

AN ACT concerning regulation.

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

Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Sections 2105-5, 2105-15, 2105-100, 2105-115, 2105-120, 2105-125, 2105-165, 2105-170, and 2105-207 and by adding Section 2105-7 as follows:

(20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

Sec. 2105-5. Definitions. In this Law:

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit. An address of record must be a street address, not a post office box or any other similar location.

"Applicant" means an applicant for a license, certification, registration, permit, or other authority issued or conferred by the Department by virtue or authority of which the licensee has or claims the right to engage in a profession, trade, occupation, or operation of which the Department has jurisdiction.

"Department" means the Division of Professional Regulation

of the Department of Financial and Professional Regulation. Any reference in this Article to the "Department of Professional Regulation" shall be deemed to mean the "Division of Professional Regulation of the Department of Financial and Professional Regulation".

"Director" means the Director of Professional Regulation.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Board" means the board of persons designated for a profession, trade, or occupation under the provisions of any Act now or hereafter in force whereby the jurisdiction of that profession, trade, or occupation is devolved on the Department.

"License" ~~"Certificate"~~ means a license, ~~certificate~~ of registration, certification, permit, or other authority purporting to be issued or conferred by the Department by virtue or authority of which the licensee ~~registrant~~ has or claims the right to engage in a profession, trade, occupation, or operation of which the Department has jurisdiction.

"Licensee" ~~"Registrant"~~ means a person who holds or claims to hold a license ~~certificate~~. An unlicensed person or entity that holds himself, herself, or itself out as a licensee or engages in a licensed activity shall be deemed to be a licensee for the purposes of investigation or disciplinary action.

"Retiree" means a person who has been duly licensed,

registered, or certified in a profession regulated by the Department and who chooses to relinquish or not renew his or her license, registration, or certification.

(Source: P.A. 99-227, eff. 8-3-15.)

(20 ILCS 2105/2105-7 new)

Sec. 2105-7. Address of record; email address of record.

The Department shall require all applicants and licensees:

(1) to provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) to inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(20 ILCS 2105/2105-15)

Sec. 2105-15. General powers and duties.

(a) The Department has, subject to the provisions of the Civil Administrative Code of Illinois, the following powers and duties:

(1) To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.

(2) To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.

(3) To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by reciprocity, or by endorsement.

(4) To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college, or university, or department of a university, or other institution, reputable and in good standing, by reference to a compliance with those rules and regulations; provided, that no school, college, or university, or department of a university, or other institution that refuses admittance to applicants solely on account of race, color, creed, sex, sexual orientation, or national origin shall be considered reputable and in good standing.

(5) To conduct hearings on proceedings to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons

exercising the respective professions, trades, or occupations and to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates, or authorities.

The Department shall issue a monthly disciplinary report.

The Department shall deny any license or renewal authorized by the Civil Administrative Code of Illinois to any person who has defaulted on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, beginning June 1, 1996, any license issued by the Department may be suspended or revoked if the Department, after the opportunity for a hearing under the appropriate licensing Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan. For the purposes of this Section, "satisfactory repayment record" shall be defined by rule.

The Department shall refuse to issue or renew a license to, or shall suspend or revoke a license of, any person who, after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or child support proceeding. However, the Department may issue a license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall revoke, suspend, or deny any license or renewal authorized by the Civil Administrative Code of Illinois to a person who is certified by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support Punishment Act for more than 60 days. The Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or if the person is determined by the court to be in compliance with the Non-Support Punishment Act. The Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of

rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

(6) To transfer jurisdiction of any realty under the control of the Department to any other department of the State Government or to acquire or accept federal lands when the transfer, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

(7) To formulate rules and regulations necessary for the enforcement of any Act administered by the Department.

(8) To exchange with the Department of Healthcare and Family Services information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Illinois Parentage Act of 1984, or the Illinois Parentage Act of 2015. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this paragraph (8) or for any other action taken in good faith to comply with the

requirements of this paragraph (8).

(8.5) To accept continuing education credit for mandated reporter training on how to recognize and report child abuse offered by the Department of Children and Family Services and completed by any person who holds a professional license issued by the Department and who is a mandated reporter under the Abused and Neglected Child Reporting Act. The Department shall adopt any rules necessary to implement this paragraph.

