



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1348

Introduced 2/9/2017, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Medical Practice Act of 1987 from December 31, 2017 to December 31, 2027. Amends the Medical Practice Act of 1987. Provides that all applicants and licensees shall provide a valid address and email address, which shall serve as the address and email address of record, and shall inform the Department of any change of address or email address through specified means. Defines "email address of record". In provisions concerning grounds for discipline, provides that the Department of Financial and Professional Regulation may take action with regard to a person licensed under the Act for: willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act; and being named as an abuser in a verified report by the Department on Aging under the Adult Protective Services Act, and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act. In provisions authorizing the Secretary of Financial and Professional Regulation to appoint a hearing officer, provides that the hearing officer's findings and recommendations shall also be provided to the Medical Licensing Board along with the Medical Disciplinary Board so both Boards may review the information and present their findings to the Secretary. Makes changes in provisions concerning stenographers. Changes references to "stenographer" to references to "certified shorthand reporter". Makes other changes. Effective immediately.

LRB100 09271 SMS 19429 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by adding  
5 Section 4.37a as follows:

6 (5 ILCS 80/4.37a new)

7 Sec. 4.37a. Act repealed on January 1, 2028. The following  
8 Act is repealed on January 1, 2028:

9 The Medical Practice Act of 1987.

10 (5 ILCS 80/4.27a rep.)

11 Section 10. The Regulatory Sunset Act is amended by  
12 repealing Section 4.27a.

13 Section 15. The Medical Practice Act of 1987 is amended by  
14 changing Sections 2, 22, 35, and 39 and by adding Section 2.5  
15 as follows:

16 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

17 (Section scheduled to be repealed on December 31, 2017)

18 Sec. 2. Definitions. For purposes of this Act, the  
19 following definitions shall have the following meanings,  
20 except where the context requires otherwise:

1 "Act" means the Medical Practice Act of 1987.

2 "Address of record" means the designated address recorded  
3 by the Department in the applicant's or licensee's application  
4 file or license file as maintained by the Department's  
5 licensure maintenance unit. ~~It is the duty of the applicant or  
6 licensee to inform the Department of any change of address and  
7 those changes must be made either through the Department's  
8 website or by contacting the Department.~~

9 "Chiropractic physician" means a person licensed to treat  
10 human ailments without the use of drugs and without operative  
11 surgery. Nothing in this Act shall be construed to prohibit a  
12 chiropractic physician from providing advice regarding the use  
13 of non-prescription products or from administering atmospheric  
14 oxygen. Nothing in this Act shall be construed to authorize a  
15 chiropractic physician to prescribe drugs.

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

18 "Disciplinary action ~~Action~~" means revocation, suspension,  
19 probation, supervision, practice modification, reprimand,  
20 required education, fines or any other action taken by the  
21 Department against a person holding a license.

22 "Disciplinary Board" means the Medical Disciplinary Board.

23 "Email address of record" means the designated email  
24 address recorded by the Department in the applicant's  
25 application file or the licensee's license file, as maintained  
26 by the Department's licensure maintenance unit.

1           "Final determination ~~Determination~~" means the governing  
2 body's final action taken under the procedure followed by a  
3 health care institution, or professional association or  
4 society, against any person licensed under the Act in  
5 accordance with the bylaws or rules and regulations of such  
6 health care institution, or professional association or  
7 society.

8           "Fund" means the Illinois State Medical Disciplinary Fund.

9           "Impaired" means the inability to practice medicine with  
10 reasonable skill and safety due to physical or mental  
11 disabilities as evidenced by a written determination or written  
12 consent based on clinical evidence including deterioration  
13 through the aging process or loss of motor skill, or abuse of  
14 drugs or alcohol, of sufficient degree to diminish a person's  
15 ability to deliver competent patient care.

16           "Licensing Board" means the Medical Licensing Board.

17           "Physician" means a person licensed under the Medical  
18 Practice Act to practice medicine in all of its branches or a  
19 chiropractic physician.

20           "Professional association ~~Association~~" means an  
21 association or society of persons licensed under this Act, and  
22 operating within the State of Illinois, including but not  
23 limited to, medical societies, osteopathic organizations, and  
24 chiropractic organizations, but this term shall not be deemed  
25 to include hospital medical staffs.

