

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 changing  
5 Section 4.32 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following  
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Collateral Recovery Act.

11 The Detection of Deception Examiners Act.

12 The Home Inspector License Act.

13 The Medical Practice Act of 1987.

14 The Registered Interior Designers Act.

15 The Massage Licensing Act.

16 The Petroleum Equipment Contractors Licensing Act.

17 The Real Estate Appraiser Licensing Act of 2002.

18 The Water Well and Pump Installation Contractor's License  
19 Act.

20 (Source: P.A. 100-920, eff. 8-17-18.)

21 (5 ILCS 80/4.29 rep.)

22 Section 10. The Regulatory Sunset Act is amended by

1 repealing Section 4.29.

2 Section 15. The Medical Practice Act of 1987 is amended by  
3 changing Sections 21, 36, 38, 39, and 40 as follows:

4 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

5 (Section scheduled to be repealed on December 31, 2019)

6 Sec. 21. License renewal; reinstatement; inactive status;  
7 disposition and collection of fees.

8 (A) Renewal. The expiration date and renewal period for  
9 each license issued under this Act shall be set by rule. The  
10 holder of a license may renew the license by paying the  
11 required fee. The holder of a license may also renew the  
12 license within 90 days after its expiration by complying with  
13 the requirements for renewal and payment of an additional fee.  
14 A license renewal within 90 days after expiration shall be  
15 effective retroactively to the expiration date.

16 The Department shall attempt to provide through electronic  
17 means to each licensee under this Act, at least 60 days in  
18 advance of the expiration date of his or her license, a renewal  
19 notice. No such license shall be deemed to have lapsed until 90  
20 days after the expiration date and after the Department has  
21 attempted to provide such notice as herein provided.

22 (B) Reinstatement. Any licensee who has permitted his or  
23 her license to lapse or who has had his or her license on  
24 inactive status may have his or her license reinstated by

1 making application to the Department and filing proof  
2 acceptable to the Department of his or her fitness to have the  
3 license reinstated, including evidence certifying to active  
4 practice in another jurisdiction satisfactory to the  
5 Department, proof of meeting the continuing education  
6 requirements for one renewal period, and by paying the required  
7 reinstatement fee.

8 If the licensee has not maintained an active practice in  
9 another jurisdiction satisfactory to the Department, the  
10 Licensing Board shall determine, by an evaluation program  
11 established by rule, the applicant's fitness to resume active  
12 status and may require the licensee to complete a period of  
13 evaluated clinical experience and may require successful  
14 completion of a practical examination specified by the  
15 Licensing Board.

16 However, any registrant whose license has expired while he  
17 or she has been engaged (a) in Federal Service on active duty  
18 with the Army of the United States, the United States Navy, the  
19 Marine Corps, the Air Force, the Coast Guard, the Public Health  
20 Service or the State Militia called into the service or  
21 training of the United States of America, or (b) in training or  
22 education under the supervision of the United States  
23 preliminary to induction into the military service, may have  
24 his or her license reinstated without paying any lapsed renewal  
25 fees, if within 2 years after honorable termination of such  
26 service, training, or education, he or she furnishes to the

1 Department with satisfactory evidence to the effect that he or  
2 she has been so engaged and that his or her service, training,  
3 or education has been so terminated.

4 (C) Inactive licenses. Any licensee who notifies the  
5 Department, in writing on forms prescribed by the Department,  
6 may elect to place his or her license on an inactive status and  
7 shall, subject to rules of the Department, be excused from  
8 payment of renewal fees until he or she notifies the Department  
9 in writing of his or her desire to resume active status.

10 Any licensee requesting reinstatement from inactive status  
11 shall be required to pay the current renewal fee, provide proof  
12 of meeting the continuing education requirements for the period  
13 of time the license is inactive not to exceed one renewal  
14 period, and shall be required to reinstate his or her license  
15 as provided in subsection (B).

16 Any licensee whose license is in an inactive status shall  
17 not practice in the State of Illinois.

18 (D) Disposition of monies collected. All monies collected  
19 under this Act by the Department shall be deposited in the  
20 Illinois State Medical Disciplinary Fund in the State Treasury,  
21 and used only for the following purposes: (a) by the  
22 Disciplinary Board and Licensing Board in the exercise of its  
23 powers and performance of its duties, as such use is made by  
24 the Department with full consideration of all recommendations  
25 of the Disciplinary Board and Licensing Board, (b) for costs  
26 directly related to persons licensed under this Act, and (c)

1 for direct and allocable indirect costs related to the public  
2 purposes of the Department.

