

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 Sections 4.24 and by adding 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 Acts and Section repealed on January 1, 2014. The following Acts and Section of an Act are repealed on January 1, 2014: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 Act repealed on January 1, 2024.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Act is repealed on January 1, 2024: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 Illinois Certified Shorthand Reporters Act of 1984.

Section 10. The Illinois Certified Shorthand Reporters Act of 1984 is amended by changing Sections 3, 3.5, 4, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 23, 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 23.8, 23.9, 23.10, 23.11, 23.12, 23.13, 23.14, 23.15, 23.16, 24, 25, 26.1, and 27 and by adding Sections 12.1 and 23.2a as follows:

(225 ILCS 415/3) (from Ch. 111, par. 6203)

(Section scheduled to be repealed on January 1, 2014)

Sec. 3. License required. No person may practice shorthand reporting on a temporary or permanent basis in this State without being certified under this Act. This Act does not prohibit any non-resident practicing shorthand reporter from practicing shorthand reporting in this State as ~~on a purely temporary basis with reference~~ to one single proceeding.

(Source: P.A. 87-481; 87-576.)

(225 ILCS 415/3.5)

(Section scheduled to be repealed on January 1, 2014)

Sec. 3.5. Uncertified practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a shorthand reporter without being certified 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 and the assessment of costs as provided under Section 23.3 of this Act.

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.

(d) All moneys collected under this Section shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 415/4) (from Ch. 111, par. 6204)

(Section scheduled to be repealed on January 1, 2014)

Sec. 4. In this Act:

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

(2) "Secretary" ~~"Director"~~ means the Secretary ~~Director~~ of Financial and Professional Regulation.

(3) "Board" means the Certified Shorthand Reporters Board appointed by the Secretary ~~Director~~.

(4) "The practice of shorthand reporting" means reporting, by the use of any system of manual or mechanical shorthand writing, of Grand Jury proceedings, court proceedings, court related proceedings, pretrial examinations, depositions, motions and related proceedings of like character, or proceedings of an administrative agency when the final decision of the agency with reference thereto is likely to be subject to judicial review under the provisions of the Administrative Review Law.

(5) "Shorthand reporter" means a person who is technically qualified and certified under this Act to practice shorthand reporting.

(6) "Stenographic notes" means the original notes by manual or mechanical shorthand or shorthand writing taken by a shorthand reporter of a proceeding while in attendance at such proceeding for the purpose of reporting the same.

(7) "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 Internet website or by contacting the Department.

(Source: P.A. 87-481; 87-576.)

(225 ILCS 415/6) (from Ch. 111, par. 6206)

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

Sec. 6. Restricted certificate. Upon receipt of a written request from the Chief Judge of the reporter's circuit, the Department shall, upon payment of the required fee, issue to any reporter who has been appointed in counties of less than 1,000,000 in population, has been ~~and~~ examined under the Court Reporters Act, and has ~~except those who have~~ achieved an "A" proficiency rating, a restricted certificate by which such official court reporter may then lawfully engage in reporting only court proceedings to which he may be assigned by the Chief Judge of his circuit.

~~The Department may refuse to issue or may suspend the certificate of any person who fails 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 requirements of any such tax Act are satisfied.~~

(Source: P.A. 95-146, eff. 1-1-08.)

(225 ILCS 415/7) (from Ch. 111, par. 6207)

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

Sec. 7. Administration of Act.

(a) The Department shall exercise the powers and duties

prescribed by The Civil Administrative Code of Illinois for the administration of licensing Acts and shall exercise such other powers and duties necessary for effectuating the purposes of this Act.

(b) The Secretary ~~Director~~ may promulgate rules consistent with the provisions of this Act for the administration and enforcement thereof, and for the payment of fees connected therewith, and may prescribe forms which shall be issued in connection therewith. The rules may ~~shall~~ include standards and criteria for licensure and professional conduct and discipline. The Department may ~~shall~~ consult with the Board in promulgating rules. ~~Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's response and any recommendations made therein. The Department shall notify the Board in writing with proper explanation of deviations from the Board's recommendations and responses.~~

(c) The Department may at any time seek the advice and the expert knowledge of the Board on any matter relating to the administration of this Act.

