

**SB0772**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**SB0772**

Introduced 2/1/2017, by Sen. Iris Y. Martinez

**SYNOPSIS AS INTRODUCED:**

See Index

Amends the Regulatory Sunset Act by extending the repeal date of the Podiatric Medical Practice Act of 1987 from January 1, 2018 to January 1, 2028. Amends the Podiatric Medical Practice Act of 1987. Defines "email address of record" and "address of record". 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 Financial and Professional Regulation of any change of address or email address through specified means. Makes changes in provisions concerning the Podiatric Medical Licensing Board, grounds for disciplinary action, appointment of a hearing officer, and certification of records. Provides provisions concerning confidentiality of information collected by the Department in the course of an examination or investigation. Makes other changes. Effective immediately.

LRB100 05738 SMS 15761 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 changing  
5 Section 4.28 and by adding Section 4.38 as follows:

6 (5 ILCS 80/4.28)

7 Sec. 4.28. Acts repealed on January 1, 2018. The following  
8 Acts are repealed on January 1, 2018:

9 The Illinois Petroleum Education and Marketing Act.

10 ~~The Podiatric Medical Practice Act of 1987.~~

11 The Acupuncture Practice Act.

12 The Illinois Speech-Language Pathology and Audiology  
13 Practice Act.

14 The Interpreter for the Deaf Licensure Act of 2007.

15 The Nurse Practice Act.

16 The Clinical Social Work and Social Work Practice Act.

17 The Pharmacy Practice Act.

18 The Home Medical Equipment and Services Provider License  
19 Act.

20 The Marriage and Family Therapy Licensing Act.

21 The Nursing Home Administrators Licensing and Disciplinary  
22 Act.

23 The Physician Assistant Practice Act of 1987.

1 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;  
2 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.  
3 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,  
4 eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;  
5 96-328, eff. 8-11-09.)

6 (5 ILCS 80/4.38 new)

7 Sec. 4.38. Act repealed on January 1, 2028. The following  
8 Act is repealed on January 1, 2028:

9 The Podiatric Medical Practice Act of 1987.

10 Section 10. The Podiatric Medical Practice Act of 1987 is  
11 amended by changing Sections 3, 5, 7, 12, 14, 15, 19, 24, 26,  
12 27, 34, 36, 40, and 42 and by adding Sections 5.5 and 46 as  
13 follows:

14 (225 ILCS 100/3) (from Ch. 111, par. 4803)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 3. Exceptions. This Act does not prohibit:

17 (A) Any person licensed in this State under the Medical  
18 Practice Act of 1987 from engaging in the practice for  
19 which he or she is licensed.

20 (B) The practice of podiatric medicine by a person who  
21 is employed by the United States government or any bureau,  
22 division or agency thereof while in the discharge of the  
23 employee's official duties.

1           (C) The practice of podiatric medicine that is included  
2           in their program of study by students enrolled in any  
3           approved college of podiatric medicine or in refresher  
4           courses approved by the Department.

5           (D) The practice of podiatric medicine by one who has  
6           applied in writing or electronically to the Department, in  
7           form and substance satisfactory to the Department, for a  
8           license as a podiatric physician and has complied with all  
9           the provisions under Section 10 of this Act, except the  
10          passing of an examination to be eligible to receive such  
11          license, until the decision of the Department that the  
12          applicant has failed to pass the next available examination  
13          authorized by the Department or has failed to take the next  
14          available examination authorized by the Department, or the  
15          withdrawal of the application.

16          (E) The practice of podiatric medicine by one who is a  
17          podiatric physician under the laws of another state,  
18          territory of the United States or country as described in  
19          Section 18 of this Act, and has applied in writing or  
20          electronically to the Department, in form and substance  
21          satisfactory to the Department, for a license as a  
22          podiatric physician and who is qualified to receive such  
23          license under Section 13 or Section 9, until:

24                  (1) the expiration of 6 months after the filing of  
25                  such written application,

26                  (2) the withdrawal of such application, or

1           (3) the denial of such application by the  
2           Department.

3           (F) The provision of emergency care without fee by a  
4           podiatric physician assisting in an emergency as provided  
5           in Section 4.

6           An applicant for a license to practice podiatric medicine,  
7           practicing under the exceptions set forth in paragraphs (D) or  
8           (E), may use the title podiatric physician, podiatrist, doctor  
9           of podiatric medicine, or chiroprapist as set forth in Section 5  
10          of this Act.

11          (Source: P.A. 95-235, eff. 8-17-07; 95-738, eff. 1-1-09.)

12          (225 ILCS 100/5) (from Ch. 111, par. 4805)

13          (Section scheduled to be repealed on January 1, 2018)

14          Sec. 5. Definitions. As used in this Act:

15          (A) "Department" means the Department of Financial and  
16          Professional Regulation.

17          (B) "Secretary" means the Secretary of Financial and  
18          Professional Regulation.

19          (C) "Board" means the Podiatric Medical Licensing Board  
20          appointed by the Secretary.

21          (D) "Podiatric medicine" or "podiatry" means the  
22          diagnosis, medical, physical, or surgical treatment of the  
23          ailments of the human foot, including amputations as defined in  
24          this Section. "Podiatric medicine" or "podiatry" includes the  
25          provision of topical and local anesthesia and moderate and deep

1 sedation, as defined by Department rule adopted under the  
2 Medical Practice Act of 1987. For the purposes of this Act, the  
3 terms podiatric medicine, podiatry and chiropody have the same  
4 definition.

5 (E) "Human foot" means the ankle and soft tissue which  
6 insert into the foot as well as the foot.