3 Moneys in the Fund may be transferred to the Professions  
4 Indirect Cost Fund as authorized under Section 2105-300 of the  
5 Department of Professional Regulation Law of the Civil  
6 Administrative Code of Illinois ~~(20 ILCS 2105/2105-300)~~.

7 ~~The State Comptroller shall order and the State Treasurer~~  
8 ~~shall transfer an amount equal to \$1,100,000 from the Illinois~~  
9 ~~State Medical Disciplinary Fund to the Local Government Tax~~  
10 ~~Fund on each of the following dates: July 1, 2014, October 1,~~  
11 ~~2014, January 1, 2015, July 1, 2017, October 1, 2017, and~~  
12 ~~January 1, 2018. These transfers shall constitute repayment of~~  
13 ~~the \$6,600,000 transfer made under Section 6z-18 of the State~~  
14 ~~Finance Act.~~

15 All earnings received from investment of monies in the  
16 Illinois State Medical Disciplinary Fund shall be deposited in  
17 the Illinois State Medical Disciplinary Fund and shall be used  
18 for the same purposes as fees deposited in such Fund.

19 (E) Fees. The following fees are nonrefundable.

20 (1) Applicants for any examination shall be required to  
21 pay, either to the Department or to the designated testing  
22 service, a fee covering the cost of determining the  
23 applicant's eligibility and providing the examination.  
24 Failure to appear for the examination on the scheduled  
25 date, at the time and place specified, after the  
26 applicant's application for examination has been received

1 and acknowledged by the Department or the designated  
2 testing service, shall result in the forfeiture of the  
3 examination fee.

4 (2) Before July 1, 2018, the fee for a license under  
5 Section 9 of this Act is \$700. Beginning on July 1, 2018,  
6 the fee for a license under Section 9 of this Act is \$500.

7 (3) Before July 1, 2018, the fee for a license under  
8 Section 19 of this Act is \$700. Beginning on July 1, 2018,  
9 the fee for a license under Section 19 of this Act is \$500.

10 (4) Before July 1, 2018, the fee for the renewal of a  
11 license for a resident of Illinois shall be calculated at  
12 the rate of \$230 per year, and beginning on July 1, 2018,  
13 the fee for the renewal of a license shall be \$167, except  
14 for licensees who were issued a license within 12 months of  
15 the expiration date of the license, before July 1, 2018,  
16 the fee for the renewal shall be \$230, and beginning on  
17 July 1, 2018 that fee will be \$167. Before July 1, 2018,  
18 the fee for the renewal of a license for a nonresident  
19 shall be calculated at the rate of \$460 per year, and  
20 beginning on July 1, 2018, the fee for the renewal of a  
21 license for a nonresident shall be \$250, except for  
22 licensees who were issued a license within 12 months of the  
23 expiration date of the license, before July 1, 2018, the  
24 fee for the renewal shall be \$460, and beginning on July 1,  
25 2018 that fee will be \$250.

26 (5) The fee for the reinstatement of a license other

1 than from inactive status, is \$230. In addition, payment of  
2 all lapsed renewal fees not to exceed \$1,400 is required.

3 (6) The fee for a 3-year temporary license under  
4 Section 17 is \$230.

5 (7) The fee for the issuance of a duplicate license,  
6 for the issuance of a replacement license for a license  
7 which has been lost or destroyed, or for the issuance of a  
8 license with a change of name or address other than during  
9 the renewal period is \$20. No fee is required for name and  
10 address changes on Department records when no duplicate  
11 license is issued.

12 (8) The fee to be paid for a license record for any  
13 purpose is \$20.

14 (9) The fee to be paid to have the scoring of an  
15 examination, administered by the Department, reviewed and  
16 verified, is \$20 plus any fees charged by the applicable  
17 testing service.

