

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Section 4.24 and by adding Section 4.34 as follows:

(5 ILCS 80/4.24)

Sec. 4.24. Acts and Section repealed on January 1, 2014.
The following Acts and Section of an Act are repealed on January 1, 2014:

~~The Electrologist Licensing Act.~~

The Illinois Certified Shorthand Reporters Act of 1984.

The Illinois Occupational Therapy Practice Act.

The Illinois Public Accounting Act.

The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.

Section 2.5 of the Illinois Plumbing License Law.

The Veterinary Medicine and Surgery Practice Act of 2004.

(Source: P.A. 97-1139, eff. 12-28-12.)

(5 ILCS 80/4.34 new)

Sec. 4.34. Act repealed on January 1, 2024. The following

Act is repealed on January 1, 2024:

The Electrologist Licensing Act.

Section 10. The Electrologist Licensing Act is amended by changing Sections 10, 25, 32, 40, 55, 60, 65, 70, 75, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 145, 155, and 162 and by adding Section 157 as follows:

(225 ILCS 412/10)

(Section scheduled to be repealed on January 1, 2014)

Sec. 10. Definitions. In this Act:

"Address of Record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and those changes must be made either through the Department's website or by contacting the Department.

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

~~"Director" means the Director of Professional Regulation.~~

"Electrologist" means an individual licensed to practice electrology pursuant to the provisions of this Act.

"Electrology" means the practice or teaching of services for permanent hair removal utilizing only solid probe electrode type epilation, which may include thermolysis (shortwave, high

frequency), electrolysis (galvanic), or a combination of both (superimposed or sequential blend).

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

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/25)

(Section scheduled to be repealed on January 1, 2014)

Sec. 25. Application. Applications for original licenses shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which is not refundable. The application shall require any information as, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license. The application shall include evidence of passage of an examination recognized by the Department.

Applicants have 3 years after 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 forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/32)

(Section scheduled to be repealed on January 1, 2014)

Sec. 32. Social Security number on license application. In

addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's social security number, which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewed, reinstated, ~~renewal~~ or restored license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12.)

(225 ILCS 412/40)

(Section scheduled to be repealed on January 1, 2014)

Sec. 40. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all of the provisions of the Illinois Administrative Procedure Act were included in this Act, except that the provision of paragraph (d) ~~(e)~~ of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license, is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is considered to be sufficient when mailed to the

licensee's address of record ~~last known address of the party.~~

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/55)

(Section scheduled to be repealed on January 1, 2014)

Sec. 55. Endorsement. Pursuant to the rules of the Department, upon payment of the required fee, an applicant who has been licensed in another state that has substantially the same requirements as those required for licensure under the provisions of this Act may be granted a license as an electrologist.

Applicants for licensure by endorsement have 3 years after 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 forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/60)

(Section scheduled to be repealed on January 1, 2014)

Sec. 60. Renewal, ~~armed service duty~~. The expiration date and renewal period for each license issued under this Act shall be set by rule. Renewal shall be conditioned on paying the required fee and meeting other requirements as may be established by rule. All renewal applicants shall provide proof

of having met the continuing education requirements in accordance with rules established by the Department, ~~approved by the Department~~ consisting of the equivalent of 30 hours of continuing education every 24 months. The continuing education requirement may be waived in part or in whole for such good cause, including but not limited to illness or hardship, as may be determined by rule.

~~Any electrologist who has permitted a license to expire or who has a license on inactive status may have the license restored by submitting an application to the Department, filing proof acceptable to the Department of fitness to have the license restored, and paying the required fees. Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction.~~

~~The Department shall determine, by an evaluation process established by rule, a person's fitness for restoration of a license and shall establish procedures and requirements for restoration.~~

~~Any electrologist whose license expired while (i) on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have the license restored without paying any lapsed renewal fees if, within 2 years after honorable termination of service, training or education, the licensee furnishes the Department with~~

~~satisfactory evidence to the effect that the licensee has been so engaged and that the service, training, or education has been so terminated.~~

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/65)

(Section scheduled to be repealed on January 1, 2014)

Sec. 65. Inactive status; restoration.

(a) Any electrologist who notifies the Department in writing on forms prescribed by the Department may elect to place a license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the Department is notified in writing of the intention to restore the license.

