

AN ACT concerning regulation.

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

Section 1. Short title. This Act may be cited as the Behavior Analyst Licensing Act.

Section 5. Public policy. The practice of applied behavior analysis is declared to affect public health, safety, and welfare and is subject to regulation in the public interest. The purpose of this Act is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to obtain a license and hold the title of "licensed behavior analyst" or "licensed assistant behavior analyst", to promote high standards of professional performance for those licensed to practice applied behavior analysis in the State, to protect the public from the practice of applied behavior analysis by unqualified persons and from unprofessional conduct by persons licensed to practice applied behavior analysis.

Section 10. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's

licensure maintenance unit.

"Board" means the Advisory Board of Behavior Analysts appointed by the Secretary.

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

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

"Licensed assistant behavior analyst" means an individual licensed under this Act to engage in practice as an assistant behavior analyst under the supervision of a licensed behavior analyst or a licensed clinical psychologist.

"Licensed behavior analyst" means an individual licensed to engage in the practice of applied behavior analysis.

"Practice of applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvement in human behavior. "Practice of applied behavior analysis" includes the empirical identification of functional relations between behavior environmental factors, known as functional assessment and analysis. Applied behavior analysis interventions are based on scientific research and the direct observation and measurement of behavior and environment. Applied behavior analysis interventions utilize contextual factors, motivating operations, antecedent stimuli, positive

reinforcement, and other procedures to help individuals develop new behaviors, increase or decrease existing behaviors, and elicit behaviors under specific environmental conditions. The practice of applied behavior analysis excludes the diagnosis of disorders, psychological testing, psychotherapy, cognitive therapy, psychoanalysis, and counseling.

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

Section 15. Address of record; email address of record.
All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after the change, either through the Department's website or by contacting the Department's licensure maintenance unit.

Section 20. License required; exemptions.

(a) Beginning 30 months after the effective date of this Act, an individual shall not engage in the practice of applied behavior analysis unless licensed under this Act or covered by an exemption under subsection (c).

(a-5) An individual licensed under this Act as an assistant behavior analyst shall not engage in the practice of applied behavior analysis unless supervised by a licensed clinical psychologist or licensed behavior analyst.

(b) Beginning 30 months after the effective date of this Act, an individual shall not use the title "licensed behavior analyst", "L.B.A.", "licensed assistant behavior analyst", "L.A.B.A.", or similar words or letters indicating the individual is licensed as a behavior analyst or assistant behavior analyst unless the individual is actually licensed under this Act.

(c) This Act does not prohibit any of the following:

(1) Self-care by a patient or uncompensated care by a friend or family member who does not represent or hold oneself out to be a behavior analyst or assistant behavior analyst.

(2) An individual from implementing a behavior analytic treatment plan under the extended authority, direction, and supervision of a licensed behavior analyst or licensed assistant behavior analyst.

(3) A clinical psychologist, social worker, psychiatric nurse, speech-language pathologist, audiologist, professional counselor, clinical professional counselor, clinical social worker, or marriage and family therapist from performing or advertising activities that are considered to be the

practice of applied behavior analysis under this Act if the activities are consistent with the laws of this State, the individual's training, and any code of ethics of the individual's respective professions, so long as the individual does not use the titles provided in subsection (b).

(4) An individual from performing activities that are considered to be the practice of applied behavior analysis under this Act if the activities are with nonhumans, including applied animal behaviorists and animal trainers. The individual may use the title "behavior analyst" but shall not represent oneself as a licensed behavior analyst or licensed assistant behavior analyst unless the individual holds a license issued by the State.

(5) An individual who provides general applied behavior analysis services to organizations, so long as the services are for the benefit of the organizations and do not involve direct services to individuals. The individual may use the title "behavior analyst" but may not represent oneself as a licensed behavior analyst or licensed assistant behavior analyst unless the individual holds a license issued by the State.

(6) An individual who is a matriculated student at a nationally accredited university approved in rules or a postdoctoral fellow from performing activities that are considered to be the practice of applied behavior analysis

under this Act if the activities are part of a defined program of study, course, practicum, internship, or postdoctoral fellowship, provided that the applied behavior analysis activities are directly supervised by a licensed behavior analyst under this Act or a licensed clinical psychologist.

(7) An individual who is not licensed under this Act from pursuing field experience in the practice of behavior analysis if the experience is supervised by a licensed behavior analyst or a licensed psychologist.

(8) An individual with a learning behavior specialist or school support personnel endorsement from the State Board of Education, the school district in which the school is located, or a special education joint agreement serving the school district in which the school is located from delivering behavior analytic services in a school setting when employed by that school as long as those services are defined in the scope of practice for that endorsement and that person is not in any manner held out to the public as a licensed behavior analyst or licensed assistant behavior analyst.

