

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 Regulatory Sunset Act is amended by
5 changing Section 4.13 and adding Section 4.23 as follows:

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 Acts repealed on December 31, 2002.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8 following Acts are repealed on December 31, 2002:

9 The Environmental Health Practitioner Licensing Act.

10 The Naprapathic Practice Act.

11 The Wholesale Drug Distribution Licensing Act.

12 The Dietetic and Nutrition Services Practice Act.

13 The Funeral Directors and Embalmers Licensing Code.

14 ~~The--Professional--Counselor--and--Clinical--Professional~~
15 ~~Counselor-Licensing-Act-~~

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

17 (5 ILCS 80/4.23 new)

18 Sec. 4.23. Act repealed on January 1, 2013. The
19 following Act is repealed on January 1, 2013:

20 The Professional Counselor and Clinical Professional
21 Counselor Licensing Act.

22 Section 10. The Professional Counselor and Clinical
23 Professional Counselor Licensing Act is amended by changing
24 Sections 10, 15, 20, 30, 45, 60, and 80 and adding Section 21
25 as follows:

26 (225 ILCS 107/10)

27 (Section scheduled to be repealed on December 31, 2002)

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

2 "Department" means the Department of Professional
3 Regulation.

4 "Director" means the Director of Professional Regulation.

5 "Board" means the Professional Counselor Licensing and
6 Disciplinary Board as appointed by the Director.

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

9 "Professional counseling" means the provision of services
10 to individuals, couples, groups, families, and organizations
11 in any one or more of the fields of professional counseling.
12 Professional counseling includes, but is not limited to:

13 (1) social, emotional, educational, and career
14 testing and evaluation;

15 (2) a professional relationship between a counselor
16 and a client in which the counselor provides assistance
17 in coping with life issues that include relationships,
18 conflicts, problem solving, decision making, and
19 developmental concerns; and

20 (3) research.

21 Professional counseling may also include clinical
22 professional counseling as long as it is not conducted in
23 independent private practice as defined in this Act.

24 "Clinical professional counseling" means the provision of
25 professional counseling and mental health services, which
26 includes, but is not limited to, the application of clinical
27 counseling theory and techniques to prevent and alleviate
28 mental and emotional disorders and psychopathology and to
29 promote optimal mental health, rehabilitation, treatment,
30 testing, assessment, and evaluation. It also includes
31 clinical counseling and psychotherapy in a professional
32 relationship to assist individuals, couples, families,
33 groups, and organizations to alleviate emotional disorders,
34 to understand conscious and unconscious motivation, to

1 resolve emotional, relationship, and attitudinal conflicts,
2 and to modify behaviors that interfere with effective
3 emotional, social, adaptive, and intellectual functioning.

4 "Licensed professional counselor" and "professional
5 counselor" means a person who holds a license authorizing the
6 practice of professional counseling as defined in this Act.

7 "Licensed clinical professional counselor" and "clinical
8 professional counselor" means a person who holds a license
9 authorizing the independent practice of clinical professional
10 counseling in private practice as defined in this Act.

11 "Independent private practice of clinical professional
12 counseling" means the application of clinical professional
13 counseling knowledge and skills by a licensed clinical
14 professional counselor who (i) regulates and is responsible
15 for her or his own practice or treatment procedures and (ii)
16 is self-employed or works in a group practice or setting not
17 qualified under Internal Revenue Service regulations as a
18 not-for-profit business.

19 "Clinical supervision" or "supervision" means review of
20 aspects of counseling and case management in a face-to-face
21 meeting with the person under supervision.

22 "Qualified supervisor" or "qualified clinical supervisor"
23 means any person who is a licensed clinical professional
24 counselor, licensed clinical social worker, licensed clinical
25 psychologist, psychiatrist as defined in Section 1-121 of the
26 Mental Health and Developmental Disabilities Code, or other
27 supervisor as defined by rule. A qualified supervisor may be
28 provided at the applicant's place of work, or may be hired by
29 the applicant to provide supervision.

30 "License" means that which is required to practice
31 professional counseling or clinical professional counseling
32 as defined in this Act.

