

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 Sections 4.13 and 4.17 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 Acts repealed on December 31, 2002.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8 following Acts are repealed on December 31, 2002: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 80/4.17)

18 Sec. 4.17. Acts repealed on January 1, 2007. The
19 following are repealed on January 1, 2007:

20 The Boiler and Pressure Vessel Repairer Regulation
21 Act.

22 The Structural Pest Control Act.

23 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB,
24 VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois
25 Insurance Code.

26 The Clinical Psychologist Licensing Act.

27 The Illinois Optometric Practice Act of 1987.

28 The Medical Practice Act of 1987.

29 The Environmental Health Practitioner Licensing Act.

30 (Source: P.A. 89-467, eff. 1-1-97; 89-484, eff. 6-21-96;

1 89-594, eff. 8-1-96; 89-702, eff. 7-1-97.)

2 Section 10. The Environmental Health Practitioner
3 Licensing Act is amended by changing Sections 18, 26, and 35
4 and adding Section 56 as follows:

5 (225 ILCS 37/18)

6 (Section scheduled to be repealed on December 31, 2002)

7 Sec. 18. Board of Environmental Health Practitioners.
8 The Board of Environmental Health Practitioners is created
9 and shall exercise its duties as provided in this Act. The
10 Board shall consist of 5 7 members appointed by the Director.
11 Of the 5 7 members, 3 4 shall be environmental health
12 practitioners, one a Public Health Administrator who meets
13 the minimum qualifications for public health personnel
14 employed by full time local health departments as prescribed
15 by the Illinois Department of Public Health and is actively
16 engaged in the administration of a local health department
17 within this State, ~~one full-time professor--teaching--in--the~~
18 ~~field-of-environmental-health-practice,~~ and one member of the
19 general public. In making the appointments to the Board, the
20 Director shall consider the recommendations of related
21 professional and trade associations including the Illinois
22 Environmental Health Association and the Illinois Public
23 Health Association and of the Director of Public Health.
24 Each of the environmental health practitioners shall have at
25 least 5 years of full time employment in the field of
26 environmental health practice before the date of appointment.
27 Each appointee filling the seat of an environmental health
28 practitioner appointed to the Board must be licensed under
29 this Act, ~~--however,--in--appointing--the--environmental--health~~
30 ~~practitioner--members--of--the--first--Board,--the--Director--may~~
31 ~~appoint--any--environmental--health--practitioner--who--possesses~~
32 ~~the--qualifications--set--forth--in--Section--20--of--this--Act.---Of~~

1 the--initial--appointments,--3-members-shall-be-appointed-for
 2 3-year-terms,--2-members-for-2-year-terms,--and-2--members--for
 3 one-year--terms.---Each--succeeding--member-shall-serve-for-a
 4 3-year-term.

5 The membership of the Board shall reasonably reflect
 6 representation from the various geographic areas of the
 7 State.

8 A vacancy in the membership of the Board shall not impair
 9 the right of a quorum to exercise all the rights and perform
 10 all the duties of the Board.

11 The members of the Board are entitled to receive as
 12 compensation a reasonable sum as determined by the Director
 13 for each day actually engaged in the duties of the office and
 14 all legitimate and necessary expenses incurred in attending
 15 the meetings of the Board.

16 Members of the Board shall be immune from suit in any
 17 action based upon any disciplinary proceedings or other
 18 activities performed in good faith as members of the Board.

19 The Director may remove any member of the Board for any
 20 cause that, in the opinion of the Director, reasonably
 21 justifies termination.

22 (Source: P.A. 91-724, eff. 6-2-00; 91-798, eff. 7-9-00.)

23 (225 ILCS 37/26)

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

25 Sec. 26. Examination for registration as an
 26 environmental health practitioner.

27 (a) Beginning June 30, 1995, only persons who meet the
 28 educational and experience requirements of Section 20 and who
 29 pass the examination authorized by the Department shall be
 30 licensed. ~~Persons--who--meet--the--requirements--of--subsection~~
 31 ~~(b)--of--Section--21--or--Section--30--shall--not--be--required--to--take~~
 32 ~~and--pass--the--examination.~~

33 (b) Applicants for examination as environmental health

1 practitioners shall be required to pay, either to the
2 Department or the designated testing service, a fee covering
3 the cost of providing the examination.

4 (Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97;
5 90-14, eff. 7-1-97.)

6 (225 ILCS 37/35)

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

8 Sec. 35. Grounds for discipline.

9 (a) The Department may refuse to issue or renew, or may
10 revoke, suspend, place on probation, reprimand, or take other
11 disciplinary action with regard to any license issued under
12 this Act as the Department may consider proper, including the
13 imposition of fines not to exceed \$5,000 for each violation,
14 for any one or combination of the following causes:

15 (1) Material misstatement in furnishing information
16 to the Department.

17 (2) Violations of this Act or its rules.

18 (3) Conviction of any felony under the laws of any
19 U.S. jurisdiction, any misdemeanor an essential element
20 of which is dishonesty, or any crime that is directly
21 related to the practice of the profession.

22 (4) Making any misrepresentation for the purpose of
23 obtaining a certificate of registration.

24 (5) Professional incompetence.

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

27 (7) Failing to provide information within 60 days
28 in response to a written request made by the Department.

29 (8) Engaging in dishonorable, unethical, or
30 unprofessional conduct of a character likely to deceive,
31 defraud, or harm the public as defined by rules of the
32 Department.

33 (9) Habitual or excessive use or addiction to

1 alcohol, narcotics, stimulants, or any other chemical
2 agent or drug that results in an environmental health
3 practitioner's inability to practice with reasonable
4 judgment, skill, or safety.