(d) (Blank). ~~The Department shall issue quarterly a report to the Board of the status of all complaints related to the profession filed with the Department.~~

(Source: P.A. 83-73.)

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

Sec. 8. Certified Shorthand Reporters Board. The Secretary ~~Director~~ shall appoint a certified Shorthand Reporters Board as follows: 7 persons who shall be appointed by and shall serve in an advisory capacity to the Secretary ~~Director~~. Six members must be certified shorthand reporters, in good standing, and actively engaged in the practice of shorthand reporting in this State for ten years, and one member must be a member of the public who is not certified under this Act, or a similar Act of another jurisdiction.

Members shall serve 4 year terms and until their successors are appointed and qualified, ~~except that of the initial appointments, one member shall be appointed to serve for one year, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and the remaining one, who shall be the public member, shall be appointed to serve for 4 years, until their successors are appointed and qualified.~~ No member shall be reappointed to the Board for a term that would cause his continuous service on the Board to be longer than 2 full consecutive terms. ~~3 successive years. Service prior to the effective date of this amendatory Act of 1991 shall be considered.~~ Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. ~~Initial terms shall begin upon the effective date of this Act.~~

~~The membership of the Board should reasonably reflect~~

~~representation from the geographic areas in this State. In making appointments to the Board, the Secretary ~~Director~~ shall give consideration to recommendations by national and State organizations of the shorthand reporter profession and shall promptly give notice to such organizations of any vacancy in the membership of the Board.~~

Four members of the Board shall constitute a quorum. A quorum is required for all Board decisions.

The Secretary may remove or suspend any member of the Board for cause at any time before the expiration of his or her term. The Secretary shall be the sole arbiter of cause. ~~Director may terminate the appointment of any member for cause which in the opinion of the Director reasonably justifies such termination.~~

The Secretary ~~Director~~ shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline and qualifications of candidates and certificate holders under this Act.

Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses incurred in attending the meetings of the Board.

Members of the Board have no liability in any action based upon any disciplinary proceedings or other activity performed in good faith as members of the Board.

~~The Director may remove any member who fails to attend 3 consecutive meetings unless the member has a medical excuse.~~

(Source: P.A. 91-827, eff. 6-13-00.)

(225 ILCS 415/9) (from Ch. 111, par. 6209)

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

Sec. 9. Qualifications. Applications for original certificates shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for certification.

In determining competency, the Department shall require proof that the applicant has a good understanding of the English language, including reading, spelling and vocabulary, and that the applicant has sufficient ability to accurately report any of the matters comprising the practice of shorthand reporting as herein defined, by the use of any system of manual or mechanical shorthand or shorthand writing, and a clear understanding of obligations between a shorthand reporter and the parties to any proceedings reported, as well as the provisions of this Act.

(Source: P.A. 83-73.)

(225 ILCS 415/10) (from Ch. 111, par. 6210)

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

Sec. 10. The Department shall authorize examinations ~~at least annually and~~ at such time and place as it may designate.

The examination shall be of a character to give a fair test of the qualifications of the applicant to practice shorthand reporting.

Applicants for examination as certified shorthand reporters shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

If an applicant neglects, fails or refuses to take the next available examination offered or fails to pass an examination for certification under this Act, the application shall be denied. If an applicant for examination for certification under this Act fails to pass the examination within 3 years after filing his application, the application shall be denied. However, such applicant may thereafter make a new application accompanied by the required fee.

The Department may employ consultants for the purpose of preparing and conducting examinations.

An applicant has one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to take and pass the

examination again unless licensed in another jurisdiction of the United States within one year of passing the examination.

(Source: P.A. 86-615.)

