

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1280
SEX OFFENDER EVALUATION AND TREATMENT PROVIDER ACT

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AUTHORITY: Implementing the Sex Offender Evaluation and Treatment Provider Act [225 ILCS 109] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Old Part repealed at 13 Ill. Reg. 513, effective December 29, 1988; new Part adopted at 37 Ill. Reg. 19582, effective November 22, 2013.

Section 1280.10 Application for Licensure as a Sex Offender Evaluator

An applicant for licensure as a sex offender evaluator shall file an application on forms provided by the Department of Financial and Professional Regulation-Division of Professional Regulation (Division). The applicant will be required to meet the licensure and education requirements set forth in Section 35 of the Sex Offender Evaluation and Treatment Provider Act [225 ILCS 109] (Act).

- a) The applicant must provide proof that he or she holds an active license as one of the following:

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- 1) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60] or an equivalent license under the laws of another state;
 - 2) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act [225 ILCS 65] or an equivalent license under the laws of another state;
 - 3) a clinical psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] or an equivalent license under the laws of another state;
 - 4) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] or an equivalent license under the laws of another state;
 - 5) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act [225 ILCS 107] or an equivalent license under the laws of another state; or
 - 6) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act [225 ILCS 55] or an equivalent license under the laws of another state;
- b) The applicant must comply with the experience requirements set forth in Section 1280.20.
 - c) The applicant must demonstrate completion of 40 clock hours of documented training in the specialty of sex offender evaluations, treatment or management. The clock hours required under this subsection must comply with Section 1280.120.
 - d) The applicant must pay the required fee set forth in Section 1280.100.
 - e) Individuals applying for licensure based on an equivalent license under the laws of another state must provide a Certification of Licensure from the issuing state as part of their application. The certification must indicate the current status of the license.

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Section 1280.20 Experience Defined Sex Offender Evaluator

An applicant must complete the following:

- a) 400 hours of supervised experience in the treatment or evaluation of sex offenders in the last 4 years. At least 200 of these 400 supervised hours must be face-to-face therapy or evaluation with sex offenders. Experience shall have been supervised by an individual or individuals who, at the time the supervision took place:
 - 1) were included in the Illinois Sex Offender Management Board Approved Provider List and completed a minimum of 25 evaluations;
 - 2) held an active license as a sex offender evaluator and completed a minimum of 25 evaluations; or
 - 3) if the experience was gained out of state, meet the qualifications required to receive a license as a sex offender evaluator under the Act, and have completed 25 evaluations.
- b) At least 10 sex offender evaluations under supervision in the past 4 years. The supervisor must meet the qualifications set forth in subsection (a).
- c) Experience earned to obtain a sex offender treatment provider license may be used to satisfy the requirements of subsection (a).

Section 1280.30 Application for Licensure as a Sex Offender Treatment Provider

- a) An applicant for licensure as a sex offender treatment provider shall file an application on forms provided by the Division. The applicant will be required to meet the licensure and education requirements set forth in Section 35 of the Act.
- b) The applicant must provide proof that he or she holds an active license as one of the following:
 - 1) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;

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- 2) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act or an equivalent license under the laws of another state;
 - 3) a clinical psychologist licensed under the Clinical Psychologist Licensing Act or an equivalent license under the laws of another state;
 - 4) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or an equivalent license under the laws of another state;
 - 5) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or an equivalent license under the laws of another state; or
 - 6) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or an equivalent license to practice in another state.
- c) The applicant must comply with the experience requirements set forth in Section 1280.40.
 - d) The applicant must demonstrate completion of 40 clock hours of documented training in the specialty of sex offender evaluations, treatment or management. The clock hours required under this subsection must comply with Section 1280.120.
 - e) The applicant must pay the required fee set forth in Section 1280.100.
 - f) Individuals applying for licensure based on an equivalent license under the laws of another state must provide a Certification of Licensure from the issuing state as part of their application. The certification must indicate the current status of the license.