18 ~~(10) The fee to be paid by a licensee for a wall~~  
19 ~~certificate showing his or her license shall be the actual~~  
20 ~~cost of producing the certificate as determined by the~~  
21 ~~Department.~~

22 ~~(11) The fee for a roster of persons licensed as~~  
23 ~~physicians in this State shall be the actual cost of~~  
24 ~~producing such a roster as determined by the Department.~~

25 (F) Any person who delivers a check or other payment to the  
26 Department that is returned to the Department unpaid by the

1 financial institution upon which it is drawn shall pay to the  
2 Department, in addition to the amount already owed to the  
3 Department, a fine of \$50. The fines imposed by this Section  
4 are in addition to any other discipline provided under this Act  
5 for unlicensed practice or practice on a nonrenewed license.  
6 The Department shall notify the person that payment of fees and  
7 fines shall be paid to the Department by certified check or  
8 money order within 30 calendar days of the notification. If,  
9 after the expiration of 30 days from the date of the  
10 notification, the person has failed to submit the necessary  
11 remittance, the Department shall automatically terminate the  
12 license or permit or deny the application, without hearing. If,  
13 after termination or denial, the person seeks a license or  
14 permit, he or she shall apply to the Department for  
15 reinstatement or issuance of the license or permit and pay all  
16 fees and fines due to the Department. The Department may  
17 establish a fee for the processing of an application for  
18 reinstatement of a license or permit to pay all expenses of  
19 processing this application. The Secretary may waive the fines  
20 due under this Section in individual cases where the Secretary  
21 finds that the fines would be unreasonable or unnecessarily  
22 burdensome.

23 (Source: P.A. 98-3, eff. 3-8-13; 98-1140, eff. 12-30-14;  
24 99-909, eff. 12-16-16.)



1 (Section scheduled to be repealed on December 31, 2019)

2 Sec. 36. Investigation; notice.

3 (a) Upon the motion of either the Department or the  
4 Disciplinary Board or upon the verified complaint in writing of  
5 any person setting forth facts which, if proven, would  
6 constitute grounds for suspension or revocation under Section  
7 22 of this Act, the Department shall investigate the actions of  
8 any person, so accused, who holds or represents that he or she  
9 holds ~~they hold~~ a license. Such person is hereinafter called  
10 the accused.

11 (b) The Department shall, before suspending, revoking,  
12 placing on probationary status, or taking any other  
13 disciplinary action as the Department may deem proper with  
14 regard to any license at least 30 days prior to the date set  
15 for the hearing, notify the accused in writing of any charges  
16 made and the time and place for a hearing of the charges before  
17 the Disciplinary Board, direct him or her ~~them~~ to file his or  
18 her ~~their~~ written answer thereto to the Disciplinary Board  
19 under oath within 20 days after the service on him or her ~~them~~  
20 of such notice and inform him or her ~~them~~ that if he or she  
21 fails ~~they fail~~ to file such answer default will be taken  
22 against him or her ~~them~~ and his or her ~~their~~ license may be  
23 suspended, revoked, placed on probationary status, or have  
24 other disciplinary action, including limiting the scope,  
25 nature or extent of his or her ~~their~~ practice, as the  
26 Department may deem proper taken with regard thereto. The

1 Department shall, at least 14 days prior to the date set for  
2 the hearing, notify in writing any person who filed a complaint  
3 against the accused of the time and place for the hearing of  
4 the charges against the accused before the Disciplinary Board  
5 and inform such person whether he or she may provide testimony  
6 at the hearing.

7 (c) Where a physician has been found, upon complaint and  
8 investigation of the Department, and after hearing, to have  
9 performed an abortion procedure in a wilful and wanton manner  
10 upon a woman who was not pregnant at the time such abortion  
11 procedure was performed, the Department shall automatically  
12 revoke the license of such physician to practice medicine in  
13 Illinois.

14 (d) Such written notice and any notice in such proceedings  
15 thereafter may be served by personal delivery, email to the  
16 respondent's email address of record, or mail to the  
17 respondent's ~~delivery of the same, personally, to the accused~~  
18 ~~person, or by mailing the same by registered or certified mail~~  
19 ~~to the accused person's~~ address of record.