7 (F) "Podiatric physician" means a physician licensed to  
8 practice podiatric medicine.

9 (G) "Postgraduate training" means a minimum one-year ~~one~~  
10 ~~year~~ postdoctoral structured and supervised educational  
11 experience approved by the Council on Podiatric Medical  
12 Education of the American Podiatric Medical Association which  
13 includes residencies and preceptorships.

14 (H) "Amputations" means amputations of the human foot, in  
15 whole or in part, that are limited to 10 centimeters proximal  
16 to the tibial talar articulation.

17 (I) "Email address of record" means the designated email  
18 address recorded by the Department in the applicant's  
19 application file or the licensee's license file, as maintained  
20 by the Department's licensure maintenance unit.

21 (J) "Address of record" means the designated address  
22 recorded by the Department in the applicant's or licensee's  
23 application file or license file as maintained by the  
24 Department's licensure maintenance unit.

25 (Source: P.A. 99-635, eff. 1-1-17.)

1 (225 ILCS 100/5.5 new)

2 Sec. 5.5. Address of record; email address of record. All  
3 applicants and licensees shall:

4 (1) provide a valid address and email address to the  
5 Department, which shall serve as the address of record and  
6 email address of record, respectively, at the time of  
7 application for licensure or renewal of a license; and

8 (2) inform the Department of any change of address of  
9 record or email address of record within 14 days after such  
10 change either through the Department's website or by  
11 contacting the Department's licensure maintenance unit.

12 (225 ILCS 100/7) (from Ch. 111, par. 4807)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 7. Creation of the Board. The Secretary shall appoint  
15 a Podiatric Medical Licensing Board as follows: 5 members must  
16 be actively engaged in the practice of podiatric medicine in  
17 this State for a minimum of 3 years and one member must be a  
18 member of the general public who is not licensed under this Act  
19 or a similar Act of another jurisdiction.

20 Members shall serve 3 year terms and serve until their  
21 successors are appointed and qualified. No member shall be  
22 reappointed to the Board for a term that would cause his or her  
23 continuous service on the Board to be longer than 8 successive  
24 years.

25 A majority of Board members currently appointed shall

1 constitute a quorum. A vacancy in the membership of the Board  
2 shall not impair the right of a quorum to exercise the rights  
3 and perform all of the duties of the Board.

4 In making appointments to the Board the Secretary shall  
5 give due consideration to recommendations by the Illinois  
6 Podiatric Medical Association and shall promptly give due  
7 notice to the Illinois Podiatric Medical Association of any  
8 vacancy in the membership of the Board.

9 Appointments to fill vacancies shall be made in the same  
10 manner as original appointments, for the unexpired portion of  
11 the vacated term.

12 The Board shall annually elect a chairperson and  
13 vice-chairperson.

14 The membership of the Board should reasonably reflect  
15 representation from the geographic areas in this State.

16 Members of the Board shall have no liability ~~be immune from~~  
17 ~~suit~~ in any action based upon any disciplinary proceedings or  
18 other activity ~~activities~~ performed in good faith as members of  
19 the Board.

20 The members of the Board may receive as compensation a  
21 reasonable sum as determined by the Secretary for each day  
22 actually engaged in the duties of the office, and all  
23 legitimate and necessary expenses incurred in attending the  
24 meetings of the Board.

25 The Secretary may terminate the appointment of any member  
26 for cause that in the opinion of the Secretary reasonably



1 justifies such termination.

2 The Secretary shall consider the recommendations of the  
3 Board on questions involving standards of professional  
4 conduct, discipline, and qualifications of candidates and  
5 licensees under this Act.

6 Notice of proposed rulemaking shall be transmitted to the  
7 Board and the Department shall review the response of the Board  
8 and any recommendations made in the response. The Department  
9 may, at any time, seek the expert advice and knowledge of the  
10 Board on any matter relating to the administration or  
11 enforcement of this Act.

12 (Source: P.A. 95-235, eff. 8-17-07.)

13 (225 ILCS 100/12) (from Ch. 111, par. 4812)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 12. Temporary license; qualifications and terms.

16 (A) Podiatric physicians otherwise qualified for  
17 licensure, with the exception of completion of their  
18 postgraduate training and the exception of the successful  
19 completion of the written practical examination required under  
20 Section 10, may be granted a 3-year temporary license to  
21 practice podiatric medicine provided that the applicant can  
22 demonstrate that he or she has been accepted and is enrolled in  
23 a recognized postgraduate training program during the period  
24 for which the temporary license is sought. Such temporary  
25 licenses shall be valid for the duration of the program, not to

1 exceed 3 years, provided that the applicant continues in the  
2 approved program and is in good standing at the practice site.  
3 Such applicants shall apply in writing or electronically on  
4 those forms prescribed by the Department and shall submit with  
5 the application the required application fee. Other  
6 examination fees that may be required under Section 8 must also  
7 be paid by temporary licensees.

8 (B) Application for visiting professor permits shall be  
9 made to the Department in writing or electronically on forms  
10 prescribed by the Department and be accompanied by the required  
11 fee. Requirements for a visiting professor permit issued under  
12 this Section shall be determined by the Department by rule.  
13 Visiting professor permits shall be valid for one year from the  
14 date of issuance or until such time as the faculty appointment  
15 is terminated, whichever occurs first, and may be renewed once.

16 (Source: P.A. 99-225, eff. 1-1-16.)

