

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Sections 4.35 and 4.40 as follows:

(5 ILCS 80/4.35)

Sec. 4.35. Acts repealed on January 1, 2025. The following Acts are repealed on January 1, 2025:

~~The Genetic Counselor Licensing Act.~~

The Illinois Certified Shorthand Reporters Act of 1984.

(Source: P.A. 103-563, eff. 11-17-23.)

(5 ILCS 80/4.40)

Sec. 4.40. Acts repealed on January 1, 2030. The following Acts are repealed on January 1, 2030:

The Auction License Act.

The Genetic Counselor Licensing Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.
(Source: P.A. 101-269, eff. 8-9-19; 101-310, eff. 8-9-19;
101-311, eff. 8-9-19; 101-312, eff. 8-9-19; 101-313, eff.
8-9-19; 101-345, eff. 8-9-19; 101-346, eff. 8-9-19; 101-357,
eff. 8-9-19; 102-558, eff. 8-20-21.)

Section 10. The Genetic Counselor Licensing Act is amended
by changing Sections 10, 15, 20, 25, 30, 40, 45, 50, 55, 60,
65, 73, 80, 85, 95, 100, 105, 110, 115, 135, 140, 155, and 180
and by adding Section 12 as follows:

(225 ILCS 135/10)

(Section scheduled to be repealed on January 1, 2025)

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

"ABGC" means the American Board of Genetic Counseling.

"ABMGG" ~~"ABMG"~~ means the American Board of Medical
Genetics and Genomics.

"Active candidate status" is awarded to applicants who
have received approval from the ABGC or ABMGG ~~ABMG~~ to sit for
their respective certification examinations.

"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. ~~It is the duty of the applicant or
licensee to inform the Department of any change of address,
and those changes must be made either through the Department's~~

~~website or by contacting the Department.~~

"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.

"Genetic anomaly" means a variation in an individual's DNA that has been shown to confer a genetically influenced disease or predisposition to a genetically influenced disease or makes a person a carrier of such variation. A "carrier" of a genetic anomaly means a person who may or may not have a predisposition or risk of incurring a genetically influenced condition and who is at risk of having offspring with a genetically influenced condition.

"Genetic counseling" means the provision of services, which may include the ordering of genetic tests, to individuals, couples, groups, families, and organizations by one or more appropriately trained individuals to address the physical and psychological issues associated with the occurrence or risk of occurrence or recurrence of a genetic disorder, birth defect, disease, or potentially inherited or genetically influenced condition in an individual or a family.

"Genetic counseling" consists of the following:

- (A) Estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially

inherited or genetically influenced condition. This assessment may involve:

(i) obtaining and analyzing a complete health history of the person and the person's ~~his or her~~ family;

(ii) reviewing pertinent medical records;

(iii) evaluating the risks from exposure to possible mutagens or teratogens;

(iv) recommending genetic testing or other evaluations to diagnose a condition or determine the carrier status of one or more family members;

(B) Helping the individual, family, health care provider, or health care professional (i) appreciate the medical, psychological and social implications of a disorder, including its features, variability, usual course and management options, (ii) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members, and (iii) understand available options for coping with, preventing, or reducing the chance of occurrence or recurrence of a condition.

(C) Facilitating an individual's or family's (i) exploration of the perception of risk and burden associated with the disorder and (ii) adjustment and adaptation to the condition or their genetic risk by addressing needs for psychological, social, and medical

support.

"Genetic counselor" means a person licensed under this Act to engage in the practice of genetic counseling.

"Genetic testing" and "genetic test" mean a test or analysis of human genes, gene products, DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations, chromosomal changes, abnormalities, or deficiencies, including carrier status, that (i) are linked to physical or mental disorders or impairments, (ii) indicate a susceptibility to illness, disease, impairment, or other disorders, whether physical or mental, or (iii) demonstrate genetic or chromosomal damage due to environmental factors. "Genetic testing" and "genetic tests" do not include routine physical measurements; chemical, blood and urine analyses that are widely accepted and in use in clinical practice; tests for use of drugs; tests for the presence of the human immunodeficiency virus; analyses of proteins or metabolites that do not detect genotypes, mutations, chromosomal changes, abnormalities, or deficiencies; or analyses of proteins or metabolites that are directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"Person" means an individual, association, partnership, or corporation.