(9) A qualified intellectual disabilities professional, meeting the minimum federal education requirements outlined in 42 CFR 483.430, who is performing the duties required for individuals with intellectual or developmental disabilities in programs and facilities

regulated by the federal Centers for Medicare and Medicaid Services, the Department of Human Services, or the Department of Public Health, so long as the individual does not use the titles provided in subsection (b).

(10) A service provider, designated by the Department of Human Services, from providing behavior intervention and treatment, so long as the individual does not use the titles provided in subsection (b).

(d) This Act does not apply to an individual who, on the effective date of this Act, is engaging in the practice of applied behavior analysis under the medical assistance program under the Illinois Public Aid Code while that individual is seeking the education, training, and experience necessary to obtain a license under this Act.

(e) No licensed behavior analyst or licensed assistant behavior analyst shall engage in the practice of speech-language pathology or the practice of audiology, as defined in the Illinois Speech-Language Pathology and Audiology Practice Act, unless licensed to do so under that Act.

Section 25. Applications for original license. An application for original licenses shall be made to the Department on forms or electronically as prescribed by the Department and accompanied by the required fee, which shall not be refundable. All applications shall contain information

which, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a licensed behavior analyst or licensed assistant behavior analyst.

A license to practice shall not be denied to an applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical disability that does not affect a person's ability to practice with reasonable judgment, skill, or safety.

For a person who has successfully completed a graduate degree from a nationally or regionally accredited university approved by the Department and can demonstrate that the person has passed a competency examination authorized by the Department before the effective date of this Act, the Department may allow that person to apply for licensure under the terms of this Act beginning 20 months after the effective date of this Act.

An applicant has 3 years after the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 30. Qualifications for behavior analyst license.

(a) A person qualifies to be licensed as a behavior

analyst if that person:

(1) has applied in writing or electronically on forms prescribed by the Department;

(2) is a graduate of a graduate level program in the field of behavior analysis from a regionally accredited university approved by the Department;

(3) has completed at least 500 hours of supervision of behavior analysis, as defined by rule;

(4) has qualified for and passed the examination for the practice of behavior analysis as authorized by the Department; and

(5) has paid the required fees.

(b) The Department may issue a license to a certified behavior analyst seeking licensure as a licensed behavior analyst who (i) does not have the supervised experience as described in paragraph (3) of subsection (a), (ii) applies for licensure before July 1, 2028, and (iii) has completed all of the following:

(1) has applied in writing or electronically on forms prescribed by the Department;

(2) is a graduate of a graduate level program in the field of behavior analysis from a regionally accredited university approved by the Department;

(3) submits evidence of certification by an appropriate national certifying body as determined by rule of the Department;

(4) has passed the examination for the practice of behavior analysis as authorized by the Department; and

(5) has paid the required fees.

(c) An applicant has 3 years after the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(d) Each applicant for licensure as an behavior analyst shall have his or her fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. These fingerprints shall be transmitted through a live scan fingerprint vendor licensed by the Department. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed, including, but not limited to, civil, criminal, and latent fingerprint databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions as prescribed under the Illinois Uniform Conviction Information Act and shall forward the national

criminal history record information to the Department.

Section 35. Qualifications for assistant behavior analyst license.

(a) A person qualifies to be licensed as an assistant behavior analyst if that person:

(1) has applied in writing or electronically on forms prescribed by the Department;

(2) is a graduate of a bachelor's level program in the field of behavior analysis from a regionally accredited university approved by the Department;

(3) has met the supervised work experience;

(4) has qualified for and passed the examination for the practice of behavior analysis as a licensed assistant behavior analyst as authorized by the Department; and

(5) has paid the required fees.

(b) The Department may issue a license to a certified assistant behavior analyst seeking licensure as a licensed assistant behavior analyst who (i) does not have the supervised experience as described in paragraph (3) of subsection (a), (ii) applies for licensure before July 1, 2028, and (iii) has completed all of the following:

(1) has applied in writing or electronically on forms prescribed by the Department;

(2) is a graduate of a bachelors level program in the field of behavior analysis;

(3) submits evidence of certification by an appropriate national certifying body as determined by rule of the Department;

(4) has passed the examination for the practice of behavior analysis as authorized by the Department; and

(5) has paid the required fees.

(c) An applicant has 3 years after the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(d) Each applicant for licensure as an assistant behavior analyst shall have his or her fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. These fingerprints shall be transmitted through a live scan fingerprint vendor licensed by the Department. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed, including, but not limited to, civil, criminal, and latent fingerprint databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois

State Police shall furnish, pursuant to positive identification, records of Illinois convictions as prescribed under the Illinois Uniform Conviction Information Act and shall forward the national criminal history record information to the Department.