17 (225 ILCS 100/14) (from Ch. 111, par. 4814)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 14. Continuing education requirement. Podiatric  
20 physicians licensed to practice in Illinois shall, as a  
21 requirement for renewal of license, complete continuing  
22 education at the rate of at least 50 hours per year. Such hours  
23 shall be earned (1) from courses offered by sponsors validated  
24 by the Illinois Podiatric Medical Association Continuing  
25 Education Committee and approved by the ~~Podiatric Medical~~

1 ~~Licensing~~ Board; or (2) by continuing education activities as  
2 defined in the rules of the Department. Podiatric physicians  
3 shall, at the request of the Department, provide proof of  
4 having met the requirements of continuing education under this  
5 Section. The Department shall by rule provide an orderly  
6 process for the restoration ~~reinstatement~~ of licenses which  
7 have not been renewed due to the licensee's failure to meet  
8 requirements of this Section. The requirements of continuing  
9 education may be waived by the Secretary, upon recommendation  
10 by the Board, in whole or in part for such good cause,  
11 including but not limited to illness or hardship, as defined by  
12 the rules of the Department.

13 The Department shall establish by rule a means for the  
14 verification of completion of the continuing education  
15 required by this Section. This verification may be accomplished  
16 through audits of records maintained by registrants; by  
17 requiring the filing of continuing education certificates with  
18 the Department; or by other means established by the  
19 Department.

20 (Source: P.A. 95-235, eff. 8-17-07.)

21 (225 ILCS 100/15) (from Ch. 111, par. 4815)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 15. Licenses; renewal; restoration; military service.

24 (A) The expiration date and renewal period for each license  
25 issued under this Act shall be set by rule.

1           (B) Any podiatric physician who has permitted his or her  
2 license to expire or who has had his license on inactive status  
3 may have the license restored by making application to the  
4 Department, providing proof of continuing education, and  
5 filing proof acceptable to the Department of his or her fitness  
6 to have the license restored, which may include evidence of  
7 active lawful practice in another jurisdiction satisfactory to  
8 the Department and by paying the required restoration fee.

9           (C) If the podiatric physician has not maintained an active  
10 practice in another jurisdiction satisfactory to the  
11 Department, the ~~Podiatric Medical Licensing~~ Board shall  
12 determine, by an evaluation program established by rule his or  
13 her fitness to resume active status and may require the  
14 podiatric physician to complete an established period of  
15 evaluated clinical experience and may require successful  
16 completion of the practical examination, as provided by rule.

17           (D) However, any podiatric physician whose license expired  
18 while he or she was (1) in Federal Service on active duty with  
19 the Armed Forces of the United States or the Veterans  
20 Administration or the State Militia called into service or  
21 training, or (2) in training or education under the supervision  
22 of the United States preliminary to induction into the military  
23 service, may have the license renewed or restored without  
24 paying any lapsed renewal fees if within 2 years after  
25 honorable termination of such service, training or education,  
26 except under conditions other than honorable, he or she

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

4 (Source: P.A. 90-76, eff. 12-30-97.)

5 (225 ILCS 100/19) (from Ch. 111, par. 4819)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 19. Disciplinary Fund. All fees and fines received by  
8 the Department under this Act shall be deposited in the  
9 Illinois State Podiatric Disciplinary Fund, a special fund  
10 created hereunder in the State Treasury. Of the moneys  
11 deposited into the Illinois State Podiatric Disciplinary Fund,  
12 during each 2-year renewal period, \$200,000 of the money  
13 received from the payment of renewal fees shall be used for  
14 podiatric scholarships and residency programs under the  
15 Podiatric Scholarship and Residency Act and the remainder shall  
16 be appropriated to the Department for expenses of the  
17 Department and of the ~~Podiatric Medical Licensing~~ Board and for  
18 podiatric scholarships and residency programs under the  
19 Podiatric Scholarship and Residency Act.

20 Moneys in the Illinois State Podiatric Disciplinary Fund  
21 may be invested and reinvested in investments authorized for  
22 the investment of funds of the State Employees' Retirement  
23 System of Illinois.

24 All earnings received from such investments shall be  
25 deposited in the Illinois State Podiatric Disciplinary Fund and

1 may be used for the same purposes as fees deposited in such  
2 fund.

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 (20 ILCS  
6 2105/2105-300).

7 Moneys set aside for podiatric scholarships and residency  
8 programs under the Podiatric Scholarship and Residency Act, as  
9 provided for in this Section, may not be transferred under  
10 Section 8h of the State Finance Act.

11 Upon the completion of any audit of the Department as  
12 prescribed by the Illinois State Auditing Act which includes an  
13 audit of the Illinois State Podiatric Disciplinary Fund, the  
14 Department shall make the audit open to inspection by any  
15 interested person.

16 (Source: P.A. 94-726, eff. 1-20-06.)

17 (225 ILCS 100/24) (from Ch. 111, par. 4824)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 24. Grounds for disciplinary action. The Department  
20 may refuse to issue, may refuse to renew, may refuse to  
21 restore, may suspend, or may revoke any license, or may place  
22 on probation, reprimand or take other disciplinary or  
23 non-disciplinary action as the Department may deem proper,  
24 including fines not to exceed \$10,000 for each violation upon  
25 anyone licensed under this Act for any of the following

1 reasons:

2 (1) Making a material misstatement in furnishing  
3 information to the Department.

