

1 AMENDMENT TO SENATE BILL 1689

2 AMENDMENT NO. _____. Amend Senate Bill 1689 by replacing
3 everything after the enacting clause with the following:

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 Acts repealed on December 31, 2002.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8 following Acts are repealed on December 31, 2002: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 Acts repealed on January 1, 2007.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19 following are repealed on January 1, 2007: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.

1 The Structural Pest Control Act.
 2 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB,
 3 VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois
 4 Insurance Code.

5 The Clinical Psychologist Licensing Act.

6 The Illinois Optometric Practice Act of 1987.

7 The Medical Practice Act of 1987.

8 The Environmental Health Practitioner Licensing Act.

9 (Source: P.A. 89-467, eff. 1-1-97; 89-484, eff. 6-21-96;
 10 89-594, eff. 8-1-96; 89-702, eff. 7-1-97.)

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

14 (225 ILCS 37/18)

15 (Section scheduled to be repealed on December 31, 2002)

16 Sec. 18. Board of Environmental Health Practitioners.
 17 The Board of Environmental Health Practitioners is created
 18 and shall exercise its duties as provided in this Act. The
 19 Board shall consist of 5 7 members appointed by the Director.
 20 Of the 5 7 members, 3 4 shall be environmental health
 21 practitioners, one a Public Health Administrator who meets
 22 the minimum qualifications for public health personnel
 23 employed by full time local health departments as prescribed
 24 by the Illinois Department of Public Health and is actively
 25 engaged in the administration of a local health department
 26 within this State, ~~one full-time professor--teaching--in--the~~
 27 ~~field-of-environmental-health-practice,~~ and one member of the
 28 general public. In making the appointments to the Board, the
 29 Director shall consider the recommendations of related
 30 professional and trade associations including the Illinois
 31 Environmental Health Association and the Illinois Public
 32 Health Association and of the Director of Public Health.

1 Each of the environmental health practitioners shall have at
2 least 5 years of full time employment in the field of
3 environmental health practice before the date of appointment.
4 Each appointee filling the seat of an environmental health
5 practitioner appointed to the Board must be licensed under
6 this Act, ~~however, in appointing the environmental health~~
7 ~~practitioner members of the first Board, the Director may~~
8 ~~appoint any environmental health practitioner who possesses~~
9 ~~the qualifications set forth in Section 20 of this Act. Of~~
10 ~~the initial appointments, 3 members shall be appointed for~~
11 ~~3-year terms, 2 members for 2-year terms, and 2 members for~~
12 ~~one-year terms. Each succeeding member shall serve for a~~
13 ~~3-year term.~~

14 The membership of the Board shall reasonably reflect
15 representation from the various geographic areas of the
16 State.

17 A vacancy in the membership of the Board shall not impair
18 the right of a quorum to exercise all the rights and perform
19 all the duties of the Board.

20 The members of the Board are entitled to receive as
21 compensation a reasonable sum as determined by the Director
22 for each day actually engaged in the duties of the office and
23 all legitimate and necessary expenses incurred in attending
24 the meetings of the Board.

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

28 The Director may remove any member of the Board for any
29 cause that, in the opinion of the Director, reasonably
30 justifies termination.

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

32 (225 ILCS 37/26)

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

1 Sec. 26. Examination for registration as an
2 environmental health practitioner.

3 (a) Beginning June 30, 1995, only persons who meet the
4 educational and experience requirements of Section 20 and who
5 pass the examination authorized by the Department shall be
6 licensed. ~~Persons--who--meet--the--requirements--of--subsection~~
7 ~~(b)--of--Section--21--or--Section--30--shall--not--be--required--to--take~~
8 ~~and--pass--the--examination.~~

9 (b) Applicants for examination as environmental health
10 practitioners shall be required to pay, either to the
11 Department or the designated testing service, a fee covering
12 the cost of providing the examination.

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

15 (225 ILCS 37/35)

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

17 Sec. 35. Grounds for discipline.

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

24 (1) Material misstatement in furnishing information
25 to the Department.

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

27 (3) Conviction of any felony under the laws of any
28 U.S. jurisdiction, any misdemeanor an essential element
29 of which is dishonesty, or any crime that is directly
30 related to the practice of the profession.

31 (4) Making any misrepresentation for the purpose of
32 obtaining a certificate of registration.

33 (5) Professional incompetence.

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

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

5 (8) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public as defined by rules of the
8 Department.

