

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The Department of Financial and Professional Regulation is posting these proposed amendments in an effort to make the public aware of possible changes that may have an impact on the industry/profession.

The general public may submit written comments to the Department during the first 45-day public comment period. Any suggested changes will be considered by the Department and (if applicable) the appropriate Board.

These proposed amendments were published in the December 14, 2018 Illinois Register. The 45-day comment period will end January 28, 2019.

Please submit written comments to Craig Cellini as stated in the attached notice.

THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.

- 1) Heading of the Part: Administrative Procedures for General Professional Regulation Under the Administrative Code
- 2) Code Citation: 68 Ill. Adm. Code 1130
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1130.20	Repealed
1130.30	Repealed
1130.40	Renumbered
1130.100	Renumbered/Amendment
1130.110	Renumbered
1130.120	Renumbered
1130.130	Renumbered
1130.200	Renumbered/Amendment
1130.400	New Section
- 4) Statutory Authority: Implementing Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking repeals the implementing rules for non-binding advisory opinions due to the elimination of non-binding advisory opinions by Public Act 100-883. It codifies the Department's practice of not renewing a license until the licensee pays any outstanding disciplinary fine or of not issuing a new license until the applicant pays any outstanding fine for

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unlicensed practice. With the statutory elimination of non-binding advisory opinions, the implementing rules are no longer needed. The confidentiality section is maintained since the Department will continue to have previous requests and responses in its files. A person, who is contemplating applying for a specific license and has a conviction, may request a letter from the Department in the form of a non-binding advisory opinion to determine if the conviction acts as a bar to licensure or whether it will be considered in the Department's review of any future license application. This information will now be published on the Department's website.

The proposed rulemaking also establishes rules for the implementation of a new requirement for sexual harassment prevention training mandated by Public Act 100-762. This is a new one-hour continuing education course that all licensed professionals who currently have a continuing education requirement must take and complete in order to be eligible for license renewal.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

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Phone: 217/785-0813

Fax: 217/557-4451

All written comments received within 45 days after this issue of the Illinois Register will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2018

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER a: ADMINISTRATIVE RULES

PART 1130

ADMINISTRATIVE PROCEDURES FOR GENERAL
PROFESSIONAL REGULATION UNDER THE ADMINISTRATIVE CODE

SUBPART A: GENERAL

Section

1130.10 Definitions

SUBPART B: NON-BINDING, ADVISORY OPINIONS ON CRIMINAL CONVICTIONS

Section

1130.20 Request for Non-Binding, Advisory Opinion (Repealed)

1130.30 Board Review (Repealed)

1130.~~100~~40 Confidentiality of Records

SUBPART C: PERMANENT REVOCATIONS

Section

1130.~~200~~40 Notice of Intent to Issue Permanent Revocation Order

1130.~~210~~40 Licensed Health Care Worker

1130.~~220~~40 Forcible Felony

1130.~~230~~40 Chaperone Orders

SUBPART D: DISCIPLINARY SANCTIONS

Section

1130.~~300~~200 Disciplinary Sanctions

SUBPART E: SEXUAL HARASSMENT PREVENTION TRAINING

Section

1130.400 Sexual Harassment Prevention Training

1130.APPENDIX A Notice of Order Requiring Chaperone

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AUTHORITY: Implementing Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Adopted at 35 Ill. Reg. 7956, effective May 20, 2011; amended at 37 Ill. Reg. 1192, effective February 1, 2013; amended at 37 Ill. Reg. 7479, effective May 31, 2013; amended at 39 Ill. Reg. 14514, effective November 6, 2015; amended at 43 Ill. Reg. _____, effective _____.

