

AN ACT concerning regulation.

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

Section 1. The Clinical Social Work and Social Work Practice Act is amended by changing Sections 3, 4, 6, 8.2, 10, 10.5, 11, 12.5, 14, 17, 19, 20, 21, 28, 30, 31, and 32 and by adding Section 4.5 as follows:

(225 ILCS 20/3) (from Ch. 111, par. 6353)

(Section scheduled to be repealed on January 1, 2028)

Sec. 3. Definitions. The following words and phrases shall have the meanings ascribed to them in this Section unless the context clearly indicates otherwise:

1. "Department" means the Department of Financial and Professional Regulation.

2. "Secretary" means the Secretary of Financial and Professional Regulation.

3. "Board" means the Social Work Examining and Disciplinary Board.

4. "Licensed Clinical Social Worker" means a person who holds a license authorizing the independent practice of clinical social work in Illinois under the auspices of an employer or in private practice or under the auspices of public human service agencies or private, nonprofit agencies

providing publicly sponsored human services.

5. "Clinical social work practice" means the providing of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders in individuals, families, and groups based on knowledge and theory of professionally accepted theoretical structures, including, but not limited to, psychosocial development, behavior, psychopathology, unconscious motivation, interpersonal relationships, and environmental stress.

6. "Treatment procedures" means among other things, individual, marital, family, and group psychotherapy.

7. "Independent practice of clinical social work" means the application of clinical social work knowledge and skills by a licensed clinical social worker who regulates and the licensed clinical social worker is responsible for the licensed clinical social worker's ~~her or his~~ own practice or treatment procedures.

8. "License" means that which is required to practice clinical social work or social work under this Act, the qualifications for which include specific education, acceptable experience, and examination requirements.

9. "Licensed social worker" means a person who holds a license authorizing the practice of social work, which includes social services to individuals, groups or communities in any one or more of the fields of social casework, social group work, community organization for social welfare, social

work research, social welfare administration, or social work education. Social casework and social group work may also include clinical social work, as long as it is not conducted in an independent practice, as defined in this Section.

10. "Address of record" means the 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.

11. "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.

(Source: P.A. 100-201, eff. 8-18-17; 100-414, eff. 8-25-17.)

(225 ILCS 20/4) (from Ch. 111, par. 6354)

(Section scheduled to be repealed on January 1, 2028)

Sec. 4. Exemptions.

1. This Act does not prohibit any of the following:

(a) Any persons legally regulated in this State under any other Act from engaging in the practice for which they are authorized, provided that they do not represent themselves by any title as being engaged in the independent practice of clinical social work or the practice of social work as defined in this Act, nor does it prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of human

services, provided such practitioners do not represent themselves as or use the title of clinical social worker or social worker.

(b) The practice of clinical social work or social work by a person who is employed by the United States government or by the State of Illinois, unit of local government or any bureau, division or agency thereof while in the discharge of the employee's official duties. Clinical social workers employed by the State of Illinois who are hired after the effective date of this amendatory Act of 1994 shall hold a valid license, issued by this State, to practice as a licensed clinical social worker, except for those clinical social workers employed by the State who obtain their positions through promotion.

(c) The practice of a student pursuing a course of professional education under the terms of this Act, if these activities and services constitute a part of such student's supervised course of study.

(d) A person from practicing social work if the person is obtaining experience for licensure as a clinical social worker or social worker, provided the person is designated by a title that clearly indicates training status.

(e) A person, who is not a resident of this State, from performing social work via telehealth in this State for a nonresident of this State for not more than 5 days in any one month or more than 15 days in any one calendar year,

had a previous established therapeutic relationship with the nonresident, and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(f) A person, who is not a resident of this State, from performing social work via telehealth in this State for a nonresident of this State currently attending a university or college in this State, had a previous established therapeutic relationship with the nonresident, and the person is authorized to perform such services under the laws of the state or country in which the person resides.

2. Nothing in this Act shall be construed to apply to any person engaged in the bona fide practice of religious ministry provided the person does not claim ~~hold himself out~~ to be engaged in the independent practice of clinical social work or the practice of social work.