"Qualified supervisor" means any person who is a licensed

genetic counselor, as defined by rule, or a physician licensed to practice medicine in all its branches. A qualified supervisor may be provided at the applicant's place of work, or may be contracted by the applicant to provide supervision. The qualified supervisor shall file written documentation with the Department of employment, discharge, or supervisory control of a genetic counselor at the time of employment, discharge, or assumption of supervision of a genetic counselor.

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

"Supervision" means review of aspects of genetic counseling and case management in a bimonthly meeting with the person under supervision.

(Source: P.A. 99-173, eff. 7-29-15; 99-633, eff. 1-1-17; 100-201, eff. 8-18-17.)

(225 ILCS 135/12 new)

Sec. 12. 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.

(225 ILCS 135/15)

(Section scheduled to be repealed on January 1, 2025)

Sec. 15. Exemptions.

(a) This Act does not prohibit any persons legally regulated in this State by any other Act from engaging in the practice for which they are authorized as long as they do not represent themselves by the title of "genetic counselor" or "licensed genetic counselor". This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of human services as long as these practitioners do not represent themselves as or use the title of "genetic counselor" or "licensed genetic counselor".

(b) Nothing in this Act shall be construed to limit the activities and services of (i) a student, intern, resident, or fellow in genetic counseling or genetics seeking to fulfill educational requirements in order to qualify for a license under this Act if these activities and services constitute a part of the student's supervised course of study or (ii) an individual seeking to fulfill the post-degree experience requirements in order to qualify for licensing under this Act, as long as the activities and services are supervised by a qualified supervisor. A student, intern, resident, or fellow must be designated by the title "intern", "resident",

"fellow", or any other designation of trainee status. Nothing contained in this subsection shall be construed to permit students, interns, residents, or fellows to offer their services as genetic counselors or geneticists to any other person and to accept remuneration for such genetic counseling services, except as specifically provided in this subsection or subsection (c).

(c) Corporations, partnerships, and associations may employ students, interns, or post-degree candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license under this Act if their activities and services constitute a part of the student's supervised course of study or post-degree professional experience requirements. Nothing in this subsection shall prohibit a corporation, partnership, or association from contracting with a licensed health care professional to provide services that they are licensed to provide.

(d) Nothing in this Act shall prevent the employment, by a genetic counselor, person, association, partnership, or corporation furnishing genetic counseling services for remuneration, of persons not licensed as genetic counselors under this Act to perform services in various capacities as needed, if these persons are not in any manner held out to the public or do not hold themselves out to the public by any title or designation stating or implying that they are genetic

counselors.

(e) Nothing in this Act shall be construed to limit the services of a person, not licensed under the provisions of this Act, in the employ of a federal, State, county, or municipal agency or other political subdivision or not-for-profit corporation providing human services if (i) the services are a part of the duties in the person's ~~his or her~~ salaried position, (ii) the services are performed solely on behalf of the person's ~~his or her~~ employer, and (iii) that person does not in any manner represent oneself ~~himself or herself~~ as or use the title of "genetic counselor" or "licensed genetic counselor".

(f) Duly recognized members of any religious organization shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being genetic counselors or as providing genetic counseling.

(g) Nothing in this Act shall be construed to require or prohibit any hospital, clinic, home health agency, hospice, or other entity that provides health care to employ or to contract with a person licensed under this Act to provide genetic counseling services.