4 (2) Violations of this Act, or of the rules adopted  
5 under this Act ~~or regulations promulgated hereunder.~~

6 (3) Conviction by plea of guilty or nolo contendere,  
7 finding of guilt, jury verdict, or entry of judgment or  
8 sentencing, including, but not limited to, convictions,  
9 preceding sentences of supervision, conditional discharge,  
10 or first offender probation, under the laws of any  
11 jurisdiction of the United States that is (i) a felony or  
12 (ii) a misdemeanor, an essential element of which is  
13 dishonesty, or that is directly related to the practice of  
14 the profession. ~~Conviction of or entry of a plea of guilty~~  
15 ~~or nolo contendere to any crime that is a felony under the~~  
16 ~~laws of the United States or any state or territory of the~~  
17 ~~United States that is a misdemeanor, of which an essential~~  
18 ~~element is dishonesty, or of any crime that is directly~~  
19 ~~related to the practice of the profession.~~

20 (4) Making any misrepresentation for the purpose of  
21 obtaining licenses, or violating any provision of this Act  
22 or the rules promulgated thereunder pertaining to  
23 advertising.

24 (5) Professional incompetence.

25 (6) Gross or repeated malpractice or negligence.

26 (7) Aiding or assisting another person in violating any

1 provision of this Act or rules.

2 (8) Failing, within 30 days, to provide information in  
3 response to a written request made by the Department.

4 (9) Engaging in dishonorable, unethical or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud or harm the public.

7 (10) Habitual or excessive use of alcohol, narcotics,  
8 stimulants or other chemical agent or drug that results in  
9 the inability to practice podiatric medicine with  
10 reasonable judgment, skill or safety.

11 (11) Discipline by another United States jurisdiction  
12 if at least one of the grounds for the discipline is the  
13 same or substantially equivalent to those set forth in this  
14 Section.

15 (12) Violation of the prohibition against fee  
16 splitting in Section 24.2 of this Act.

17 (13) A finding by the ~~Podiatric Medical Licensing~~ Board  
18 that the licensee, after having his or her license placed  
19 on probationary status, has violated the terms of  
20 probation.

21 (14) Abandonment of a patient.

22 (15) Willfully making or filing false records or  
23 reports in his or her practice, including but not limited  
24 to false records filed with state agencies or departments.

25 (16) Willfully failing to report an instance of  
26 suspected child abuse or neglect as required by the Abused



1 and Neglected Child Report Act.

2 (17) Physical illness, mental illness, or other  
3 impairment, including, but not limited to, deterioration  
4 through the aging process, or loss of motor skill that  
5 results in the inability to practice the profession with  
6 reasonable judgment, skill or safety.

7 (18) Solicitation of professional services other than  
8 permitted advertising.

9 (19) The determination by a circuit court that a  
10 licensed podiatric physician is subject to involuntary  
11 admission or judicial admission as provided in the Mental  
12 Health and Developmental Disabilities Code operates as an  
13 automatic suspension. Such suspension will end only upon a  
14 finding by a court that the patient is no longer subject to  
15 involuntary admission or judicial admission and issues an  
16 order so finding and discharging the patient; and upon the  
17 recommendation of the ~~Podiatric Medical Licensing~~ Board to  
18 the Secretary that the licensee be allowed to resume his or  
19 her practice.

20 (20) Holding oneself out to treat human ailments under  
21 any name other than his or her own, or the impersonation of  
22 any other physician.

23 (21) Revocation or suspension or other action taken  
24 with respect to a podiatric medical license in another  
25 jurisdiction that would constitute disciplinary action  
26 under this Act.

1           (22) Promotion of the sale of drugs, devices,  
2           appliances or goods provided for a patient in such manner  
3           as to exploit the patient for financial gain of the  
4           podiatric physician.

5           (23) Gross, willful, and continued overcharging for  
6           professional services including filing false statements  
7           for collection of fees for those services, including, but  
8           not limited to, filing false statement for collection of  
9           monies for services not rendered from the medical  
10          assistance program of the Department of Healthcare and  
11          Family Services (formerly Department of Public Aid) under  
12          the Illinois Public Aid Code or other private or public  
13          third party payor.

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

21          (25) Willfully making or filing false records or  
22          reports in the practice of podiatric medicine, including,  
23          but not limited to, false records to support claims against  
24          the medical assistance program of the Department of  
25          Healthcare and Family Services (formerly Department of  
26          Public Aid) under the Illinois Public Aid Code.

1 (26) (Blank).

2 (27) Immoral conduct in the commission of any act  
3 including, sexual abuse, sexual misconduct, or sexual  
4 exploitation, related to the licensee's practice.

5 (28) Violation of the Health Care Worker Self-Referral  
6 Act.

7 (29) Failure to report to the Department any adverse  
8 final action taken against him or her by another licensing  
9 jurisdiction ~~(another state or a territory of the United~~  
10 ~~States or any a foreign state or country) ~~by a, any peer~~  
11 ~~review body, ~~by~~ any health care institution, any ~~by a~~~~  
12 ~~professional society or association ~~related to practice~~~~  
13 ~~~~under this Act, any ~~by a~~ governmental agency, any ~~by a~~ law~~~~  
14 ~~enforcement agency, or any ~~by a~~ court for acts or conduct~~  
15 ~~similar to acts or conduct that would constitute grounds~~  
16 ~~for action as defined in this Section.~~~~

17 (30) Willfully failing to report an instance of  
18 suspected abuse, neglect, financial exploitation, or  
19 self-neglect of an eligible adult as defined in and  
20 required by the Adult Protective Services Act.

21 (31) Being named as a perpetrator in an indicated  
22 report by the Department on Aging under the Adult  
23 Protective Services Act, and upon proof by clear and  
24 convincing evidence that the licensee has caused an  
25 eligible adult to be abused, neglected, or financially  
26 exploited as defined in the Adult Protective Services Act.