9 (9) Habitual or excessive use or addiction to
10 alcohol, narcotics, stimulants, or any other chemical
11 agent or drug that results in an environmental health
12 practitioner's inability to practice with reasonable
13 judgment, skill, or safety.

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

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

21 (12) Willfully making or filing false records or
22 reports in his or her practice, including, but not
23 limited to, false records filed with State agencies or
24 departments.

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

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

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

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

6 (16) Solicitation of professional services by using
7 false or misleading advertising.

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

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

13 (19) Gross overcharging for professional services
14 including filing statements for collection of fees or
15 moneys for which services are not rendered.

16 (b) The Department may refuse to issue or may suspend
17 the license of any person who fails to (i) file a return,
18 (ii) pay the tax, penalty, or interest shown in a filed
19 return; or (iii) pay any final assessment of the tax,
20 penalty, or interest as required by any tax Act administered
21 by the Illinois Department of Revenue until the requirements
22 of the tax Act are satisfied.

23 (c) The determination by a circuit court that a licensee
24 is subject to involuntary admission or judicial admission to
25 a mental health facility as provided in the Mental Health and
26 Developmental Disabilities Code operates as an automatic
27 suspension. The suspension may end only upon a finding by a
28 court that the licensee is no longer subject to involuntary
29 admission or judicial admission, the issuance of an order so
30 finding and discharging the patient, and the recommendation
31 of the Board to the Director that the licensee be allowed to
32 resume practice.

33 (d) In enforcing this Section, the Department, upon a
34 showing of a possible violation, may compel any person

1 licensed to practice under this Act or who has applied for
2 licensure or certification pursuant to this Act to submit to
3 a mental or physical examination, or both, as required by and
4 at the expense of the Department. The examining physicians
5 shall be those specifically designated by the Department. The
6 Department may order the examining physician to present
7 testimony concerning this mental or physical examination of
8 the licensee or applicant. No information shall be excluded
9 by reason of any common law or statutory privilege relating
10 to communications between the licensee or applicant and the
11 examining physician. The person to be examined may have, at
12 his or her own expense, another physician of his or her
13 choice present during all aspects of the examination. Failure
14 of any person to submit to a mental or physical examination,
15 when directed, shall be grounds for suspension of a license
16 until the person submits to the examination if the Department
17 finds, after notice and hearing, that the refusal to submit
18 to the examination was without reasonable cause.

19 If the Department finds an individual unable to practice
20 because of the reasons set forth in this Section, the
21 Department may require that individual to submit to care,
22 counseling, or treatment by physicians approved or designated
23 by the Department, as a condition, term, or restriction for
24 continued, reinstated, or renewed licensure to practice or,
25 in lieu of care, counseling, or treatment, the Department may
26 file a complaint to immediately suspend, revoke, or otherwise
27 discipline the license of the individual.

28 Any person whose license was granted, continued,
29 reinstated, renewed, disciplined, or supervised subject to
30 such terms, conditions, or restrictions and who fails to
31 comply with such terms, conditions, or restrictions shall be
32 referred to the Director for a determination as to whether
33 the person shall have his or her license suspended
34 immediately, pending a hearing by the Department.

1 In instances in which the Director immediately suspends a
2 person's license under this Section, a hearing on that
3 person's license must be convened by the Department within 15
4 days after the suspension and completed without appreciable
5 delay. The Department shall have the authority to review the
6 subject person's record of treatment and counseling regarding
7 the impairment, to the extent permitted by applicable federal
8 statutes and regulations safeguarding the confidentiality of
9 medical records.

10 A person licensed under this Act and affected under this
11 Section shall be afforded an opportunity to demonstrate to
12 the Department that he or she can resume practice in
13 compliance with acceptable and prevailing standards under the
14 provisions of his or her license.

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

16 (225 ILCS 37/56 new)

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

18 (a) Any person who practices, offers to practice,
19 attempts to practice, or holds himself or herself out to
20 practice environmental health without being licensed under
21 this Act shall, in addition to any other penalty provided by
22 law, pay a civil penalty to the Department in an amount not
23 to exceed \$5,000 for each offense as determined by the
24 Department. The civil penalty shall be assessed by the
25 Department after a hearing is held in accordance with the
26 provisions set forth in this Act regarding the provision of a
27 hearing for the discipline of a licensee.

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

30 (c) The civil penalty shall be paid within 60 days after
31 the effective date of the order imposing the civil penalty.
32 The order shall constitute a judgment and may be filed and
33 execution had thereon in the same manner as any judgment from

1 any court of record.

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.".