(h) Nothing in this Act shall be construed to prevent any licensed social worker, licensed clinical social worker, licensed clinical psychologist, licensed professional counselor, or licensed clinical professional counselor from practicing professional counseling as long as that person is

not in any manner held out to the public as a "genetic counselor" or "licensed genetic counselor" or does not hold out that person's ~~his or her~~ services as being genetic counseling.

(i) Nothing in this Act shall be construed to limit the practice of a person not licensed under this Act who is a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or intern, fellow, or resident from using the title "genetic counselor" or any other title tending to indicate they are a genetic counselor.

(j) Nothing in the Act shall prohibit a visiting ABGC or ABMGG ~~ABMG~~ certified genetic counselor from outside the State working as a consultant, or organizations from outside the State employing ABGC or ABMGG ~~ABMG~~ certified genetic counselors providing occasional services, who are not licensed under this Act, from engaging in the practice of genetic counseling subject to the stated circumstances and limitations defined by rule.

(Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

(225 ILCS 135/20)

(Section scheduled to be repealed on January 1, 2025)

Sec. 20. Restrictions and limitations.

(a) Except as provided in Section 15, no person shall, without a valid license as a genetic counselor issued by the Department (i) in any manner hold oneself ~~himself or herself~~

out to the public as a genetic counselor under this Act; (ii) use in connection with a person's ~~his or her~~ name or place of business the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", or "genetic associate" or any words, letters, abbreviations, or insignia indicating or implying a person has met the qualifications for or has the license issued under this Act; or (iii) offer to render or render to individuals, corporations, or the public genetic counseling services if the words "genetic counselor" or "licensed genetic counselor" are used to describe the person offering to render or rendering them, or "genetic counseling" is used to describe the services rendered or offered to be rendered.

(b) (Blank).

(c) No license shall be issued to a business, the stated purpose of which includes or which practices or which holds itself out as available to practice genetic counseling, unless it is organized under the Professional Service Corporation Act or the Professional Limited Liability Company Act. ~~No association or partnership shall practice genetic counseling unless every member, partner, and employee of the association or partnership who practices genetic counseling or who renders genetic counseling services holds a valid license issued under this Act. No license shall be issued to a corporation, the stated purpose of which includes or which practices or which holds itself out as available to practice genetic counseling,~~

~~unless it is organized under the Professional Service Corporation Act.~~

(c-1) Except as provided in Section 15, no business organized under the Professional Service Corporation Act may practice genetic counseling unless every owner, manager, and employee of the professional services corporation who renders genetic counseling services has received specialized training in genetic counseling and holds a valid license issued under this Act.

(c-2) Except as provided in Section 15, no business organized under the Professional Limited Liability Company Act shall practice genetic counseling unless every member, manager, and employee of the professional limited liability company who renders genetic counseling services has received specialized training in genetic counseling and holds a valid license issued under this Act. A person who is not licensed under this Act may be a member of such a professional limited liability company if the member does not engage in the practice of genetic counseling or render genetic counseling services.

(d) Nothing in this Act shall be construed as permitting persons licensed as genetic counselors to engage in any manner in the practice of medicine in all its branches as defined by law in this State.

(e) Nothing in this Act shall be construed to authorize a licensed genetic counselor to diagnose or treat any genetic or

other disease or condition.

(f) When, in the course of providing genetic counseling services to any person, a genetic counselor licensed under this Act finds any indication of a disease or condition that in the genetic counselor's ~~his or her~~ professional judgment requires professional service outside the scope of practice as defined in this Act, the genetic counselor ~~he or she~~ shall refer that person to a physician licensed to practice medicine in all of its branches.

(Source: P.A. 98-813, eff. 1-1-15; 99-173, eff. 7-29-15; 99-633, eff. 1-1-17.)

(225 ILCS 135/25)

(Section scheduled to be repealed on January 1, 2025)

Sec. 25. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself ~~himself or herself~~ out to practice as a genetic counselor 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. 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.

(Source: P.A. 98-813, eff. 1-1-15.)

