



Sen. Kirk W. Dillard

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09700SB1762sam003

LRB097 06104 CEL 53758 a

1 AMENDMENT TO SENATE BILL 1762

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1762 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law  
5 of the Civil Administrative Code of Illinois is amended by  
6 adding Section 2105-165 as follows:

7 (20 ILCS 2105/2105-165 new)

8 Sec. 2105-165. Health care worker licensure actions; sex  
9 crimes.

10 (a) When a licensed health care worker, as defined in the  
11 Health Care Worker Self-Referral Act, (1) has been convicted of  
12 a criminal act that requires registration under the Sex  
13 Offender Registration Act; (2) has been convicted of a criminal  
14 battery against any patient in the course of patient care or  
15 treatment, including any offense based on sexual conduct or  
16 sexual penetration; (3) has been convicted of a forcible

1 felony; or (4) is required as a part of a criminal sentence to  
2 register under the Sex Offender Registration Act, then,  
3 notwithstanding any other provision of law to the contrary, the  
4 license of the health care worker shall by operation of law be  
5 permanently revoked without a hearing.

6 (b) No person who has been convicted of any offense listed  
7 in subsection (a) or required to register as a sex offender may  
8 receive a license as a health care worker in Illinois.

9 (c) Immediately after an Illinois State's Attorney files  
10 criminal charges alleging that a licensed health care worker,  
11 as defined in the Health Care Worker Self-Referral Act,  
12 committed any offense for which the sentence includes  
13 registration as a sex offender; a criminal battery against a  
14 patient, including any offense based on sexual conduct or  
15 sexual penetration, in the course of patient care or treatment;  
16 or a forcible felony; then the State's Attorney shall provide  
17 notice to the Department of the health care worker's name,  
18 address, practice address, and license number and the patient's  
19 name and a copy of the criminal charges filed. Within 5  
20 business days after receiving notice from the State's Attorney  
21 of the filing of criminal charges against the health care  
22 worker, the Secretary shall issue an administrative order that  
23 the health care worker shall immediately practice only with a  
24 chaperone during all patient encounters pending the outcome of  
25 the criminal proceedings. The chaperone must be a licensed  
26 health care worker. The chaperone shall provide written notice

1 to all of the health care worker's patients explaining the  
2 Department's order to use a chaperone. Each patient shall sign  
3 an acknowledgement that they received the notice. The notice to  
4 the patient of criminal charges shall include, in 14-point  
5 font, the following statement: "The health care worker is  
6 presumed innocent until proven guilty of the charges." The  
7 licensed health care worker shall provide a written plan of  
8 compliance with the administrative order that is acceptable to  
9 the Department within 5 days after receipt of the  
10 administrative order. Failure to comply with the  
11 administrative order, failure to file a compliance plan, or  
12 failure to follow the compliance plan shall subject the health  
13 care worker to temporary suspension of his or her professional  
14 license until the completion of the criminal proceedings.

15 (d) Nothing contained in this Section shall act in any way  
16 to waive or modify the confidentiality of information provided  
17 by the State's Attorney to the extent provided by law. Any  
18 information reported or disclosed shall be kept for the  
19 confidential use of the Secretary, Department attorneys, the  
20 investigative staff, and authorized clerical staff and shall be  
21 afforded the same status as is provided information under Part  
22 21 of Article VIII of the Code of Civil Procedure, except that  
23 the Department may disclose information and documents to (1) a  
24 federal, State, or local law enforcement agency pursuant to a  
25 subpoena in an ongoing criminal investigation or (2) an  
26 appropriate licensing authority of another state or

1 jurisdiction pursuant to an official request made by that  
2 authority. Any information and documents disclosed to a  
3 federal, State, or local law enforcement agency may be used by  
4 that agency only for the investigation and prosecution of a  
5 criminal offense. Any information or documents disclosed by the  
6 Department to a professional licensing authority of another  
7 state or jurisdiction may only be used by that authority for  
8 investigations and disciplinary proceedings with regards to a  
9 professional license.

10 (e) Any licensee whose license was revoked or who received  
11 an administrative order under this Section shall have the  
12 revocation or administrative order vacated and completely  
13 removed from the licensee's records and public view and the  
14 revocation or administrative order shall be afforded the same  
15 status as is provided information under Part 21 of Article VIII  
16 of the Code of Civil Procedure if (1) the charges upon which  
17 the revocation or administrative order is based are dropped;  
18 (2) the licensee is not convicted of the charges upon which the  
19 revocation or administrative order is based; or (3) any  
20 conviction for charges upon which the revocation or  
21 administrative order was based have been vacated, overturned,  
22 or reversed.

23 (f) Nothing contained in this Section shall prohibit the  
24 Department from initiating or maintaining a disciplinary  
25 action against a licensee independent from any criminal  
26 charges, conviction, or sex offender registration.

1           (g) The Department may adopt rules necessary to implement  
2           this Section.

3           Section 99. Effective date. This Act takes effect 30 days  
4           after becoming law.".