Section 40. Endorsement. The Department may issue a license as a behavior analyst or assistant behavior analyst to an applicant licensed under the laws of another jurisdiction if the requirements for licensure in that jurisdiction are, on the date of licensure, substantially equivalent to the requirements of this Act or to any person who, at the time of the applicant's licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State.

An applicant under this Section shall pay the required fees. An individual applying for licensure as a licensed behavior analyst or assistant behavior analyst who has been licensed in another United States jurisdiction for 10 consecutive years without discipline is not required to submit proof of completion of the education, professional experience, and supervision required in Section 25 or 30.

An individual with 10 consecutive years of experience must submit certified verification of licensure from the jurisdiction in which the applicant practiced and must comply with all other licensing requirements and pay all required

fees. If the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

An applicant has 3 years after the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 45. Behavior Analyst Licensing and Disciplinary Board.

(a) The Secretary shall appoint a Behavior Analyst Licensing and Disciplinary Board consisting of 5 persons who shall serve in an advisory capacity to the Secretary. The Board shall consist of the following 5 members appointed by the Secretary: one licensed behavior analyst holding a doctoral degree, one licensed assistant behavior analyst, 2 licensed behavior analysts, and one public member. The Board shall serve in an advisory capacity.

(b) Members shall be appointed for and shall serve 4-year terms and until the members' successors are appointed and qualified. No member of the Board shall serve more than 2 full consecutive 4-year terms. Any appointment to fill a vacancy

shall be for the unexpired portion of the term.

(c) The membership of the Board should represent racial and cultural diversity and reasonably reflect representation from different geographic areas of the State.

(d) The Secretary may remove any member of the Board for any cause that, in the opinion of the Secretary, reasonably justifies termination.

(e) The Secretary may consider the recommendation of the Board on all matters and questions relating to this Act, such as: (i) matters relating to continuing education, including the number of hours necessary for license renewal, waivers for those unable to meet such requirements, and acceptable course content; and (ii) rules for the administration of this Act.

(f) The Board shall annually elect one of its members as chairperson and one as vice chairperson.

(g) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

(h) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(i) Members of the Board shall have no liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board.

Section 50. Licenses; renewal; restoration; person in

military service; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. The licensee may renew a license during the 60-day period preceding its expiration date by paying the required fee and by demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements for continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence that is satisfactory to the Department certifying the active practice of behavior analysis in another jurisdiction and by paying the required fee.

(c) If the person has not maintained an active practice in another jurisdiction that is satisfactory to the Department, the Department shall determine the person's fitness to resume active status. The Department may also require the person to complete a specific period of evaluated behavior analysis experience and may require successful completion of an

examination.

(d) Notwithstanding any other provision of this Act, any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia or in training or education under the supervision of the United States government prior to induction into the military service may have the person's license restored without paying any renewal fees if, within 2 years after the honorable termination of that service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that the service, training, or education has been so terminated.

(e) The Department shall indicate on each license the academic degree of the licensee.

Section 55. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or the Criminal Code of 2012. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in

full.

Section 60. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew a license, or may suspend, revoke, place on probation, reprimand, or take any other disciplinary or nondisciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed \$10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following grounds:

(1) material misstatements in furnishing information to the Department or to any other State agency or in furnishing information to any insurance company with respect to a claim on behalf of a licensee or a patient;

(2) violations or negligent or intentional disregard of this Act or its rules;

(3) conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of behavior analysis;

(4) fraud or misrepresentation in applying for or

procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act;

(5) professional incompetence;

(6) gross negligence in practice under this Act;

(7) aiding or assisting another person in violating any provision of this Act or its rules;

(8) failing to provide information within 60 days in response to a written request made by the Department;

(9) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public as defined by the rules of the Department or violating the rules of professional conduct adopted by the Department;

(10) habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances that results in the inability to practice with reasonable judgment, skill, or safety;

(11) adverse action taken by another state or jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(12) directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually

rendered; nothing in this paragraph affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law; any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act; nothing in this paragraph shall be construed to require an employment arrangement to receive professional fees for services rendered;

(13) a finding by the Department that the licensee, after having the license placed on probationary status, has violated the terms of probation or failed to comply with those terms;

(14) abandonment, without cause, of a client;

(15) willfully making or filing false records or reports relating to a licensee's practice, including, but not limited to, false records filed with federal or State agencies or departments;

(16) willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(17) being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and

upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

(18) physical illness, mental illness, or any other impairment or disability, including, but not limited to, deterioration through the aging process, or loss of motor skills that results in the inability to practice the profession with reasonable judgment, skill, or safety;

(19) solicitation of professional services by using false or misleading advertising;

(20) violation of the Health Care Worker Self-Referral Act;

(21) willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act; or

(22) being named as an abuser in a verified report by the Department on Aging under the Adult Protective Services Act, and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

(b) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities

Code shall result in an automatic suspension of the licensee's license. The suspension shall end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume professional practice.