3. This Act does not prohibit a person serving as a volunteer so long as no representation prohibited by this Section is made.

4. Nothing contained in this Act shall be construed to require any hospital, clinic, home health agency, hospice, or other entity which provides health care to employ or to contract with a licensed clinical social worker to provide clinical social work practice or the independent practice of clinical social work as described in this Act.

(Source: P.A. 102-785, eff. 1-1-23.)

(225 ILCS 20/4.5 new)

Sec. 4.5. Opioid antagonists.

(a) A licensed clinical social worker or licensed social worker may possess and administer opioid antagonists in the licensed clinical social worker's or licensed social worker's professional capacity.

(b) If a person employs a licensed clinical social worker or licensed social worker and the licensed clinical social worker or licensed social worker possess an opioid antagonist in a professional capacity, then the employer must:

(1) provide training in the administration of opioid antagonists; and

(2) establish a policy to control the acquisition, storage, transportation, and administration of opioid antagonists.

(225 ILCS 20/6) (from Ch. 111, par. 6356)

(Section scheduled to be repealed on January 1, 2028)

Sec. 6. Social Work Examining and Disciplinary Board.

(1) The Secretary shall appoint a Social Work Examining and Disciplinary Board consisting of 9 persons who shall serve in an advisory capacity to the Secretary. The Board shall be composed of 6 licensed clinical social workers, one of whom shall be employed in a public human service agency, one of whom shall be a certified school social worker, one of whom shall be

employed in the private not-for-profit sector and one of whom shall serve as the chairperson, 2 licensed social workers, and one member of the public who is not regulated under this Act or a similar Act and who clearly represents consumer interests.

(2) Members shall serve for a term of 4 years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Board member whom the person ~~he or she~~ shall succeed. Upon the expiration of this term of office, a Board member shall continue to serve until a successor is appointed and qualified. No member shall serve more than 2 consecutive 4-year terms.

(3) The membership of the Board should represent racial and cultural diversity and reasonably reflect representation from different geographic areas of Illinois.

(4) The Secretary may terminate the appointment of any member for cause.

(5) The Secretary may consider the recommendation of the Board on all matters and questions relating to this Act, such as: (i) matters relating to continuing education, including the number of hours necessary for license renewal, waivers for those unable to meet such requirements, and acceptable course content and (ii) rules for administration of this Act.

(6) (Blank).

(7) (Blank).

(8) The Board shall annually elect one of its members as chairperson and one as vice chairperson.

(9) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

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

(11) Members of the Board shall have no liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board.

(Source: P.A. 100-414, eff. 8-25-17.)

(225 ILCS 20/8.2)

(Section scheduled to be repealed on January 1, 2028)

Sec. 8.2. Examination alternative.

(a) An applicant who, on or after January 1, 2019 ~~the effective date of this amendatory Act of the 103rd General Assembly or within 5 years before the effective date of this amendatory Act of the 103rd General Assembly~~, has taken but has not successfully completed an examination to ascertain the qualifications and fitness of candidates for a license to engage in the independent practice of clinical social work may use an examination alternative to allow the Department to ascertain the qualifications and fitness of candidates for a license to engage in the independent practice of clinical social work.

(b) The examination alternative shall consist of at least

3,000 hours of supervised professional experience that is obtained ~~within the 10 calendar years immediately preceding the date of application and~~ after the degree is obtained and between the time period starting 10 years before the date of application and ending 3 years after the date of application as established by rule. If no supervision by a licensed clinical social worker is available, then supervised professional experience may include supervision by other appropriate disciplines as defined by rule.

(c) The examination alternative supervised professional experience shall be in addition to any other supervised clinical professional experience required for licensure.

(d) Beginning January 1, 2026, an applicant acquiring the examination alternative supervised professional experience must be a licensed social worker or licensed in this State for the practice of school social work prior to acquiring the supervised professional experience.

(Source: P.A. 103-433, eff. 1-1-24.)

(225 ILCS 20/10) (from Ch. 111, par. 6360)

(Section scheduled to be repealed on January 1, 2028)

Sec. 10. License restrictions and limitations.