Section 1280.40 Experience Defined Sex Offender Treatment Provider

An applicant must complete 400 hours of supervised experience in the treatment of sex offenders in the last 4 years. At least 200 of these 400 supervised hours must be face-to-face therapy with

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sex offenders. Experience shall have been supervised by an individual or individuals who, at the time the supervision took place:

- a) were included in the Illinois Sex Offender Management Board Approved Provider List;
- b) held an active license as a sex offender treatment provider with 5 years clinical experience providing sex offender treatment; or
- c) if the experience was gained out of state, meet the qualifications required to receive a license as a sex offender treatment provider under the Act.

Section 1280.50 Application for Licensure as an Associate Sex Offender Provider

- a) A person is qualified for licensure as an associate sex offender provider if that person:
 - 1) has applied in writing on forms prepared and furnished by the Department;
 - 2) has not engaged or is not engaged in any practice or conduct that would be grounds for disciplining a licensee under Section 75 of the Act;
 - 3) has demonstrated compliance with the educational requirement as set forth in Section 35(c) of the Act and Section 1280.50(b); and
 - 4) has paid the required fee set forth in Section 1280.100.
- b) Pursuant to Section 35(c) of the Act, the applicant must provide evidence that the person holds a master's degree or higher in social work, psychology, marriage and family therapy, counseling or a closely related behavioral science, or psychiatry.
- c) The Division, upon recommendation of the Board, has determined that either of the following shall be evidence of completion of an acceptable educational program:
 - 1) Completion of a master's degree or higher in social work, psychology, marriage and family therapy, counseling or a closely related behavioral science, or psychiatry from a program certified by one of the following:

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- A) American Psychological Association;
 - B) Council on Social Work Education;
 - C) Council for Accreditation of Counseling and Related Educational Programs;
 - D) Council on Rehabilitation Education;
 - E) Commission on Accreditation for Marriage and Family Therapy Education;
 - F) American Association of Medical Colleges; or
 - G) American Nurses Credentialing Center; or
- 2) Issuance of a license in this State as one of the following. For the purposes of this Section, the license does not need to be active at the time of application:
- A) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;
 - B) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act;
 - C) a clinical psychologist licensed under the Clinical Psychologist Licensing Act;
 - D) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act;
 - E) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;
 - F) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act.

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Section 1280.60 Supervision of Associate Sex Offender Providers

Individuals licensed as an associate sex offender provider may only provide services under the supervision of a licensed sex offender evaluator or a licensed sex offender treatment provider. Supervision shall be appropriate to the client and the skill and training of the licensees.

- a) The supervisor shall have met in-person with the applicant at least one hour each week. Supervision means the review of counseling and case management.
- b) Supervision must be face-to-face, real-time communication and may include video or other real-time electronic communication. In-person supervision does not include mail, email, telefax or phone.
- c) Acceptable modes for supervision of direct client contact are as follows:
 - 1) Individual supervision: The supervisory session is conducted by a supervisor with one supervisee present;
 - 2) Group supervision: The supervisory session is conducted by a supervisor with no more than 5 supervisees present.
- d) The counseling activities must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility.
- e) A supervisor may be provided at the applicant's place of work or may be hired by the applicant to provide supervision.
- f) The following activities are not acceptable clinical supervision:
 - 1) Peer supervision;
 - 2) Administrative supervision. For example, clinical practice performed under administrative rather than clinical supervision of an institutional director or executive;
 - 3) A primary didactic process in which techniques or procedures are taught in a classroom, workshop or seminar.

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- g) When providing services as an associate sex offender provider, the associate provider shall not represent himself or herself as a sole or independent practitioner. An associate sex offender provider providing services shall always operate and represent himself or herself as providing services through or as a part of a group practice or through a clinical supervisor's practice. A licensed associate sex offender provider providing clinical services shall provide the name and contact information of his or her associate sex offender provider's supervisor to all clients.