(9) To perform other duties prescribed by law.

(a-5) Except in cases involving default on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State or in cases involving delinquency in complying with a child support order or violation of the Non-Support Punishment Act and notwithstanding anything that may appear in any individual licensing Act or administrative rule, no person or entity whose license, certificate, or authority has been revoked as authorized in any licensing Act administered by the Department may apply for restoration of that license, certification, or authority until 3 years after the effective date of the revocation.

(b) The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be



made directly or through the Department to the Department of Central Management Services for deposit into the Paper and Printing Revolving Fund. The remainder shall be deposited into the General Revenue Fund.

(c) For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs, and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend sums from the Professional Regulation Evidence Fund that the Director deems necessary from the amounts appropriated for that purpose. Those sums may be advanced to the agent when the Director deems that procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make the purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and those agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in

this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write those checks and make those withdrawals. Vouchers for those expenditures must be signed by the Director. All such expenditures shall be audited by the Director, and the audit shall be submitted to the Department of Central Management Services for approval.

(d) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, the information contained in State files that is necessary to fulfill the request.

(e) The provisions of this Section do not apply to private business and vocational schools as defined by Section 15 of the Private Business and Vocational Schools Act of 2012.

(f) (Blank).

(g) Notwithstanding anything that may appear in any individual licensing statute or administrative rule, the Department shall deny any license application or renewal authorized under any licensing Act administered by the Department to any person who has failed to file a return, or to

pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirement of any such tax Act are satisfied; however, the Department may issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Department of Revenue. For the purpose of this Section, "satisfactory repayment record" shall be defined by rule.

In addition, a complaint filed with the Department by the Illinois Department of Revenue that includes a certification, signed by its Director or designee, attesting to the amount of the unpaid tax liability or the years for which a return was not filed, or both, is prima facie evidence of the licensee's failure to comply with the tax laws administered by the Illinois Department of Revenue. Upon receipt of that certification, the Department shall, without a hearing, immediately suspend all licenses held by the licensee. Enforcement of the Department's order shall be stayed for 60 days. The Department shall provide notice of the suspension to the licensee by mailing a copy of the Department's order ~~by certified and regular mail~~ to the licensee's ~~last known~~ address of record or emailing a copy of the order to the licensee's email address of record ~~as registered with the Department~~. The notice shall advise the licensee that the suspension shall be effective 60 days after the issuance of the Department's order

unless the Department receives, from the licensee, a request for a hearing before the Department to dispute the matters contained in the order.

Any suspension imposed under this subsection (g) shall be terminated by the Department upon notification from the Illinois Department of Revenue that the licensee is in compliance with all tax laws administered by the Illinois Department of Revenue.

The Department may promulgate rules for the administration of this subsection (g).

(h) The Department may grant the title "Retired", to be used immediately adjacent to the title of a profession regulated by the Department, to eligible retirees. For individuals licensed under the Medical Practice Act of 1987, the title "Retired" may be used in the profile required by the Patients' Right to Know Act. The use of the title "Retired" shall not constitute representation of current licensure, registration, or certification. Any person without an active license, registration, or certificate in a profession that requires licensure, registration, or certification shall not be permitted to practice that profession.

(i) Within 180 days after December 23, 2009 (the effective date of Public Act 96-852), the Department shall promulgate rules which permit a person with a criminal record, who seeks a license or certificate in an occupation for which a criminal record is not expressly a per se bar, to apply to the

Department for a non-binding, advisory opinion to be provided by the Board or body with the authority to issue the license or certificate as to whether his or her criminal record would bar the individual from the licensure or certification sought, should the individual meet all other licensure requirements including, but not limited to, the successful completion of the relevant examinations.

(Source: P.A. 98-756, eff. 7-16-14; 98-850, eff. 1-1-15; 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330, eff. 8-10-15; 99-642, eff. 7-28-16.)

(20 ILCS 2105/2105-100) (was 20 ILCS 2105/60c)

Sec. 2105-100. Disciplinary action with respect to licenses ~~certificates~~; notice; hearing.

(a) Licenses ~~Certificates~~ may be revoked, suspended, placed on probationary status, reprimanded, fined, or have other disciplinary action taken with regard to them as authorized in any licensing Act administered by the Department in the manner provided by the Civil Administrative Code of Illinois and not otherwise.

