educational  
33 loan guaranteed by the Illinois Student Assistance  
34 Commission; however, the Department may issue a license

1 or renewal of a license if the person in default has  
2 established a satisfactory repayment record as determined  
3 by the Illinois Student Assistance Commission.

4 (16) Solicitation of professional services by using  
5 false or misleading advertising.

6 (17) A finding that the license has been applied  
7 for or obtained by fraudulent means.

8 (18) Practicing or attempting to practice under a  
9 name other than the full name as shown on the license or  
10 any other legally authorized name.

11 (19) Gross overcharging for professional services  
12 including filing statements for collection of fees or  
13 moneys for which services are not rendered.

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

21 (c) The determination by a circuit court that a licensee  
22 is subject to involuntary admission or judicial admission to  
23 a mental health facility as provided in the Mental Health and  
24 Developmental Disabilities Code operates as an automatic  
25 suspension. The suspension may end only upon a finding by a  
26 court that the licensee is no longer subject to involuntary  
27 admission or judicial admission, the issuance of an order so  
28 finding and discharging the patient, and the recommendation  
29 of the Board to the Director that the licensee be allowed to  
30 resume practice.

31 (d) In enforcing this Section, the Department, upon a  
32 showing of a possible violation, may compel any person  
33 licensed to practice under this Act or who has applied for  
34 licensure or certification pursuant to this Act to submit to

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

17 If the Department finds an individual unable to practice  
18 because of the reasons set forth in this Section, the  
19 Department may require that individual to submit to care,  
20 counseling, or treatment by physicians approved or designated  
21 by the Department, as a condition, term, or restriction for  
22 continued, reinstated, or renewed licensure to practice or,  
23 in lieu of care, counseling, or treatment, the Department may  
24 file a complaint to immediately suspend, revoke, or otherwise  
25 discipline the license of the individual.

26 Any person whose license was granted, continued,  
27 reinstated, renewed, disciplined, or supervised subject to  
28 such terms, conditions, or restrictions and who fails to  
29 comply with such terms, conditions, or restrictions shall be  
30 referred to the Director for a determination as to whether  
31 the person shall have his or her license suspended  
32 immediately, pending a hearing by the Department.

33 In instances in which the Director immediately suspends a  
34 person's license under this Section, a hearing on that

1 person's license must be convened by the Department within 15  
2 days after the suspension and completed without appreciable  
3 delay. The Department shall have the authority to review the  
4 subject person's record of treatment and counseling regarding  
5 the impairment, to the extent permitted by applicable federal  
6 statutes and regulations safeguarding the confidentiality of  
7 medical records.

8 A person licensed under this Act and affected under this  
9 Section shall be afforded an opportunity to demonstrate to  
10 the Department that he or she can resume practice in  
11 compliance with acceptable and prevailing standards under the  
12 provisions of his or her license.

13 (Source: P.A. 89-61, eff. 6-30-95.)

14 (225 ILCS 37/50)

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

16 Sec. 50. Use of title. Only a person who has qualified  
17 as a licensed environmental health practitioner and who is  
18 currently licensed by the State has the right and privilege  
19 of using the title "Environmental Health Practitioner",  
20 "Licensed Environmental Health Practitioner", or the initials  
21 "L.E.H.P." after his or her name. Only a person who has  
22 qualified as a licensed environmental health practitioner in  
23 training and who is currently licensed by the State has the  
24 right and privilege of using the title "environmental health  
25 practitioner in training", "licensed environmental health  
26 practitioner in training", or "L.E.H.P. in training" after  
27 his or her name.

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

29 (225 ILCS 37/56 new)

30 (Section scheduled to be repealed December 31, 2002)

31 Sec. 56. Unlicensed practice; violation; civil penalty.

32 (a) Any person who practices, offers to practice,

1 attempts to practice, or holds himself or herself out to  
2 practice environmental health without being licensed under  
3 this Act shall, in addition to any other penalty provided by  
4 law, pay a civil penalty to the Department in an amount not  
5 to exceed \$5,000 for each offense as determined by the  
6 Department. The civil penalty shall be assessed by the  
7 Department after a hearing is held in accordance with the  
8 provisions set forth in this Act regarding the provision of a  
9 hearing for the discipline of a licensee.

10 (b) The Department has the authority and power to  
11 investigate any and all unlicensed activity.

12 (c) The civil penalty shall be paid within 60 days after  
13 the effective date of the order imposing the civil penalty.  
14 The order shall constitute a judgment and may be filed and  
15 execution had thereon in the same manner as any judgment from  
16 any court of record.

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