Section 1280.70 Renewal

- a) The first renewal period for licensure issued under the Act shall be July 31 of odd-numbered years. Thereafter, every registration issued under the Act shall expire on July 31 of odd-numbered years.
- b) The holder of a license as sex offender evaluator or sex offender treatment provider may renew his or her license during the month preceding the expiration date by paying the required fee and certifying that the licensee holds a current license as:
- 1) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;
 - 2) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act or an equivalent license under the laws of another state;
 - 3) a clinical psychologist licensed under the Clinical Psychologist Licensing Act or an equivalent license under the laws of another state;
 - 4) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or an equivalent license under the laws of another state;
 - 5) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or an equivalent license under the laws of another state; or

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- 6) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or an equivalent license to practice in another state.
- c) The holder of a license as associate sex offender provider may renew his or her license during the month preceding the expiration date by paying the required fee.
- d) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- e) Practice on a non-renewed license shall be considered unlicensed practice.

Section 1280.80 Restoration

- a) Individuals licensed as a sex offender evaluator or sex offender treatment provider whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fee required by Section 1280.100, submitting proof of compliance with any CE requirements, and certifying that the licensee holds a license as:
 - 1) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;
 - 2) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act or an equivalent license under the laws of another state;
 - 3) a clinical psychologist licensed under the Clinical Psychologist Licensing Act or an equivalent license under the laws of another state;
 - 4) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or an equivalent license under the laws of another state;
 - 5) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or an equivalent license under the laws of another state; or

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- 6) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or an equivalent license to practice in another state.
- b) Individuals licensed as an associate sex offender provider whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fee required by Section 1280.100 and submitting proof of compliance with any CE requirements.
- c) Individuals licensed as a sex offender evaluator seeking restoration of a license that has been expired or been placed on inactive status for more than 5 years shall file an application on forms supplied by the Division, pay the fee required by Section 1280.100, submit proof of compliance with any CE requirement, and provide proof of the following:
 - 1) Active licensure as one of the following:
 - A) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;
 - B) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act or an equivalent license under the laws of another state;
 - C) a clinical psychologist licensed under the Clinical Psychologist Licensing Act or an equivalent license under the laws of another state;
 - D) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or an equivalent license under the laws of another state;
 - E) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or an equivalent license under the laws of another state; or

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- F) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or an equivalent license to practice in another state; and
- 2) Fitness to practice by submitting one of the following:
 - A) sworn evidence of active practice in Illinois in the area of sex offender evaluation and treatment;
 - B) sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 - C) an affidavit attesting to military service as provided in Section 45(c) of the Act;
 - D) proof of completion of 10 offender evaluations under supervision as described in Section 1280.20; or
 - E) proof of completion of an additional 20 hours of continuing education in the evaluation of sex offenders that complies with Section 1280.110 within 2 years prior to application for restoration.
- d) Individuals licensed as a sex offender treatment provider seeking restoration of a license that has been expired or been placed on inactive status for more than 5 years shall file an application on forms supplied by the Division, pay the fee required by Section 1280.100, submit proof of compliance with any CE requirement, and provide proof of the following:
 - 1) Active licensure as one of the following:
 - A) a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 or an equivalent license under the laws of another state;

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- B) an advanced practice nurse with psychiatric specialty licensed under the Nurse Practice Act or an equivalent license under the laws of another state;
 - C) a clinical psychologist licensed under the Clinical Psychologist Licensing Act or an equivalent license under the laws of another state;
 - D) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act or an equivalent license under the laws of another state;
 - E) a licensed clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act or an equivalent license under the laws of another state; or
 - F) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act or an equivalent license to practice in another state; and
- 2) Fitness to practice by submitting one of the following:
- A) sworn evidence of active practice in Illinois in the area of sex offender evaluation and treatment;
 - B) sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 - C) an affidavit attesting to military service as provided in Section 45(c) of the Act; or
 - D) proof of completion of an additional 20 hours of continuing education in the treatment of sex offenders that complies with Section 1280.110 within 2 years prior to application for restoration.

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- e) Individuals licensed as an associate sex offender provider seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application on forms supplied by the Division, pay the fee required by Section 1280.100, submit proof of compliance with any CE requirement, and provide the following:
- 1) sworn evidence of active practice in Illinois in the area of sex offender evaluation and treatment;
 - 2) sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
 - 3) an affidavit attesting to military service as provided in Section 45(c) of the Act.
- f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- g) An applicant shall have the license restored or be notified in writing of the reason for denying the application.
- h) Practice on a non-renewed license shall be considered unlicensed practice.