20 (e) All information gathered by the Department during its  
21 investigation including information subpoenaed under Section  
22 23 or 38 of this Act and the investigative file shall be kept  
23 for the confidential use of the Secretary, Disciplinary Board,  
24 the Medical Coordinators, persons employed by contract to  
25 advise the Medical Coordinator or the Department, the  
26 Disciplinary Board's attorneys, the medical investigative

1 staff, and authorized clerical staff, as provided in this Act  
2 and shall be afforded the same status as is provided  
3 information concerning medical studies in Part 21 of Article  
4 VIII of the Code of Civil Procedure, except that the Department  
5 may disclose information and documents to a federal, State, or  
6 local law enforcement agency pursuant to a subpoena in an  
7 ongoing criminal investigation to a health care licensing body  
8 of this State or another state or jurisdiction pursuant to an  
9 official request made by that licensing body. Furthermore,  
10 information and documents disclosed to a federal, State, or  
11 local law enforcement agency may be used by that agency only  
12 for the investigation and prosecution of a criminal offense or,  
13 in the case of disclosure to a health care licensing body, only  
14 for investigations and disciplinary action proceedings with  
15 regard to a license issued by that licensing body.

16 (Source: P.A. 97-449, eff. 1-1-12; 97-622, eff. 11-23-11;  
17 98-1140, eff. 12-30-14.)

18 (225 ILCS 60/38) (from Ch. 111, par. 4400-38)

19 (Section scheduled to be repealed on December 31, 2019)

20 Sec. 38. Subpoena; oaths.

21 (a) The Disciplinary Board or Department has power to  
22 subpoena and bring before it any person in this State and to  
23 take testimony either orally or by deposition, or both, with  
24 the same fees and mileage and in the same manner as is  
25 prescribed by law for judicial procedure in civil cases.

1           (b) The Disciplinary Board, upon a determination that  
2           probable cause exists that a violation of one or more of the  
3           grounds for discipline listed in Section 22 has occurred or is  
4           occurring, may subpoena the medical and hospital records of  
5           individual patients of physicians licensed under this Act,  
6           provided, that prior to the submission of such records to the  
7           Disciplinary Board, all information indicating the identity of  
8           the patient shall be removed and deleted. Notwithstanding the  
9           foregoing, the Disciplinary Board and Department shall possess  
10          the power to subpoena copies of hospital or medical records in  
11          mandatory report cases under Section 23 alleging death or  
12          permanent bodily injury when consent to obtain records is not  
13          provided by a patient or legal representative. Prior to  
14          submission of the records to the Disciplinary Board, all  
15          information indicating the identity of the patient shall be  
16          removed and deleted. All medical records and other information  
17          received pursuant to subpoena shall be confidential and shall  
18          be afforded the same status as is proved information concerning  
19          medical studies in Part 21 of Article VIII of the Code of Civil  
20          Procedure. The use of such records shall be restricted to  
21          members of the Disciplinary Board, the medical coordinators,  
22          and appropriate staff of the Department designated by the  
23          Disciplinary Board for the purpose of determining the existence  
24          of one or more grounds for discipline of the physician as  
25          provided for by Section 22 of this Act. Any such review of  
26          individual patients' records shall be conducted by the

1 Disciplinary Board in strict confidentiality, provided that  
2 such patient records shall be admissible in a disciplinary  
3 hearing, before the Disciplinary Board, when necessary to  
4 substantiate the grounds for discipline alleged against the  
5 physician licensed under this Act, and provided further, that  
6 nothing herein shall be deemed to supersede the provisions of  
7 Part 21 of Article VIII of the "Code of Civil Procedure", as  
8 now or hereafter amended, to the extent applicable.

9 (c) The Secretary, hearing officer, and any member of the  
10 Disciplinary Board each have power to administer oaths at any  
11 hearing which the Disciplinary Board or Department is  
12 authorized by law to conduct.

13 (d) The Disciplinary Board, upon a determination that  
14 probable cause exists that a violation of one or more of the  
15 grounds for discipline listed in Section 22 has occurred or is  
16 occurring on the business premises of a physician licensed  
17 under this Act, may issue an order authorizing an appropriately  
18 qualified investigator employed by the Department to enter upon  
19 the business premises with due consideration for patient care  
20 of the subject of the investigation so as to inspect the  
21 physical premises and equipment and furnishings therein. No  
22 such order shall include the right of inspection of business,  
23 medical, or personnel records located on the premises. For  
24 purposes of this Section, "business premises" is defined as the  
25 office or offices where the physician conducts the practice of  
26 medicine. Any such order shall expire and become void five

1 business days after its issuance by the Disciplinary Board. The  
2 execution of any such order shall be valid only during the  
3 normal business hours of the facility or office to be  
4 inspected.