(225 ILCS 135/30)

(Section scheduled to be repealed on January 1, 2025)

Sec. 30. Powers and duties of the Department. Subject to the provisions of this Act, the Department may:

(a) authorize examinations to ascertain the qualifications and fitness of applicants for licensing as genetic counselors and pass upon the qualifications of applicants for licensure by endorsement;

(b) conduct hearings on proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, ~~censure,~~ or reprimand persons licensed under this Act, and to refuse to issue or renew or to revoke licenses, or suspend, place on probation, ~~censure,~~ or reprimand persons licensed under this Act;

(c) adopt rules necessary for the administration of this Act; and

(d) (blank). ~~maintain rosters of the names and addresses of all licensees and all persons whose licenses~~

~~have been suspended, revoked, or denied. These rosters shall be available upon written request and payment of the required fee.~~

(Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

(225 ILCS 135/40)

(Section scheduled to be repealed on January 1, 2025)

Sec. 40. Application for original license. Applications 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 is not refundable. All applications shall contain such information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license to practice as a genetic counselor.

If an applicant fails to obtain a license under this Act within 3 years after filing an ~~his or her~~ application, the application shall be denied. The applicant may make a new application, which shall be accompanied by the required nonrefundable fee. The applicant shall be required to meet the qualifications required for licensure at the time of reapplication.

(Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

(225 ILCS 135/45)

(Section scheduled to be repealed on January 1, 2025)

Sec. 45. Social Security Number or individual taxpayer identification 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 or individual taxpayer identification 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, reinstated, or restored license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12; 98-813, eff. 1-1-15.)

(225 ILCS 135/50)

(Section scheduled to be repealed on January 1, 2025)

Sec. 50. Examination.

(a) Applicants for genetic counseling licensure must provide evidence that they have successfully completed the certification examination provided by the ABGC or ABMGG ~~ABMG~~, if they are master's degree trained genetic counselors, or the ABMGG ~~ABMG~~, if they are PhD trained medical geneticists; or successfully completed the examination provided by the successor agencies of the ABGC or ABMGG ~~ABMG~~. The examinations shall be of a character to fairly test the competence and qualifications of the applicants to practice genetic

counseling.

(b) (Blank).

(Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

(225 ILCS 135/55)

(Section scheduled to be repealed on January 1, 2025)

Sec. 55. Qualifications for licensure. A person shall be qualified for licensure as a genetic counselor and the Department may issue a license if that person:

(1) has applied in writing or electronically in form and substance satisfactory to the Department; is at least 21 years of age;

(2) has not engaged in conduct or activities which would constitute grounds for discipline under this Act;

(3) (i) has successfully completed a Master's degree in genetic counseling from an ABGC or ABMGG ~~ABMG~~ accredited training program or an equivalent program approved by the ABGC or the ABMGG ~~ABMG~~ or (ii) is a physician licensed to practice medicine in all its branches or (iii) has a doctoral degree and has successfully completed an ABMGG ~~ABMG~~ accredited medical genetics training program or an equivalent program approved by the ABMGG ~~ABMG~~;

(4) has successfully completed an examination provided by the ABGC or its successor, the ABMGG ~~ABMG~~ or its successor, or a substantially equivalent examination

approved by the Department;

(5) has paid the fees required by rule;

(6) has met the requirements for certification set forth by the ABGC or its successor or the ABMGG ~~ABMG~~ or its successor; and

(7) has met any other requirements established by rule.

(Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

(225 ILCS 135/60)

(Section scheduled to be repealed on January 1, 2025)

Sec. 60. Temporary licensure. A temporary license may be issued to an individual who has made application to the Department, has submitted evidence to the Department of admission to the certifying examination administered by the ABGC or the ABMGG ~~ABMG~~ or either of its successor agencies, has met all of the requirements for licensure in accordance with Section 55 of this Act, except the examination requirement of item (4) of Section 55 of this Act, and has met any other condition established by rule. The holder of a temporary license shall practice only under the supervision of a qualified supervisor and may not have the authority to order genetic tests. Nothing in this Section prohibits an applicant from re-applying for a temporary license if the applicant ~~he or she~~ meets the qualifications of this Section.