Section 1280.90 Inactive Status

- a) A licensee who notifies the Division, on forms provided by the Division, may place his or her license on inactive status and shall be excused from paying renewal fees until he or she notifies the Division in writing of the intention to resume active practice.

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- b) A licensee seeking restoration from inactive status shall do so in accordance with Section 1280.80.
- c) A licensee whose license is on inactive status shall not use the title sex offender evaluator, sex offender treatment provider, or associate sex offender provider in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.
- d) Practice on an inactive license shall be considered unlicensed practice.

Section 1280.100 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees
 - 1) The fee for original application for a license as a sex offender evaluator is \$150.
 - 2) The fee for original application for a license as a sex offender treatment provider is \$150.
 - 3) The fee for original application for a license as an associate sex offender provider is \$150.
- b) Renewal Fees
 - 1) The fee for renewal of licensure as a sex offender evaluator is \$150.
 - 2) The fee for renewal of licensure as a sex offender treatment provider is \$150.
 - 3) The fee for renewal of licensure as an associate sex offender provider is \$150.
- c) General Fees

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- 1) The fee for restoration of a license other than from inactive status that has been expired for 5 years or less is \$50 plus payment of all lapsed renewal fees.
- 2) The fee for the restoration of a license that has been expired for more than 5 years is \$50 plus payment of all lapsed renewal fees, but shall not exceed \$500.
- 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.

Section 1280.110 Unethical, Unauthorized or Unprofessional Conduct

The Division may suspend or revoke any license issued under the Act, refuse to renew a license or take other disciplinary action, based upon its finding of unethical, unauthorized or unprofessional conduct within the meaning of Section 80 of the Act, which is interpreted to include, but is not limited to, the following acts or practices. These standards shall apply to any license issued under the Act.

- a) Professional Relationships
 - 1) Practicing, condoning, facilitating, collaborating with or engaging in discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status or any basis prescribed by law. Licensees shall not discriminate against clients, students, employees, supervisees or research participants in a manner that has a negative impact on these persons.
 - 2) Engaging in any action that violates or diminishes the civil or legal rights of clients.
 - 3) Engaging in the sexual exploitation of clients, clients' romantic partners, or clients' family members, students or supervisees.

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- 4) Engaging in or condoning sexual harassment, including, but not limited to, deliberate or repeated comments, gestures or physical contacts of a sexual nature, that occurs in connection with professional activities or roles.
- 5) Bringing personal or professional biases into the professional relationship. Through an awareness of the impact of stereotyping and discrimination (i.e., biases based on age, disability, ethnicity, gender, religion or sexual preference), licensees guard the individual rights and personal dignity of the client in the professional relationship.
- 6) Engaging in any type of sexual or romantic intimacies with clients, clients' romantic partners, or clients' family members. Licensees shall not provide professional services to persons with whom they have had a sexual relationship, including the person's romantic partners or family members.
- 7) Engaging in sexual intimacies with former clients, clients' romantic partners or clients' family members prior to 5 years after termination of the counselor/client relationship.
- 8) Engaging in any nonprofessional relationships with clients, former clients, clients' romantic partners, or clients' family members should be avoided, except when the interaction is potentially beneficial to the client. All potentially beneficial relationships must be documented in case notes, and conducted with full client consent. When unintentional harm occurs to the client or former client, or to an individual significantly involved with the client or former client, due to nonprofessional interaction, the licensees must show evidence of an attempt to remedy that harm.
- 9) Failing to offer all pertinent facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure a client's complete access to information pertaining to professional services. Examples include, but are not limited to, the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the licensee's qualifications, credentials and relevant experience; and continuation of services upon the incapacitation or death of a licensee. Licensees must take steps to ensure that clients understand the implications of diagnosis, the intended use of assessments and reports, billing arrangements, and length of treatment and utilization of