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

1 (225 ILCS 107/15)

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

3 Sec. 15. Exemptions.

4 (a) This Act does not prohibit any persons legally
5 regulated in this State by any other Act from engaging in the
6 practice for which they are authorized as long as they do not
7 represent themselves by the title of "professional
8 counselor", "licensed professional counselor", "clinical
9 professional counselor", or "licensed clinical professional
10 counselor". This Act does not prohibit the practice of
11 nonregulated professions whose practitioners are engaged in
12 the delivery of human services as long as these practitioners
13 do not represent themselves as or use the title of
14 "professional counselor", "licensed professional counselor",
15 "clinical professional counselor", or "licensed clinical
16 professional counselor".

17 (b) Nothing in this Act shall be construed to limit the
18 activities and services of a student, intern, or resident in
19 professional counseling or clinical professional counseling
20 seeking to fulfill educational requirements in order to
21 qualify for a license under this Act if these activities and
22 services constitute a part of the student's supervised course
23 of study, or an individual seeking to fulfill the post-degree
24 experience requirements in order to qualify for licensing
25 under this Act, as long as the activities and services are
26 not conducted in an independent practice, as defined in this
27 Act, if the activities and services are supervised as
28 specified in this Act, and that the student, intern, or
29 resident is designated by a title "intern" or "resident" or
30 other designation of trainee status. Nothing contained in
31 this Section shall be construed to permit students, interns,
32 or residents to offer their services as professional
33 counselors or clinical professional counselors to any other
34 person and to accept remuneration for such professional

1 counseling or clinical professional counseling services other
2 than as specifically excepted in this Section, unless they
3 have been licensed under this Act.

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

15 (d) Nothing in this Act shall prevent the employment, by
16 a professional counselor or clinical professional counselor,
17 person, association, partnership, or a corporation furnishing
18 professional counseling or clinical professional counseling
19 services for remuneration, of persons not licensed as
20 professional counselors or clinical professional counselors
21 under this Act to perform services in various capacities as
22 needed if these persons are not in any manner held out to the
23 public or do not hold themselves out to the public by any
24 title or designation stating or implying that they are
25 professional counselors or clinical professional counselors.

26 (e) Nothing in this Act shall be construed to limit the
27 services of a person, not licensed under the provisions of
28 this Act, in the employ of a federal, State, county, or
29 municipal agency or other political subdivision or
30 not-for-profit corporation providing human services if (1)
31 the services are a part of the duties in his or her salaried
32 position, (2) the services are performed solely on behalf of
33 his or her employer, and (3) that person does not in any
34 manner represent himself or herself as or use the title of

1 "professional counselor", "licensed professional counselor",
2 "clinical professional counselor", or "licensed clinical
3 professional counselor".

4 (f) Duly recognized members of any religious
5 organization shall not be restricted from functioning in
6 their ministerial capacity provided they do not represent
7 themselves as being professional counselors or clinical
8 professional counselors, or as providing "professional
9 counseling" or "clinical professional counseling". This Act
10 shall not apply or be construed so as to apply to the
11 employees or agents of a church or religious organization or
12 an organization owned, controlled, or affiliated with a
13 church or religious organization, unless the church,
14 religious organization, or owned, controlled, or affiliated
15 organization designates or holds these employees or agents
16 out to the public as professional counselors or clinical
17 professional counselors or holds out their services as being
18 "professional counseling" or "clinical professional
19 counseling".

20 (g) Nothing in this Act shall prohibit individuals not
21 licensed under the provisions of this Act who work in
22 self-help groups or programs or not-for-profit organizations
23 from providing services in those groups, programs, or
24 organizations, as long as those persons are not in any manner
25 held out to the public as practicing professional counseling
26 or clinical professional counseling, or do not hold
27 themselves out to the public by any title or designation
28 stating or implying that they are professional counselors or
29 clinical professional counselors.

30 (h) Nothing in this Act shall be construed to limit the
31 activities and use of the official title of "professional
32 counselor" or "clinical professional counselor" on the part
33 of a person not licensed under this Act who is an academic
34 employee of a duly chartered institution of higher education

1 and who holds educational and professional qualifications
2 equivalent to those required for licensing under this Act,
3 insofar as such activities are performed in the person's role
4 as an academic employee, or insofar as such person engages in
5 public speaking with or without remuneration.

6 (i) Nothing in this Act shall be construed to require
7 licensure under this Act or limit the services of a school
8 counselor certified by the State Teacher Certification Board
9 and employed as authorized by Section 10-22-24a or any other
10 provision of the School Code as long as that person is not in
11 any manner held out to the public as a "professional
12 counselor" or "clinical professional counselor" or does not
13 hold out his or her services as being "professional
14 counseling" or "clinical professional counseling".