(a) No person shall, without a currently valid license as a social worker issued by the Department: (i) in any manner claim to be ~~hold himself or herself out~~ to the public as a social worker under this Act; (ii) use the title "social

worker" or "licensed social worker"; or (iii) offer to render social work services if the words "social work" or "licensed social worker" are used to describe the person offering to render or rendering the services or to describe the services rendered or offered to be rendered.

(b) No person shall, without a currently valid license as a clinical social worker issued by the Department: (i) in any manner claim to be ~~hold himself or herself out~~ to the public as a clinical social worker or licensed clinical social worker under this Act; (ii) use the title "clinical social worker" or "licensed clinical social worker"; or (iii) offer to render clinical social work services if the words "licensed clinical social worker" or "clinical social work" are used to describe the person to render or rendering the services or to describe the services rendered or offered to be rendered.

(c) Licensed social workers may not engage in independent practice of clinical social work without a clinical social worker license. In independent practice, a licensed social worker shall practice at all times under the order, control, and full professional responsibility of a licensed clinical social worker, a licensed clinical psychologist, a licensed clinical professional counselor, a licensed marriage and family therapist, or a psychiatrist, as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code.

(d) No business organization shall provide, attempt to

provide, or offer to provide social work or clinical social work services unless every member, shareholder, partner, director, officer, holder of any other ownership interest, and employee who renders social work or clinical social work services holds a currently valid license issued under this Act. No business shall be created that (1) has a stated purpose that includes social work or clinical social work, or (2) provides, attempts to provide, or offers to provide social work or clinical social work services unless it is organized under the Professional Service Corporation Act, the Medical Corporation Act, or the Professional Limited Liability Company Act.

(e) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

(f) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for any hospital licensed under the Hospital Licensing Act or any hospital affiliate as defined in Section 10.8 of the Hospital Licensing Act and any hospital authorized under the University of Illinois Hospital Act.

(Source: P.A. 99-227, eff. 8-3-15; 100-414, eff. 8-25-17.)

(225 ILCS 20/10.5)

(Section scheduled to be repealed on January 1, 2028)

Sec. 10.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or claims ~~holds himself or herself out~~ to practice as a clinical social worker or social worker without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

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

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/11) (from Ch. 111, par. 6361)

(Section scheduled to be repealed on January 1, 2028)

Sec. 11. Licenses; renewal; restoration; person in military service; inactive status.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. The licensee may renew a license during the 60-day period preceding its expiration date by paying the required fee and by demonstrating compliance with any continuing education requirements. The Department shall adopt rules establishing minimum requirements of continuing education and means for verification of the completion of the continuing education requirements. The Department may, by rule, specify circumstances under which the continuing education requirements may be waived.

(b) Any person who has permitted a license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the license restored, including, if appropriate, evidence which is satisfactory to the Department certifying the active practice of clinical social work or social work in another jurisdiction and by paying the required fee.

(b-5) If the person has not maintained an active practice in another jurisdiction which is satisfactory to the Department, the Department shall determine the person's fitness to resume active status. The Department may also require the person to complete a specific period of evaluated clinical social work or social work experience and may require successful completion of an examination for clinical social

workers.

(b-7) Notwithstanding any other provision of this Act, any person whose license expired while on active duty with the armed forces of the United States, while called into service or training with the State Militia or in training or education under the supervision of the United States government prior to induction into the military service may have the person's ~~his or her~~ license restored without paying any renewal fees if, within 2 years after the honorable termination of that service, training or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and that the service, training or education has been so terminated.

(c) A license to practice shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment.

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) The Department shall indicate on each license the academic degree of the licensee.

(h) Notwithstanding any other provision of law, the following requirements for restoration of an inactive or expired license of 5 years or less as set forth in subsections (b) and (b-5) are suspended for any licensed clinical social

worker who has had no disciplinary action taken against the licensed clinical social worker's ~~his or her~~ license in this State or in any other jurisdiction during the entire period of licensure: proof of fitness, certification of active practice in another jurisdiction, and the payment of a fee or renewal fee. An individual may not restore the individual's ~~his or her~~ license in accordance with this subsection more than once.