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consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.

b) Confidentiality

- 1) Failing to inform clients at the onset of the professional relationship of the limits of confidentiality. These include, but are not limited to, limitations mandated by the law, requirements to protect clients or identified others from serious and foreseeable harm, or when the licensee is a defendant in a civil, criminal or disciplinary action arising from the counseling.
- 2) Revealing facts, data or information relating to a client or examinee, except as allowed under Section 75 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] or any other federal or State laws pertaining to confidentiality.
- 3) Failing to take appropriate steps to protect the privacy of a client and avoid unnecessary disclosures of confidential information. The right to privacy belongs to clients and may be waived. A written waiver shall be signed by the client and the information revealed shall be in accordance with the terms of the waiver.

c) Scope of Practice/Professional Responsibility

- 1) Performing or pretending to be able to perform professional services beyond one's scope of practice and one's competency, as defined by education, training, supervised experience, State and national professional credentials, and appropriate professional experience.
- 2) Abandoning or neglecting clients and/or failing to refer and/or make appropriate arrangements for the continuation of treatment, when necessary, during interruptions, such as vacations or illness, and following termination.
- 3) Failing to use techniques/procedures/modalities that are grounded in professionally accepted theory and/or have an empirical or scientific foundation. Licensees who do not use these tools must define the techniques/procedures as "unproven" or "developing", explain the potential risk and ethical considerations of using the

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techniques/procedures, and take steps to protect clients from possible harm.

- 4) Failing to establish and maintain client records and case notes, including failing to inform clients of issues related to the difficulty of maintaining the confidentiality of electronically transmitted communication. Records must be maintained for at least 7 years. In the case of a minor, records must be maintained for at least 7 years after the minor turns 18.
- 5) Failing to inform clients of the benefits and limitations of using information technology applications in the counseling or evaluation process and in business/billing procedures. These technologies include, but are not limited to, computer hardware and software, telephone, the internet, online assessment instruments, and other communication devices.
- 6) Advertising shall not be deceptive, misleading or false. Licensees should claim or imply only professional credentials possessed and are responsible for correcting any misrepresentation of their credentials by others. Professional credentials include highest relevant degrees, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, professional memberships, or any other credential that might indicate to the public specialized knowledge or expertise in professional counseling.
- 7) Submission of fraudulent claims for services to any person or entity, including, but not limited to, health insurance companies or health service plans or third party payors.
- 8) Knowingly offering or providing services to a client when the licensee's ability to practice is impaired; failing to seek assistance for problems that reach the level of professional impairment; failing to, if necessary, limit, suspend or terminate professional responsibilities until it is determined that it is safe to resume work; or offering professional services when the licensee's personal problems or conflicts may harm a client or others. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems.

d) Supervision

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- 1) Permitting a supervisee or intern under his/her supervision or control to perform, or permitting the supervisee or intern to hold himself or herself out as competent to perform, professional services beyond the supervisee's or intern's level of education, training and/or experience.
 - 2) Allowing a supervisee to violate the rights of clients, permitting a supervisee to violate the confidentiality standards or client privacy, or failing to provide clients with professional disclosure information and inform them of how the supervision process influences the limits of confidentiality, including who will have access to records of the professional relationship and how these records will be used.
 - 3) Participating in any form of sexual or romantic contact with supervisees. Nonprofessional relationships with supervisees that might impair the supervisor's objectivity and professional judgment should be avoided and/or the supervisory relationship terminated.
- e) Evaluation, Assessment and Interpretation
- 1) Failing to have appropriate education and training for each specific assessment, to recognize the limits of the licensee's competence, and to perform only those functions for which the licensee is prepared. In particular, licensees using technology-assisted test interpretations must be trained in the construct being measured and the specific instrument being used prior to using the technology-based application.
 - 2) Failing to inform prospective research participants or their authorized representatives fully of potential serious after-effects of the research or failing to remove the after-effects as soon as the design of the research permits.
- f) The Division hereby incorporates by reference the Ethical Principles in the Professional Code of Ethics (2001 edition) published by the Association for the Treatment of Sexual Abusers (ATSA), 4900 S.W. Griffith Drive, Suite 274, Beaverton, Oregon 97005; or <http://www.atsa.com/atsa-code-ethics>. This incorporation by reference does not include any later amendments or editions.