(b) The Department may upon its own motion and shall upon the verified complaint in writing of any person, provided the complaint or the complaint together with evidence, documentary or otherwise, presented in connection with the complaint makes a prima facie case, investigate the actions of any person holding or claiming to hold a license ~~certificate~~.

(c) Before suspending, revoking, placing on probationary status, reprimanding, fining, or taking any other disciplinary action that may be authorized in any licensing Act administered by the Department with regard to any license ~~certificate~~, the Department shall issue a notice informing the licensee or applicant ~~registrant~~ of the time and place when and where a hearing of the charges shall be had. The notice shall contain a statement of the charges or shall be accompanied by a copy of the written complaint if such complaint shall have been filed. The notice shall be served on the licensee or applicant ~~registrant~~ at least 10 days prior to the date set in the notice for the hearing, either by delivery of the notice personally to the licensee or applicant ~~registrant~~ or by mailing the notice ~~by registered mail~~ to the licensee's or applicant's ~~registrant's~~ address of record; provided that in any case where the licensee or applicant ~~registrant~~ is now or may hereafter be required by law to maintain a place of business in this State and to notify the Department of the location of that place of business, the notice may be served by mailing it ~~by registered mail~~ to the licensee or applicant ~~registrant~~ at the place of business last described by the licensee or applicant ~~registrant~~ in the notification to the Department. Notwithstanding any provision in any individual licensing statute or administrative rule, the notice may be served by email transmission to the licensee's or applicant's email address of record.

(d) At the time and place fixed in the notice, the Department shall proceed to a hearing of the charges. The licensee or applicant ~~Both the registrant and the complainant~~ shall be accorded ample opportunity to present, in person or by counsel, any statements, testimony, evidence, and argument that may be pertinent to the charges or to any defense to the charges. The Department may continue the hearing from time to time.

(Source: P.A. 99-227, eff. 8-3-15.)

(20 ILCS 2105/2105-115) (was 20 ILCS 2105/60f)

Sec. 2105-115. Certified shorthand reporter; transcript. The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case in which a license ~~certificate~~ may be revoked, suspended, placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license ~~certificate~~ when a disciplinary action is authorized in any licensing Act administered by the Department. The notice, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the board, and the orders of the Department shall be the record of the proceedings. The Department shall furnish the record to any person interested in the hearing upon payment therefor of \$1 per page. The Department may contract for court

reporting services, and, in the event it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter. This charge is in addition to any fee charged by the Department for certifying the record.

(Source: P.A. 99-227, eff. 8-3-15.)

(20 ILCS 2105/2105-120) (was 20 ILCS 2105/60g)

Sec. 2105-120. Board's report; licensee's or applicant's ~~registrant's~~ motion for rehearing.

(a) The board shall present to the Director its written report of its findings and recommendations. A copy of the report shall be served upon the licensee or applicant ~~registrant~~, either personally or by ~~registered~~ mail or email as provided in Section 2105-100 for the service of the notice.

(b) Within 20 days after the service required under subsection (a), the licensee or applicant ~~registrant~~ may present to the Department a motion in writing for a rehearing. The written motion shall specify the particular grounds for a rehearing. If the licensee or applicant ~~registrant~~ orders and pays for a transcript of the record as provided in Section 2105-115, the time elapsing thereafter and before the transcript is ready for delivery to the licensee or applicant



~~registrant~~ shall not be counted as part of the 20 days.

(Source: P.A. 99-227, eff. 8-3-15.)

(20 ILCS 2105/2105-125) (was 20 ILCS 2105/60h)

Sec. 2105-125. Restoration of license ~~certificate~~. At any time after the successful completion of any term of suspension, revocation, placement on probationary status, or other disciplinary action taken by the Department with reference to any license ~~certificate~~, including payment of any fine, the Department may restore it to the licensee ~~registrant~~ without examination, upon the written recommendation of the appropriate board.

(Source: P.A. 99-227, eff. 8-3-15.)

(20 ILCS 2105/2105-165)

Sec. 2105-165. Health care worker licensure actions; sex crimes.