1           The Department may refuse to issue or may suspend the  
2 license of any person who fails to file a return, or to pay the  
3 tax, penalty or interest shown in a filed return, or to pay any  
4 final assessment of tax, penalty or interest, as required by  
5 any tax Act administered by the Illinois Department of Revenue,  
6 until such time as the requirements of any such tax Act are  
7 satisfied.

8           Upon receipt of a written communication from the Secretary  
9 of Human Services, the Director of Healthcare and Family  
10 Services (formerly Director of Public Aid), or the Director of  
11 Public Health that continuation of practice of a person  
12 licensed under this Act constitutes an immediate danger to the  
13 public, the Secretary may immediately suspend the license of  
14 such person without a hearing. In instances in which the  
15 Secretary immediately suspends a license under this Section, a  
16 hearing upon such person's license must be convened by the  
17 Board within 15 days after such suspension and completed  
18 without appreciable delay, such hearing held to determine  
19 whether to recommend to the Secretary that the person's license  
20 be revoked, suspended, placed on probationary status or  
21 restored ~~reinstated~~, or such person be subject to other  
22 disciplinary action. In such hearing, the written  
23 communication and any other evidence submitted therewith may be  
24 introduced as evidence against such person; provided, however,  
25 the person or his counsel shall have the opportunity to  
26 discredit or impeach such evidence and submit evidence

1 rebutting the same.

2       Except for fraud in procuring a license, all proceedings to  
3 suspend, revoke, place on probationary status, or take any  
4 other disciplinary action as the Department may deem proper,  
5 with regard to a license on any of the foregoing grounds, must  
6 be commenced within 5 years after receipt by the Department of  
7 a complaint alleging the commission of or notice of the  
8 conviction order for any of the acts described in this Section.  
9 Except for the grounds set forth in items (8), (9), (26), and  
10 (29) of this Section, no action shall be commenced more than 10  
11 years after the date of the incident or act alleged to have  
12 been a violation of this Section. In the event of the  
13 settlement of any claim or cause of action in favor of the  
14 claimant or the reduction to final judgment of any civil action  
15 in favor of the plaintiff, such claim, cause of action, or  
16 civil action being grounded on the allegation that a person  
17 licensed under this Act was negligent in providing care, the  
18 Department shall have an additional period of 2 years from the  
19 date of notification to the Department under Section 26 of this  
20 Act of such settlement or final judgment in which to  
21 investigate and commence formal disciplinary proceedings under  
22 Section 24 of this Act, except as otherwise provided by law.  
23 The time during which the holder of the license was outside the  
24 State of Illinois shall not be included within any period of  
25 time limiting the commencement of disciplinary action by the  
26 Department.

1           In enforcing this Section, the Department or Board upon a  
2 showing of a possible violation may compel an individual  
3 licensed to practice under this Act, or who has applied for  
4 licensure under this Act, to submit to a mental or physical  
5 examination, or both, as required by and at the expense of the  
6 Department. The Department or Board may order the examining  
7 physician to present testimony concerning the mental or  
8 physical examination of the licensee or applicant. No  
9 information shall be excluded by reason of any common law or  
10 statutory privilege relating to communications between the  
11 licensee or applicant and the examining physician. The  
12 examining physicians shall be specifically designated by the  
13 Board or Department. The individual to be examined may have, at  
14 his or her own expense, another physician of his or her choice  
15 present during all aspects of this examination. Failure of an  
16 individual to submit to a mental or physical examination, when  
17 directed, shall be grounds for suspension of his or her license  
18 until the individual submits to the examination if the  
19 Department finds, after notice and hearing, that the refusal to  
20 submit to the examination was without reasonable cause.

21           If the Department or Board finds an individual unable to  
22 practice because of the reasons set forth in this Section, the  
23 Department or Board may require that individual to submit to  
24 care, counseling, or treatment by physicians approved or  
25 designated by the Department or Board, as a condition, term, or  
26 restriction for continued, restored ~~reinstated~~, or renewed

1 licensure to practice; or, in lieu of care, counseling, or  
2 treatment, the Department may file, or the Board may recommend  
3 to the Department to file, a complaint to immediately suspend,  
4 revoke, or otherwise discipline the license of the individual.  
5 An individual whose license was granted, continued, restored  
6 ~~reinstated~~, renewed, disciplined or supervised subject to such  
7 terms, conditions, or restrictions, and who fails to comply  
8 with such terms, conditions, or restrictions, shall be referred  
9 to the Secretary for a determination as to whether the  
10 individual shall have his or her license suspended immediately,  
11 pending a hearing by the Department.

12 In instances in which the Secretary immediately suspends a  
13 person's license under this Section, a hearing on that person's  
14 license must be convened by the Department within 30 days after  
15 the suspension and completed without appreciable delay. The  
16 Department and Board shall have the authority to review the  
17 subject individual's record of treatment and counseling  
18 regarding the impairment to the extent permitted by applicable  
19 federal statutes and regulations safeguarding the  
20 confidentiality of medical records.

21 An individual licensed under this Act and affected under  
22 this Section shall be afforded an opportunity to demonstrate to  
23 the Department or Board that he or she can resume practice in  
24 compliance with acceptable and prevailing standards under the  
25 provisions of his or her license.

26 (Source: P.A. 96-1158, eff. 1-1-11; 96-1482, eff. 11-29-10;

1 97-813, eff. 7-13-12.)

2 (225 ILCS 100/26) (from Ch. 111, par. 4826)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 26. Reports relating to professional conduct and  
5 capacity.