5 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

6 (225 ILCS 60/39) (from Ch. 111, par. 4400-39)

7 (Section scheduled to be repealed on December 31, 2019)

8 Sec. 39. Certified shorthand reporter; record. The  
9 Department, at its expense, shall provide a certified shorthand  
10 reporter to take down the testimony and preserve a record of  
11 all proceedings at the hearing of any case wherein a license  
12 may be revoked, suspended, placed on probationary status, or  
13 other disciplinary action taken with regard thereto in  
14 accordance with Section 2105-115 of the Department of  
15 Professional Regulation Law of the Civil Administrative Code of  
16 Illinois. The notice of hearing, complaint and all other  
17 documents in the nature of pleadings and written motions filed  
18 in the proceedings, the transcript of testimony, the report of  
19 the hearing officer, exhibits, the report of the ~~Licensing~~  
20 ~~Board,~~ and the orders of the Department constitute the record  
21 of the proceedings. ~~The Department shall furnish a copy of the~~  
22 ~~record to any person interested in such hearing upon payment of~~  
23 ~~the fee required under Section 2105-115 of the Department of~~  
24 ~~Professional Regulation Law (20 ILCS 2105/2105-115).~~ The  
25 Department may contract for court reporting services, and, in

1 ~~the event it does so, the Department shall provide the name and~~  
2 ~~contact information for the certified shorthand reporter who~~  
3 ~~transcribed the testimony at a hearing to any person~~  
4 ~~interested, who may obtain a copy of the record of any~~  
5 ~~proceedings at a hearing upon payment of the fee specified by~~  
6 ~~the certified shorthand reporter. This charge is in addition to~~  
7 ~~any fee charged by the Department for certifying the record.~~

8 (Source: P.A. 100-429, eff. 8-25-17.)

9 (225 ILCS 60/40) (from Ch. 111, par. 4400-40)

10 (Section scheduled to be repealed on December 31, 2019)

11 Sec. 40. Findings and recommendations; rehearing.

12 (a) The Disciplinary Board shall present to the Secretary a  
13 written report of its findings and recommendations. A copy of  
14 such report shall be served upon the accused person, either  
15 personally or by ~~registered or certified~~ mail or email. Within  
16 20 days after such service, the accused person may present to  
17 the Department his or her ~~their~~ motion, in writing, for a  
18 rehearing, which written motion shall specify the particular  
19 ground therefor. If the accused person orders and pays for a  
20 transcript of the record as provided in Section 39, the time  
21 elapsing thereafter and before such transcript is ready for  
22 delivery to them shall not be counted as part of such 20 days.

23 (b) At the expiration of the time allowed for filing a  
24 motion for rehearing, the Secretary may take the action  
25 recommended by the Disciplinary Board. Upon the suspension,

1 revocation, placement on probationary status, or the taking of  
2 any other disciplinary action, including the limiting of the  
3 scope, nature, or extent of one's practice, deemed proper by  
4 the Department, with regard to the license or permit, the  
5 accused shall surrender his or her ~~their~~ license or permit to  
6 the Department, if ordered to do so by the Department, and upon  
7 his or her ~~their~~ failure or refusal so to do, the Department  
8 may seize the same.

9 (c) Each order of revocation, suspension, or other  
10 disciplinary action shall contain a brief, concise statement of  
11 the ground or grounds upon which the Department's action is  
12 based, as well as the specific terms and conditions of such  
13 action. This document shall be retained as a permanent record  
14 by the Disciplinary Board and the Secretary.

15 (d) The Department shall at least annually publish a list  
16 of the names of all persons disciplined under this Act in the  
17 preceding 12 months. Such lists shall be available by the  
18 Department on its website.

19 (e) In those instances where an order of revocation,  
20 suspension, or other disciplinary action has been rendered by  
21 virtue of a physician's physical illness, including, but not  
22 limited to, deterioration through the aging process, or loss of  
23 motor skill which results in a physician's inability to  
24 practice medicine with reasonable judgment, skill, or safety,  
25 the Department shall only permit this document, and the record  
26 of the hearing incident thereto, to be observed, inspected,



1 viewed, or copied pursuant to court order.

2 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.