(b) Any electrologist who has permitted a license to expire or who has a license on inactive status may have the license restored by submitting an application to the Department, filing proof acceptable to the Department of fitness to have the license restored, and paying the required fees. Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction. The Department shall determine, by an evaluation process established by rule, a person's fitness for restoration of a license and shall establish procedures and requirements for restoration.

(c) Any electrologist whose license expired while (i) on active duty with the Armed Forces of the United States or the

State Militia called into service or training, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have the license restored without paying any lapsed renewal fees if, within 2 years after honorable termination of service, training, or education, the licensee furnishes the Department with satisfactory evidence that the licensee has been so engaged and that the service, training, or education has been so terminated.

(d) An electrologist requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to follow procedures to restore the license as provided in this Section ~~Section 60 of this Act.~~

(e) An electrologist whose license is on inactive or non-renewed status shall not practice in the State of Illinois.

A licensee who engages in practice with an inactive or non-renewed ~~a lapsed license or a license on inactive status~~ shall be considered to be practicing without a license, which shall be grounds for discipline under Section 75 of this Act.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/70)

(Section scheduled to be repealed on January 1, 2014)

Sec. 70. Fees; returned checks.

(a) The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act,

including but not limited to original licensure, renewal, and restoration. The fees shall be nonrefundable.

(b) All fees collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

(c) A 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 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 a hearing. If the person seeks a license after termination or denial, 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 defray the expenses of processing the application. The Secretary ~~Director~~ may waive the fines due

under this Section in individual cases if the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/75)

(Section scheduled to be repealed on January 1, 2014)

Sec. 75. Grounds for discipline.

(a) The Department may refuse to issue or renew and may revoke or suspend a license under this Act, and may place on probation, ~~censure~~, reprimand, or take other disciplinary or non-disciplinary action with regard to any licensee under this Act, as the Department may consider appropriate ~~proper~~, including imposing the issuance of fines not to exceed \$10,000 ~~\$5,000~~ for each violation and assess costs as provided for under Section 95 of this Act, for one or any combination of the following causes:

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

(2) Violation of this Act or ~~its~~ rules adopted under this Act.

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

(4) Fraud or Making any misrepresentation in applying for or procuring a license under this Act, or in connection with applying for renewal of a license under this Act ~~for the purpose of obtaining a license.~~

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

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

(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(8) Habitual or excessive use or abuse of drugs defined in law as controlled substances, ~~addiction to alcohol, narcotics, stimulants,~~ or any other substance ~~chemical agent or drug~~ that results in an electrologist's inability to practice with reasonable judgment ~~judgement~~, skill, or safety.

(9) Discipline by another governmental agency, unit of government, U.S. jurisdiction, or foreign nation if at

least one of the grounds for discipline is the same as or substantially equivalent to any of those set forth in this Act.

(10) 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 services not actually or personally rendered. Nothing in this paragraph (10) 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 with health care providers 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 (10) shall be construed to require an employment arrangement to receive professional fees for services rendered.

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

(12) Abandonment of a patient.

(13) Willfully making or filing false records or reports in the licensee's practice, including, but not limited to, false records filed with State agencies or

departments.

(14) Mental or physical ~~Physical~~ illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(15) Negligence ~~Gross negligence~~ in his or her practice under this Act.

(16) Use of fraud, deception, or any unlawful means in applying for and securing a license as an electrologist.

(17) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

(18) Failure to comply with standards of sterilization and sanitation as defined in the rules of the Department.

(19) Charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered.

(20) Allowing one's license under this Act to be used by an unlicensed person in violation of this Act.

(b) The Department may refuse to issue or renew or may suspend without hearing the license of any person who fails to file a return, to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue until the requirements of

the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the filing of a petition for restoration demonstrating fitness to practice ~~the recommendation of the Committee to the Director that the licensee be allowed to resume his or her practice.~~

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is licensed to practice under this Act or any individual who has applied for licensure to submit to a mental or physical examination and evaluation, or both, that may include a substance abuse or sexual offender evaluation, at the expense of the Department. 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 and evaluation, 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 chiropractic physicians, 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 and evaluation 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 ~~person licensed to practice under this Act or who has applied for licensure or certification pursuant to this Act to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department. The Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when~~

~~directed, shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.~~

The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee, permit holder, or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication 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 evaluation and 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. The individual to be examined may have, at his or her own expense, another physician of his or her choice

present during all aspects of the examination.