6 (A) The Board shall by rule provide for the reporting to it  
7 of all instances in which a podiatric physician licensed under  
8 this Act who is impaired by reason of age, drug or alcohol  
9 abuse or physical or mental impairment, is under supervision  
10 and, where appropriate, is in a program of rehabilitation.  
11 Reports shall be strictly confidential and may be reviewed and  
12 considered only by the members of the Board, or by authorized  
13 staff of the Department as provided by the rules of the Board.  
14 Provisions shall be made for the periodic report of the status  
15 of any such podiatric physician not less than twice annually in  
16 order that the Board shall have current information upon which  
17 to determine the status of any such podiatric physician. Such  
18 initial and periodic reports of impaired physicians shall not  
19 be considered records within the meaning of the State Records  
20 Act and shall be disposed of, following a determination by the  
21 Board that such reports are no longer required, in a manner and  
22 at such time as the Board shall determine by rule. The filing  
23 of such reports shall be construed as the filing of a report  
24 for the purposes of subsection (C) of this Section. Failure to  
25 file a report under this Section shall be a Class A



1 misdemeanor.

2 (A-5) The following persons and entities shall report to  
3 the Department or the Board in the instances and under the  
4 conditions set forth in this subsection (A-5):

5 (1) Any administrator or officer of any hospital,  
6 nursing home or other health care agency or facility who  
7 has knowledge of any action or condition which reasonably  
8 indicates to him or her that a licensed podiatric physician  
9 practicing in such hospital, nursing home or other health  
10 care agency or facility is habitually intoxicated or  
11 addicted to the use of habit forming drugs, or is otherwise  
12 impaired, to the extent that such intoxication, addiction,  
13 or impairment adversely affects such podiatric physician's  
14 professional performance, or has knowledge that reasonably  
15 indicates to him or her that any podiatric physician  
16 unlawfully possesses, uses, distributes or converts  
17 habit-forming drugs belonging to the hospital, nursing  
18 home or other health care agency or facility for such  
19 podiatric physician's own use or benefit, shall promptly  
20 file a written report thereof to the Department. The report  
21 shall include the name of the podiatric physician, the name  
22 of the patient or patients involved, if any, a brief  
23 summary of the action, condition or occurrence that has  
24 necessitated the report, and any other information as the  
25 Department may deem necessary. The Department shall  
26 provide forms on which such reports shall be filed.

1           (2) The president or chief executive officer of any  
2 association or society of podiatric physicians licensed  
3 under this Act, operating within this State shall report to  
4 the Board when the association or society renders a final  
5 determination relating to the professional competence or  
6 conduct of the podiatric physician.

7           (3) Every insurance company that offers policies of  
8 professional liability insurance to persons licensed under  
9 this Act, or any other entity that seeks to indemnify the  
10 professional liability of a podiatric physician licensed  
11 under this Act, shall report to the Board the settlement of  
12 any claim or cause of action, or final judgment rendered in  
13 any cause of action that alleged negligence in the  
14 furnishing of medical care by such licensed person when  
15 such settlement or final judgement is in favor of the  
16 plaintiff.

17           (4) The State's Attorney of each county shall report to  
18 the Board all instances in which a person licensed under  
19 this Act is convicted or otherwise found guilty of the  
20 commission of any felony.

21           (5) All agencies, boards, commissions, departments, or  
22 other instrumentalities of the government of the State of  
23 Illinois shall report to the Board any instance arising in  
24 connection with the operations of such agency, including  
25 the administration of any law by such agency, in which a  
26 podiatric physician licensed under this Act has either

1 committed an act or acts that may be a violation of this  
2 Act or that may constitute unprofessional conduct related  
3 directly to patient care or that indicates that a podiatric  
4 physician licensed under this Act may have a mental or  
5 physical disability that may endanger patients under that  
6 physician's care.

7 (B) All reports required by this Act shall be submitted to  
8 the Board in a timely fashion. The reports shall be filed in  
9 writing within 60 days after a determination that a report is  
10 required under this Act. All reports shall contain the  
11 following information:

12 (1) The name, address and telephone number of the  
13 person making the report.

14 (2) The name, address and telephone number of the  
15 podiatric physician who is the subject of the report.

16 (3) The name or other means of identification of any  
17 patient or patients whose treatment is a subject of the  
18 report, provided, however, no medical records may be  
19 revealed without the written consent of the patient or  
20 patients.

21 (4) A brief description of the facts that gave rise to  
22 the issuance of the report, including the dates of any  
23 occurrences deemed to necessitate the filing of the report.

24 (5) If court action is involved, the identity of the  
25 court in which the action is filed, along with the docket  
26 number and date of filing of the action.

1           (6) Any further pertinent information that the  
2 reporting party deems to be an aid in the evaluation of the  
3 report.

4           Nothing contained in this Section shall waive or modify the  
5 confidentiality of medical reports and committee reports to the  
6 extent provided by law. Any information reported or disclosed  
7 shall be kept for the confidential use of the Board, the  
8 Board's attorneys, the investigative staff and other  
9 authorized Department staff, as provided in this Act, and shall  
10 be afforded the same status as is provided information  
11 concerning medical studies in Part 21 of Article VIII of the  
12 Code of Civil Procedure.

13           (C) Any individual or organization acting in good faith,  
14 and not in a willful and wanton manner, in complying with this  
15 Act by providing any report or other information to the Board,  
16 or assisting in the investigation or preparation of such  
17 information, or by participating in proceedings of the Board,  
18 or by serving as a member of the Board, shall not, as a result  
19 of such actions, be subject to criminal prosecution or civil  
20 damages.

21           (D) Members of the Board, the Board's attorneys, the  
22 investigative staff, other podiatric physicians retained under  
23 contract to assist and advise in the investigation, and other  
24 authorized Department staff shall be indemnified by the State  
25 for any actions occurring within the scope of services on the  
26 Board, done in good faith and not willful and wanton in nature.