(225 ILCS 415/11) (from Ch. 111, par. 6211)

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

Sec. 11. Qualifications; application. A person shall be qualified for certification as a certified shorthand reporter if:

A. That person has applied in writing in form and substance to the Department; and

(1) (Blank);

(2) Is of good moral character, the determination of which shall take into account but not be totally based upon any felony conviction of the applicant; and

(3) Has graduated from a high school or secondary school or its equivalent; and

B. That person has successfully completed the examination authorized by the Department.

(Source: P.A. 89-387, eff. 8-20-95.)

(225 ILCS 415/12.1 new)

Sec. 12.1. 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 Department's records pertaining to the license. As soon as practicable, the Department shall assign a customer's identification number to each applicant for a license. Every application for a renewal or restored license shall require the applicant's customer identification number.

(225 ILCS 415/14) (from Ch. 111, par. 6214)

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

Sec. 14. Expiration, renewal, and military service. The expiration date and renewal period for each certificate issued under this Act shall be set by rule.

Any certified shorthand reporter who has permitted his certificate to expire or who has had his certificate on inactive status may have his certificate restored by making application to the Department, filing proof acceptable to the Department of his fitness to have his certificate restored and paying the required restoration fee. The Department may consider a certificate expired less than 5 years as prima facie evidence that the applicant is fit. If a certificate has expired or has been placed on inactive status and the applicant has practiced in another jurisdiction during such period, satisfactory proof of fitness may include sworn evidence certifying to active practice in another jurisdiction.

If the certified shorthand reporter has not maintained an active practice in another jurisdiction satisfactory to the

Department, the Department shall determine, by an evaluation program established by rule, his fitness to resume active status and shall, by rule, establish procedures and requirements for restoration ~~may require the certified shorthand reporter to successfully complete a practical examination.~~

However, any certified shorthand reporter whose certificate expired while he was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate renewed or restored without paying any lapsed renewal fees if within 2 years after termination of such service, training or education except under conditions other than honorable, he furnished the Department with satisfactory evidence to the effect that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 84-427.)

(225 ILCS 415/15) (from Ch. 111, par. 6215)

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

Sec. 15. Inactive status. Any certified shorthand reporter who notifies the Department in writing on forms prescribed by the Department, may elect to place his certificate on an inactive status and shall, subject to rules of the Department,

be excused from payment of renewal fees until he notifies the Department in writing of his desire to resume active status.

Any certified shorthand reporter requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his certificate, as provided in Section 14.

Any certified shorthand reporter whose certificate is in an inactive status shall not practice shorthand reporting in the State of Illinois.

(Source: P.A. 83-73.)

(225 ILCS 415/16) (from Ch. 111, par. 6216)

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

Sec. 16. Endorsement; licensure without examination. The Department may certify ~~shall register~~ as a certified shorthand reporter, without examination, on payment of the required fee, an applicant who is a certified shorthand reporter registered under the laws of another jurisdiction, if the requirements for certification of certified shorthand reporters in that jurisdiction were, at the date of his certification, substantially equivalent to the requirements in force in this State on that date.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 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. 86-615; 87-481; 87-576.)

(225 ILCS 415/17) (from Ch. 111, par. 6217)

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

Sec. 17. Fees; returned checks; ~~expiration while in military.~~

(a) The fees for the administration and enforcement of this Act, including but not limited to, original certification, renewal and restoration of a license issued under this Act, shall be set by rule. The fees shall be nonrefundable.

(b) All fees, fines, and penalties ~~Beginning July 1, 2003,~~ ~~all of the fees and fines~~ 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) 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 prohibiting 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 certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate 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 or certificate to pay all expenses of processing this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

~~However, any person whose license has expired while he has been engaged (1) in federal or state service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license renewed, reinstated or restored without paying any lapsed renewal and restoration fees, if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with satisfactory proof that he has been so engaged and that his service, training or education has been so terminated.~~

(Source: P.A. 92-146, eff. 1-1-02; 93-32, eff. 7-1-03; 93-460, eff. 8-8-03.)