SUBPART B: NON-BINDING, ADVISORY OPINIONS ON CRIMINAL CONVICTIONS

Section 1130.20 Request for Non-Binding, Advisory Opinion (Repealed)

- a) ~~An individual shall file a request for a non-binding, advisory opinion on forms provided by the Department. The request shall include:~~
 - 1) ~~A copy of all convictions for which the individual seeks a non-binding, advisory opinion from the Department;~~
 - 2) ~~Copies of any certificate of relief from disabilities that the individual may have received or obtained;~~
 - 3) ~~A detailed nature of the offense;~~
 - 4) ~~Any statements of mitigation;~~
 - 5) ~~Any prior conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony or misdemeanor under the laws of the United States or any state or territory thereof or a misdemeanor of which an essential element is dishonesty or that is directly related to the practice of the profession;~~
 - 6) ~~Any licenses held or prior applications filed with the Division;~~
 - 7) ~~The profession for which the individual intends to seek licensure (if the individual intends to seek licensure in more than one profession and is seeking a non-binding, advisory opinion on more than one profession, the individual shall complete a separate request for each profession for which the individual is seeking a non-binding, advisory opinion);~~

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- 8) ~~If applicable, verification from any state in which an individual is or has been licensed stating:~~
 - A) ~~The time during which the individual was licensed in that state, including the date of the original issuance of the license; and~~
 - B) ~~Whether the file on the individual contains any record of disciplinary actions taken or pending.~~

- b) ~~When the accuracy of any submitted documentation or the relevance or sufficiency of the information submitted by the individual is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the individual seeking licensure may be requested to provide further information as may be necessary.~~

- e) ~~In determining whether an individual's criminal record, as disclosed in the request, is considered a bar to the future licensure of the individual, the Department may consider the following factors or any other factors deemed relevant by the Department:~~
 - 1) ~~Whether there is a direct relationship between one or more of the previous criminal offenses and the specific license to be sought;~~
 - 2) ~~Whether the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public;~~
 - 3) ~~The specific duties and responsibilities necessarily related to the license being sought;~~
 - 4) ~~The bearing, if any, the criminal offenses will have on the applicant's fitness or ability to perform one or more of the duties and responsibilities of a licensee;~~
 - 5) ~~The time that has elapsed since the occurrence of the offenses;~~
 - 6) ~~The age of the individual at the time of occurrence of the criminal offenses;~~
 - 7) ~~The seriousness of the offenses; and~~

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- 8) ~~Any information produced by the individual or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the individual, which shall create a presumption of rehabilitation in regard to the offenses specified in the certificate.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 1130.30 Board Review (Repealed)

- a) ~~At any time during the review and determination of a request for a non-binding, advisory opinion as to whether the criminal record of an individual as disclosed in the request would bar the individual from the licensure or certification to be sought, the Department may, but shall not be required to, seek the advice and/or recommendation of the Board established for the profession for which the individual seeks licensure or certification.~~
- b) ~~Any recommendation taken by the Board shall be taken at a meeting held in accordance with the Open Meetings Act [5 ILCS 120]. In exigent circumstances, as determined in the sole discretion of the Department, the Department may contact an individual Board member for advice concerning any individual's request for a non-binding, advisory opinion.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 1130.10040 Confidentiality of Records

All documents and records submitted to the Department by an individual seeking a non-binding, advisory opinion shall be deemed confidential and may not be made available to any person or public or private agency, including any requests made pursuant to the Freedom of Information Act [5 ILCS 140], except if specifically required or permitted by statute or upon specific authorization by the individual seeking a non-binding, advisory opinion. The Department shall not be required to release any documents filed or received pursuant to this Part unless the Department has obtained a written, signed release from the individual who originally requested a non-binding, advisory opinion determination from the Department; except that the Department may disclose information and documents to a federal, state or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation or to a health care licensing body of this State or another state or jurisdiction pursuant to an official request made by that licensing body.

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(Source: Section 1130.100 renumbered from Section 1130.40 at 43 Ill. Reg. _____, effective _____)