1 The Attorney General shall defend all such actions unless he or  
2 she determines either that he or she would have a conflict of  
3 interest in such representation or that the actions complained  
4 of were not in good faith or were willful and wanton.

5 Should the Attorney General decline representation, the  
6 member shall have the right to employ counsel of his or her  
7 choice, whose fees shall be provided by the State, after  
8 approval by the Attorney General, unless there is a  
9 determination by a court that the member's actions were not in  
10 good faith or were willful ~~willful~~ and wanton. The member must  
11 notify the Attorney General within 7 days of receipt of notice  
12 of the initiation of any action involving services of the  
13 Board. Failure to so notify the Attorney General shall  
14 constitute an absolute waiver of the right to a defense and  
15 indemnification. The Attorney General shall determine within 7  
16 days after receiving such notice, whether he or she will  
17 undertake to represent the member.

18 (E) Upon the receipt of any report called for by this Act,  
19 other than those reports of impaired persons licensed under  
20 this Act required pursuant to the rules of the Board, the Board  
21 shall notify in writing, by ~~certified~~ mail or email, the  
22 podiatric physician who is the subject of the report. Such  
23 notification shall be made within 30 days of receipt by the  
24 Board of the report.

25 The notification shall include a written notice setting  
26 forth the podiatric physician's right to examine the report.

1 Included in such notification shall be the address at which the  
2 file is maintained, the name of the custodian of the reports,  
3 and the telephone number at which the custodian may be reached.  
4 The podiatric physician who is the subject of the report shall  
5 be permitted to submit a written statement responding,  
6 clarifying, adding to, or proposing the amending of the report  
7 previously filed. The statement shall become a permanent part  
8 of the file and must be received by the Board no more than 30  
9 days after the date on which the podiatric physician was  
10 notified of the existence of the original report.

11 The Board shall review all reports received by it, together  
12 with any supporting information and responding statements  
13 submitted by persons who are the subject of reports. The review  
14 by the Board shall be in a timely manner but in no event shall  
15 the Board's initial review of the material contained in each  
16 disciplinary file be less than 61 days nor more than 180 days  
17 after the receipt of the initial report by the Board.

18 When the Board makes its initial review of the materials  
19 contained within its disciplinary files the Board shall, in  
20 writing, make a determination as to whether there are  
21 sufficient facts to warrant further investigation or action.  
22 Failure to make such determination within the time provided  
23 shall be deemed to be a determination that there are not  
24 sufficient facts to warrant further investigation or action.

25 Should the Board find that there are not sufficient facts  
26 to warrant further investigation, or action, the report shall

1 be accepted for filing and the matter shall be deemed closed  
2 and so reported.

3 The individual or entity filing the original report or  
4 complaint and the podiatric physician who is the subject of the  
5 report or complaint shall be notified in writing by the Board  
6 of any final action on their report or complaint.

7 (F) The Board shall prepare on a timely basis, but in no  
8 event less than once every other month, a summary report of  
9 final disciplinary actions taken upon disciplinary files  
10 maintained by the Board. The summary reports shall be made  
11 available on the Department's web site.

12 (G) Any violation of this Section shall be a Class A  
13 misdemeanor.

14 (H) If any such podiatric physician violates the provisions  
15 of this Section, an action may be brought in the name of the  
16 People of the State of Illinois, through the Attorney General  
17 of the State of Illinois, for an order enjoining such violation  
18 or for an order enforcing compliance with this Section. Upon  
19 filing of a verified petition in such court, the court may  
20 issue a temporary restraining order without notice or bond and  
21 may preliminarily or permanently enjoin such violation, and if  
22 it is established that such podiatric physician has violated or  
23 is violating the injunction, the Court may punish the offender  
24 for contempt of court. Proceedings under this paragraph shall  
25 be in addition to, and not in lieu of, all other remedies and  
26 penalties provided for by this Section.

1 (Source: P.A. 99-143, eff. 7-27-15.)

2 (225 ILCS 100/27) (from Ch. 111, par. 4827)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 27. Investigations; notice and hearing. The  
5 Department may investigate the actions of any applicant or of  
6 any person or persons holding or claiming to hold a license.  
7 The Department shall, before suspending, revoking, placing on  
8 probationary status or taking any other disciplinary action as  
9 the Department may deem proper with regard to any licensee, at  
10 least 30 days prior to the date set for the hearing, notify the  
11 accused in writing of any charges made and the time and place  
12 for a hearing of the charges before the Board, direct him or  
13 her to file his or her written answer thereto to the Board  
14 under oath within 20 days after the service on him or her of  
15 such notice and inform her or him that if he or she fails to  
16 file such answer default will be taken against him or her and  
17 his or her license may be revoked, suspended, placed on  
18 probationary status, or subject to other disciplinary action,  
19 including limiting the scope, nature, or extent of his or her  
20 practice as the Department may deem proper.

21 In case the accused person, after receiving notice fails to  
22 file an answer, his or her license may, in the discretion of  
23 the Secretary having received the recommendation of the Board,  
24 be suspended, revoked, or placed on probationary status or the  
25 Secretary may take whatever disciplinary action as he or she



1 may deem proper including limiting the scope, nature, or extent  
2 of the accused person's practice without a hearing if the act  
3 or acts charged constitute sufficient grounds for such action  
4 under this Act.