(Source: P.A. 102-326, eff. 1-1-22; 102-1053, eff. 6-10-22.)

(225 ILCS 20/12.5)

(Section scheduled to be repealed on January 1, 2028)

Sec. 12.5. Endorsement. The Department may issue a license as a clinical social worker or as a social worker, without the required examination, to an applicant licensed under the laws of another jurisdiction if the requirements for licensure in that jurisdiction are, on the date of licensure, substantially equivalent to the requirements of this Act or to any person who, at the time of the person's ~~his or her~~ licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay the required fees.

An individual applying for licensure as a clinical social worker who has been licensed at the independent level in another United States jurisdiction for 5 consecutive years without discipline is not required to submit proof of completion of the education and supervised clinical

professional experience required in paragraph (3) of Section 9. Individuals with 5 consecutive years of experience must submit certified verification of licensure from the jurisdiction in which the applicant practiced and must comply with all other licensing requirements and pay all required fees.

If the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure may be required to provide additional information.

An applicant has 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 102-1053, eff. 6-10-22.)

(225 ILCS 20/14) (from Ch. 111, par. 6364)

(Section scheduled to be repealed on January 1, 2028)

Sec. 14. Checks or order to Department dishonored because of insufficient funds. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount

already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, then the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 100-414, eff. 8-25-17.)

(225 ILCS 20/17) (from Ch. 111, par. 6367)

(Section scheduled to be repealed on January 1, 2028)

Sec. 17. Advertising.

(A) Persons licensed under this Act may advertise the

availability of their professional services as permitted by law, provided that such advertising is true and not misleading. Representing that social work services or clinical social work services are used or made available by individuals who are not licensed under the provisions of this Act is deemed to be false and misleading and is subject to the provisions of Section 35 of this Act.

(B) A licensee shall include in every advertisement for services regulated under this Act the licensee's ~~his or her~~ title as it appears on the license or the initials authorized under this Act.

(Source: P.A. 91-310, eff. 1-1-00.)

(225 ILCS 20/19) (from Ch. 111, par. 6369)

(Section scheduled to be repealed on January 1, 2028)

Sec. 19. Grounds for disciplinary action.

(1) The Department may refuse to issue or renew a license, or may suspend, revoke, place on probation, reprimand, or take any other disciplinary or non-disciplinary action deemed appropriate by the Department, including the imposition of fines not to exceed \$10,000 for each violation, with regard to any license issued under the provisions of this Act for any one or a combination of the following grounds:

(a) material misstatements in furnishing information to the Department or to any other State agency or in furnishing information to any insurance company with

respect to a claim on behalf of a licensee or a patient;

(b) violations or negligent or intentional disregard of this Act, or any of the rules promulgated hereunder;

(c) conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the clinical social work or social work professions;

(d) fraud or misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act;

(e) professional incompetence;

(f) gross negligence in practice under this Act;

(g) aiding or assisting another person in violating any provision of this Act or its rules;

(h) failing to provide information within 60 days in response to a written request made by the Department;

(i) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public as defined by the rules of the

Department, or violating the rules of professional conduct adopted by the Department;

(j) habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances that results in the inability to practice with reasonable judgment, skill, or safety;

(k) adverse action taken by another state or jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(l) directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate or other form of compensation for any professional service not actually rendered. Nothing in this paragraph (l) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this paragraph (l) shall be construed to require an employment arrangement to receive professional fees for services rendered;

(m) a finding by the Department that the licensee,

after having the license placed on probationary status, has violated the terms of probation or failed to comply with such terms;

(n) abandonment, without cause, of a client;

(o) willfully making or filing false records or reports relating to a licensee's practice, including, but not limited to, false records filed with Federal or State agencies or departments;

(p) willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(q) being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

(r) physical illness, mental illness, or any other impairment or disability, including, but not limited to, deterioration through the aging process, or loss of motor skills that results in the inability to practice the profession with reasonable judgment, skill or safety;

(s) solicitation of professional services by using false or misleading advertising;

(t) violation of the Health Care Worker Self-Referral

Act;

(u) willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act; or

(v) being named as an abuser in a verified report by the Department on Aging under the Adult Protective Services Act, and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

(2) (Blank).