SUBPART C: PERMANENT REVOCATIONS

Section 1130.~~200100~~ Notice of Intent to Issue Permanent Revocation Order

- a) Upon determination that the license of a licensed health care worker is subject to permanent revocation pursuant to Section 2105-165(a) of the Code, the Director shall cause a Notice of Intent to Issue Permanent Revocation Order to be served on the licensee by ~~registered-mail~~ or email at the licensee's address of record.
- b) The Notice of Intent to Issue Permanent Revocation Order shall specify the reason for the intended action and notify the licensee that he or she has 20 days from the date the Notice is mailed or emailed to present to the Department a written response contesting the Department's intended action. Any written response received by the Department shall only be considered for the following reasons and shall include documentation that supports one of these three reasons:
 - 1) The licensee has been incorrectly identified as the person with the conviction;
 - 2) The licensee's conviction has been vacated, overturned, or reversed or a pardon has been granted; or
 - 3) The licensee's conviction is not a disqualifying conviction.
- c) After 20 days have lapsed since the issuance of the Notice of Intent to Issue Permanent Revocation Order and the Department has not received a written response from the licensee or any written response received by the Department from the licensee has not established one of the grounds provided in subsection (b), the Director shall issue an order permanently revoking the license of the licensed health care worker in accordance with Section 2105-165(a) of the Code.

(Source: Section 1130.200 renumbered from Section 1130.100 and amended at 43 Ill. Reg. _____, effective _____)

Section 1130.~~210110~~ Licensed Health Care Worker

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The following licensed professionals are licensed health care workers for the purposes of Section 2105-165 of the Code and this Part:

- a) Dentists and dental hygienists licensed under the Illinois Dental Practice Act [225 ILCS 25];
- b) Licensed practical nurses, registered nurses and advanced practice [registered](#) nurses licensed under the Nurse Practice Act [225 ILCS 65];
- c) Occupational therapists and occupational therapy assistants licensed under the Illinois Occupational Therapy Practice Act [225 ILCS 75];
- d) Optometrists licensed under the Illinois Optometric Practice Act of 1987 [225 ILCS 80];
- e) Pharmacists licensed under the Pharmacy Practice Act [225 ILCS 85];
- f) Physical therapists and physical therapy assistants licensed under the Illinois Physical Therapy Act [225 ILCS 90];
- g) Physicians, including medical doctors (M.D.), doctors of osteopathic medicine (D.O.), and chiropractic physicians (D.C.), licensed under the Medical Practice Act of 1987 [225 ILCS 60];
- h) Physician assistants licensed under the Physician Assistant Practice Act of 1987 [225 ILCS 95];
- i) Podiatrists licensed under the Podiatric Medical Practice Act of 1987 [225 ILCS 100];
- j) Clinical psychologists licensed under the Clinical Psychologist Licensing Act [225 ILCS 15];
- k) Clinical social workers and social workers licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20];
- l) Speech-language pathologists and audiologists licensed under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110];
- m) Acupuncturists licensed under the Acupuncture Practice Act [225 ILCS 2];

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- n) Athletic trainers licensed under the Illinois Athletic Trainers Practice Act [225 ILCS 5];
- o) Marriage and family therapists licensed under the Marriage and Family Therapy Licensing Act [225 ILCS 55];
- p) Naprapaths licensed under the Naprapathic Practice Act [225 ILCS 63];
- q) Nursing home administrators licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70];
- r) Orthotists, prosthetists, and pedorthists licensed under the Orthotics, Prosthetics, and Pedorthics Practice Act [225 ILCS 84];
- s) Respiratory care practitioners licensed under the Respiratory Care Practice Act [225 ILCS 106];
- t) Professional counselors and clinical professional counselors licensed under the Professional Counselor and Clinical Professional Counselor Licensing [and Practice Act](#) [225 ILCS 107];
- u) Perfusionists licensed under the Perfusionist Practice Act [225 ILCS 125];
- v) Registered surgical assistants and registered surgical technologists licensed under the Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act [225 ILCS 130];
- w) Genetic counselors licensed under Genetic Counselor Licensing Act [225 ILCS 135]; and
- x) Any other license issued by the Department under the Acts listed in this Section and the Controlled [SubstanceSubstances and Cannabis Nuisance Act](#) [740 ILCS 40], except for pharmacy technicians, issued to a person subject to the Code and this Part.