(Source: P.A. 96-1313, eff. 7-27-10.)

(225 ILCS 135/65)

(Section scheduled to be repealed on January 1, 2025)

Sec. 65. 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. As a condition of renewal of a license, a licensee must complete continuing education requirements established by rule of the Department.

(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 which is satisfactory to the Department certifying the active practice of genetic counseling 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 genetic counseling work experience under the supervision of a qualified supervisor and may require demonstration of completion of continuing education requirements.

(d) 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 while in training or education under the supervision of the United States government prior to induction into military service may have the ~~his~~ license restored without paying any renewal fees if, within 2 years after the termination of such 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 such service, training, or education has been so terminated.

(e) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, or physical impairment.

(Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

(225 ILCS 135/73)

(Section scheduled to be repealed on January 1, 2025)

Sec. 73. Inactive status. A person licensed under this Act who notifies the Department in writing on forms or electronically as prescribed by the Department may elect to place the ~~his or her~~ license on inactive status and shall, subject to rule of the Department, be excused from payment of renewal fees until that person ~~he or she~~ notifies the Department, in writing, of that person's ~~his or her~~ desire to

resume active status.

A person requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore the ~~his or her~~ license as provided by ~~7~~ ~~pursuant to~~ Section 65 of this Act.

Practice by an individual whose license is on inactive status shall be considered to be the unlicensed practice of genetic counseling and shall be grounds for discipline under this Act.

(Source: P.A. 94-661, eff. 1-1-06.)

(225 ILCS 135/80)

(Section scheduled to be repealed on January 1, 2025)

Sec. 80. Checks or orders dishonored. Any person who issues or delivers a check or other order to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act prohibiting unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit

the necessary remittance, the Department shall automatically terminate the license or certification or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all costs and expenses of processing of this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unnecessarily burdensome.

(Source: P.A. 98-813, eff. 1-1-15.)

(225 ILCS 135/85)

(Section scheduled to be repealed on January 1, 2025)

Sec. 85. Endorsement. The Department may issue a license as a genetic counselor, without administering the required examination, to an applicant licensed under the laws of another state, a U.S. territory, or another country if the requirements for licensure in that state, U.S. territory, or country are, on the date of licensure, substantially equal to the requirements of this Act or to a person who, at the time of ~~his or her~~ application for licensure, possesses individual qualifications that are substantially equivalent to the requirements of this Act. An applicant under this Section

shall pay all of the required fees.

An applicant shall have 3 years from the date of application to complete the application process. If the process has not been completed within the 3-year time period, the application shall be denied, the fee shall be forfeited, and the applicant shall be required to reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

(225 ILCS 135/95)

(Section scheduled to be repealed on January 1, 2025)

Sec. 95. Grounds for discipline.

(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed \$10,000 for each violation, with regard to any license for any one or more of the following:

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

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

(3) Conviction by 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: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of genetic counseling.

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

(5) Negligence in the rendering of genetic counseling services.

(6) Failure to provide genetic testing results and any requested information to a referring physician licensed to practice medicine in all its branches, advanced practice registered nurse, or physician assistant.

(7) Aiding or assisting another person in violating any provision of this Act or any 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 and violating the rules of professional conduct adopted by the Department.

(10) Failing to maintain the confidentiality of any information received from a client, unless otherwise authorized or required by law.

(10.5) Failure to maintain client records of services

provided and provide copies to clients upon request.

(11) Exploiting a client for personal advantage, profit, or interest.

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

(13) Discipline by another governmental agency or unit of government, by any jurisdiction of the United States, or by a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(14) 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 (14) 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 (14) shall be construed to require an employment arrangement to receive professional

fees for services rendered.