26           "Program of care ~~Care~~, counseling ~~Counseling~~, or treatment

1 ~~Treatment~~" means a written schedule of organized treatment,  
2 care, counseling, activities, or education, satisfactory to  
3 the Disciplinary Board, designed for the purpose of restoring  
4 an impaired person to a condition whereby the impaired person  
5 can practice medicine with reasonable skill and safety of a  
6 sufficient degree to deliver competent patient care.

7 "Reinstate" means to change the status of a license from  
8 inactive or nonrenewed status to active status.

9 "Restore" means to remove an encumbrance from a license due  
10 to probation, suspension, or revocation.

11 "Secretary" means the Secretary of the Department of  
12 Financial and Professional Regulation.

13 (Source: P.A. 98-1140, eff. 12-30-14; 99-933, eff. 1-27-17.)

14 (225 ILCS 60/2.5 new)

15 Sec. 2.5. Address of record; email address of record. All  
16 applicants and licensees shall:

17 (1) provide a valid address and email address to the  
18 Department, which shall serve as the address of record and  
19 email address of record, respectively, at the time of  
20 application for licensure or renewal of a license; and

21 (2) inform the Department of any change of address of  
22 record or email address of record within 14 days after such  
23 change either through the Department's website or by  
24 contacting the Department's licensure maintenance unit.

1 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)  
2 (Section scheduled to be repealed on December 31, 2017)  
3 Sec. 22. Disciplinary action.

4 (A) The Department may revoke, suspend, place on probation,  
5 reprimand, refuse to issue or renew, or take any other  
6 disciplinary or non-disciplinary action as the Department may  
7 deem proper with regard to the license or permit of any person  
8 issued under this Act, including imposing fines not to exceed  
9 \$10,000 for each violation, upon any of the following grounds:

10 (1) Performance of an elective abortion in any place,  
11 locale, facility, or institution other than:

12 (a) a facility licensed pursuant to the Ambulatory  
13 Surgical Treatment Center Act;

14 (b) an institution licensed under the Hospital  
15 Licensing Act;

16 (c) an ambulatory surgical treatment center or  
17 hospitalization or care facility maintained by the  
18 State or any agency thereof, where such department or  
19 agency has authority under law to establish and enforce  
20 standards for the ambulatory surgical treatment  
21 centers, hospitalization, or care facilities under its  
22 management and control;

23 (d) ambulatory surgical treatment centers,  
24 hospitalization or care facilities maintained by the  
25 Federal Government; or

26 (e) ambulatory surgical treatment centers,

1 hospitalization or care facilities maintained by any  
2 university or college established under the laws of  
3 this State and supported principally by public funds  
4 raised by taxation.

5 (2) Performance of an abortion procedure in a willful  
6 ~~willful~~ and wanton manner on a woman who was not pregnant at  
7 the time the abortion procedure was performed.

8 (3) A plea of guilty or nolo contendere, finding of  
9 guilt, jury verdict, or entry of judgment or sentencing,  
10 including, but not limited to, convictions, preceding  
11 sentences of supervision, conditional discharge, or first  
12 offender probation, under the laws of any jurisdiction of  
13 the United States of any crime that is a felony.

14 (4) Gross negligence in practice under this Act.

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

18 (6) Obtaining any fee by fraud, deceit, or  
19 misrepresentation.

20 (7) Habitual or excessive use or abuse of drugs defined  
21 in law as controlled substances, of alcohol, or of any  
22 other substances which results in the inability to practice  
23 with reasonable judgment, skill or safety.

24 (8) Practicing under a false or, except as provided by  
25 law, an assumed name.

26 (9) Fraud or misrepresentation in applying for, or

1           procuring, a license under this Act or in connection with  
2           applying for renewal of a license under this Act.

3           (10) Making a false or misleading statement regarding  
4           their skill or the efficacy or value of the medicine,  
5           treatment, or remedy prescribed by them at their direction  
6           in the treatment of any disease or other condition of the  
7           body or mind.