(3) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, will result in an automatic suspension of the licensee's ~~his~~ license. Such suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume professional practice.

(4) The Department shall refuse to issue or renew or may suspend the license of a person who (i) fails to file a return, pay the tax, penalty, or interest shown in a filed return, or pay any final assessment of tax, penalty, or interest, as

required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied or (ii) has failed to pay any court-ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services.

(4.5) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against a license or permit issued under this Act based solely upon the licensed clinical social worker authorizing, recommending, aiding, assisting, referring for, or otherwise participating in any health care service, so long as the care was not unlawful under the laws of this State, regardless of whether the patient was a resident of this State or another state.

(4.10) The Department shall not revoke, suspend, summarily suspend, place on prohibition, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against the license or permit issued under this Act to practice as a licensed clinical social worker based upon the licensed clinical social worker's license being revoked or suspended, or the licensed clinical social worker being otherwise disciplined by any other state, if that revocation, suspension, or other form of discipline was based solely on the licensed clinical social worker violating another state's laws prohibiting the provision of, authorization of,

recommendation of, aiding or assisting in, referring for, or participation in any health care service if that health care service as provided would not have been unlawful under the laws of this State and is consistent with the standards of conduct for a licensed clinical social worker practicing in Illinois.

(4.15) The conduct specified in subsections (4.5) and (4.10) shall not constitute grounds for suspension under Section 32.

(4.20) An applicant seeking licensure, certification, or authorization pursuant to this Act who has been subject to disciplinary action by a duly authorized professional disciplinary agency of another jurisdiction solely on the basis of having authorized, recommended, aided, assisted, referred for, or otherwise participated in health care shall not be denied such licensure, certification, or authorization, unless the Department determines that such action would have constituted professional misconduct in this State; however, nothing in this Section shall be construed as prohibiting the Department from evaluating the conduct of such applicant and making a determination regarding the licensure, certification, or authorization to practice a profession under this Act.

(5) (a) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may compel a person licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical

examination, or both, which may include a substance abuse or sexual offender evaluation, as required by and at the expense of the Department.

(b) The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

(c) The Board or the Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this mental or physical examination of the licensee or applicant. No information, report, record, or other documents in any way related to the examination shall be excluded by reason of any common law or

statutory privilege relating to communications between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation.

(d) The person to be examined may have, at the person's ~~his or her~~ own expense, another physician of the person's ~~his or her~~ choice present during all aspects of the examination. However, that physician shall be present only to observe and may not interfere in any way with the examination.

(e) Failure of any person to submit to a mental or physical examination without reasonable cause, when ordered, shall result in an automatic suspension of the person's ~~his or her~~ license until the person submits to the examination.

(f) If the Department or Board finds a person unable to practice because of the reasons set forth in this Section, the Department or Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend,

revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the person's license shall be ~~person shall have his or her license~~ suspended immediately, pending a hearing by the Department.

(g) All fines imposed shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

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

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that the person ~~he or she~~ can resume practice in compliance with acceptable and prevailing standards under the provisions of the person's ~~his or her~~

license.

(h) The Department may adopt rules to implement the changes made by this amendatory Act of the 102nd General Assembly.

(Source: P.A. 102-1117, eff. 1-13-23.)

(225 ILCS 20/20) (from Ch. 111, par. 6370)

(Section scheduled to be repealed on January 1, 2028)

Sec. 20. Violations - Injunction - Cease and desist order.

1. If any person violates the provisions of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to all other remedies and penalties provided by this Act.

2. If any person claims to be ~~shall hold herself or himself out as~~ a licensed clinical social worker or licensed social worker and is not licensed under this Act, then any licensed clinical social worker, licensed social worker, interested party or any person injured thereby may petition for relief as

provided in subsection (1) of this Section.

3. Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against such person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

(Source: P.A. 95-687, eff. 10-23-07.)