Failure of any individual to submit to mental or physical examination and evaluation, or both, when directed, shall result in an automatic suspension without hearing, until such time as the individual submits to the examination. If the Department finds a licensee unable to practice because of the reasons set forth in this Section, the Department shall require the licensee to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition for continued, reinstated, or renewed licensure to practice.

When the Secretary immediately suspends a license under this Section, a hearing upon the person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the licensee'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.

Individuals licensed under this Act affected under this Section shall be afforded an opportunity to demonstrate to the Department that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

(e) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an

educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(f) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

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

~~If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, 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 a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual.~~

~~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 Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Department.~~

~~In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department 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 that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.~~

(Source: P.A. 96-1482, eff. 11-29-10.)

(225 ILCS 412/85)

(Section scheduled to be repealed on January 1, 2014)

Sec. 85. Violations; injunctions.

(a) If any person violates any provision of this Act, the Secretary ~~Director~~ may, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois or the State's Attorney of any county in which the violation is alleged to have occurred ~~action is brought~~, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the 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, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If a person practices as an electrologist or holds himself or herself out as an electrologist without being licensed under the provisions of this Act, then any licensed electrologist, any interested party, or any person injured thereby may, in addition to the Secretary ~~Director~~, petition for relief as provided in subsection (a) of this Section.

(c) 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 that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days after the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/90)

(Section scheduled to be repealed on January 1, 2014)

Sec. 90. Investigations; notice and hearing.

(a) The Department may investigate the actions of an applicant or a person holding or claiming to hold a license.

(b) Before refusing to issue or renew a license or take any disciplinary or non-disciplinary action against ~~disciplining~~ a licensed electrologist pursuant to Section 75 of this Act, the Department shall notify in writing the applicant or the licensee of the nature of the charges and that a hearing will be held on the date designated, which shall be at least 30 days after the date of the notice. The Department shall direct the applicant or licensee to file a written answer to the Department under oath within 20 days after the service of the notice and inform the applicant or licensee that failure to file an answer will result in default being taken against the

applicant or licensee and that the license may be suspended, revoked, placed on probationary status, or other disciplinary or non-disciplinary action may be taken, including limiting the scope, nature, or extent of business as the Secretary ~~Director~~ may deem proper. Written notice may be served by ~~personal delivery or~~ certified or registered mail sent to the licensee's address of record ~~respondent at the most recent address on record with the Department.~~

If the applicant or licensee fails to file an answer after receiving notice, the license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action considered ~~it deems~~ proper including limiting the scope, nature, or extent of the person's practice or the imposition of a fine ~~imposing a civil penalty~~, without a hearing if the act or acts charged constitute sufficient grounds ~~ground~~ for such action under this Act.

At the time and place fixed in the notice, the Department shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent ~~such~~ statements, testimony, evidence, and argument ~~as may be pertinent to the charges or to their defense~~. The Department may continue a hearing from time to time.

(Source: P.A. 92-750, eff. 1-1-03.)

(Section scheduled to be repealed on January 1, 2014)

Sec. 95. Record of proceedings ~~Stenographer; transcript.~~

The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case ~~involving the refusal to issue or renew a license or the discipline of a licensed electrologist.~~ Any licensee who is found to have violated this Act or who fails to appear for a hearing to refuse to issue, restore, or renew a license or to discipline a licensee may be required by the Department to pay for the costs of the proceeding. These costs are limited to costs for court reporters, transcripts, and witness attendance and mileage fees. All costs imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine. The notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer, and the order of the Department shall be the record of the proceeding.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/100)

(Section scheduled to be repealed on January 1, 2014)

Sec. 100. Required testimony. Upon application of the Department or its designee, or of the person against whom proceedings pursuant to Section 75 of this Act are pending, any circuit court may ~~enter an order requiring~~ the attendance and

testimony of witnesses ~~and their testimony,~~ and the production of relevant documents, paper, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/105)

(Section scheduled to be repealed on January 1, 2014)

Sec. 105. Subpoena power; oaths. The Department may ~~has power to~~ subpoena and bring before it any person in this State and ~~to~~ take the oral or written testimony or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to any investigation or hearing conducted by the Department ~~either orally, by deposition, or both,~~ with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Secretary, the shorthand court reporter, ~~Director~~ and hearing officers may administer oaths ~~to witnesses~~ at any hearing that the Department conducts ~~is authorized to conduct under this Act and any other oaths required or authorized to be administered by the Department.~~ Notwithstanding any other statute or Department rule to the contrary, all requests for testimony, production of documents, or records shall be in accordance with this Act.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/110)

(Section scheduled to be repealed on January 1, 2014)

Sec. 110. Findings and recommendations. At the conclusion of the hearing, the hearing officer shall present to the Secretary ~~Director~~ a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding of whether or not the accused applicant or licensee violated this Act or failed to comply with the conditions required in this Act. The hearing officer shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary ~~Director~~.