(c) The Department shall refuse to issue or renew or may suspend the license of a person who (i) fails to file a tax return, pay the tax, penalty, or interest shown in a filed tax return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied or (ii) has failed to pay any court-ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel a person licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, which may include a substance abuse or sexual offender evaluation, as required by and at the expense of the Department.

(1) The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary

team involved in providing the mental or physical examination or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed clinical psychologists, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

(2) The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this mental or physical examination of the licensee or applicant. No information, report, record, or other documents in any way related to the examination shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an examination for the examining physician or any

member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation.

(3) The person to be examined may have, at the person's own expense, another physician of the person's choice present during all aspects of the examination. However, that physician shall be present only to observe and may not interfere in any way with the examination.

(4) The failure of any person to submit to a mental or physical examination without reasonable cause, when ordered, shall result in an automatic suspension of the person's license until the person submits to the examination.

(e) If the Department finds a person unable to practice because of the reasons set forth in this Section, the Department or Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to the terms,

conditions, or restrictions, and who fails to comply with the terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the person shall have the person's license suspended immediately, pending a hearing by the Department.

(f) All fines imposed shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

If the Secretary immediately suspends a person's license under this subsection, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that the person can resume practice in compliance with acceptable and prevailing standards under the provisions of the person's license.

Section 65. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly

adopted and incorporated in this Act as if all of the provisions of the Illinois Administrative Procedure Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act is expressly excluded, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation, or renewal of a license. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when served personally upon, mailed to the last known address of record of, or emailed to the email address of record of a party.

Section 70. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed behavior analyst or licensed assistant behavior analyst without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or

suspected unlicensed activity.

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

Section 75. Violations; injunction; cease and desist order.

(a) If an individual violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the individual has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to all other remedies and penalties provided by this Act.

(b) If an individual holds oneself out as being a licensed behavior analyst or a licensed assistant behavior analyst under this Act and is not licensed to do so, then any licensed

behavior analyst, licensed assistant behavior analyst, interested party, or any person injured thereby may petition for relief as provided in subsection (a).

(c) Whenever, in the opinion of the Department, an individual violates a provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

Section 80. Powers and duties of the Department.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensure Acts and shall exercise other powers and duties necessary for effectuating the purposes of this Act.

(b) The Department shall adopt rules to administer and enforce this Act, including, but not limited to, fees for original licensure and renewal and restoration of licenses, and may prescribe forms to be issued to implement this Act. At a minimum, the rules adopted by the Department shall include standards and criteria for licensure and for professional conduct and discipline. The Department may consult with the

Board in adopting rules. The Department may at any time seek the advice and expert knowledge of the Board on any matter relating to the administration of this Act.

(c) Subject to the provisions of this Act, the Department shall:

(1) Authorize examinations to ascertain the qualifications and fitness of applicants for licensing as licensed behavior analysts or licensed assistant behavior analysts and pass upon the qualifications of applicants for licensure by endorsement.

(2) Conduct hearings or proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, censure, or reprimand or take any other disciplinary or nondisciplinary action with regard to a person licensed under this Act.

(3) Adopt rules required for the administration of this Act.

(4) Conduct investigations related to possible violations of this Act, and prescribe forms to be issued for the administration and enforcement of this Act consistent with and reflecting the requirements of this Act and rules adopted pursuant to this Act.

(d) All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information

collected to investigate any complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or to a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

Section 85. Investigations; notice; hearing.

(a) The Department may investigate the actions of any applicant or of any person holding or claiming to hold a license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days prior to the date set for the hearing: (i) notify, in writing, the applicant or licensee of the charges made and the time and place for the hearing on the charges; (ii) direct the applicant or licensee to file a written answer to the charges under oath within 20 days after the service of the notice; and (iii) inform the applicant or licensee that failure to file an answer will result in a

default being entered against the applicant or licensee.

(c) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at the applicant's or licensee's address of record or email address of record.

(d) At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or the parties' counsel shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be pertinent to the charges or to the parties' defense. The Board may continue the hearing from time to time.

If the person, after receiving the notice, fails to file an answer, the person's license may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.

Section 90. Subpoenas; depositions; oaths. The Department shall have the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner

as prescribed in civil cases in the courts of this State.

The Secretary and every member of the Board shall have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

Section 95. Compelling testimony. Any court, upon application of the Department, or the applicant or licensee against whom proceedings under Section 55 are pending, may enter an order requiring the attendance of witnesses and the witnesses' testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

Section 100. Record of proceedings; transcript.