(Source: Section 1130.210 renumbered from Section 1130.110 and amended at 43 Ill. Reg. _____, effective _____)

Section 1130.~~220~~20 Forcible Felony

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A "forcible felony", for the purposes of Section 2105-165 of the Code, is one or more of the following offenses committed in any jurisdiction. The Section numbers listed ~~below~~ in parentheses in this Section, from the Criminal Code of 2012 [720 ILCS 5], are for guidance only and in no way limit the Department from permanent revocation or denial based upon conviction in jurisdictions other than the State of Illinois:

- a) First Degree Murder (Section 9-1);
- b) Intentional Homicide of an Unborn Child (Section 9-1.2);
- c) Second Degree Murder (Section 9-2);
- d) Voluntary Manslaughter of an Unborn Child (Section 9-2.1);
- e) Drug-induced Homicide (Section 9-3.3);
- f) Kidnapping (Section 10-1);
- g) Aggravated ~~Kidnaping~~Kidnapping (Section 10-2);
- h) Unlawful Restraint (Section 10-3);
- i) Aggravated Unlawful Restraint (Section 10-3.1);
- j) Forcible Detention (Section 10-4);
- k) Involuntary Servitude (Section 10-9(b));
- l) Involuntary Sexual Servitude of a Minor (Section 10-9(c));
- m) Trafficking in Persons (Section 10-9(d));
- n) Criminal Sexual Assault (Section 11-1.20);
- o) Aggravated Criminal Sexual Assault (Section 11-1.30);
- p) Predatory Criminal Sexual Assault of a Child (Section 11-1.40);
- q) Criminal Sexual Abuse (Section 11-1.50);

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- r) Aggravated Criminal Sexual Abuse (Section 11-1.60);
- s) Aggravated Battery (Section 12-3.05);
- t) Compelling Organization Membership of Persons (Section 12-6.5);
- u) Compelling Confession or Information by Force or Threat (Section 12-7);
- v) Robbery; Aggravated Robbery (Section 18-1);
- w) Armed Robbery (Section 18-2);
- x) Vehicular Hijacking (Section 18-3);
- y) Aggravated Vehicular Hijacking (Section 18-4);
- z) Home Invasion (Section 19-6);
- aa) Terrorism (Section 29D-14.9);
- bb) Causing a Catastrophe (Section 29D-15.1);
- cc) Possession of a Deadly Substance (Section 29D-15.2);
- dd) Making a Terrorist Threat (Section 29D-20);
- ee) Falsely Making a Terrorist Threat (Section 29D-25);
- ff) Material Support for Terrorism (Section 29D-29.9);
- gg) Hindering Prosecution of Terrorism (Section 29D-35);
- hh) Boarding or Attempting to Board an Aircraft with Weapon (Section 29D-35.1);
- ii) Armed Violence (Section 33A-2); and
- jj) Attempt (Section 8-4) of any of the above specified offenses.

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(Source: Section 1130.220 renumbered from Section 1130.120 and amended at 43 Ill. Reg. _____, effective _____)

Section 1130.~~230~~¹³⁰ Chaperone Orders

- a) Within 5 days after receiving notice from a prosecuting attorney that a licensed health care worker has been charged with any offense for which the sentence includes registration as a sex offender; a criminal battery against a patient, including any offense based on sexual conduct or sexual penetration, in the course of patient care or treatment; or a forcible felony, the Department shall forward a chaperone order to the licensed health care worker that requires the worker to immediately cease professional practice and not to resume practice with patient encounters until authorized to do so by the Department pursuant to an approved plan of compliance.
- b) A licensed health care worker subject to a chaperone order pursuant to Section 2105-165(c) of the Code shall submit to the Department a written plan of compliance within 5 days after receipt of the chaperone order. The plan of compliance shall include, at a minimum, the following:
 - 1) The number of proposed chaperones;
 - 2) The names, mailing address, email address, telephone number and license number of each proposed chaperone;
 - 3) The days, times, and locations where the licensed health care worker subject to a chaperone order will practice;
 - 4) The scheduled days, hours and practice locations for each chaperone proposed to be utilized; and
 - 5) The method to be used to document the presence of a chaperone during all patient encounters. The presence of a chaperone shall be shown by:
 - A) Maintaining a schedule of the dates, times and locations each chaperone works and having the designated chaperone initial or make a notation in each patient chart every time the patient is seen by the licensed health care worker subject to a chaperone order; or