(a) When a licensed health care worker, as defined in the Health Care Worker Self-Referral Act, (1) has been convicted of a criminal act that requires registration under the Sex Offender Registration Act; (1.5) has been convicted of involuntary sexual servitude of a minor under subsection (c) of Section 10-9 or subsection (b) of Section 10A-10 of the Criminal Code of 1961 or the Criminal Code of 2012; (2) has been convicted of a criminal battery against any patient in the course of patient care or treatment, including any offense

based on sexual conduct or sexual penetration; (3) has been convicted of a forcible felony; or (4) is required as a part of a criminal sentence to register under the Sex Offender Registration Act, then, notwithstanding any other provision of law to the contrary, except as provided in this Section, the license of the health care worker shall by operation of law be permanently revoked without a hearing.

(a-1) If a licensed health care worker has been convicted of a forcible felony, other than a forcible felony requiring registration under the Sex Offender Registration Act, ~~or~~ involuntary sexual servitude of a minor that is a forcible felony, or a criminal battery against any patient in the course of patient care or treatment, is not required to register as a sex offender, and ~~the health care worker~~ has had his or her license revoked pursuant to item (3) of subsection (a) of this Section, then the health care worker may petition the Department to restore his or her license if more than 5 years have passed since the conviction or more than 3 years have passed since the health care worker's release from confinement for that conviction, whichever is later. In determining whether a license shall be restored, the Department shall consider, but is not limited to, the following factors:

- (1) the seriousness of the offense;
- (2) the presence of multiple offenses;
- (3) prior disciplinary history, including, but not limited to, actions taken by other agencies in this State

or by other states or jurisdictions, hospitals, health care facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state;

(4) the impact of the offense on any injured party;

(5) the vulnerability of any injured party, including, but not limited to, consideration of the injured party's age, disability, or mental illness;

(6) the motive for the offense;

(7) the lack of contrition for the offense;

(8) the lack of cooperation with the Department or other investigative authorities;

(9) the lack of prior disciplinary action, including, but not limited to, action by the Department or by other agencies in this State or by other states or jurisdictions, hospitals, health care facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state;

(10) contrition for the offense;

(11) cooperation with the Department or other investigative authorities;

(12) restitution to injured parties;

(13) whether the misconduct was self-reported;

(14) any voluntary remedial actions taken or other evidence of rehabilitation; and

(15) the date of conviction.

(b) No person who has been convicted of any offense listed in subsection (a) or required to register as a sex offender may receive a license as a health care worker in Illinois. The process for petition and review by the Department provided in subsection (a-1) shall also apply to a person whose application for licensure is denied pursuant to item (3) of subsection (a) of ~~under~~ this Section for a conviction of a forcible felony, other than a forcible felony requiring registration under the Sex Offender Registration Act, ~~or~~ involuntary sexual servitude of a minor that is a forcible felony, or a criminal battery against any patient in the course of patient care or treatment, who is not required to register as a sex offender.

(c) Immediately after a licensed health care worker, as defined in the Health Care Worker Self-Referral Act, has been charged with any offense for which the sentence includes registration as a sex offender; involuntary sexual servitude of a minor; a criminal battery against a patient, including any offense based on sexual conduct or sexual penetration, in the course of patient care or treatment; or a forcible felony; then the prosecuting attorney shall provide notice to the Department of the health care worker's name, address, practice address, and license number and the patient's name and a copy of the criminal charges filed. Within 5 business days after receiving notice from the prosecuting attorney of the filing of criminal charges against the health care worker, the Secretary shall issue an administrative order that the health care worker shall

immediately practice only with a chaperone during all patient encounters pending the outcome of the criminal proceedings. The chaperone must be a licensed health care worker. The chaperone shall provide written notice to all of the health care worker's patients explaining the Department's order to use a chaperone. Each patient shall sign an acknowledgement that they received the notice. The notice to the patient of criminal charges shall include, in 14-point font, the following statement: "The health care worker is presumed innocent until proven guilty of the charges.". The licensed health care worker shall provide a written plan of compliance with the administrative order that is acceptable to the Department within 5 days after receipt of the administrative order. Failure to comply with the administrative order, failure to file a compliance plan, or failure to follow the compliance plan shall subject the health care worker to temporary suspension of his or her professional license until the completion of the criminal proceedings.