8           (11) Allowing another person or organization to use  
9           their license, procured under this Act, to practice.

10          (12) Adverse action taken by another state or  
11          jurisdiction against a license or other authorization to  
12          practice as a medical doctor, doctor of osteopathy, doctor  
13          of osteopathic medicine or doctor of chiropractic, a  
14          certified copy of the record of the action taken by the  
15          other state or jurisdiction being prima facie evidence  
16          thereof. This includes any adverse action taken by a State  
17          or federal agency that prohibits a medical doctor, doctor  
18          of osteopathy, doctor of osteopathic medicine, or doctor of  
19          chiropractic from providing services to the agency's  
20          participants.

21          (13) Violation of any provision of this Act or of the  
22          Medical Practice Act prior to the repeal of that Act, or  
23          violation of the rules, or a final administrative action of  
24          the Secretary, after consideration of the recommendation  
25          of the Disciplinary Board.

26          (14) Violation of the prohibition against fee



1 splitting in Section 22.2 of this Act.

2 (15) A finding by the Disciplinary Board that the  
3 registrant after having his or her license placed on  
4 probationary status or subjected to conditions or  
5 restrictions violated the terms of the probation or failed  
6 to comply with such terms or conditions.

7 (16) Abandonment of a patient.

8 (17) Prescribing, selling, administering,  
9 distributing, giving or self-administering any drug  
10 classified as a controlled substance (designated product)  
11 or narcotic for other than medically accepted therapeutic  
12 purposes.

13 (18) Promotion of the sale of drugs, devices,  
14 appliances or goods provided for a patient in such manner  
15 as to exploit the patient for financial gain of the  
16 physician.

17 (19) Offering, undertaking or agreeing to cure or treat  
18 disease by a secret method, procedure, treatment or  
19 medicine, or the treating, operating or prescribing for any  
20 human condition by a method, means or procedure which the  
21 licensee refuses to divulge upon demand of the Department.

22 (20) Immoral conduct in the commission of any act  
23 including, but not limited to, commission of an act of  
24 sexual misconduct related to the licensee's practice.

25 (21) Willfully ~~Wilfully~~ making or filing false records  
26 or reports in his or her practice as a physician,

1 including, but not limited to, false records to support  
2 claims against the medical assistance program of the  
3 Department of Healthcare and Family Services (formerly  
4 Department of Public Aid) under the Illinois Public Aid  
5 Code.

6 (22) Willful ~~Wilful~~ omission to file or record, or  
7 willfully ~~wilfully~~ impeding the filing or recording, or  
8 inducing another person to omit to file or record, medical  
9 reports as required by law, or willfully ~~wilfully~~ failing  
10 to report an instance of suspected abuse or neglect as  
11 required by law.

12 (23) Being named as a perpetrator in an indicated  
13 report by the Department of Children and Family Services  
14 under the Abused and Neglected Child Reporting Act, and  
15 upon proof by clear and convincing evidence that the  
16 licensee has caused a child to be an abused child or  
17 neglected child as defined in the Abused and Neglected  
18 Child Reporting Act.

19 (24) Solicitation of professional patronage by any  
20 corporation, agents or persons, or profiting from those  
21 representing themselves to be agents of the licensee.

22 (25) Gross and willful ~~wilful~~ and continued  
23 overcharging for professional services, including filing  
24 false statements for collection of fees for which services  
25 are not rendered, including, but not limited to, filing  
26 such false statements for collection of monies for services

1 not rendered from the medical assistance program of the  
2 Department of Healthcare and Family Services (formerly  
3 Department of Public Aid) under the Illinois Public Aid  
4 Code.

5 (26) A pattern of practice or other behavior which  
6 demonstrates incapacity or incompetence to practice under  
7 this Act.

8 (27) Mental illness or disability which results in the  
9 inability to practice under this Act with reasonable  
10 judgment, skill or safety.

11 (28) Physical illness, including, but not limited to,  
12 deterioration through the aging process, or loss of motor  
13 skill which results in a physician's inability to practice  
14 under this Act with reasonable judgment, skill or safety.

15 (29) Cheating on or attempt to subvert the licensing  
16 examinations administered under this Act.