(a) The Department, at its expense, shall preserve a record of all proceedings at any formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department shall be the record of the proceedings. The Department shall furnish a copy of the record to any person upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Board shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations.

Section 105. Findings and recommendations. At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding as to whether the licensee violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary.

The report of findings of fact, conclusions of law, and recommendations of the Board shall be the basis for the Department's order or refusal or for the granting of the license or for any disciplinary action, unless the Secretary determines that the Board's report is contrary to the manifest weight of the evidence, in which case the Secretary may issue an order in contravention of the Board's report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

Section 110. Motion for rehearing. At the conclusion of the hearing, a copy of the Board's report shall be served to the applicant or licensee by the Department, either personally or as provided in this Act for the service of a notice of hearing. Within 20 calendar days after service, the applicant or licensee may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then after the expiration of the time specified for filing the motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendation of the Board. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

Section 115. Restoration. At any time after the successful completion of a term of probation, suspension, or revocation of any license, the Department may restore the license to the licensee upon the written recommendation of the Board unless after an investigation and hearing the Board or Department determines that restoration is not in the public interest.

Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring the licensee's license. No person whose license has been revoked as authorized in this Act may apply for restoration of that license until the time provided for in the Civil Administrative Code of Illinois.

Section 120. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the licensee's license to the Department. If the licensee fails to do so, the Department shall have the right to seize the license.

Section 125. Summary suspension of a license. The Secretary may summarily suspend the license of a licensed behavior analyst or assistant behavior analyst without a hearing simultaneously with the institution of proceedings for a hearing provided for in this Act if the Secretary finds that evidence in the Secretary's possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. If the Secretary summarily suspends the license without a hearing, a hearing by the Board or Department shall be held within 30 calendar days after the suspension has occurred.

Section 130. Administrative review.

(a) All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. "Administrative decision" has the same meaning as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of the State, the venue shall be in Sangamon County.

Section 135. Certification of record. The Department shall not be required to certify any record to the court, file any answer in court, or otherwise appear in any judicial review proceedings, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. The failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

Section 140. Fees. The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including, but not limited to, original licensure, registration, renewal, and restoration. The fees shall be nonrefundable.

All fees, fines, and penalties collected under this Act

shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

Section 145. Order; certified copy. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof:

(1) that the signature is the genuine signature of the Secretary;

(2) that the Secretary is duly appointed and qualified; and

(3) that the Board and its members are qualified to act.

Section 150. License restrictions and limitations. No business organization shall provide, attempt to provide, or offer to provide behavior analysis services unless every member, partner, shareholder, director, officer, holder of any other ownership interest, agent, and employee who renders applied behavior analysis services holds a currently valid license issued under this Act. No business shall be created that (i) has a stated purpose that includes behavior analysis, or (ii) practices or holds itself out as available to practice behavior analysis therapy, unless it is organized under the

Professional Service Corporation Act or Professional Limited Liability Company Act. Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

Section 155. Examinations.

(a) The Department shall authorize examinations of applicants as provided under this Act at such times and places as it may determine. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice behavior analysis.

(b) Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.

(c) The Department may employ consultants for the purpose of preparing and conducting examinations.

Section 160. Social Security Number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number, which shall be retained in the agency's records pertaining to the license. As soon as

practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or restored license shall require the applicant's customer identification number.

Section 900. The Regulatory Sunset Act is amended by changing Section 4.38 as follows:

(5 ILCS 80/4.38)

Sec. 4.38. Acts repealed on January 1, 2028. The following Acts are repealed on January 1, 2028:

The Acupuncture Practice Act.

The Behavior Analyst Licensing Act.

The Clinical Social Work and Social Work Practice Act.

The Home Medical Equipment and Services Provider License Act.

The Illinois Petroleum Education and Marketing Act.

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Interpreter for the Deaf Licensure Act of 2007.

The Nurse Practice Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

(Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;

100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff. 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17; 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

Section 903. The Illinois Public Aid Code is amended by changing Section 5-30.11 as follows:

(305 ILCS 5/5-30.11)

Sec. 5-30.11. Treatment of autism spectrum disorder. Treatment of autism spectrum disorder through applied behavior analysis shall be covered under the medical assistance program under this Article for children with a diagnosis of autism spectrum disorder when ordered by: (1) a physician licensed to practice medicine in all its branches and rendered by a licensed or certified health care professional with expertise in applied behavior analysis; or (2) when evaluated and treated by a behavior analyst licensed by the Department of Financial and Professional Regulation to practice applied behavior analysis in this State. Such coverage may be limited to age ranges based on evidence-based best practices. Appropriate State plan amendments as well as rules regarding provision of services and providers will be submitted by September 1, 2019.

(Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

Section 905. The Adult Protective Services Act is amended

by changing Section 2 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abandonment" means the desertion or willful forsaking of an eligible adult by an individual responsible for the care and custody of that eligible adult under circumstances in which a reasonable person would continue to provide care and custody. Nothing in this Act shall be construed to mean that an eligible adult is a victim of abandonment because of health care services provided or not provided by licensed health care professionals.

(a-1) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources, and abandonment.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, abandonment, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, abandons, neglects, or financially exploits an eligible adult.

(a-6) "Adult with disabilities" means a person aged 18 through 59 who resides in a domestic living situation and whose disability as defined in subsection (c-5) impairs his or her ability to seek or obtain protection from abuse, abandonment, neglect, or exploitation.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living or instrumental activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(c-5) "Disability" means a physical or mental disability, including, but not limited to, a developmental disability, an intellectual disability, a mental illness as defined under the Mental Health and Developmental Disabilities Code, or dementia as defined under the Alzheimer's Disease Assistance Act.

(d) "Domestic living situation" means a residence where the eligible adult at the time of the report lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of

the Nursing Home Care Act;

(1.5) A facility licensed under the ID/DD Community Care Act;

(1.6) A facility licensed under the MC/DD Act;

(1.7) A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013;

(2) A "life care facility" as defined in the Life Care Facilities Act;

(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) (Blank);

(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act or a "community residential alternative" as licensed under that Act;

(8) An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act;

or

(9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

(e) "Eligible adult" means either an adult with disabilities aged 18 through 59 or a person aged 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, abandoned, neglected, or financially exploited by another individual or who neglects himself or herself. "Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" under paragraphs (1) through (9) of subsection (d), if either: (i) the alleged abuse, abandonment, or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; or (ii) the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-1) "Financial exploitation" means the use of an

eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services, (ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Behavior Analyst Licensing Act, the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietitian Nutritionist Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nurse Practice Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice

Act of 2004, and the Illinois Public Accounting Act;

(1.5) an employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

(5) field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care

Ombudsman;

(7) any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;

(8) a person who performs the duties of a coroner or medical examiner; or

(9) a person who performs the duties of a paramedic or an emergency medical technician.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area that is selected by the Department or appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, abandonment, neglect, or financial exploitation. A provider agency is also referenced as a "designated agency" in this Act.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area that provides regional oversight and performs functions as set forth in subsection (b) of Section 3 of this Act. The Department shall designate an Area Agency on Aging as the regional administrative agency or, in the event the Area Agency on Aging in that planning and service area is deemed by the Department to be unwilling or unable to provide those functions, the Department may serve as the regional administrative agency or designate another qualified entity to serve as the regional administrative agency; any such designation shall be subject to terms set forth by the Department.

(i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, abandonment, neglect, financial exploitation, or self-neglect in which a provider agency, after assessment, determines that there is reason to believe abuse, abandonment, neglect, or financial exploitation has occurred.

(k) "Verified" means a determination that there is "clear and convincing evidence" that the specific injury or harm alleged was the result of abuse, abandonment, neglect, or financial exploitation.

(Source: P.A. 102-244, eff. 1-1-22.)

Section 910. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4)

Sec. 4. Persons required to report; privileged communications; transmitting false report.

(a) The following persons are required to immediately report to the Department when they have reasonable cause to believe that a child known to them in their professional or official capacities may be an abused child or a neglected child:

(1) Medical personnel, including any: physician licensed to practice medicine in any of its branches (medical doctor or doctor of osteopathy); resident;

intern; medical administrator or personnel engaged in the examination, care, and treatment of persons; psychiatrist; surgeon; dentist; dental hygienist; chiropractic physician; podiatric physician; physician assistant; emergency medical technician; acupuncturist; registered nurse; licensed practical nurse; advanced practice registered nurse; genetic counselor; respiratory care practitioner; home health aide; or certified nursing assistant.

(2) Social services and mental health personnel, including any: licensed professional counselor; licensed clinical professional counselor; licensed social worker; licensed clinical social worker; licensed psychologist or assistant working under the direct supervision of a psychologist; associate licensed marriage and family therapist; licensed marriage and family therapist; field personnel of the Departments of Healthcare and Family Services, Public Health, Human Services, Human Rights, or Children and Family Services; supervisor or administrator of the General Assistance program established under Article VI of the Illinois Public Aid Code; social services administrator; or substance abuse treatment personnel.

(3) Crisis intervention personnel, including any: crisis line or hotline personnel; or domestic violence program personnel.

