

1 AN ACT in relation to counseling.

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

4 Section 5. The Professional Counselor and Clinical
5 Professional Counselor Licensing Act is amended by changing
6 Sections 20, 60, and 80 as follows:

7 (225 ILCS 107/20)

8 Sec. 20. Restrictions and limitations.

9 (a) No person shall, without a valid license as a
10 professional counselor issued by the Department: (i) in any
11 manner hold himself or herself out to the public as a
12 professional counselor under this Act; (ii) attach the title
13 "professional counselor" or "licensed professional
14 counselor"; or (iii) offer to render or render to
15 individuals, corporations, or the public professional
16 counseling services if the words "professional counselor" or
17 "licensed professional counselor" are used to describe the
18 person offering to render or rendering them, or "professional
19 counseling" is used to describe the services rendered or
20 offered to be rendered.

21 (b) No person shall, without a valid license as a
22 clinical professional counselor issued by the Department: (i)
23 in any manner hold himself or herself out to the public as a
24 clinical professional counselor or licensed clinical
25 professional counselor under this Act; (ii) attach the title
26 "clinical professional counselor" or "licensed clinical
27 professional counselor"; or (iii) offer to render to
28 individuals, corporations, or the public clinical
29 professional counseling services if the words "licensed
30 clinical professional counselor" are used to describe the
31 person to render or rendering them, or "clinical professional

1 counseling" is used to describe the services rendered or
2 offered to be rendered.

3 (c) Licensed professional counselors may not engage in
4 independent private practice as defined in this Act without a
5 clinical professional counseling license. In private
6 practice, a licensed professional counselor must practice at
7 all times under the order, control, and full professional
8 responsibility of a licensed clinical professional counselor,
9 a licensed clinical social worker, a licensed clinical
10 psychologist, or a psychiatrist, as defined in Section 1-121
11 of the Mental Health and Developmental Disabilities Code.

12 (d) ~~No association or partnership shall be granted a~~
13 ~~license unless every member, partner, and employee of the~~
14 ~~association or partnership who practices professional~~
15 ~~counseling or clinical professional counseling, or who~~
16 ~~renders professional counseling or clinical professional~~
17 ~~counseling services, holds a currently valid license issued~~
18 ~~under this Act.~~ No license shall be issued to a corporation,
19 the stated purpose of which includes or which practices or
20 which holds itself out as available to practice professional
21 counseling or clinical professional counseling unless it is
22 organized under the Professional Service Corporation Act.

23 (e) Nothing in this Act shall be construed as permitting
24 persons licensed as professional counselors or clinical
25 professional counselors to engage in any manner in the
26 practice of medicine in all its branches as defined by law in
27 this State.

28 (f) When, in the course of providing professional
29 counseling or clinical professional counseling services to
30 any person, a professional counselor or clinical professional
31 counselor licensed under this Act finds indication of a
32 disease or condition that in his or her professional judgment
33 requires professional service outside the scope of practice
34 as defined in this Act, he or she shall refer that person to

1 a physician licensed to practice medicine in all of its
2 branches or another appropriate health care practitioner.

3 (Source: P.A. 87-1011.)

4 (225 ILCS 107/60)

5 Sec. 60. Fees. The fees imposed under this Act shall be
6 set by rule are-as-follows and are not refundable.†

7 (a)--The-fee-for-application-for-a-professional-counselor
8 or-clinical-professional-counselor-license-is-\$150.

9 (b)--The-fee-for-application-for-a-temporary-professional
10 counselor--license---or---temporary---clinical---professional
11 counselor-license-is-\$150.

12 (c)--Applicants--for-examination-shall-pay, either-to-the
13 Department-or--to--the--designated--testing--service,--a--fee
14 covering-the-cost-of-providing-the-examination.

15 (d)--The--fee--for--the--renewal--of-a-license-is-\$60-per
16 year.

17 (e)--The-fee-for-the-reinstatement-of-a-license-which-has
18 been-expired-for-less-than-5-years-is-\$20,--plus--payment--of
19 all-unpaid-fees-for-every-year-that-has-lapsed.

20 (f)--The--fee--for--the--restoration-of-a-license-which-has
21 been-expired-for-more-than-5-years-is-\$300.

22 (g)--The-fee-for-the-issuance-of-a-duplicate-license, the
23 issuance-of-a-replacement-for-a-license-that-has-been-lost-or
24 destroyed, or-the-issuance-of-a-license-with-a-change-of-name
25 or-address, other-than-during-the-renewal-period, is-\$20.--No
26 fee--is--required--for-name-and-address-changes-on-Department
27 records-when-no-duplicate-license-is-issued.

28 (h)--The-fee-for-the-certification-of-a-license--for--any
29 purpose-is-\$20.

30 (i)--The--fee-for-reseoring-an-examination-is-the-cost-to
31 the-Department-of-reseoring-the-examination,--plus--any--fees
32 charged--by--the--applicable--testing--service--to--have--the
33 examination-reseored.

1 ~~{j}--The--fee--for--copies--of--a--license--shall--be--the--actual~~
2 ~~cost--of--producing--such--copies--.~~

3 ~~{k}--The--fee--for--a--roster--of--persons--licensed---as~~
4 ~~professional--counselors--or--clinical--professional--counselors~~
5 ~~is--the--actual--cost--of--producing--such--a--roster--.~~

6 ~~{l}--The--fee--for--application--for--a--license---by---a~~
7 ~~professional--counselor--or--clinical--professional--counselor~~
8 ~~registered--or--licensed--under--the--laws--of--another--jurisdiction~~
9 ~~is--\$200--.~~

10 ~~{m}--The--fee--for--a--sponsor--of--continuing--education--shall~~
11 ~~be--set--by--rule--.~~

12 All of the fees collected under this Act shall be
13 deposited into the General Professions Dedicated Fund.

14 (Source: P.A. 87-1011; 87-1269; 88-683, eff. 1-24-95.)