17 (30) Willfully ~~Wilfully~~ or negligently violating the  
18 confidentiality between physician and patient except as  
19 required by law.

20 (31) The use of any false, fraudulent, or deceptive  
21 statement in any document connected with practice under  
22 this Act.

23 (32) Aiding and abetting an individual not licensed  
24 under this Act in the practice of a profession licensed  
25 under this Act.

26 (33) Violating state or federal laws or regulations

1 relating to controlled substances, legend drugs, or  
2 ephedra as defined in the Ephedra Prohibition Act.

3 (34) Failure to report to the Department any adverse  
4 final action taken against them by another licensing  
5 jurisdiction (any other state or any territory of the  
6 United States or any foreign state or country), by any peer  
7 review body, by any health care institution, by any  
8 professional society or association related to practice  
9 under this Act, by any governmental agency, by any law  
10 enforcement agency, or by any court for acts or conduct  
11 similar to acts or conduct which would constitute grounds  
12 for action as defined in this Section.

13 (35) Failure to report to the Department surrender of a  
14 license or authorization to practice as a medical doctor, a  
15 doctor of osteopathy, a doctor of osteopathic medicine, or  
16 doctor of chiropractic in another state or jurisdiction, or  
17 surrender of membership on any medical staff or in any  
18 medical or professional association or society, while  
19 under disciplinary investigation by any of those  
20 authorities or bodies, for acts or conduct similar to acts  
21 or conduct which would constitute grounds for action as  
22 defined in this Section.

23 (36) Failure to report to the Department any adverse  
24 judgment, settlement, or award arising from a liability  
25 claim related to acts or conduct similar to acts or conduct  
26 which would constitute grounds for action as defined in

1           this Section.

2           (37) Failure to provide copies of medical records as  
3           required by law.

4           (38) Failure to furnish the Department, its  
5           investigators or representatives, relevant information,  
6           legally requested by the Department after consultation  
7           with the Chief Medical Coordinator or the Deputy Medical  
8           Coordinator.

9           (39) Violating the Health Care Worker Self-Referral  
10          Act.

11          (40) Willful failure to provide notice when notice is  
12          required under the Parental Notice of Abortion Act of 1995.

13          (41) Failure to establish and maintain records of  
14          patient care and treatment as required by this law.

15          (42) Entering into an excessive number of written  
16          collaborative agreements with licensed advanced practice  
17          nurses resulting in an inability to adequately  
18          collaborate.

19          (43) Repeated failure to adequately collaborate with a  
20          licensed advanced practice nurse.

21          (44) Violating the Compassionate Use of Medical  
22          Cannabis Pilot Program Act.

23          (45) Entering into an excessive number of written  
24          collaborative agreements with licensed prescribing  
25          psychologists resulting in an inability to adequately  
26          collaborate.

1           (46) Repeated failure to adequately collaborate with a  
2 licensed prescribing psychologist.

3           (47) Willfully failing to report an instance of  
4 suspected abuse, neglect, financial exploitation, or  
5 self-neglect of an eligible adult as defined in and  
6 required by the Adult Protective Services Act.

7           (48) Being named as an abuser in a verified report by  
8 the Department on Aging under the Adult Protective Services  
9 Act, and upon proof by clear and convincing evidence that  
10 the licensee abused, neglected, or financially exploited  
11 an eligible adult as defined in the Adult Protective  
12 Services Act.

13           Except for actions involving the ground numbered (26), all  
14 proceedings to suspend, revoke, place on probationary status,  
15 or take any other disciplinary action as the Department may  
16 deem proper, with regard to a license on any of the foregoing  
17 grounds, must be commenced within 5 years next after receipt by  
18 the Department of a complaint alleging the commission of or  
19 notice of the conviction order for any of the acts described  
20 herein. Except for the grounds numbered (8), (9), (26), and  
21 (29), no action shall be commenced more than 10 years after the  
22 date of the incident or act alleged to have violated this  
23 Section. For actions involving the ground numbered (26), a  
24 pattern of practice or other behavior includes all incidents  
25 alleged to be part of the pattern of practice or other behavior  
26 that occurred, or a report pursuant to Section 23 of this Act