(225 ILCS 415/18) (from Ch. 111, par. 6218)

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

Sec. 18. Roster. The Department shall maintain a roster of the names and addresses of all certificate holders and of all persons whose certificates have been suspended, revoked or placed on inactive or nonrenewed status within the previous year. This roster shall be available upon written request and payment of the required fee.

(Source: P.A. 83-73.)

(225 ILCS 415/19) (from Ch. 111, par. 6219)

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

Sec. 19. Advertising. Any person certified under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered as permitted by law, on the condition that such advertising is truthful and not misleading and is in conformity with rules promulgated by the Department. Advertisements shall not include false, fraudulent, deceptive, or misleading material or guarantees of success. Advertisements shall also not include any offers of any gift or item of value to attorneys or their staff or any other persons or entities associated with any litigation.

(Source: P.A. 83-73.)

(225 ILCS 415/20) (from Ch. 111, par. 6220)

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

Sec. 20. Professional service corporations. Nothing in this Act shall restrict certificate holders from forming professional service corporations under the provisions of the Professional Service Corporation Act.

(Source: P.A. 83-73.)

(225 ILCS 415/23) (from Ch. 111, par. 6223)

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

Sec. 23. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including imposing fines not to exceed \$10,000 ~~\$5,000~~ for each violation and the assessment of costs as provided for in Section 23.3 of this Act, with regard to any license for any one or combination of the following:

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

(2) Violations of this Act, or of the rules promulgated thereunder;

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by

sentencing of any crime, 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: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession; ~~of any crime under the laws of the United States or any state or territory thereof which is a felony or which is a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of shorthand reporting;~~

(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 certification, or violating any provision of this Act or the rules promulgated thereunder pertaining to advertising;~~

(5) Professional incompetence; ~~Having demonstrated unworthiness, or incompetency to act as a certified shorthand reporter in such manner as to safeguard the interest of the public;~~

(6) Aiding or assisting another person, firm, partnership or corporation in violating any provision of this Act or rules;

(7) Failing, within 60 days, to provide information in response to a written request made by the Department;

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

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

(10) Discipline by another state, unit of government, government agency, the District of Columbia, a territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein;

(11) Charging for professional services not rendered, including filing false statements for the collection of fees for which services were not rendered, or giving, directly or indirectly, any gift or anything of value to attorneys or their staff or any other persons or entities associated with any litigation, that exceeds \$100 total per year; for the purposes of this Section, pro bono services, as defined by State law, are permissible in any amount; ~~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 professional services not actually or personally rendered;~~

(12) A finding by the Board that the certificate

holder, after having his certificate placed on probationary status, has violated the terms of probation;

(13) Willfully making or filing false records or reports in the practice of shorthand reporting, including but not limited to false records filed with State agencies or departments;

(14) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice under this Act ~~the profession~~ with reasonable judgment, skill or safety;

(15) Solicitation of professional services other than by permitted advertising;

(16) Willful failure to take full and accurate stenographic notes of any proceeding;

(17) Willful alteration of any stenographic notes taken at any proceeding;

(18) Willful failure to accurately transcribe verbatim any stenographic notes taken at any proceeding;

(19) Willful alteration of a transcript of stenographic notes taken at any proceeding;

(20) Affixing one's signature to any transcript of his stenographic notes or certifying to its correctness unless the transcript has been prepared by him or under his immediate supervision;

(21) Willful failure to systematically retain

stenographic notes or transcripts on paper or any electronic media for 10 ~~5~~ years from the date that the notes or transcripts were taken ~~or for 5 years from the end of litigation;~~

(22) Failure to deliver transcripts in a timely manner or in accordance with contractual agreements;

(23) Establishing contingent fees as a basis of compensation;~~;~~

(24) Mental illness or disability that results in the inability to practice under this Act with reasonable judgment, skill, or safety;

(25) Practicing under a false or assumed name, except as provided by law;

(26) Cheating on or attempting to subvert the licensing examination administered under this Act;

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

All fines imposed under this Section 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.