The report of the findings and recommendations of the hearing officer shall be the basis for the Department's order for refusing to issue, restore, or renew a license, or otherwise disciplining a licensee if ~~of refusal or for the granting of licensure unless~~ the Secretary ~~Director~~ determines that the hearing officer's report is contrary to the manifest weight of the evidence, in which case the Secretary ~~Director~~ may issue an order in contravention of the hearing officer's report. The finding is not admissible in evidence against the applicant or licensee in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/115)

(Section scheduled to be repealed on January 1, 2014)

Sec. 115. Hearing officer. The Secretary ~~Director~~ has the authority to appoint an attorney duly licensed to practice law in this State to serve as the hearing officer in an action for refusal to issue or renew a license or for the discipline of a licensed electrologist. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings and recommendations to the Secretary ~~Director~~.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/120)

(Section scheduled to be repealed on January 1, 2014)

Sec. 120. Motion for rehearing. In any case involving the refusal to issue or renew a license, or the discipline of a licensee, a copy of the hearing officer's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after service, the respondent may present to the Department a motion in writing for a rehearing which shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for

rehearing is denied, then upon denial, the Secretary ~~Director~~ may enter an order in accordance with the recommendation of the hearing officer. If the respondent orders from the reporting service, and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/125)

(Section scheduled to be repealed on January 1, 2014)

Sec. 125. Order for rehearing ~~Rehearing on order of Director~~. Whenever the Secretary ~~Director~~ is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue or renew a license, the Secretary ~~Director~~ may order a rehearing.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/130)

(Section scheduled to be repealed on January 1, 2014)

Sec. 130. Order or certified copy as prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof:

- (1) that the signature is the genuine signature of the Secretary ~~Director~~; and

(2) that the Secretary ~~Director~~ is duly appointed and qualified.

~~This proof may be rebutted.~~

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/135)

(Section scheduled to be repealed on January 1, 2014)

Sec. 135. Restoration of license from discipline ~~License restoration.~~ At any time after the successful completion of a term of indefinite probation, suspension, or revocation of a license, the Department may restore the license to active status, unless, after an investigation and a hearing, the Secretary determines that restoration is not in the public interest. No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Civil Administrative Code of Illinois. ~~At any time after the suspension or revocation of a license the Department may restore it to the accused person, unless after an investigation and a hearing the Department determines that restoration is not in the public interest.~~

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/145)

(Section scheduled to be repealed on January 1, 2014)

Sec. 145. Summary ~~Temporary~~ suspension. The Secretary

~~Director~~ may summarily ~~temporarily~~ suspend the license of an electrologist without a hearing, simultaneously with the institution of proceedings for a hearing under Section 90 of this Act, if the Secretary ~~Director~~ finds that the evidence ~~in his or her possession~~ indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily ~~Director temporarily~~ suspends a license without a hearing, a hearing by the Department shall ~~must~~ be held within 30 days after the suspension has occurred, and shall be concluded as expeditiously as possible ~~concluded without appreciable delay~~.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/155)

(Section scheduled to be repealed on January 1, 2014)

Sec. 155. Certification of record. The Department shall not be required to certify any record to the court, file any answer in court, or otherwise appear in any court in a judicial review proceeding unless and until the Department has received from the plaintiff ~~there is filed in the court, with the complaint, a receipt from the Department acknowledging~~ payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file a receipt in court is grounds for dismissal of the action.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 412/157 new)

Sec. 157. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department shall not disclose the information to anyone other than law enforcement officials, regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee or registrant by the Department or any order issued by the Department against a licensee, registrant, or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 412/162)

(Section scheduled to be repealed on January 1, 2014)

Sec. 162. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice electrology

without being licensed 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 ~~\$5,000~~ 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 has the authority and power to investigate any and all 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. 92-750, eff. 1-1-03.)

(225 ILCS 412/33 rep.)

Section 15. The Electrologist Licensing Act is amended by repealing Section 33.

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