1 received, within the 10-year period preceding the filing of the  
2 complaint. In the event of the settlement of any claim or cause  
3 of action in favor of the claimant or the reduction to final  
4 judgment of any civil action in favor of the plaintiff, such  
5 claim, cause of action or civil action being grounded on the  
6 allegation that a person licensed under this Act was negligent  
7 in providing care, the Department shall have an additional  
8 period of 2 years from the date of notification to the  
9 Department under Section 23 of this Act of such settlement or  
10 final judgment in which to investigate and commence formal  
11 disciplinary proceedings under Section 36 of this Act, except  
12 as otherwise provided by law. The time during which the holder  
13 of the license was outside the State of Illinois shall not be  
14 included within any period of time limiting the commencement of  
15 disciplinary action by the Department.

16 The entry of an order or judgment by any circuit court  
17 establishing that any person holding a license under this Act  
18 is a person in need of mental treatment operates as a  
19 suspension of that license. That person may resume their  
20 practice only upon the entry of a Departmental order based upon  
21 a finding by the Disciplinary Board that they have been  
22 determined to be recovered from mental illness by the court and  
23 upon the Disciplinary Board's recommendation that they be  
24 permitted to resume their practice.

25 The Department may refuse to issue or take disciplinary  
26 action concerning the license of any person who fails to file a

1 return, or to pay the tax, penalty or interest shown in a filed  
2 return, or to pay any final assessment of tax, penalty or  
3 interest, as required by any tax Act administered by the  
4 Illinois Department of Revenue, until such time as the  
5 requirements of any such tax Act are satisfied as determined by  
6 the Illinois Department of Revenue.

7 The Department, upon the recommendation of the  
8 Disciplinary Board, shall adopt rules which set forth standards  
9 to be used in determining:

10 (a) when a person will be deemed sufficiently  
11 rehabilitated to warrant the public trust;

12 (b) what constitutes dishonorable, unethical or  
13 unprofessional conduct of a character likely to deceive,  
14 defraud, or harm the public;

15 (c) what constitutes immoral conduct in the commission  
16 of any act, including, but not limited to, commission of an  
17 act of sexual misconduct related to the licensee's  
18 practice; and

19 (d) what constitutes gross negligence in the practice  
20 of medicine.

21 However, no such rule shall be admissible into evidence in  
22 any civil action except for review of a licensing or other  
23 disciplinary action under this Act.

24 In enforcing this Section, the Disciplinary Board or the  
25 Licensing Board, upon a showing of a possible violation, may  
26 compel, in the case of the Disciplinary Board, any individual



1 who is licensed to practice under this Act or holds a permit to  
2 practice under this Act, or, in the case of the Licensing  
3 Board, any individual who has applied for licensure or a permit  
4 pursuant to this Act, to submit to a mental or physical  
5 examination and evaluation, or both, which may include a  
6 substance abuse or sexual offender evaluation, as required by  
7 the Licensing Board or Disciplinary Board and at the expense of  
8 the Department. The Disciplinary Board or Licensing Board shall  
9 specifically designate the examining physician licensed to  
10 practice medicine in all of its branches or, if applicable, the  
11 multidisciplinary team involved in providing the mental or  
12 physical examination and evaluation, or both. The  
13 multidisciplinary team shall be led by a physician licensed to  
14 practice medicine in all of its branches and may consist of one  
15 or more or a combination of physicians licensed to practice  
16 medicine in all of its branches, licensed chiropractic  
17 physicians, licensed clinical psychologists, licensed clinical  
18 social workers, licensed clinical professional counselors, and  
19 other professional and administrative staff. Any examining  
20 physician or member of the multidisciplinary team may require  
21 any person ordered to submit to an examination and evaluation  
22 pursuant to this Section to submit to any additional  
23 supplemental testing deemed necessary to complete any  
24 examination or evaluation process, including, but not limited  
25 to, blood testing, urinalysis, psychological testing, or  
26 neuropsychological testing. The Disciplinary Board, the