(b) The determination by a circuit court that a certificate holder is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the

patient is no longer subject to involuntary admission or judicial admission, an order by the court so finding and discharging the patient. In any case where a license is suspended under this Section, the licensee may file a petition for restoration and shall include evidence acceptable to the Department that the licensee can resume practice in compliance with acceptable and prevailing standards of the profession.~~7 and the recommendation of the Board to the Director that the certificate holder be allowed to resume his practice.~~

(c) 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 (g) of Section 1205-15 of the Civil Administrative Code of Illinois.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is certified under this Act or any individual who has applied for certification under this Act to submit to a mental or physical examination and evaluation, or both, which 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.

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 certified shorthand reporter 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 certified shorthand reporter 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 certified shorthand reporter unable to practice because of the reasons set forth in this Section, the Department shall require the certified shorthand reporter to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition for continued, reinstated, or renewed certification.

When the Secretary immediately suspends a certificate under this Section, a hearing upon the person's certificate 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 certified shorthand reporter'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 certified 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 certification.

(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 (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(f) The Department may refuse to issue or may suspend without hearing, as provided for in the Code of Civil Procedure, 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 tax, penalty, or

interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(Source: P.A. 91-558, eff. 8-14-99.)

(225 ILCS 415/23.1) (from Ch. 111, par. 6224)

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

Sec. 23.1. Injunctive actions; order to cease and desist.

(a) If any person violates the provisions 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 the county in which the violation is alleged to have occurred, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court 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, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person practices ~~shall practice~~ as a certified shorthand reporter or holds ~~hold~~ himself or herself out as a

certified shorthand reporter without being licensed under the provisions of this Act then any certified shorthand reporter, any interested party or any person injured thereby may, in addition to the Secretary ~~Director~~, petition for relief as provided in subsection (a).

(c) Whenever in the opinion of the Department any 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 individual ~~him~~. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from 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 forthwith.

(Source: P.A. 83-73.)

(225 ILCS 415/23.2) (from Ch. 111, par. 6225)

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

Sec. 23.2. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a certificate. The Department shall, before refusing to issue or renew, or taking disciplinary action against, a certificate, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a certificate of the nature of the charges and the time and place for ~~that~~ a hearing

~~will be held on the charges ~~date designated~~. The Department shall direct the applicant or licensee to file a written answer to the charges with the Board 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. 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 statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Department, be revoked, suspended, or placed on probationary status or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice and any notice in the subsequent proceeding may be served by registered or certified mail to the licensee's address of record. ~~and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the~~~~

~~respondent at the address of his last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board 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 may continue a hearing from time to time.~~

(Source: P.A. 87-1031.)

(225 ILCS 415/23.2a new)

Sec. 23.2a. 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 may not disclose the information to anyone other than law enforcement officials,

other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or to 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 by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 415/23.3) (from Ch. 111, par. 6226)

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

Sec. 23.3. Records of proceedings. 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, or the taking of disciplinary action against, a certificate.~~ The notice of hearing, 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 orders of the Department, shall be the record of such proceeding. Any certified shorthand reporter 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.

(Source: P.A. 83-73.)

(225 ILCS 415/23.4) (from Ch. 111, par. 6227)

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

Sec. 23.4. Subpoenas; oaths. The Department may ~~shall have~~ ~~the 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 an investigation or hearing conducted by the Department ~~either orally or by deposition, or both,~~ with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Secretary ~~Director,~~ the designated hearing officer, any and every member of the Board, or a certified shorthand court reporter may ~~shall~~ have power to administer oaths ~~to witnesses~~ at any hearing which the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony and production of documents or records shall be in accordance with this Act. ~~is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.~~

(Source: P.A. 83-73.)