15 (j) Nothing in this Act shall be construed to require
16 any hospital, clinic, home health agency, hospice, or other
17 entity that provides health care to employ or to contract
18 with a person licensed under this Act to provide professional
19 counseling or clinical professional counseling services.
20 These persons may not hold themselves out or represent
21 themselves to the public as being licensed under this Act.

22 (k) Nothing in this Act shall be construed to require
23 licensure under this Act or limit the services of a person
24 employed by a private elementary or secondary school who
25 provides counseling within the scope of his or her employment
26 as long as that person is not in any manner held out to the
27 public as a "professional counselor" or "clinical
28 professional counselor" or does not hold out his or her
29 services as being "professional counseling" or "clinical
30 professional counseling".

31 (l) Nothing in this Act shall be construed to require
32 licensure under this Act or limit the services of a rape
33 crisis counselor who is an employee or volunteer of a rape
34 crisis organization as defined in Section 8-802.1 of the Code

1 of Civil Procedure as long as that person is not in any
2 manner held out to the public as a "professional counselor"
3 or "clinical professional counselor" or does not hold out his
4 or her services as being "professional counseling" or
5 "clinical professional counseling".

6 (m) Nothing in this Act shall be construed to prevent
7 any licensed social worker, licensed clinical social worker,
8 or licensed clinical psychologist from practicing
9 professional counseling as long as that person is not in any
10 manner held out to the public as a "professional counselor"
11 or "clinical professional counselor" or does not hold out his
12 or her services as being "professional counseling" or
13 "clinical professional counseling".

14 (n) Nothing in this Act shall be construed to limit the
15 activities and use of the official title of "professional
16 counselor" or "clinical professional counselor" on the part
17 of a person not licensed under this Act who is a physician
18 licensed to practice medicine in all of its branches under
19 the Medical Practice Act of 1987.

20 (o) Nothing in this Act shall be construed to require
21 licensure under this Act or limit the services of a domestic
22 violence counselor who is an employee or volunteer of a
23 domestic violence program as defined in Section 227 of the
24 Illinois Domestic Violence Act of 1986.

25 (Source: P.A. 87-1011; 87-1212; 87-1269; 88-45; 88-424;
26 88-670, eff. 12-2-94.)

27 (225 ILCS 107/20)

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

29 Sec. 20. Restrictions and limitations.

30 (a) No person shall, without a valid license as a
31 professional counselor issued by the Department: (i) in any
32 manner hold himself or herself out to the public as a
33 professional counselor under this Act; (ii) attach the title

1 "professional counselor" or "licensed professional
 2 counselor"; or (iii) offer to render or render to
 3 individuals, corporations, or the public professional
 4 counseling services if the words "professional counselor" or
 5 "licensed professional counselor" are used to describe the
 6 person offering to render or rendering them, or "professional
 7 counseling" is used to describe the services rendered or
 8 offered to be rendered.

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

22 (c) Licensed professional counselors may not engage in
 23 independent private practice as defined in this Act without a
 24 clinical professional counseling license. In an independent
 25 private practice, a licensed professional counselor must
 26 practice at all times under the order, control, and full
 27 professional responsibility of a licensed clinical
 28 professional counselor, a licensed clinical social worker, a
 29 licensed clinical psychologist, or a psychiatrist, as defined
 30 in Section 1-121 of the Mental Health and Developmental
 31 Disabilities Code.

32 (d) No association or partnership shall practice
 33 clinical professional counseling or professional counseling
 34 be-granted--a--license unless every member, partner, and

1 employee of the association or partnership who practices
2 professional counseling or clinical professional counseling,
3 or who renders professional counseling or clinical
4 professional counseling services, holds a currently valid
5 license issued under this Act. No license shall be issued to
6 a corporation, the stated purpose of which includes or which
7 practices or which holds itself out as available to practice
8 professional counseling or clinical professional counseling
9 unless it is organized under the Professional Service
10 Corporation Act.

11 (e) Nothing in this Act shall be construed as permitting
12 persons licensed as professional counselors or clinical
13 professional counselors to engage in any manner in the
14 practice of medicine in all its branches as defined by law in
15 this State.

16 (f) When, in the course of providing professional
17 counseling or clinical professional counseling services to
18 any person, a professional counselor or clinical professional
19 counselor licensed under this Act finds indication of a
20 disease or condition that in his or her professional judgment
21 requires professional service outside the scope of practice
22 as defined in this Act, he or she shall refer that person to
23 a physician licensed to practice medicine in all of its
24 branches or another appropriate health care practitioner.