(15) A finding by the Department that the licensee, after having the license placed on probationary status, has violated the terms of probation.

(16) Failing to refer a client to other health care professionals when the licensee is unable or unwilling to adequately support or serve the client.

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

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

(19) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to 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.

(20) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills which results in the inability to practice the profession with reasonable judgment, skill, or safety.

(21) Solicitation of professional services by using false or misleading advertising.

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

(23) Fraud or making any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal of a license under this Act.

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

(25) Gross overcharging for professional services, including filing statements for collection of fees or moneys ~~monies~~ for which services are not rendered.

(26) (Blank).

(27) Charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered.

(28) Allowing one's license under this Act to be used by an unlicensed person in violation of this Act.

(b) (Blank).

(b-5) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or

renew, or take any other disciplinary or non-disciplinary action against the license or permit issued under this Act to practice as a genetic counselor based solely upon the genetic counselor authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service, so long as the care was not unlawful under the laws of this State, regardless of whether the patient was a resident of this State or another state.

(b-10) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against the license or permit issued under this Act to practice as a genetic counselor based upon the genetic counselor's license being revoked or suspended, or the genetic counselor being otherwise disciplined by any other state, if that revocation, suspension, or other form of discipline was based solely on the genetic counselor violating another state's laws prohibiting the provision of, authorization of, recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of this State and is consistent with the standards of conduct for the genetic counselor if it occurred in Illinois.

(b-15) The conduct specified in subsections (b-5) and (b-10) shall not constitute grounds for suspension under Section 160.

(b-20) An applicant seeking licensure, certification, or authorization pursuant to this Act who has been subject to disciplinary action by a duly authorized professional disciplinary agency of another jurisdiction solely on the basis of having authorized, recommended, aided, assisted, referred for, or otherwise participated in health care shall not be denied such licensure, certification, or authorization, unless the Department determines that such action would have constituted professional misconduct in this State; however, nothing in this Section shall be construed as prohibiting the Department from evaluating the conduct of such applicant and making a determination regarding the licensure, certification, or authorization to practice a profession under this Act.

(c) 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 will result in an automatic suspension of the ~~his or her~~ license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the determination of the Secretary that the licensee be allowed to resume professional practice.

(d) The Department may refuse to issue or renew or may suspend without hearing the license of any person who fails to file a return, to pay the tax penalty or interest shown in a

filed return, or to pay any final assessment of the tax, penalty, or interest as required by any Act regarding the payment of taxes administered by the Illinois Department of Revenue until the requirements of the Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(e) In cases where the Department of Healthcare and Family Services has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

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

(g) The Department may adopt rules to implement the changes made by this amendatory Act of the 102nd General Assembly.

(Source: P.A. 102-1117, eff. 1-13-23.)

(225 ILCS 135/100)

(Section scheduled to be repealed on January 1, 2025)

Sec. 100. Violations; injunction; cease and desist order.

(a) If any person violates the provisions of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney of any 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 person 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 any person holds oneself ~~himself or herself~~ out as being a licensed genetic counselor under this Act and is not licensed to do so, then any licensed genetic counselor, interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section.

(c) Whenever, in the opinion of the Department, a person violates any 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.

(Source: P.A. 98-813, eff. 1-1-15.)

(225 ILCS 135/105)

(Section scheduled to be repealed on January 1, 2025)

Sec. 105. Investigations; notice and hearing. The Department may investigate the actions of any applicant or any person holding or claiming to hold a license. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 95 of this Act, at least 30 days prior to the date set for the hearing, (i) notify the accused, in writing, of any charges made and the time and place for the hearing on the charges, (ii) direct the accused ~~him or her~~ to file a written answer to the charges with the Department under oath within 20 days after service of the notice, and (iii) inform the accused that, if the accused ~~he or she~~ fails to answer, a default judgment will be entered ~~taken~~ against the accused ~~him or her~~ or that the ~~his or her~~ license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting

the scope, nature, or extent of the accused's ~~his or her~~ practice, as the Department may deem proper. In case the person, after receiving notice, fails to file an answer, the ~~his or her~~ license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action considered 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 written notice may be served by (i) personal delivery or certified mail to the applicant's or licensee's address of record or (ii) sending a copy by email to the applicant's or licensee's email address of record if the applicant or licensee designated an email address of record where the applicant or licensee may receive electronic service for administrative proceedings.