(225 ILCS 415/23.5) (from Ch. 111, par. 6228)

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

Sec. 23.5. Compelling testimony; contempt. Any circuit court ~~may~~, upon application of the Department ~~or its designee,~~ ~~or the applicant~~ or certificate holder, may order ~~against whom proceedings under Section 23 are pending,~~ enter an order ~~requiring~~ the attendance and testimony of witnesses ~~and their testimony,~~ and the production of relevant documents, papers, 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. 83-73.)

(225 ILCS 415/23.6) (from Ch. 111, par. 6229)

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

Sec. 23.6. Board report. At the conclusion of the hearing the Board 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 whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary ~~Director~~. The report of findings of fact, conclusions of law and

recommendations of the Board shall be the basis for the Department's action regarding a certificate. If the Secretary ~~Director~~ disagrees in any regard with the report of the Board he may issue an order in contravention thereof. ~~The Director shall provide to the Board a written explanation for any deviation and shall specify with particularity the reasons for such action in the final order.~~ The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 83-73.)

(225 ILCS 415/23.7) (from Ch. 111, par. 6230)

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

Sec. 23.7. Motion for rehearing. In any hearing case involving the refusal to issue or renew, or the taking of disciplinary action against, a certificate, a copy of the Board's report shall be served upon the respondent by the Department as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such

denial the Secretary ~~Director~~ may enter an order in accordance with recommendations of the Board except as provided in Section 23.6. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 83-73.)

(225 ILCS 415/23.8) (from Ch. 111, par. 6231)

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

Sec. 23.8. Rehearing ordered by Secretary. Whenever the Secretary ~~Director~~ is satisfied that substantial justice has not been done in the revocation, ~~or~~ suspension of, or the refusal to issue or renew, a certificate, the Secretary ~~Director~~ may order a rehearing by the Board or a designated hearing officer.

(Source: P.A. 83-73.)

(225 ILCS 415/23.9) (from Ch. 111, par. 6232)

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

Sec. 23.9. Hearing officers, reports, and review. The Secretary ~~Notwithstanding the provisions of Section 23.2, the Director~~ shall have 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 involving a refusal to issue

or renew, or the taking of disciplinary action against a certificate. ~~The Director shall notify the Board of such appointment.~~ 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 the Secretary ~~Director~~. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the Secretary ~~Director~~. If the Board fails to present its report within the 60 day period, the Secretary may ~~Director shall~~ issue an order based on the report of the hearing officer. If the Secretary ~~Director~~ disagrees ~~in any regard~~ with the report of the Board or hearing officer, he may issue an order in contravention thereof. ~~The Director shall provide to the Board a written explanation for any deviation, and shall specify with particularity the reasons for such action in the final order.~~

(Source: P.A. 83-73.)

(225 ILCS 415/23.10) (from Ch. 111, par. 6233)

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

Sec. 23.10. Order or certified copy; 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 that:

(1) the signature is the genuine signature of the

Secretary; and Director;

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

~~(3) the Board and the members thereof are qualified to act.~~

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 415/23.11) (from Ch. 111, par. 6234)

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

Sec. 23.11. Restoration of license from discipline. At any time after successful completion of a term of indefinite probation, suspension, or revocation of a license, the Department may restore the license to the licensee, unless, after an investigation and hearing, the Secretary determines that restoration is not in the public interest or that the licensee has not been sufficiently rehabilitated to warrant the public trust. No person or entity whose license, certificate, or authority has been revoked as authorized in this Act may apply for restoration of that license, certification, or authority until such time as provided for in the Civil Administrative Code of Illinois. ~~the suspension or revocation of any certificate, the Department may restore it to the accused person, upon the written recommendation of the Board, unless after an investigation and a hearing, the Department determines that restoration is not in the public interest.~~

(Source: P.A. 83-73.)

