

Governor's Office of Management and Budget

Alexis Sturm

Director



IL Regulatory Sunset Act Review of The Illinois Certified Shorthand Reporters Act of 1984

April 14, 2023

**To the Honorable JB Pritzker
Governor of Illinois**

Governor Pritzker:

The Governor's Office of Management and Budget (GOMB), in compliance with the requirements set forth in the Illinois Regulatory Sunset Act (5 ILCS 80), has conducted a review of the Illinois Certified Shorthand Reporters Act of 1984 (225 ILCS 415), which is scheduled to sunset on January 1, 2024. As a result of this review, GOMB makes the following recommendation:

The Illinois Certified Shorthand Reporters Act of 1984 Act (225 ILCS 415) should be extended and statutory language should be modernized to implement more efficient regulation of this profession.

GOMB's examination of this Act was conducted considering the nine factors set out in Section 6 of the Illinois Regulatory Sunset Act. The following report details the criteria and data utilized to come to the above recommendation.

Very sincerely and respectfully,

Alexis Sturm
Director
Governor's Office of Management and Budget

Criteria (1) “The extent to which the agency or program has permitted qualified applicants to serve the public.”

As of July 2021, there were 1,705 total licensees under the act. Below are the numbers of new licenses issued in the previous 5 years:

Table 1: Total Number of Licensees FY17 - Present

License Type	2017	2018	2019	2020	2021
Licensed Shorthand Reporters	1,804	1,817	1,708	1,716	1,705

Shorthand Reporters have the following licensure fee structure:

Table 2: Certified Shorthand Reporter Licensure Fee Structure

License Type	Fee Amount
Initial Application	\$25
Renewal Fee	\$20/year
Restoration after Lapse	\$50 fee, plus all lapsed renewal fees (not to exceed \$150)

In Illinois, applicants are typically required to take the Certified Shorthand Reporters (CSR) exam, which was developed under the jurisdiction of the Illinois Department of Financial and Professional Regulation (IDFPR). Dictation materials and test items reflect industry standards and practices.

The exam is offered three times a year at times and dates chosen by the Certified Shorthand Reporters Board. It is generally offered in April, August, and December. Candidates may take the exam at Southern Illinois University in Carbondale or in the Chicago area. Candidates at both sites transcribe their notes using computer software.

The rules for the exam are stipulated in 68 Ill. Adm. Code 1200.30. It is divided into written knowledge and dictation sections. The written knowledge section requires the applicant to understand the English language as well as medical, legal, and technical vocabulary. The dictation section requires applicants to handle 200 words per minute, for 5 minutes, with an allowance of 50 errors.

Candidates who fail any part of the test will receive a failure notice and an application for reexamination. There is no limit to the number of times a candidate may retake the exam. According to Continental Testing Services (CTS), which administers the exam, many candidates who fail the exam pass on subsequent attempts.

Applicants who possess an active Registered Professional Reporter certificate by examination or a Registered Merit Reporter certificate issued by the National Court Reporters Association are not required to sit for the CSR exam because these exams were determined by IDFPR to be equivalent to the CSR exam.

The Illinois Court Reporters Association recommends the following court reporter training programs with the approval of the National Court Reporters Association: MacCormac College in Chicago; South Suburban College in Oak Forest; and the College of Court Reporting in Valparaiso, Indiana.

The University of Illinois at Springfield also offers a digital court reporter program in collaboration with Lincoln Land Community College in Springfield and Richland Community College in Decatur. The program readies participants for the American Association of Electronic Reporters and Transcribers national certification and associated exam, which

is accepted by various court systems throughout the United States. However, digital court reporters are not covered under the Certified Shorthand Reporters Act in Illinois.

The following states require a license or certification to practice as a shorthand reporter: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, Oklahoma, South Carolina, Tennessee, Texas, Utah, Washington, and Wyoming.

Additionally, Massachusetts requires freelancers but not state officials to be certified. West Virginia requires official court reporters but not freelancers to be certified.

Criteria (2) "The extent to which the trade, business, profession, occupation, or industry being regulated is being administered in a nondiscriminatory manner both in terms of employment and rendering of services."

Nationwide, the Association for Court Reporters and Captioners (NCRA) reports that 89% of its membership is female. The Illinois Department of Financial and Professional Regulation (IDFPR) has not received any complaints alleging discrimination by shorthand reporters. IDFPR does not collect information on the gender, race, or ethnicity of registrants. IDFPR has received no complaints citing discrimination in the licensing process, and no external sources have published any information regarding discriminatory shorthand reporters.

Criteria (3) "The extent to which the regulatory agency or program has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, and practices of any other department of state government, and any other circumstances, including budgetary resources, and personnel matters."

IDFPR is tasked with processing applications for licenses and renewal licenses for over 1.2 million professionals practicing in the State of Illinois. The Department has adopted internal policies, sought legislative and administrative rule changes, and developed enhanced licensing processes to maintain efficiency and efficacy. Implementation of online, paperless licensing is one example of such a policy that has proved to be successful. While some procedures, such as the disciplinary process for licensees, can be lengthy, this is done to ensure thoroughness and proper due process for complaints against regulated professionals.

Criteria (4) "The extent to which the agency running the program has recommended statutory changes to the General Assembly that would benefit the public as opposed to the persons it regulates."

N/A

Criteria (5) "The extent to which the agency or program has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency or the impact of the program on the public regarding improved service, economy of service, and availability of service."