(Source: P.A. 98-813, eff. 1-1-15.)

(225 ILCS 135/110)

(Section scheduled to be repealed on January 1, 2025)

Sec. 110. Record of proceedings; transcript. The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case in which a license may be revoked, suspended, or placed on probationary status or a licensee may be reprimanded, fined, or subjected

to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and its rules. The notice of hearing, complaint, and all other documents in the nature of pleadings and written portions filed in the proceedings, the transcript of the testimony, the report of the hearing officer, and the orders of the Department shall be the records of the proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois ~~preserve a record of all proceedings at the formal hearing of any case.~~

(Source: P.A. 98-813, eff. 1-1-15.)

(225 ILCS 135/115)

(Section scheduled to be repealed on January 1, 2025)

Sec. 115. Subpoenas; depositions; oaths. The Department may subpoena and bring before it any person in this State and take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or the Secretary's ~~his or her~~ designee deems relevant or material to any investigation or hearing conducted by the Department with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Secretary, the shorthand court reporter, and the designated hearing officer may administer oaths at any hearing

which the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony and for the production of documents or records shall be in accordance with this Act.

(Source: P.A. 98-813, eff. 1-1-15.)

(225 ILCS 135/135)

(Section scheduled to be repealed on January 1, 2025)

Sec. 135. Secretary; rehearing. Whenever the Secretary believes justice has not been done in the revocation, suspension, or refusal to issue or renew a license or the discipline of a licensee, the Secretary ~~he or she~~ may order a rehearing.

(Source: P.A. 98-813, eff. 1-1-15.)

(225 ILCS 135/140)

(Section scheduled to be repealed on January 1, 2025)

Sec. 140. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or permit or to discipline a licensee. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the hearing officer's ~~his~~ findings of fact, conclusions of law, and recommendations to the Secretary.

(Source: P.A. 98-813, eff. 1-1-15.)

(225 ILCS 135/155)

(Section scheduled to be repealed on January 1, 2025)

Sec. 155. Surrender of license. Upon the revocation or suspension of a license, the licensee shall immediately surrender the ~~his or her~~ license to the Department. If the licensee fails to do so, the Department has the right to seize the license.

(Source: P.A. 93-1041, eff. 9-29-04.)

(225 ILCS 135/180)

(Section scheduled to be repealed on January 1, 2025)

Sec. 180. Administrative Procedure Act; application. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of such Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the certificate, is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of record of a party or when emailed to the last known email address of record of a party.

Public Act 103-0763

SB2731 Enrolled

LRB103 35606 SPS 65679 b

(Source: P.A. 98-813, eff. 1-1-15.)

INDEX

Statutes amended in order of appearance

5 ILCS 80/4.35

5 ILCS 80/4.40

225 ILCS 135/10

225 ILCS 135/12 new

225 ILCS 135/15

225 ILCS 135/20

225 ILCS 135/25

225 ILCS 135/30

225 ILCS 135/40

225 ILCS 135/45

225 ILCS 135/50

225 ILCS 135/55

225 ILCS 135/60

225 ILCS 135/65

225 ILCS 135/73

225 ILCS 135/80

225 ILCS 135/85

225 ILCS 135/95

225 ILCS 135/100

225 ILCS 135/105

225 ILCS 135/110

225 ILCS 135/115

225 ILCS 135/135

Public Act 103-0763

SB2731 Enrolled

LRB103 35606 SPS 65679 b

225 ILCS 135/140

225 ILCS 135/155

225 ILCS 135/180