(d) Nothing contained in this Section shall act in any way to waive or modify the confidentiality of information provided by the prosecuting attorney to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Secretary, Department attorneys, the investigative staff, and authorized clerical staff and shall be afforded the same status as is provided information under Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to (1) a

federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation or (2) an appropriate licensing authority of another state or jurisdiction pursuant to an official request made by that authority. Any information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense. Any information or documents disclosed by the Department to a professional licensing authority of another state or jurisdiction may only be used by that authority for investigations and disciplinary proceedings with regards to a professional license.

(e) Any licensee whose license was revoked or who received an administrative order under this Section shall have the revocation or administrative order vacated and completely removed from the licensee's records and public view and the revocation or administrative order shall be afforded the same status as is provided information under Part 21 of Article VIII of the Code of Civil Procedure if (1) the charges upon which the revocation or administrative order is based are dropped; (2) the licensee is not convicted of the charges upon which the revocation or administrative order is based; or (3) any conviction for charges upon which the revocation or administrative order was based have been vacated, overturned, or reversed.

(f) Nothing contained in this Section shall prohibit the

Department from initiating or maintaining a disciplinary action against a licensee independent from any criminal charges, conviction, or sex offender registration.

(g) The Department may adopt rules necessary to implement this Section.

(Source: P.A. 99-886, eff. 1-1-17.)

(20 ILCS 2105/2105-170)

Sec. 2105-170. Health care workers; automatic suspension of license. A health care worker, as defined by the Health Care Worker Self-Referral Act, licensed by the Department shall be automatically and indefinitely suspended if the ~~at such time as the final trial proceedings are concluded whereby~~ a licensee has either been ~~either~~ convicted of<sup>7</sup> or has entered a plea of guilty or nolo contendere in a criminal prosecution to<sup>7</sup> a criminal health care or criminal insurance fraud offense<sup>7</sup> requiring intent<sup>7</sup> under the laws of the State, the laws of any other state, or the laws of the United States of America, including, but not limited to, criminal Medicare or Medicaid fraud. A certified copy of the conviction or judgment shall be the basis for the suspension. If a licensee requests a hearing, then the sole purpose of the hearing shall be limited to the length of the suspension of the licensee's license, as the conviction or judgment is a matter of record and may not be challenged.

(Source: P.A. 99-211, eff. 1-1-16.)

(20 ILCS 2105/2105-207)

Sec. 2105-207. Records of Department actions.

(a) Any licensee subject to a licensing Act administered by the Division of Professional Regulation and who has been subject to disciplinary action by the Department may file an application with the Department on forms provided by the Department, along with the required fee of \$200, to have the records classified as confidential, not for public release and considered expunged for reporting purposes if:

(1) the application is submitted more than 7 years after the disciplinary offense or offenses occurred;

(2) the licensee has had no incidents of discipline under the licensing Act since the disciplinary offense or offenses identified in the application occurred;

(3) the Department has no pending investigations against the licensee; and

(4) the licensee is not currently in a disciplinary status.

(b) An application to make disciplinary records confidential shall only be considered by the Department for an offense or action relating to:

(1) failure to pay taxes or student loans;

(2) continuing education;

(3) failure to renew a license on time;

(4) failure to obtain or renew a certificate of



registration or ancillary license;

(5) advertising; or

(6) any grounds for discipline removed from the licensing Act.

(c) An application shall be submitted to and considered by the Director of the Division of Professional Regulation upon submission of an application and the required non-refundable fee. The Department may establish additional requirements by rule. The Department is not required to report the removal of any disciplinary record to any national database. Nothing in this Section shall prohibit the Department from using a previous discipline for any regulatory purpose or from releasing records of a previous discipline upon request from law enforcement, or other governmental body as permitted by law. Classification of records as confidential shall result in removal of records of discipline from records kept pursuant to Sections 2105-200 and 2105-205 of this Act.

(d) Any applicant for licensure or a licensee whose petition for review is granted by the Department pursuant to subsection (a-1) of Section 2105-165 of this Law may file an application with the Department on forms provided by the Department to have records relating to his or her permanent denial or permanent revocation classified as confidential and not for public release and considered expunged for reporting purposes in the same manner and under the same terms as is provided in this Section for the offenses listed in subsection

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(b) of this Section, except that the requirements of a 7-year waiting period and the \$200 application fee do not apply.

(Source: P.A. 98-816, eff. 8-1-14.)

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