IDFPR promulgates rules through the process established by the Joint Committee on Administrative Rules (JCAR), the administrative body responsible for approving rule proposals by state agencies. Rules may be shared with the professional's boards, associations, and industry prior to being filed. The rulemaking process includes a public comment period after which the Department responds to the comments received during that period. This process allows for input from industry and community stakeholders impacted by the Department's proposed changes. The Department works with lawmakers, community stakeholders, and members of industry to ensure that regulations effectively protect Illinois citizens.

Additionally, the Department works with lawmakers, community stakeholders, and members of industry to ensure that regulations effectively protect Illinois citizens. While this is not codified into statute, such informal approaches have been shown to strengthen the relationships between various stakeholders, including regulators, legislators, industry, and consumer advocates.¹

Criteria (6) “The extent to which persons regulated by the agency or under the program have been required to assess the problems in their industry that affect the public.”

The Certified Shorthand Reporters Board (Board) is composed of six licensed shorthand reporters and one public member appointed by the Secretary. Members serve four-year terms. No member may be reappointed for a term that would cause his or her continuous service to be longer than two full consecutive terms.

In making appointments to the Board, the Secretary shall consider recommendations by national and State organizations of the shorthand reporter profession.

Criteria (7) “The extent to which the agency or program has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates and the extent to which such rules and decisions are consistent with statutory authority.”

IDFPR adheres to the guidelines and requirements established by JCAR and the Illinois General Assembly (ILGA) for approving rule proposals, legislative changes, and internal policies. Promulgated rules are consistent with agency Acts and statutory changes. Decisions made by the agency are based on the Acts and Rules and legislative intent. JCAR reviews rules to ensure that the agency does not exceed their rule-making authority granted to them by the General Assembly. Additionally, the Department adheres to the requirements established in the Illinois Open Meetings Act (5 ILCS 120).

Criteria (8) “The efficiency with which formal public complaints filed with the regulatory agency or under the program concerning persons subject to regulation have been processed to completion, by the executive director of the regulatory agencies or programs, by the Attorney General and by any other applicable department of the State government.”

Over the past five fiscal years, the Division of Professional Regulation’s Complaint Intake Unit opened 28 complaints against licensees under the Illinois Certified Shorthand Reporters Act of 1984. Of these complaints, 24 disciplinary actions were taken.

Complaints made against licensees of IDFPR’s Division of Professional Regulation may be filed via mail, e-mail, or phone to DPR’s Complaint Intake Unit, in the Statewide Enforcement Section.

After processing, a complaint is referred to the Investigations Unit and assigned to an investigator. An investigator may collect documents, interview witnesses, conduct inspections, and gather information to review the complaint for potential licensing law violations. Investigations may close a complaint for various reasons. Investigations may refer the case to the Prosecutions Unit for further review.

When a complaint is referred to the Prosecutions Unit, it is referred to as a “case.” Cases are assigned to a prosecuting attorney who may seek additional information and/or pursue non-disciplinary or disciplinary action. Disciplinary action includes revocation, suspension, probation, and reprimand of a license. Illinois law also allows for the imposition of disciplinary fines. Non-disciplinary action includes administrative fees, the completion of

¹ https://documents.ncsl.org/wwwncsl/Labor/NCSL_DOL_Report_05_web_REVISED.pdf

continuing education, and other similar activities. Prosecutions may take a variety of steps, such as filing a formal pleading and/or conducting an informal settlement conference. The Department and the licensee may enter into a negotiated written agreement regarding the case. Alternatively, Prosecutions may close the case due to various reasons, such as insufficient evidence, the allegations are not a violation or are unfounded, or an expiration of the statute of limitations. If needed, a formal hearing is held before an administrative law judge, where evidence may be submitted and where witnesses may testify. After the hearing, the administrative law judge submits a recommendation to a professional board or committee, if applicable. The board or committee then delivers its recommendation to the Director of the Division of Professional Regulation. The Director then issues a final administrative order. Following the Director's order, the licensee may appeal the decision in circuit court under the Illinois Administrative Review Act. When applicable, the Division works with outside entities such as state's attorneys, the Illinois Attorney General, other states, and federal and state governmental agencies to pursue further action, such as criminal or civil action.

Criteria (9) "The extent to which changes are necessary in the enabling laws of the agency or program to adequately comply with the factors listed in this section."

IDFPR recommends the sunset of the Act be extended and that statutory language be modernized in order to implement more streamlined and efficient regulation of this profession, which will ensure safety and welfare of the general public and ease the burden of regulatory compliance.

Conclusion:

The Illinois Certified Shorthand Reporters Act of 1984 governs the licensure of shorthand reporters in the State of Illinois. Shorthand reporters record 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. Their transcripts are available—to attorneys, judges, and juries—while a trial is in progress. These shorthand reporters advance public welfare and safety by keeping accurate records. Broadcast captioners provide live captioning of television. These shorthand reporters advance public health by enabling the deaf and hard of hearing to follow the auditory part of a broadcast. In emergencies, live captioning provides information to the 48 million Americans who are deaf or hard of hearing.

IDFPR recommends, and GOMB concurs, that the sunset of the act be extended, and the statutory language be modernized, to implement more streamlined and efficient regulation of this profession, which will ensure safety and welfare of the public and ease the burden of regulatory compliance. IDFPR recommends several revisions to the Act to reduce unnecessary administrative mandates, provide for more efficient administration of the act, and allow for more equitable access to licensure for all qualified individuals.