(225 ILCS 20/21) (from Ch. 111, par. 6371)

(Section scheduled to be repealed on January 1, 2028)

Sec. 21. Investigations; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person holding or claiming to hold a license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days prior to the date set for the hearing: (i) notify, in writing, the accused of the charges made and the time and place for the hearing on the charges, (ii) direct the applicant or licensee ~~him or her~~ to file a written answer to the charges under oath within 20 days after the service of the notice, and (iii) inform the applicant or licensee that failure to file an answer will result in a

default being entered against the applicant or licensee.

(c) Written or electronic notice of the hearing ~~7~~ and any notice in a ~~the~~ subsequent proceeding~~7~~ may be served by personal delivery, ~~by~~ email to the applicant's or licensee's email address of record, or ~~by~~ mail to the applicant's or licensee's address of record. ~~applicant or licensee at his or her address of record or email address of record.~~

(d) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board or hearing officer may continue the hearing from time to time.

(e) In case the person, after receiving the notice, fails to file an answer, the person's ~~his or her~~ license may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.

(Source: P.A. 100-414, eff. 8-25-17.)

(225 ILCS 20/28) (from Ch. 111, par. 6378)

(Section scheduled to be repealed on January 1, 2028)

Sec. 28. Appointment of a hearing officer. Notwithstanding any other provision of this Act, the Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or to discipline a licensee. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report ~~his or her~~ findings of fact, conclusions of law, and recommendations to the Board and to the Secretary.

(Source: P.A. 100-414, eff. 8-25-17.)

(225 ILCS 20/30) (from Ch. 111, par. 6380)

(Section scheduled to be repealed on January 1, 2028)

Sec. 30. Restoration. At any time after the successful completion of a term of probation, suspension, or revocation of any license, the Department may restore the license to the licensee upon the written recommendation of the Board unless after an investigation and hearing the Board or Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring the licensee's ~~his or her~~ license. No person whose license has been revoked as authorized in this Act may apply for restoration of that license or permit until

such time as provided for in the Civil Administrative Code of Illinois.

(Source: P.A. 100-414, eff. 8-25-17.)

(225 ILCS 20/31) (from Ch. 111, par. 6381)

(Section scheduled to be repealed on January 1, 2028)

Sec. 31. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the licensee's ~~his or her~~ license to the Department. If the licensee fails to do so, the Department shall have the right to seize the license.

(Source: P.A. 100-414, eff. 8-25-17.)

(225 ILCS 20/32) (from Ch. 111, par. 6382)

(Section scheduled to be repealed on January 1, 2028)

Sec. 32. Summary suspension of a license. The Secretary may summarily suspend the license of a licensed clinical social worker or licensed social worker without a hearing simultaneously with the institution of proceedings for a hearing provided for in this Act if the Secretary finds that evidence in the Secretary's ~~his or her~~ possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. In the event the Secretary summarily suspends such license without a hearing, a hearing by the Board or Department shall be held within 30 calendar days after the suspension has occurred.

(Source: P.A. 100-414, eff. 8-25-17.)

Section 10. The Good Samaritan Act is amended by changing Section 70 as follows:

(745 ILCS 49/70)

Sec. 70. Law enforcement officers, firemen, emergency medical technicians (EMTs) and first responders; exemption from civil liability for emergency care. Any law enforcement officer or fireman as defined in Section 2 of the Line of Duty Compensation Act; any "emergency medical technician (EMT)" as defined in Section 3.50 of the Emergency Medical Services (EMS) Systems Act; any licensed clinical social worker or licensed social worker as defined in Section 3 of the Clinical Social Work and Social Work Practice Act; ~~and~~ any "first responder" as defined in Section 3.60 of the Emergency Medical Services (EMS) Systems Act, who in good faith provides emergency care, including the administration of an opioid antagonist as defined in Section 5-23 of the Substance Use Disorder Act, without fee or compensation to any person shall not, as a result of his or her acts or omissions, except willful and wanton misconduct on the part of the person, in providing the care, be liable to a person to whom such care is provided for civil damages.

(Source: P.A. 99-480, eff. 9-9-15; 100-759, eff. 1-1-19.)