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

26 (225 ILCS 107/21 new)

27 Sec. 21. Unlicensed practice; violation; civil penalty.

28 (a) Any person who practices, offers to practice,
29 attempts to practice, or holds himself or herself out to
30 practice as a clinical professional counselor or professional
31 counselor without being licensed or exempt under this Act
32 shall, in addition to any other penalty provided by law, pay
33 a civil penalty to the Department in an amount not to exceed

1 \$5,000 for each offense, as determined by the Department. The
2 civil penalty shall be assessed by the Department after a
3 hearing is held in accordance with the provisions set forth
4 in this Act regarding the provision of a hearing for the
5 discipline of a licensee.

6 (b) The Department may investigate any actual, alleged,
7 or suspected unlicensed activity.

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

13 (225 ILCS 107/30) (from Ch. 111, par. 8451-30)

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

15 Sec. 30. Professional Counselor Examining and
16 Disciplinary Board.

17 (a) The Director shall appoint a Board which shall serve
18 in an advisory capacity to the Director. The Board shall
19 consist of 7 persons, 2 of whom are licensed solely as
20 professional counselors, 3 of whom are licensed solely as
21 clinical professional counselors, one full-time faculty
22 member of an accredited college or university that is engaged
23 in training professional counselors or clinical professional
24 counselors who possesses the qualifications substantially
25 equivalent to the education and experience requirements for a
26 professional counselor or clinical professional counselor,
27 and one member of the public who is not a licensed health
28 care provider. In appointing members of the Board, the
29 Director shall give due consideration to the adequate
30 representation of the various fields of counseling. In
31 appointing members of the Board, the Director shall give due
32 consideration to recommendations by members of the
33 professions of professional counseling and clinical

1 professional counseling, the Statewide organizations
2 representing the interests of professional counselors and
3 clinical professional counselors, organizations representing
4 the interests of academic programs, rehabilitation counseling
5 programs, and approved counseling programs in the State of
6 Illinois. ~~The initial appointees shall be licensed under this
7 Act within one year after appointment to the Board. Failure
8 on the part of an initial Board appointee to obtain a license
9 within one year may be cause for removal from the Board.~~

10 (b) Members shall be appointed for and shall serve 4
11 year terms and until their successors are appointed and
12 qualified, except that of the initial appointments 2 members
13 shall be appointed to serve for 2 years, 2 shall be appointed
14 to serve for 3 years, and the remaining shall be appointed to
15 serve for 4 years and until their successors are appointed
16 and qualified. No member shall be reappointed to the Board
17 for a term that would cause continuous service on the Board
18 to be longer than 8 years. Any appointment to fill a vacancy
19 shall be for the unexpired portion of the term.

20 (c) The membership of the Board should reasonably
21 reflect representation from different geographic areas of
22 Illinois.

23 (d) Any member appointed to fill a vacancy shall be
24 eligible for reappointment to only one full term.

25 (e) The Director may remove any member for cause at any
26 time prior to the expiration of his or her term.

27 (f) The Board shall annually elect one of its members as
28 chairperson.

29 (g) The members of the Board shall be reimbursed for all
30 legitimate, necessary, and authorized expenses incurred in
31 attending the meetings of the Board.

32 (h) The Board may make recommendations on matters
33 relating to approving graduate counseling, rehabilitation
34 counseling, psychology, and related programs.

1 (i) The Board may make recommendations on matters
 2 relating to continuing education including the number of
 3 hours necessary for license renewal, waivers for those unable
 4 to meet such requirements, and acceptable course content.
 5 These recommendations shall not impose an undue burden on the
 6 Department or an unreasonable restriction on those seeking
 7 license renewal.

8 (j) The Director shall give due consideration to all
 9 recommendations of the Board.

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

14 (l) Members of the Board shall have no criminal, civil,
 15 or professional liability in an action based upon a
 16 disciplinary proceeding or other activity performed in good
 17 faith as a member of the Board, except for willful or wanton
 18 misconduct.

19 (Source: P.A. 87-1011; 87-1269; 88-424; 88-670, eff.
 20 12-2-94.)

