

1 AN ACT concerning the regulation of professions.

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 Acts repealed on December 31, 2002.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8 following Acts are repealed on December 31, 2002: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 Act repealed on January 1, 2013.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19 following Act is repealed on January 1, 2013: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27 (Section scheduled to be repealed on December 31, 2002)

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

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

3 "Director" means the Director of Professional Regulation.

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

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

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

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

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

19 (3) research.

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

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

1 and to modify behaviors that interfere with effective
2 emotional, social, adaptive, and intellectual functioning.

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

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

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

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

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

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

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

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

2 Sec. 15. Exemptions.

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

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

1 than as specifically excepted in this Section, unless they
2 have been licensed under this Act.

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

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

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

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

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

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

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

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

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

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

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

30 (l) Nothing in this Act shall be construed to require
31 licensure under this Act or limit the services of a rape
32 crisis counselor who is an employee or volunteer of a rape
33 crisis organization as defined in Section 8-802.1 of the Code
34 of Civil Procedure as long as that person is not in any

1 manner held out to the public as a "professional counselor"
2 or "clinical professional counselor" or does not hold out his
3 or her services as being "professional counseling" or
4 "clinical professional counseling".

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

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

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

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

26 (225 ILCS 107/20)

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

28 Sec. 20. Restrictions and limitations.

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

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

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

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

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

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

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

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

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

25 (225 ILCS 107/21 new)

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

27 (a) Any person who practices, offers to practice,
28 attempts to practice, or holds himself or herself out to
29 practice as a clinical professional counselor or professional
30 counselor without being licensed or exempt under this Act
31 shall, in addition to any other penalty provided by law, pay
32 a civil penalty to the Department in an amount not to exceed
33 \$5,000 for each offense, as determined by the Department. The

1 civil penalty shall be assessed by the Department after a
 2 hearing is held in accordance with the provisions set forth
 3 in this Act regarding the provision of a hearing for the
 4 discipline of a licensee.

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

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

12 (225 ILCS 107/30) (from Ch. 111, par. 8451-30)

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

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

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

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

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

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

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

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

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

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

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

34 (i) The Board may make recommendations on matters

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

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

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

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

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

20 (225 ILCS 107/45)

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

22 Sec. 45. Qualifications for a license.

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

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

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

32 (3) is a graduate of:

33 (A) a master's or doctoral level program in

1 the field of counseling, rehabilitation counseling,
2 psychology, or similar degree program approved by
3 the Department; or

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

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

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

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

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

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

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

29 (3) is a graduate of:

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

1 experience working as a clinical professional
2 counselor under the direction of a qualified
3 supervisor subsequent to the degree; or

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

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

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

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

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

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

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

32 (225 ILCS 107/60)

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

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

3 (a) The fee for application for a professional counselor
4 or clinical professional counselor license is \$150.

5 (b) The fee for application for a temporary professional
6 counselor license or temporary clinical professional
7 counselor license is \$150.

8 (c) Applicants for examination shall pay, either to the
9 Department or to the designated testing service, a fee
10 covering the cost of providing the examination.

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

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

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

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

24 (h) The fee for the certification of a license for any
25 purpose is \$20.

26 (i) The fee for rescoreing an examination is the cost to
27 the Department of rescoreing the examination, plus any fees
28 charged by the applicable testing service to have the
29 examination rescored.

30 (j) The fee for copies of a license shall be the actual
31 cost of producing such copies.

32 (k) The fee for a roster of persons licensed as
33 professional counselors or clinical professional counselors
34 is the actual cost of producing such a roster.

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

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

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

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

10 (225 ILCS 107/80)

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

12 Sec. 80. Grounds for discipline.

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

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

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

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

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

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

1 (6) Malpractice.

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

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

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

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

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

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

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

26 (14) Abandonment of a client.

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

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

34 (17) Being named as a perpetrator in an indicated

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

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

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

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

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

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

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

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

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

33 (b) The Department shall deny, without hearing, any
34 application or renewal for a license under this Act to any

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

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

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

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

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

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

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

24 (225 ILCS 107/55 rep.)

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

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