

AN ACT concerning regulation.

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

Section 5. The Funeral Directors and Embalmers Licensing Code is amended by changing Section 15-15 as follows:

(225 ILCS 41/15-15)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15-15. Complaints; investigations; hearings; summary suspension of license. The Department shall conduct regular inspections of all funeral establishments to determine compliance with the provisions of this Code. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts that if proved would constitute grounds for refusal, suspension, revocation, or other disciplinary action investigate the action of any person holding or claiming to hold a license under this Code. The Department shall report to the Board, on at least a quarterly basis, the status or disposition of all complaints against, and investigations of, license holders. The Department shall, before refusing to issue or renew, suspending, revoking, or taking any other disciplinary action with respect to any license and at least 30 days before the date set for the hearing, notify in writing the licensee of any charges made and

shall direct that person to file a written answer to the Board under oath within 20 days after the service of the notice and inform that person that failure to file an answer may result in default being taken and the person's license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary ~~Director~~ may deem proper. The Department shall afford the licensee an opportunity to be heard in person or by counsel in reference to the charges. Written notice may be served by personal delivery to the licensee or by mailing it by registered mail to the last known business address of licensee. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The hearing on the charges shall be at a time and place as the Department shall prescribe. The Department may appoint a hearing officer to conduct the hearing. The Department shall notify the Board of the time and place of the hearing and Board members shall be allowed to sit at the hearing. The Department has the power to subpoena and bring before it any person in this State, or take

testimony of any person by deposition, with the same fees and mileage, in the same manner as prescribed by law in judicial proceedings in circuit courts of this State in civil cases. If the Department determines that any licensee is guilty of a violation of any of the provisions of this Code, disciplinary action shall be taken against the licensee. The Department may take disciplinary action without a formal hearing subject to Section 10-70 of the Illinois Administrative Procedure Act.

The Secretary may summarily suspend the license of any person licensed under this Act without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Section, if the Secretary finds that evidence in the possession of the Secretary indicates that the continuation of practice by the licensee would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the license of an individual without a hearing, a hearing must be held within 30 days after the suspension has occurred.

(Source: P.A. 87-966; 88-45.)

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