(225 ILCS 415/23.12) (from Ch. 111, par. 6235)

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

Sec. 23.12. Surrender of license or certificate. Upon the revocation or suspension of any certificate, the certificate holder shall forthwith surrender the certificate or certificates to the Department. If the certificate holder fails to do so, the Department shall have the right to seize the certificate.

(Source: P.A. 83-73.)

(225 ILCS 415/23.13) (from Ch. 111, par. 6236)

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

Sec. 23.13. Summary suspension. The Secretary ~~Director~~ may summarily ~~temporarily~~ suspend the certificate of a certified shorthand reporter without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 23.2 of this Act, if the Secretary ~~Director~~ finds that the ~~the~~ evidence ~~in his possession~~ indicates that a certified shorthand reporter's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary ~~summarily~~ ~~Director~~ ~~temporarily~~ suspends the certificate of a certified shorthand reporter without a hearing, a hearing shall be commenced ~~by the Board must be held~~ within 30 days after such suspension has occurred and shall be concluded as expeditiously as possible.

(Source: P.A. 83-73.)

(225 ILCS 415/23.14) (from Ch. 111, par. 6237)

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

Sec. 23.14. Administrative Review Law. All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the Administrative Review Law and all rules adopted pursuant thereto. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, except that if the party is not a resident of this State, the venue shall be Sangamon County.

(Source: P.A. 83-73.)

(225 ILCS 415/23.15) (from Ch. 111, par. 6238)

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

Sec. 23.15. Certification of record; receipt. The Department shall not be required to certify any record to the court or 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.

Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(Source: P.A. 87-1031.)

(225 ILCS 415/23.16) (from Ch. 111, par. 6239)

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

Sec. 23.16. Penalties. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for the first offense. On conviction of a second or subsequent offense the violator shall be guilty of a Class 4 felony. All criminal fines, moneys, or other property collected or received by the Department under this Section, or any other State or federal statute, shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 83-73.)

(225 ILCS 415/24) (from Ch. 111, par. 6240)

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

Sec. 24. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the certificate holder has the right to show compliance with all lawful

requirements for retention, continuation or renewal of certification is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of record ~~a party~~.

(Source: P.A. 88-45.)

(225 ILCS 415/25) (from Ch. 111, par. 6241)

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

Sec. 25. Home rule. The regulation and licensing of a shorthand reporter are exclusive powers and functions of the State. A home rule unit may not regulate or license a shorthand reporter or the practice of shorthand reporting. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. ~~It is declared to be the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.~~

(Source: P.A. 83-73.)

(225 ILCS 415/26.1)

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

Sec. 26.1. Responsibility for notes. It is the licensee's responsibility to preserve his or her shorthand notes for a period of no less than 10 years from the date that the notes or transcripts were taken ~~5 years from the end of litigation,~~ except as otherwise prescribed by law, through storage of the original paper notes or an electronic copy of either the shorthand notes or the English transcript of the notes on computer disks, cassettes, backup tape systems, ~~or~~ optical or laser disk systems, or other retrieval systems available at the time that the notes or transcripts were taken.

(Source: P.A. 91-558, eff. 8-14-99.)

(225 ILCS 415/27) (from Ch. 111, par. 6243)

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

Sec. 27. As a condition for renewal of a license, licensees shall be required to complete continuing education in accordance with rules established ~~On a specified date determined by the Department and established in its rules and regulations, every person certified under this Act shall be required to complete 10 hours of continuing education over a 2 year period in a manner as determined by the rules and regulations of the Department promulgated in consultation with the Board.~~

Persons employed as full time court reporters under the Court Reporters Act may apply for a waiver from the continuing

education requirements. The waiver shall be granted upon the submission of evidence satisfactory to the Department that the certified shorthand reporter is employed as a full time court reporter under the Court Reporters Act.

(Source: P.A. 87-481; 87-576; 88-475.)

(225 ILCS 415/12 rep.)

Section 15. The Illinois Certified Shorthand Reporters Act of 1984 is amended by repealing Section 12.

Section 99. Effective date. This Act takes effect December 31, 2013.

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