5 (10) Discipline by another U.S. jurisdiction or
6 foreign nation, if at least one of the grounds for a
7 discipline is the same or substantially equivalent to
8 those set forth in this Act.

9 (11) A finding by the Department that the
10 registrant, after having his or her license placed on
11 probationary status, has violated the terms of probation.

12 (12) Willfully making or filing false records or
13 reports in his or her practice, including, but not
14 limited to, false records filed with State agencies or
15 departments.

16 (13) Physical illness, including, but not limited
17 to, deterioration through the aging process or loss of
18 motor skills that result in the inability to practice the
19 profession with reasonable judgment, skill, or safety.

20 (14) Failure to comply with rules promulgated by
21 the Illinois Department of Public Health or other State
22 agencies related to the practice of environmental health.

23 (15) The Department shall deny any application for
24 a license or renewal of a license under this Act, without
25 hearing, to a person who has defaulted on an educational
26 loan guaranteed by the Illinois Student Assistance
27 Commission; however, the Department may issue a license
28 or renewal of a license if the person in default has
29 established a satisfactory repayment record as determined
30 by the Illinois Student Assistance Commission.

31 (16) Solicitation of professional services by using
32 false or misleading advertising.

33 (17) A finding that the license has been applied
34 for or obtained by fraudulent means.

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

4 (19) Gross overcharging for professional services
5 including filing statements for collection of fees or
6 moneys for which services are not rendered.

7 (b) The Department may refuse to issue or may suspend
8 the license of any person who fails to (i) file a return,
9 (ii) pay the tax, penalty, or interest shown in a filed
10 return; or (iii) pay any final assessment of the tax,
11 penalty, or interest as required by any tax Act administered
12 by the Illinois Department of Revenue until the requirements
13 of the tax Act are satisfied.

14 (c) The determination by a circuit court that a licensee
15 is subject to involuntary admission or judicial admission to
16 a mental health facility as provided in the Mental Health and
17 Developmental Disabilities Code operates as an automatic
18 suspension. The suspension may end only upon a finding by a
19 court that the licensee is no longer subject to involuntary
20 admission or judicial admission, the issuance of an order so
21 finding and discharging the patient, and the recommendation
22 of the Board to the Director that the licensee be allowed to
23 resume practice.

24 (d) In enforcing this Section, the Department, upon a
25 showing of a possible violation, may compel any person
26 licensed to practice under this Act or who has applied for
27 licensure or certification pursuant to this Act to submit to
28 a mental or physical examination, or both, as required by and
29 at the expense of the Department. The examining physicians
30 shall be those specifically designated by the Department. The
31 Department may order the examining physician to present
32 testimony concerning this mental or physical examination of
33 the licensee or applicant. No information shall be excluded
34 by reason of any common law or statutory privilege relating

1 to communications between the licensee or applicant and the
2 examining physician. The person to be examined may have, at
3 his or her own expense, another physician of his or her
4 choice present during all aspects of the examination. Failure
5 of any person to submit to a mental or physical examination,
6 when directed, shall be grounds for suspension of a license
7 until the person submits to the examination if the Department
8 finds, after notice and hearing, that the refusal to submit
9 to the examination was without reasonable cause.

10 If the Department finds an individual unable to practice
11 because of the reasons set forth in this Section, the
12 Department may require that individual to submit to care,
13 counseling, or treatment by physicians approved or designated
14 by the Department, as a condition, term, or restriction for
15 continued, reinstated, or renewed licensure to practice or,
16 in lieu of care, counseling, or treatment, the Department may
17 file a complaint to immediately suspend, revoke, or otherwise
18 discipline the license of the individual.

19 Any person whose license was granted, continued,
20 reinstated, renewed, disciplined, or supervised subject to
21 such terms, conditions, or restrictions and who fails to
22 comply with such terms, conditions, or restrictions shall be
23 referred to the Director for a determination as to whether
24 the person shall have his or her license suspended
25 immediately, pending a hearing by the Department.

26 In instances in which the Director immediately suspends a
27 person's license under this Section, a hearing on that
28 person's license must be convened by the Department within 15
29 days after the suspension and completed without appreciable
30 delay. The Department shall have the authority to review the
31 subject person's record of treatment and counseling regarding
32 the impairment, to the extent permitted by applicable federal
33 statutes and regulations safeguarding the confidentiality of
34 medical records.

1 A person licensed under this Act and affected under this
 2 Section shall be afforded an opportunity to demonstrate to
 3 the Department that he or she can resume practice in
 4 compliance with acceptable and prevailing standards under the
 5 provisions of his or her license.

6 (Source: P.A. 89-61, eff. 6-30-95.)

7 (225 ILCS 37/56 new)

8 Sec. 56. Unlicensed practice; violation; civil penalty.

9 (a) Any person who practices, offers to practice,
 10 attempts to practice, or holds himself or herself out to
 11 practice environmental health without being licensed under
 12 this Act shall, in addition to any other penalty provided by
 13 law, pay a civil penalty to the Department in an amount not
 14 to exceed \$5,000 for each offense as determined by the
 15 Department. The civil penalty shall be assessed by the
 16 Department after a hearing is held in accordance with the
 17 provisions set forth in this Act regarding the provision of a
 18 hearing for the discipline of a licensee.

19 (b) The Department has the authority and power to
 20 investigate any and all unlicensed activity.

21 (c) The civil penalty shall be paid within 60 days after
 22 the effective date of the order imposing the civil penalty.
 23 The order shall constitute a judgment and may be filed and
 24 execution had thereon in the same manner as any judgment from
 25 any court of record.

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