21 (225 ILCS 107/45)

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

23 Sec. 45. Qualifications for a license.

24 (a) Professional counselor. A person is qualified to be
 25 licensed as a licensed professional counselor, and the
 26 Department shall issue a license authorizing the practice of
 27 professional counseling to an applicant who:

28 (1) has applied in writing on the prescribed form
 29 and has paid the required fee;

30 (2) is at least 21 years of age and has not engaged
 31 in conduct or activities which would constitute grounds
 32 for discipline under this Act;

33 (3) is a graduate of:

1 (A) a master's or doctoral level program in
 2 the field of counseling, rehabilitation counseling,
 3 psychology, or similar degree program approved by
 4 the Department; or

5 (B) an approved baccalaureate program in human
 6 services or similar degree program approved by the
 7 Department and can document the equivalent of 5
 8 years of full-time satisfactory supervised
 9 experience, as established by rule, under a
 10 qualified supervisor;

11 (4) has passed an examination for the practice of
 12 professional counseling as authorized by the Department;
 13 and

14 (5) has paid the fees required by this Act.

15 Any person who has received certification by any State or
 16 national organization whose standards are accepted by the
 17 Department as being substantially similar to the standards in
 18 this Act may apply for a professional counselor license and
 19 need not be examined further.

20 (b) Clinical professional counselor. A person is
 21 qualified to be licensed as a clinical professional
 22 counselor, and the Department shall issue a license
 23 authorizing the practice of clinical professional counseling
 24 to an applicant who:

25 (1) has applied in writing on the prescribed form
 26 and has paid the required fee;

27 (2) is at least 21 years of age and has not engaged
 28 in conduct or activities which would constitute grounds
 29 for discipline under this Act;

30 (3) is a graduate of:

31 (A) a master's level program in the field of
 32 counseling, rehabilitation counseling, psychology,
 33 or similar degree program approved by the Department
 34 and has completed the equivalent of 2 years

1 full-time satisfactory supervised employment or
 2 experience working as a clinical professional
 3 counselor under the direction of a qualified
 4 supervisor subsequent to the degree; or

5 (B) a doctoral program in the field of
 6 counseling, rehabilitation counseling, psychology,
 7 or similar program approved by the Department and
 8 has completed the equivalent of 2 years full-time
 9 satisfactory supervised employment or experience
 10 working as a clinical professional counselor under
 11 the direction of a qualified supervisor, at least
 12 one year of which is subsequent to the degree;

13 (4) has passed the examination for the practice of
 14 clinical professional counseling as authorized by the
 15 Department; and

16 (5) has paid the fees required by this Act.

17 Any person who has received certification by any State or
 18 national organization whose standards are accepted by the
 19 Department as being substantially similar to the standards in
 20 this Act may apply for a clinical professional counselor
 21 license, and need not be examined further.

22 (c) Examination for applicants under this Act shall be
 23 held at the discretion of the Department from time to time
 24 but not less than once each year. The examination used shall
 25 be authorized by the Department.

26 (d) Upon application and payment of the required fee, an
 27 applicant who has an active license as a clinical
 28 psychologist or a clinical social worker licensed under the
 29 laws of this State may, without examination, be granted
 30 registration as a licensed clinical professional counselor by
 31 the Department.

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

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

2 Sec. 60. Fees. The fees imposed under this Act shall be

3 set by rule are-as-follows and are not refundable.†

4 (a)--The-fee-for-application-for-a-professional-counselor

5 or-clinical-professional-counselor-license-is-\$150.

6 (b)--The-fee-for-application-for-a-temporary-professional

7 counselor---license---or---temporary---clinical--professional

8 counselor-license-is-\$150.

9 (c)--Applicants-for-examination-shall-pay, either-to--the

10 Department--or--to--the--designated--testing--service,--a-fee

11 covering-the-cost-of-providing-the-examination.

12 (d)--The-fee-for-the-renewal-of--a--license--is--\$60--per

13 year.

14 (e)--The-fee-for-the-reinstatement-of-a-license-which-has

15 been--expired--for--less-than-5-years-is-\$20, plus-payment-of

16 all-unpaid-fees-for-every-year-that-has-lapsed.

17 (f)--The-fee-for-the-restoration-of-a-license--which--has

18 been-expired-for-more-than-5-years-is-\$300.

19 (g)--The-fee-for-the-issuance-of-a-duplicate-license, the

20 issuance-of-a-replacement-for-a-license-that-has-been-lost-or

21 destroyed, or-the-issuance-of-a-license-with-a-change-of-name

22 or--address, other-than-during-the-renewal-period, is-\$20. No

23 fee-is-required-for-name-and-address--changes--on--Department

24 records-when-no-duplicate-license-is-issued.