1 Licensing Board, or the Department may order the examining  
2 physician or any member of the multidisciplinary team to  
3 provide to the Department, the Disciplinary Board, or the  
4 Licensing Board any and all records, including business  
5 records, that relate to the examination and evaluation,  
6 including any supplemental testing performed. The Disciplinary  
7 Board, the Licensing Board, or the Department may order the  
8 examining physician or any member of the multidisciplinary team  
9 to present testimony concerning this examination and  
10 evaluation of the licensee, permit holder, or applicant,  
11 including testimony concerning any supplemental testing or  
12 documents relating to the examination and evaluation. No  
13 information, report, record, or other documents in any way  
14 related to the examination and evaluation shall be excluded by  
15 reason of any common law or statutory privilege relating to  
16 communication between the licensee, permit holder, or  
17 applicant and the examining physician or any member of the  
18 multidisciplinary team. No authorization is necessary from the  
19 licensee, permit holder, or applicant ordered to undergo an  
20 evaluation and examination for the examining physician or any  
21 member of the multidisciplinary team to provide information,  
22 reports, records, or other documents or to provide any  
23 testimony regarding the examination and evaluation. The  
24 individual to be examined may have, at his or her own expense,  
25 another physician of his or her choice present during all  
26 aspects of the examination. Failure of any individual to submit

1 to mental or physical examination and evaluation, or both, when  
2 directed, shall result in an automatic suspension, without  
3 hearing, until such time as the individual submits to the  
4 examination. If the Disciplinary Board or Licensing Board finds  
5 a physician unable to practice following an examination and  
6 evaluation because of the reasons set forth in this Section,  
7 the Disciplinary Board or Licensing Board shall require such  
8 physician to submit to care, counseling, or treatment by  
9 physicians, or other health care professionals, approved or  
10 designated by the Disciplinary Board, as a condition for  
11 issued, continued, reinstated, or renewed licensure to  
12 practice. Any physician, whose license was granted pursuant to  
13 Sections 9, 17, or 19 of this Act, or, continued, reinstated,  
14 renewed, disciplined or supervised, subject to such terms,  
15 conditions or restrictions who shall fail to comply with such  
16 terms, conditions or restrictions, or to complete a required  
17 program of care, counseling, or treatment, as determined by the  
18 Chief Medical Coordinator or Deputy Medical Coordinators,  
19 shall be referred to the Secretary for a determination as to  
20 whether the licensee shall have their license suspended  
21 immediately, pending a hearing by the Disciplinary Board. In  
22 instances in which the Secretary immediately suspends a license  
23 under this Section, a hearing upon such person's license must  
24 be convened by the Disciplinary Board within 15 days after such  
25 suspension and completed without appreciable delay. The  
26 Disciplinary Board shall have the authority to review the

1 subject physician's record of treatment and counseling  
2 regarding the impairment, to the extent permitted by applicable  
3 federal statutes and regulations safeguarding the  
4 confidentiality of medical records.

5 An individual licensed under this Act, affected under this  
6 Section, shall be afforded an opportunity to demonstrate to the  
7 Disciplinary Board that they can resume practice in compliance  
8 with acceptable and prevailing standards under the provisions  
9 of their license.

10 The Department may promulgate rules for the imposition of  
11 fines in disciplinary cases, not to exceed \$10,000 for each  
12 violation of this Act. Fines may be imposed in conjunction with  
13 other forms of disciplinary action, but shall not be the  
14 exclusive disposition of any disciplinary action arising out of  
15 conduct resulting in death or injury to a patient. Any funds  
16 collected from such fines shall be deposited in the Illinois  
17 State Medical Disciplinary Fund.

18 All fines imposed under this Section shall be paid within  
19 60 days after the effective date of the order imposing the fine  
20 or in accordance with the terms set forth in the order imposing  
21 the fine.

22 (B) The Department shall revoke the license or permit  
23 issued under this Act to practice medicine or a chiropractic  
24 physician who has been convicted a second time of committing  
25 any felony under the Illinois Controlled Substances Act or the  
26 Methamphetamine Control and Community Protection Act, or who

1 has been convicted a second time of committing a Class 1 felony  
2 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A  
3 person whose license or permit is revoked under this subsection  
4 B shall be prohibited from practicing medicine or treating  
5 human ailments without the use of drugs and without operative  
6 surgery.