(4) Education personnel, including any: school personnel (including administrators and certified and non-certified school employees); personnel of institutions of higher education; educational advocate assigned to a child in accordance with the School Code; member of a school board or the Chicago Board of Education or the governing body of a private school (but only to the extent required under subsection (d)); or truant officer.

(5) Recreation or athletic program or facility personnel.

(6) Child care personnel, including any: early intervention provider as defined in the Early Intervention Services System Act; director or staff assistant of a nursery school or a child day care center; or foster parent, homemaker, or child care worker.

(7) Law enforcement personnel, including any: law enforcement officer; field personnel of the Department of Juvenile Justice; field personnel of the Department of Corrections; probation officer; or animal control officer or field investigator of the Department of Agriculture's Bureau of Animal Health and Welfare.

(8) Any funeral home director; funeral home director and embalmer; funeral home employee; coroner; or medical examiner.

(9) Any member of the clergy.

(10) Any physician, physician assistant, registered

nurse, licensed practical nurse, medical technician, certified nursing assistant, licensed social worker, licensed clinical social worker, or licensed professional counselor of any office, clinic, licensed behavior analyst, licensed assistant behavior analyst, or any other physical location that provides abortions, abortion referrals, or contraceptives.

(b) When 2 or more persons who work within the same workplace and are required to report under this Act share a reasonable cause to believe that a child may be an abused or neglected child, one of those reporters may be designated to make a single report. The report shall include the names and contact information for the other mandated reporters sharing the reasonable cause to believe that a child may be an abused or neglected child. The designated reporter must provide written confirmation of the report to those mandated reporters within 48 hours. If confirmation is not provided, those mandated reporters are individually responsible for immediately ensuring a report is made. Nothing in this Section precludes or may be used to preclude any person from reporting child abuse or child neglect.

(c) (1) As used in this Section, "a child known to them in their professional or official capacities" means:

(A) the mandated reporter comes into contact with the child in the course of the reporter's employment or practice of a profession, or through a regularly scheduled

program, activity, or service;

(B) the mandated reporter is affiliated with an agency, institution, organization, school, school district, regularly established church or religious organization, or other entity that is directly responsible for the care, supervision, guidance, or training of the child; or

(C) a person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse or child neglect, and the disclosure happens while the mandated reporter is engaged in his or her employment or practice of a profession, or in a regularly scheduled program, activity, or service.

(2) Nothing in this Section requires a child to come before the mandated reporter in order for the reporter to make a report of suspected child abuse or child neglect.

(d) If an allegation is raised to a school board member during the course of an open or closed school board meeting that a child who is enrolled in the school district of which he or she is a board member is an abused child as defined in Section 3 of this Act, the member shall direct or cause the school board to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse. For purposes of this paragraph, a school board member is granted the authority in his or her individual

capacity to direct the superintendent of the school district or other equivalent school administrator to comply with the requirements of this Act concerning the reporting of child abuse.

Notwithstanding any other provision of this Act, if an employee of a school district has made a report or caused a report to be made to the Department under this Act involving the conduct of a current or former employee of the school district and a request is made by another school district for the provision of information concerning the job performance or qualifications of the current or former employee because he or she is an applicant for employment with the requesting school district, the general superintendent of the school district to which the request is being made must disclose to the requesting school district the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department, as required under this Act. Only the fact that an employee of the school district has made a report involving the conduct of the applicant or caused a report to be made to the Department may be disclosed by the general superintendent of the school district to which the request for information concerning the applicant is made, and this fact may be disclosed only in cases where the employee and the general superintendent have not been informed by the Department that the allegations were unfounded. An employee of a school district who is or has been

the subject of a report made pursuant to this Act during his or her employment with the school district must be informed by that school district that if he or she applies for employment with another school district, the general superintendent of the former school district, upon the request of the school district to which the employee applies, shall notify that requesting school district that the employee is or was the subject of such a report.

(e) Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

(f) In addition to the persons required to report suspected cases of child abuse or child neglect under this Section, any other person may make a report if such person has

reasonable cause to believe a child may be an abused child or a neglected child.

(g) The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act or constitute grounds for failure to share information or documents with the Department during the course of a child abuse or neglect investigation. If requested by the professional, the Department shall confirm in writing that the information or documents disclosed by the professional were gathered in the course of a child abuse or neglect investigation.

The reporting requirements of this Act shall not apply to the contents of a privileged communication between an attorney and his or her client or to confidential information within the meaning of Rule 1.6 of the Illinois Rules of Professional Conduct relating to the legal representation of an individual client.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

(h) Any office, clinic, or any other physical location that provides abortions, abortion referrals, or contraceptives shall provide to all office personnel copies of written information and training materials about abuse and neglect and the requirements of this Act that are provided to employees of

the office, clinic, or physical location who are required to make reports to the Department under this Act, and instruct such office personnel to bring to the attention of an employee of the office, clinic, or physical location who is required to make reports to the Department under this Act any reasonable suspicion that a child known to him or her in his or her professional or official capacity may be an abused child or a neglected child.