25 (h)--The--fee--for-the-certification-of-a-license-for-any

26 purpose-is-\$20.

27 (i)--The-fee-for-rescoring-an-examination-is-the-cost--to

28 the--Department--of--rescoring-the-examination, plus-any-fees

29 charged--by--the--applicable--testing--service--to--have--the

30 examination-rescored.

31 (j)--The-fee-for-copies-of-a-license-shall-be-the--actual

32 cost-of-producing-such-copies.

33 (k)--The---fee--for--a--roster--of--persons--licensed--as

34 professional-counselors-or-clinical--professional--counselors

1 ~~is the actual cost of producing such a roster.~~

2 ~~(1) The fee for application for a license by a~~
3 ~~professional counselor or clinical professional counselor~~
4 ~~registered or licensed under the laws of another jurisdiction~~
5 ~~is \$200.~~

6 ~~(m) The fee for a sponsor of continuing education shall~~
7 ~~be set by rule.~~

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

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

11 (225 ILCS 107/80)

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

13 Sec. 80. Grounds for discipline.

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

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

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

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

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

32 (5) Professional incompetence or gross negligence
33 in the rendering of professional counseling or clinical

1 professional counseling services.

2 (6) Malpractice.

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

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

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

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

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

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

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

27 (14) Abandonment of a client.

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

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

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

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

13 (19) Solicitation of professional services by using
14 false or misleading advertising.

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

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

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

26 (23) Gross overcharging for professional services
27 including filing statements for collection of fees or
28 monies for which services are not rendered.

29 (24) Rendering professional counseling or clinical
30 professional counseling services without a license or
31 practicing outside the scope of a license.

32 (25) Clinical supervisors failing to adequately and
33 responsibly monitor supervisees.

34 (b) The Department shall deny, without hearing, any

1 application or renewal for a license under this Act to any
 2 person who has defaulted on an educational loan guaranteed by
 3 the Illinois State Assistance Commission; however, the
 4 Department may issue a license or renewal if the person in
 5 default has established a satisfactory repayment record as
 6 determined by the Illinois Student Assistance Commission.

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

17 (d) In enforcing this Section, the Board, upon a showing
 18 of a possible violation, may compel a licensee or applicant
 19 to submit to a mental or physical examination, or both, as
 20 required by and at the expense of the Department. The
 21 examining physicians or clinical psychologists shall be those
 22 specifically designated by the Board. The Board or the
 23 Department may order (i) the examining physician to present
 24 testimony concerning the mental or physical examination of a
 25 licensee or applicant or (ii) the examining clinical
 26 psychologist to present testimony concerning the mental
 27 examination of a licensee or applicant. No information shall
 28 be excluded by reason of any common law or statutory
 29 privilege relating to communications between a licensee or
 30 applicant and the examining physician or clinical
 31 psychologist. An individual to be examined may have, at his
 32 or her own expense, another physician or clinical
 33 psychologist of his or her choice present during all aspects
 34 of the examination. Failure of an individual to submit to a

1 mental or physical examination, when directed, is grounds for
2 suspension of his or her license. The license must remain
3 suspended until the person submits to the examination or the
4 Board finds, after notice and hearing, that the refusal to
5 submit to the examination was with reasonable cause.

6 If the Board finds an individual unable to practice
7 because of the reasons set forth in this Section, the Board
8 must require the individual to submit to care, counseling, or
9 treatment by a physician or clinical psychologist approved by
10 the Board, as a condition, term, or restriction for
11 continued, reinstated, or renewed licensure to practice. In
12 lieu of care, counseling, or treatment, the Board may
13 recommend that the Department file a complaint to immediately
14 suspend or revoke the license of the individual or otherwise
15 discipline the licensee.

16 Any individual whose license was granted, continued,
17 reinstated, or renewed subject to conditions, terms, or
18 restrictions, as provided for in this Section, or any
19 individual who was disciplined or placed on supervision
20 pursuant to this Section must be referred to the Director for
21 a determination as to whether the person shall have his or
22 her license suspended immediately, pending a hearing by the
23 Board.

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

25 (225 ILCS 107/55 rep.)

26 Section 15. The Professional Counselor and Clinical
27 Professional Counselor Licensing Act is amended by repealing
28 Section 55.

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