7 (C) The Department shall not revoke, suspend, place on  
8 probation, reprimand, refuse to issue or renew, or take any  
9 other disciplinary or non-disciplinary action against the  
10 license or permit issued under this Act to practice medicine to  
11 a physician based solely upon the recommendation of the  
12 physician to an eligible patient regarding, or prescription  
13 for, or treatment with, an investigational drug, biological  
14 product, or device.

15 (D) The Disciplinary Board shall recommend to the  
16 Department civil penalties and any other appropriate  
17 discipline in disciplinary cases when the Board finds that a  
18 physician willfully performed an abortion with actual  
19 knowledge that the person upon whom the abortion has been  
20 performed is a minor or an incompetent person without notice as  
21 required under the Parental Notice of Abortion Act of 1995.  
22 Upon the Board's recommendation, the Department shall impose,  
23 for the first violation, a civil penalty of \$1,000 and for a  
24 second or subsequent violation, a civil penalty of \$5,000.

25 (Source: P.A. 98-601, eff. 12-30-13; 98-668, eff. 6-25-14;  
26 98-1140, eff. 12-30-14; 99-270, eff. 1-1-16; 99-933, eff.

1 1-27-17.)

2 (225 ILCS 60/35) (from Ch. 111, par. 4400-35)

3 (Section scheduled to be repealed on December 31, 2017)

4 Sec. 35. The Secretary shall have the authority to appoint  
5 an attorney duly licensed to practice law in the State of  
6 Illinois to serve as the hearing officer in any action to  
7 suspend, revoke, place on probationary status, or take any  
8 other disciplinary action with regard to a license. The hearing  
9 officer shall have full authority to conduct the hearing. The  
10 hearing officer shall report his findings and recommendations  
11 to the Disciplinary Board or Licensing Board within 30 days of  
12 the receipt of the record. The Disciplinary Board or Licensing  
13 Board shall have 60 days from receipt of the report to review  
14 the report of the hearing officer and present their findings of  
15 fact, conclusions of law and recommendations to the Secretary.  
16 (Source: P.A. 97-622, eff. 11-23-11.)

17 (225 ILCS 60/39) (from Ch. 111, par. 4400-39)

18 (Section scheduled to be repealed on December 31, 2017)

19 Sec. 39. Certified shorthand reporter; record  
20 ~~Stenographer; transcript~~. The Department, at its expense,  
21 shall provide a certified shorthand reporter ~~stenographer~~ to  
22 take down the testimony and preserve a record of all  
23 proceedings at the hearing of any case wherein a license may be  
24 revoked, suspended, placed on probationary status, or other

1 disciplinary action taken with regard thereto. The notice of  
2 hearing, complaint and all other documents in the nature of  
3 pleadings and written motions filed in the proceedings, the  
4 transcript of testimony, the report of the Licensing Board and  
5 the orders of the Department constitute the record of the  
6 proceedings. The Department shall furnish a copy transcript of  
7 the record to any person interested in such hearing upon  
8 payment of the fee required under Section 2105-115 of the  
9 Department of Professional Regulation Law (20 ILCS  
10 2105/2105-115). The Department may contract for court  
11 reporting services, and, in the event it does so, the  
12 Department shall provide the name and contact information for  
13 the certified shorthand reporter who transcribed the testimony  
14 at a hearing to any person interested, who may obtain a copy of  
15 the record of any proceedings at a hearing upon payment of the  
16 fee specified by the certified shorthand reporter. This charge  
17 is in addition to any fee charged by the Department for  
18 certifying the record.

19 (Source: P.A. 91-239, eff. 1-1-00.)

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

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 80/4.37a new

4 5 ILCS 80/4.27a rep.

5 225 ILCS 60/2 from Ch. 111, par. 4400-2

6 225 ILCS 60/2.5 new

7 225 ILCS 60/22 from Ch. 111, par. 4400-22

8 225 ILCS 60/35 from Ch. 111, par. 4400-35

9 225 ILCS 60/39 from Ch. 111, par. 4400-39