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- B) Maintaining a chaperone log listing each patient seen by the licensed health care worker subject to a chaperone order and signed by both that health care worker and the approved chaperone after each patient encounter.
- c) A proposed chaperone shall be a licensed health care worker in good standing and shall be subject to the approval of the Department.
- d) The written plan of compliance shall be sent to the Department's Probation Compliance Unit at the address included in the chaperone order.
- e) No licensed health care worker subject to a chaperone order shall have any patient encounters until the Department has approved his or her written plan of compliance. After approval of the written plan of compliance, the licensed health care worker subject to a chaperone order shall notify the Department in writing if the licensure status of any approved chaperone changes or if a chaperone can no longer serve for any reason. A chaperone approved by the Department shall automatically become ineligible to serve as a chaperone if his or her license is disciplined by the Department, expires or changes to a status that does not permit active practice. The licensed health care worker subject to a chaperone order shall provide, in writing to the Department, the name, mailing address, email address, telephone number and license number of any replacement or additional proposed chaperone, including the scheduled days, hours and practice location for any replacement or additional chaperone proposed to be utilized. No person may act as chaperone until approved by the Department. No licensed health care worker subject to a chaperone order and acting under an approved written plan of compliance shall have any patient encounters without the presence of an approved chaperone. Failure to comply with all requirements of the approved written plan of compliance shall be prima facie evidence of practice without a chaperone.
- f) The chaperone shall provide written notice of the chaperone order, by using the form provided in Appendix A or by using his or her own form that is substantially similar to the form in Appendix A, to each of the licensed health care worker's patients at the time of the patient's first visit following the effective date of the chaperone order. A copy of the notice shall be signed by the patient and the chaperone and maintained in the patient's file. The chaperone shall also provide a copy of the signed notice to the patient.
- g) A pharmacist subject to a chaperone order shall not be required to include in the written plan of compliance methods of documenting the presence of a chaperone

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as specified in subsection (b)(5) and notice to patients as specified in subsection (f). In place of these requirements, the pharmacist shall include in the written plan of compliance that the presence of a chaperone while the pharmacist is on duty at a pharmacy shall be shown by maintaining a written schedule of the dates, times and locations each chaperone works and having the designated chaperone verify by signature his or her presence for the dates, times and locations stated.

- h) Any health care worker subject to a chaperone order may submit a request to the Director for a waiver of any of the requirements of subsections (b) and (f) to allow for the creation of an individually tailored written plan of compliance that achieves the objectives of the Code and this Part.
- i) The Department may conduct random inspections and audits to determine compliance with the chaperone order and the written plan of compliance. A licensed health care worker subject to a chaperone order and any approved chaperones shall cooperate with any inspection or audit.
- j) If the Secretary finds that evidence in his or her possession indicates that a licensed health care worker subject to a chaperone order has failed to comply with the chaperone order, failed to file a written plan of compliance, or failed to follow the terms of the written plan of compliance, he or she may temporarily suspend without hearing the license of the health care worker until completion of the criminal proceedings. In instances in which the Secretary temporarily suspends a license under this Section, a hearing upon that person's license must be commenced within 15 days after the suspension has occurred and shall be completed without appreciable delay. The Secretary shall appoint an Illinois licensed attorney to serve as hearing officer in those hearings. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendation to the Secretary. The burden of proof rests with the Department in hearings conducted under this Section, and a recommendation that the license shall remain temporarily suspended shall be made by the hearing officer when the Department establishes by clear and convincing evidence that the licensed health care worker subject to a chaperone order has failed to comply with the chaperone order, failed to file a written plan of compliance, or failed to follow the terms of the written plan of compliance. No temporary suspension shall be stayed during the pendency of any hearing.
- k) Any information collected by the Department to investigate compliance with the requirements of this Section shall be maintained by the Department for the confidential use of the Department and shall not be disclosed. The Department

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may not disclose the information to anyone other than law enforcement officials or regulatory agencies or persons who have an appropriate regulatory interest, as determined by the Secretary. The Department shall have access to any records created by any person in compliance with the requirements of this Section or with a written plan of compliance. However, except for the purposes of the Department, these records shall be accorded the same confidentiality as required by the professional licensing Act governing the particular health care worker or as otherwise provided by law.