15 (225 ILCS 107/80)

16 Sec. 80. Grounds for discipline.

17 (a) The Department may refuse to issue, renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary action as the Department deems appropriate,
20 including the issuance of fines not to exceed \$1000 for each
21 violation, with regard to any license for any one or more of
22 the following:

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

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

27 (3) Conviction of any crime under the laws of the
28 United States or any state or territory thereof that is a
29 felony, or that is a misdemeanor, an essential element of
30 which is dishonesty, or of any crime which is directly
31 related to the practice of the profession.

32 (4) Making any misrepresentation for the purpose of
33 obtaining a license, or violating any provision of this

1 Act or its rules.

2 (5) Professional incompetence or gross negligence
3 in the rendering of professional counseling or clinical
4 professional counseling services.

5 (6) Malpractice.

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

8 (8) Failing to provide information within 60 days
9 in response to a written request made by the Department.

10 (9) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public and violating the rules of
13 professional conduct adopted by the Department.

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

18 (11) Discipline by another jurisdiction, if at
19 least one of the grounds for the discipline is the same
20 or substantially equivalent to those set forth in this
21 Section.

22 (12) Directly or indirectly giving to or receiving
23 from any person, firm, corporation, partnership or
24 association any fee, commission, rebate or other form of
25 compensation for any professional service not actually
26 rendered.

27 (13) A finding by the Board that the licensee,
28 after having the license placed on probationary status,
29 has violated the terms of probation.

30 (14) Abandonment of a client.

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

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

4 (17) Being named as a perpetrator in an indicated
5 report by the Department of Children and Family Services
6 pursuant to the Abused and Neglected Child Reporting Act,
7 and upon proof by clear and convincing evidence that the
8 licensee has caused a child to be an abused child or
9 neglected child as defined in the Abused and Neglected
10 Child Reporting Act.

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

16 (19) Solicitation of professional services by using
17 false or misleading advertising.

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

24 (21) A finding that licensure has been applied for
25 or obtained by fraudulent means.

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

29 (23) Gross overcharging for professional services
30 including filing statements for collection of fees or
31 monies for which services are not rendered.

32 (b) The Department shall deny, without hearing, any
33 application or renewal for a license under this Act to any
34 person who has defaulted on an educational loan guaranteed by

1 the Illinois State Assistance Commission; however, the
2 Department may issue a license or renewal if the person in
3 default has established a satisfactory repayment record as
4 determined by the Illinois Student Assistance Commission.

5 (b-1) In enforcing this Section, the Board, upon a
6 showing of a possible violation, may compel a licensee or
7 applicant to submit to a mental or physical examination, or
8 both, as required by and at the expense of the Department.
9 The examining physician or clinical psychologist shall be
10 specifically designated by the Board. The Board or the
11 Department may order (i) the examining physician to present
12 testimony concerning the mental or physical examination of a
13 licensee or applicant or (ii) the examining clinical
14 psychologist to present testimony concerning the mental
15 examination of a licensee or applicant. No information may
16 be excluded by reason of any common law or statutory
17 privilege relating to communications between a licensee or
18 applicant and the examining physician or clinical
19 psychologist. An individual to be examined may have, at his
20 or her own expense, another physician of his or her choice
21 present during all aspects of the examination. Failure of an
22 individual to submit to a mental or physical examination,
23 when directed, is grounds for suspension of his or her
24 license. The license must remain suspended until the time
25 that the individual submits to the examination or the Board
26 finds, after notice and a hearing, that the refusal to submit
27 to the examination was with reasonable cause.

28 (b-2) If the Board finds that an individual is unable to
29 practice because of the reasons set forth in this Section,
30 the Board must require the individual to submit to care,
31 counseling, or treatment by a physician or clinical
32 psychologist approved by the Board, as a condition, term, or
33 restriction for continued, reinstated, or renewed licensure
34 to practice. In lieu of care, counseling, or treatment, the

1 Board may recommend that the Department file a complaint to
 2 immediately suspend or revoke the license of the individual
 3 or otherwise discipline him or her. Any individual whose
 4 license was granted, continued, reinstated, or renewed
 5 subject to conditions, terms, or restrictions, as provided
 6 for in this Section, or any individual who was disciplined or
 7 placed on supervision pursuant to this Section must be
 8 referred to the Director for a determination as to whether
 9 the individual shall have his or her license suspended
 10 immediately, pending a hearing by the Board.

11 (c) The determination by a court that a licensee is
 12 subject to involuntary admission or judicial admission as
 13 provided in the Mental Health and Developmental Disabilities
 14 Code will result in an automatic suspension of his or her
 15 license. The suspension will end upon a finding by a court
 16 that the licensee is no longer subject to involuntary
 17 admission or judicial admission, the issuance of an order so
 18 finding and discharging the patient, and the recommendation
 19 of the Board to the Director that the licensee be allowed to
 20 resume professional practice.

21 (Source: P.A. 87-1011; 87-1269.)

22 (225 ILCS 107/55 rep.)

23 Section 10. The Professional Counselor and Clinical
 24 Professional Counselor Licensing Act is amended by repealing
 25 Section 55.

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