

1 AN ACT concerning the practice of medicine.

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

4 Section 5. The Medical Practice Act of 1987 is amended  
5 by changing Section 7 as follows:

6 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)  
7 (Section scheduled to be repealed on January 1, 2007)

8 Sec. 7. Medical Disciplinary Board.

9 (A) There is hereby created the Illinois State Medical  
10 Disciplinary Board (hereinafter referred to as the  
11 "Disciplinary Board"). The Disciplinary Board shall consist  
12 of 9 members, to be appointed by the Governor by and with the  
13 advice and consent of the Senate. All shall be residents of  
14 the State, not more than 5 of whom shall be members of the  
15 same political party. Five members shall be physicians  
16 licensed to practice medicine in all of its branches in  
17 Illinois possessing the degree of doctor of medicine. Two  
18 shall be members of the public, who shall not be engaged in  
19 any way, directly or indirectly, as providers of health care.  
20 The 2 public members shall act as voting members. ~~nonvoting,~~  
21 ~~ex-officio-members-and-shall-not-be-considered-in-determining~~  
22 ~~the-existence,-or-lack-of-existence,-of-a-quorum-for-all~~  
23 ~~purposes-for-which-a-quorum-may-be-called-pursuant-to-this~~  
24 ~~Act.~~ One member shall be a physician licensed to practice in  
25 Illinois possessing the degree of doctor of osteopathy or  
26 osteopathic medicine. One member shall be a physician  
27 licensed to practice in Illinois and possessing the degree of  
28 doctor of chiropractic.

29 (B) Members of the Disciplinary Board shall be appointed  
30 for terms of 4 years. Upon the expiration of the term of any  
31 member, their successor shall be appointed for a term of 4

1 years by the Governor by and with the advice and consent of  
2 the Senate. The Governor shall fill any vacancy for the  
3 remainder of the unexpired term by and with the advice and  
4 consent of the Senate. Upon recommendation of the Board, any  
5 member of the Disciplinary Board may be removed by the  
6 Governor for misfeasance, malfeasance, or wilful neglect of  
7 duty, after notice, and a public hearing, unless such notice  
8 and hearing shall be expressly waived in writing. Each  
9 member shall serve on the Disciplinary Board until their  
10 successor is appointed and qualified. No member of the  
11 Disciplinary Board shall serve more than 2 consecutive 4 year  
12 terms.

13 In making appointments the Governor shall attempt to  
14 insure that the various social and geographic regions of the  
15 State of Illinois are properly represented.

16 In making the designation of persons to act for the  
17 several professions represented on the Disciplinary Board,  
18 the Governor shall give due consideration to recommendations  
19 by members of the respective professions and by organizations  
20 therein.

21 (C) The Disciplinary Board shall annually elect one of  
22 its voting members as chairperson and one as vice  
23 chairperson. No officer shall be elected more than twice in  
24 succession to the same office. Each officer shall serve  
25 until their successor has been elected and qualified.

26 (D) (Blank).

27 (E) Four voting members of the Disciplinary Board shall  
28 constitute a quorum. A vacancy in the membership of the  
29 Disciplinary Board shall not impair the right of a quorum to  
30 exercise all the rights and perform all the duties of the  
31 Disciplinary Board. Any action taken by the Disciplinary  
32 Board under this Act may be authorized by resolution at any  
33 regular or special meeting and each such resolution shall  
34 take effect immediately. The Disciplinary Board shall meet

1 at least quarterly. The Disciplinary Board is empowered to  
2 adopt all rules and regulations necessary and incident to the  
3 powers granted to it under this Act.

4 (F) Each member, and member-officer, of the Disciplinary  
5 Board shall receive a per diem stipend as the Director of the  
6 Department, hereinafter referred to as the Director, shall  
7 determine. The Director shall also determine the per diem  
8 stipend that each ex-officio member shall receive. Each  
9 member shall be paid their necessary expenses while engaged  
10 in the performance of their duties.

11 (G) The Director shall select a Chief Medical  
12 Coordinator and a Deputy Medical Coordinator who shall not be  
13 members of the Disciplinary Board. Each medical coordinator  
14 shall be a physician licensed to practice medicine in all of  
15 its branches, and the Director shall set their rates of  
16 compensation. The Director shall assign one medical  
17 coordinator to a region composed of Cook County and such  
18 other counties as the Director may deem appropriate, and such  
19 medical coordinator shall locate their office in Chicago.  
20 The Director shall assign the remaining medical coordinator  
21 to a region composed of the balance of counties in the State,  
22 and such medical coordinator shall locate their office in  
23 Springfield. Each medical coordinator shall be the chief  
24 enforcement officer of this Act in their assigned region and  
25 shall serve at the will of the Disciplinary Board.

26 The Director shall employ, in conformity with the  
27 Personnel Code, not less than one full time investigator for  
28 every 5000 physicians licensed in the State. Each  
29 investigator shall be a college graduate with at least 2  
30 years' investigative experience or one year advanced medical  
31 education. Upon the written request of the Disciplinary  
32 Board, the Director shall employ, in conformity with the  
33 Personnel Code, such other professional, technical,  
34 investigative, and clerical help, either on a full or

1 part-time basis as the Disciplinary Board deems necessary for  
2 the proper performance of its duties.

3 (H) Upon the specific request of the Disciplinary Board,  
4 signed by either the chairman, vice chairman, or a medical  
5 coordinator of the Disciplinary Board, the Department of  
6 Human Services or the Department of State Police shall make  
7 available any and all information that they have in their  
8 possession regarding a particular case then under  
9 investigation by the Disciplinary Board.

10 (I) Members of the Disciplinary Board shall be immune  
11 from suit in any action based upon any disciplinary  
12 proceedings or other acts performed in good faith as members  
13 of the Disciplinary Board.

14 (J) The Disciplinary Board may compile and establish a  
15 statewide roster of physicians and other medical  
16 professionals, including the several medical specialties, of  
17 such physicians and medical professionals, who have agreed to  
18 serve from time to time as advisors to the medical  
19 coordinators. Such advisors shall assist the medical  
20 coordinators in their investigations and participation in  
21 complaints against physicians. Such advisors shall serve  
22 under contract and shall be reimbursed at a reasonable rate  
23 for the services provided, plus reasonable expenses incurred.  
24 While serving in this capacity, the advisor, for any act  
25 undertaken in good faith and in the conduct of their duties  
26 under this Section, shall be immune from civil suit.

27 (Source: P.A. 89-507, eff. 7-1-97; 89-702, eff. 7-1-97.)

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law.