



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by William R. Haine

SYNOPSIS AS INTRODUCED:

225 ILCS 60/40

from Ch. 111, par. 4400-40

Amends the Medical Practice Act of 1987. Requires that the list of the names of all persons disciplined under the Act in the preceding 12 months be made publicly available via the Department of Professional Regulation's web site. Effective immediately.

LRB093 18231 AMC 43930 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning professional regulation.

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 by
5 changing Section 40 as follows:

6 (225 ILCS 60/40) (from Ch. 111, par. 4400-40)

7 (Section scheduled to be repealed on January 1, 2007)

8 Sec. 40. The Disciplinary Board shall present to the
9 Director a written report of its findings and recommendations.
10 A copy of such report shall be served upon the accused person,
11 either personally or by registered or certified mail. Within 20
12 days after such service, the accused person may present to the
13 Department their motion, in writing, for a rehearing, which
14 written motion shall specify the particular ground therefor. If
15 the accused person orders and pays for a transcript of the
16 record as provided in Section 39, the time elapsing thereafter
17 and before such transcript is ready for delivery to them shall
18 not be counted as part of such 20 days.

19 At the expiration of the time allowed for filing a motion
20 for rehearing, the Director may take the action recommended by
21 the Disciplinary Board. Upon the suspension, revocation,
22 placement on probationary status, or the taking of any other
23 disciplinary action, including the limiting of the scope,
24 nature, or extent of one's practice, deemed proper by the
25 Department, with regard to the license, certificate or visiting
26 professor permit, the accused shall surrender their license to
27 the Department, if ordered to do so by the Department, and upon
28 their failure or refusal so to do, the Department may seize the
29 same.

30 Each certificate of order of revocation, suspension, or
31 other disciplinary action shall contain a brief, concise
32 statement of the ground or grounds upon which the Department's

1 action is based, as well as the specific terms and conditions
2 of such action. This document shall be retained as a permanent
3 record by the Disciplinary Board and the Director.

4 The Department shall at least annually publish a list of
5 the names of all persons disciplined under this Act in the
6 preceding 12 months. Such lists shall be made publicly
7 available via the Department's web site and shall also be
8 mailed by the Department to any person in the State upon
9 request.

10 In those instances where an order of revocation,
11 suspension, or other disciplinary action has been rendered by
12 virtue of a physician's physical illness, including, but not
13 limited to, deterioration through the aging process, or loss of
14 motor skill which results in a physician's inability to
15 practice medicine with reasonable judgment, skill, or safety,
16 the Department shall only permit this document, and the record
17 of the hearing incident thereto, to be observed, inspected,
18 viewed, or copied pursuant to court order.

19 (Source: P.A. 85-4.)

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