(i) Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. On and after January 1, 2019, the statement shall also include information about available mandated reporter training provided by the Department. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

(j) Persons required to report child abuse or child neglect as provided under this Section must complete an initial mandated reporter training, including a section on implicit bias, within 3 months of their date of engagement in a professional or official capacity as a mandated reporter, or within the time frame of any other applicable State law that

governs training requirements for a specific profession, and at least every 3 years thereafter. The initial requirement only applies to the first time they engage in their professional or official capacity. In lieu of training every 3 years, medical personnel, as listed in paragraph (1) of subsection (a), must meet the requirements described in subsection (k).

The mandated reporter trainings shall be in-person or web-based, and shall include, at a minimum, information on the following topics: (i) indicators for recognizing child abuse and child neglect, as defined under this Act; (ii) the process for reporting suspected child abuse and child neglect in Illinois as required by this Act and the required documentation; (iii) responding to a child in a trauma-informed manner; and (iv) understanding the response of child protective services and the role of the reporter after a call has been made. Child-serving organizations are encouraged to provide in-person annual trainings.

The implicit bias section shall be in-person or web-based, and shall include, at a minimum, information on the following topics: (i) implicit bias and (ii) racial and ethnic sensitivity. As used in this subsection, "implicit bias" means the attitudes or internalized stereotypes that affect people's perceptions, actions, and decisions in an unconscious manner and that exist and often contribute to unequal treatment of people based on race, ethnicity, gender identity, sexual

orientation, age, disability, and other characteristics. The implicit bias section shall provide tools to adjust automatic patterns of thinking and ultimately eliminate discriminatory behaviors. During these trainings mandated reporters shall complete the following: (1) a pretest to assess baseline implicit bias levels; (2) an implicit bias training task; and (3) a posttest to reevaluate bias levels after training. The implicit bias curriculum for mandated reporters shall be developed within one year after the effective date of this amendatory Act of the 102nd General Assembly and shall be created in consultation with organizations demonstrating expertise and or experience in the areas of implicit bias, youth and adolescent developmental issues, prevention of child abuse, exploitation, and neglect, culturally diverse family systems, and the child welfare system.

The mandated reporter training, including a section on implicit bias, shall be provided through the Department, through an entity authorized to provide continuing education for professionals licensed through the Department of Financial and Professional Regulation, the State Board of Education, the Illinois Law Enforcement Training Standards Board, or the Department of State Police, or through an organization approved by the Department to provide mandated reporter training, including a section on implicit bias. The Department must make available a free web-based training for reporters.

Each mandated reporter shall report to his or her employer

and, when applicable, to his or her licensing or certification board that he or she received the mandated reporter training. The mandated reporter shall maintain records of completion.

Beginning January 1, 2021, if a mandated reporter receives licensure from the Department of Financial and Professional Regulation or the State Board of Education, and his or her profession has continuing education requirements, the training mandated under this Section shall count toward meeting the licensee's required continuing education hours.

(k)(1) Medical personnel, as listed in paragraph (1) of subsection (a), who work with children in their professional or official capacity, must complete mandated reporter training at least every 6 years. Such medical personnel, if licensed, must attest at each time of licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made.

(2) In lieu of repeated training, medical personnel, as listed in paragraph (1) of subsection (a), who do not work with children in their professional or official capacity, may instead attest each time at licensure renewal on their renewal form that they understand they are a mandated reporter of child abuse and neglect, that they are aware of the process for

making a report, that they know how to respond to a child in a trauma-informed manner, and that they are aware of the role of child protective services and the role of a reporter after a call has been made. Nothing in this paragraph precludes medical personnel from completing mandated reporter training and receiving continuing education credits for that training.

(l) The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

(m) Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 2012. A violation of this provision is a Class 4 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation; except that if the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or

subsequent offense involves any of the same facts or persons as the first or other prior offense).

(n) A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

(o) A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended.

(p) Nothing in this Act prohibits a mandated reporter who reasonably believes that an animal is being abused or neglected in violation of the Humane Care for Animals Act from reporting animal abuse or neglect to the Department of Agriculture's Bureau of Animal Health and Welfare.

(q) A home rule unit may not regulate the reporting of child abuse or neglect in a manner inconsistent with the provisions of this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(r) For purposes of this Section "child abuse or neglect" includes abuse or neglect of an adult resident as defined in this Act.

Public Act 102-0953

HB4769 Enrolled

LRB102 23872 AMC 33065 b

(Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22.)

Section 999. Effective date. This Act takes effect upon becoming law.