Section 1280.120 Continuing Education

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- a) Continuing Education (CE) Hours Requirements
- 1) In order to renew a license, a licensee shall be required to complete 20 hours of CE in the area of sex offender treatment and evaluation.
 - 2) A prerenewal period is the 24 months proceeding July 31 of each odd-numbered year.
 - 3) One CE hour shall equal one clock hour of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 5) Individuals licensed under the Act in Illinois but residing and practicing in other states shall comply with the CE requirement set forth in this Section.
 - 6) CE credit hours used to satisfy the CE requirements of another jurisdiction maybe applied to fulfill the CE requirements of the State of Illinois.
 - 7) CE credit hours completed pursuant to this Section may be used to satisfy the CE requirements under other related Acts.
- b) Approved Continuing Education
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved CE sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2) or (3).
 - 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of graduate level related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded. Courses that are audited shall not satisfy the requirements of this Section.

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- 3) CE credit may be earned for verified teaching of treatment and/or evaluation of sexual offenders in an accredited college, university or graduate school and/or as an instructor of CE programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program). A maximum of 10 hours of CE credit must be obtained in this category per prerenewal period.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
 - A) American Psychological Association or its affiliates
 - B) National Association of Social Work or its affiliates
 - C) American Association for Marriage and Family Therapy or its affiliates
 - D) American Medical Association or its affiliates
 - E) Illinois Psychological Association or its affiliates
 - F) Association for the Treatment of Sexual Abusers
 - G) Illinois Association for Treatment of Sexual Abusers
 - H) American Counseling Association or its affiliates
 - J) American Nurse Credentialing Center or its affiliates
 - K) Authorized CE providers under the Marriage and Family Therapy Licensing Act
 - L) Authorized CE providers under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act

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- M) Authorized CE providers under the Clinical Psychologist Licensing Act
 - N) Authorized CE providers under the Clinical Social Work and Social Work Practice Act
 - O) Authorized CE providers under the Nurse Practice Act
 - P) Authorized CE providers under the Medical Practice Act of 1987
 - Q) Any regionally accredited school, college or university, or any State agency
 - R) American Probation and Parole Association
- 2) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the treatment and/or evaluation of sexual offenders;
 - B) Foster the enhancement of general or specialized clinical sexual offender treatment and evaluation practice and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 3) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed at a later date. The sponsor and the instructor, together, shall

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review the evaluation outcome and revise subsequent programs accordingly.

- 4) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance, and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 5) All programs given by approved sponsors shall be open to all licensees and not be limited to members of a single organization or group.
- 6) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor or person responsible for the CE program.
- 7) The sponsor shall maintain attendance records for not less than 5 years.
- 8) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

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- 9) Upon the failure of a sponsor to comply with any of the requirements of this Section, the Division, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until the Division receives assurances of compliance with requirements of this Section.
 - 10) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in this Section.
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance for the previous 8 years.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time, the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned or is seeking CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days after expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(2).

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- 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per CE hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(2).
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Division shall restore the license upon payment of the fee required by Section 1280.100.
 - g) Waiver of CE Requirements
 - 1) Any applicant for renewal of a license who has not fully complied with the CE requirements of this Section shall file with the Division a renewal application, along with the required fee, a statement setting forth the facts concerning noncompliance, and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division finds, upon the written recommendation of the Board and from the affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
 - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician, advanced practice nurse or physician assistant, or an incapacitating mental illness documented by a statement by a currently licensed clinical psychologist or Board-certified psychiatrist;

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- C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician or advanced practice nurse; or
 - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section, shall be deemed to be in good standing until the final decision on the application is made by the Division.

Section 1280.130 Granting Variances

- a) The Director may grant variances from this Part in individual cases when he or she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rules from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.