5 Written or electronic ~~Such written~~ notice may be served by  
6 personal delivery, ~~or certified or registered mail,~~ or email to  
7 the applicant or licensee ~~respondent~~ at his or her ~~the~~ address  
8 of ~~on~~ record or email address of record ~~with the Department~~. At  
9 the time and place fixed in the notice, the Board shall  
10 proceed to hear the charges and the parties or their counsel  
11 shall be accorded ample opportunity to present such statements,  
12 testimony, evidence and argument as may be pertinent to the  
13 charges or to the defense thereto. The Board may continue such  
14 hearing from time to time.

15 (Source: P.A. 95-235, eff. 8-17-07.)

16 (225 ILCS 100/34) (from Ch. 111, par. 4834)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 34. Appointment of a hearing officer. The  
19 ~~Notwithstanding the provisions of Section 32 of this Act, the~~  
20 Secretary has ~~shall have~~ the authority to appoint any attorney  
21 duly licensed to practice law in the State of Illinois to serve  
22 as the hearing officer in any action for refusal to issue,  
23 restore, or renew a license or discipline of a license.

24 ~~The Secretary shall notify the Board of any such~~  
25 ~~appointment.~~ The hearing officer shall have full authority to

1 conduct the hearing. The hearing officer shall report his or  
2 her findings of fact, conclusions of law and recommendations to  
3 the Board and the Secretary. The Board shall review the report  
4 of the hearing officer and present their findings of fact,  
5 conclusions of law and recommendations to the Secretary. If the  
6 Board fails to present its report, the Secretary may issue an  
7 order based on the report of the hearing officer. If the  
8 Secretary disagrees in any regard with the report of the Board  
9 or hearing officer, he or she may issue an order in  
10 contravention of the Board's report thereof. ~~The Secretary~~  
11 ~~shall provide an explanation to the Board on any such~~  
12 ~~deviation, and shall specify with particularity the reasons for~~  
13 ~~such action in the final order.~~

14 (Source: P.A. 95-235, eff. 8-17-07.)

15 (225 ILCS 100/36) (from Ch. 111, par. 4836)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 36. Restoration of suspended or revoked license. At  
18 any time after the suspension or revocation of any license, the  
19 Department may restore it to the accused person upon the  
20 written recommendation of the Board, unless after an  
21 investigation and a hearing the Board determines that  
22 restoration is not in the public interest. No person whose  
23 license has been revoked as authorized in this Act may apply  
24 for restoration of that license until such time as provided for  
25 in the Civil Administrative Code of Illinois.

1        A license that has been suspended or revoked shall be  
2        considered nonrenewed for purposes of restoration and a person  
3        restoring his or her license from suspension or revocation must  
4        comply with the requirements for restoration of a nonrenewed  
5        license as set forth in Section 15 of this Act and any related  
6        rules adopted.

7        (Source: P.A. 91-357, eff. 7-29-99.)

8            (225 ILCS 100/40) (from Ch. 111, par. 4840)

9            (Section scheduled to be repealed on January 1, 2018)

10        Sec. 40. Certification of record; costs. The Department  
11        shall not be required to certify any record to the court or  
12        file any answer in court or otherwise appear in any court in a  
13        judicial review proceeding, unless and until the Department has  
14        received from the plaintiff there is filed in the court, with  
15        the complaint, a receipt from the Department acknowledging  
16        payment of the costs of furnishing and certifying the record,  
17        which costs shall be determined by the Department. Exhibits  
18        shall be certified without cost. Failure on the part of the  
19        plaintiff to file a receipt in court shall be grounds for  
20        dismissal of the action.

21        (Source: P.A. 87-1031.)

22            (225 ILCS 100/42) (from Ch. 111, par. 4842)

23            (Section scheduled to be repealed on January 1, 2018)

24        Sec. 42. Illinois Administrative Procedure Act. The

1 Illinois Administrative Procedure Act is hereby expressly  
2 adopted and incorporated herein as if all of the provisions of  
3 that Act were included in this Act, except that the provision  
4 of subsection (d) of Section 10-65 of the Illinois  
5 Administrative Procedure Act that provides that at hearings the  
6 licensee has the right to show compliance with all lawful  
7 requirements for retention, continuation or renewal of the  
8 license is specifically excluded. For the purpose of this Act  
9 the notice required under Section 10-25 of the Illinois  
10 Administrative Procedure Act is deemed sufficient when mailed  
11 or emailed to the ~~last known~~ address of record or email address  
12 of record a party.

13 (Source: P.A. 88-45.)

14 (225 ILCS 100/46 new)

15 Sec. 46. Confidentiality. All information collected by the  
16 Department in the course of an examination or investigation of  
17 a licensee, registrant, or applicant, including, but not  
18 limited to, any complaint against a licensee or registrant  
19 filed with the Department and information collected to  
20 investigate any such complaint, shall be maintained for the  
21 confidential use of the Department and shall not be disclosed.  
22 The Department may not disclose the information to anyone other  
23 than law enforcement officials, other regulatory agencies that  
24 have an appropriate regulatory interest as determined by the  
25 Secretary, or a party presenting a lawful subpoena to the

1 Department. Information and documents disclosed to a federal,  
2 State, county, or local law enforcement agency shall not be  
3 disclosed by the agency for any purpose to any other agency or  
4 person. A formal complaint filed against a licensee or  
5 registrant by the Department or any order issued by the  
6 Department against a licensee, registrant, or applicant shall  
7 be a public record, except as otherwise prohibited by law.

8 (225 ILCS 100/20 rep.)

9 (225 ILCS 100/39 rep.)

10 Section 15. The Podiatric Medical Practice Act of 1987 is  
11 amended by repealing Sections 20 and 39.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.

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