- l) In the event that a licensed health care worker subject to a chaperone order or under a temporary suspension pursuant to this Part shall be subsequently charged with any additional offenses that would independently subject the licensed health care worker to the provisions of this Part, the existing chaperone order or temporary suspension order shall remain in effect until all pending charges are resolved by the Circuit Court.

(Source: Section 1130.230 renumbered from Section 1130.130 at 43 Ill. Reg. _____, effective _____)

SUBPART D: DISCIPLINARY SANCTIONS

Section 1130.~~300~~200 Disciplinary Sanctions

Upon a finding by the Department that a person has committed a violation of any licensing Act administered by the Department with regard to licenses, certificates or authorities of persons exercising their respective professions, trades or occupations, the Department may revoke, suspend, refuse to renew, place on probationary status, fine, or take any other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates or authorities. When making a determination of the appropriate disciplinary sanction to be imposed, the Department shall consider, but is not limited to, the following factors in aggravation and mitigation:

- a) Factors in Aggravation
 - 1) The seriousness of the offenses;
 - 2) The presence of multiple offenses;
 - 3) Prior disciplinary history, including actions taken by other agencies in this State or by other states or jurisdictions, hospitals, healthcare facilities,

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residency programs, employers, insurance providers, or any of the armed forces of the United States or any state;

- 4) The impact of the offenses on any injured party;
 - 5) The vulnerability of any injured party when considering such elements as, but not limited to, the injured party's age, disability or mental illness;
 - 6) The motive for the offense;
 - 7) The lack of contrition for the offenses;
 - 8) Financial gain as a result of committing the offenses; and
 - 9) The lack of cooperation with the Department or other investigative authorities.
- b) Factors in Mitigation
- 1) The lack of prior disciplinary action by the Department or by other agencies in this State or by other states or jurisdictions, hospitals, healthcare facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state;
 - 2) Contrition for the offenses;
 - 3) Cooperation with the Department or other investigative authorities;
 - 4) Restitution to injured parties;
 - 5) Self-reporting of the misconduct; and
 - 6) Any voluntary remedial actions taken.
- c) The Division shall not renew a license if the licensee has an unpaid fine from a disciplinary matter or an unpaid fee from a non-disciplinary action imposed by the Division until the fine or fee is paid to the Division or the licensee has entered into a payment plan and is current on the required payments.

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- d) The Division shall not issue a license if the applicant has an unpaid fine imposed by the Division for unlicensed practice until the fine is paid to the Division or the applicant has entered into a payment plan and is current on the required payments.

(Source: Section 1130.300 renumbered from Section 1130.200 and amended at 43 Ill. Reg. _____, effective _____)

SUBPART E: SEXUAL HARASSMENT PREVENTION TRAINING

Section 1130.400 Sexual Harassment Prevention Training

- a) All persons who hold a professional license issued by the Division and are subject to a continuing education requirement shall complete a one-hour course in sexual harassment training. A licensee may count this one hour for completion of this course towards meeting the minimum credit hours required for continuing education.
- b) The sexual harassment prevention training course shall only be provided by existing Division-approved continuing education providers or by persons or entities who become Division-approved continuing education providers.
- c) The sexual harassment prevention training course shall include, at a minimum, the following topics:
- 1) What is sexual harassment, including its forms and types;
 - 2) What should one do if one experiences or witnesses unwelcome sexual contact;
 - 3) Reporting sexual harassment within one's place of employment and to outside entities, such as the Illinois Department of Human Rights; and
 - 4) Whistleblower protections.
- d) The course shall be presented in a classroom setting, a webinar or online.
- e) The presentation of this course shall be subject to all other continuing education requirements for each profession.

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- f) Completion of this course shall be a condition of renewing a license. This requirement shall become effective for all applicable license renewals occurring on or after January 1, 2020.

(Source: Added at 43 Ill. Reg. _____, effective _____)