



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4554

Introduced 1/18/2008, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

225 ILCS 60/9	from Ch. 111, par. 4400-9
225 ILCS 60/21	from Ch. 111, par. 4400-21
225 ILCS 60/24.1	

Amends the Medical Practice Act of 1987. In the Patients' Right to Know Law, requires the Department of Financial and Professional Regulation to make physician profiles available to the public on or before September 1, 2008 (now, there is no implementation date for the requirement). Provides that the rules adopted by the Department under the Law shall include rules related to the submission of required information by physicians under the Law, and conditions initial, renewal, and restoration licensure upon the submission and updating of such required information. Effective immediately.

LRB095 17528 RAS 43602 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 Medical Practice Act of 1987 is amended by
5 changing Sections 9, 21, and 24.1 as follows:

6 (225 ILCS 60/9) (from Ch. 111, par. 4400-9)

7 (Section scheduled to be repealed on December 31, 2008)

8 Sec. 9. Application for license. Each applicant for a
9 license shall:

10 (A) Make application on blank forms prepared and
11 furnished by the Department of Professional Regulation
12 hereinafter referred to as the Department.

13 (B) Submit evidence satisfactory to the Department
14 that the applicant:

15 (1) is of good moral character. In determining
16 moral character under this Section, the Department may
17 take into consideration whether the applicant has
18 engaged in conduct or activities which would
19 constitute grounds for discipline under this Act. The
20 Department may also request the applicant to submit,
21 and may consider as evidence of moral character,
22 endorsements from 2 or 3 individuals licensed under
23 this Act;

1 (2) has the preliminary and professional education
2 required by this Act;

3 (3) (blank); and

4 (4) is physically, mentally, and professionally
5 capable of practicing medicine with reasonable
6 judgment, skill, and safety. In determining physical,
7 mental and professional capacity under this Section,
8 the Medical Licensing Board may, upon a showing of a
9 possible incapacity, compel any applicant to submit to
10 a mental or physical examination, or both. The
11 Licensing Board may condition or restrict any license,
12 subject to the same terms and conditions as are
13 provided for the Medical Disciplinary Board under
14 Section 22 of this Act. Any such condition of a
15 restricted license shall provide that the Chief
16 Medical Coordinator or Deputy Medical Coordinator
17 shall have the authority to review the subject
18 physician's compliance with such conditions or
19 restrictions, including, where appropriate, the
20 physician's record of treatment and counseling
21 regarding the impairment, to the extent permitted by
22 applicable federal statutes and regulations
23 safeguarding the confidentiality of medical records of
24 patients.

25 In determining professional capacity under this
26 Section any individual who has not been actively engaged in

1 the practice of medicine or as a medical, osteopathic, or
2 chiropractic student or who has not been engaged in a
3 formal program of medical education during the 2 years
4 immediately preceding their application may be required to
5 complete such additional testing, training, or remedial
6 education as the Licensing Board may deem necessary in
7 order to establish the applicant's present capacity to
8 practice medicine with reasonable judgment, skill, and
9 safety.

10 (C) Designate specifically the name, location, and
11 kind of professional school, college, or institution of
12 which the applicant is a graduate and the category under
13 which the applicant seeks, and will undertake, to practice.

14 (C-5) Submit to the Department all applicable
15 information required under Section 24.1 of this Act, in a
16 form and manner determined by the Department.

17 (D) Pay to the Department at the time of application
18 the required fees.

19 (E) Pursuant to Department rules, as required, pass an
20 examination authorized by the Department to determine the
21 applicant's fitness to receive a license.

22 (F) Complete the application process within 3 years
23 from the date of application. If the process has not been
24 completed within 3 years, the application shall be denied,
25 application fees shall be forfeited, and the applicant must
26 reapply and meet the requirements in effect at the time of

1 reapplication.

2 (Source: P.A. 89-387, eff. 8-20-95; 89-702, eff. 7-1-97.)

3 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

4 (Section scheduled to be repealed on December 31, 2008)

5 Sec. 21. License renewal; restoration; inactive status;
6 disposition and collection of fees.

7 (A) Renewal. The expiration date and renewal period for
8 each license issued under this Act shall be set by rule. The
9 holder of a license may renew the license by paying the
10 required fee and submitting to or updating with the Department
11 all applicable information required under Section 24.1 of this
12 Act, in a form and manner determined by the Department. The
13 holder of a license may also renew the license within 90 days
14 after its expiration by complying with the requirements for
15 renewal and payment of an additional fee. A license renewal
16 within 90 days after expiration shall be effective
17 retroactively to the expiration date.

18 The Department shall mail to each licensee under this Act,
19 at his or her last known address, at least 60 days in advance
20 of the expiration date of his or her license, a notice of that
21 fact and an application for renewal form. No such license shall
22 be deemed to have lapsed until 90 days after the expiration
23 date and after such notice and application have been mailed by
24 the Department as herein provided.

25 (B) Restoration. Any licensee who has permitted his or her

1 license to lapse or who has had his or her license on inactive
2 status may have his or her license restored by making
3 application to the Department, submitting to or updating with
4 the Department all applicable information required under
5 Section 24.1 of this Act, in a form and manner determined by
6 the Department, and filing proof acceptable to the Department
7 of his or her fitness to have the license restored, including
8 evidence certifying to active practice in another jurisdiction
9 satisfactory to the Department, proof of meeting the continuing
10 education requirements for one renewal period, and by paying
11 the required restoration fee.

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

19 However, any registrant whose license has expired while he
20 or she has been engaged (a) in Federal Service on active duty
21 with the Army of the United States, the United States Navy, the
22 Marine Corps, the Air Force, the Coast Guard, the Public Health
23 Service or the State Militia called into the service or
24 training of the United States of America, or (b) in training or
25 education under the supervision of the United States
26 preliminary to induction into the military service, may have

1 his or her license reinstated or restored without paying any
2 lapsed renewal fees, if within 2 years after honorable
3 termination of such service, training, or education, he or she
4 furnishes to the Department with satisfactory evidence to the
5 effect that he or she has been so engaged and that his or her
6 service, training, or education has been so terminated.

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

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

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

21 (D) Disposition of monies collected. All monies collected
22 under this Act by the Department shall be deposited in the
23 Illinois State Medical Disciplinary Fund in the State Treasury,
24 and used only for the following purposes: (a) by the Medical
25 Disciplinary Board in the exercise of its powers and
26 performance of its duties, as such use is made by the

1 Department with full consideration of all recommendations of
2 the Medical Disciplinary Board, (b) for costs directly related
3 to persons licensed under this Act, and (c) for direct and
4 allocable indirect costs related to the public purposes of the
5 Department of Professional Regulation.

6 Moneys in the Fund may be transferred to the Professions
7 Indirect Cost Fund as authorized under Section 2105-300 of the
8 Department of Professional Regulation Law (20 ILCS
9 2105/2105-300).

10 All earnings received from investment of monies in the
11 Illinois State Medical Disciplinary Fund shall be deposited in
12 the Illinois State Medical Disciplinary Fund and shall be used
13 for the same purposes as fees deposited in such Fund.

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

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

25 (2) The fee for a license under Section 9 of this Act
26 is \$300.

1 (3) The fee for a license under Section 19 of this Act
2 is \$300.

3 (4) The fee for the renewal of a license for a resident
4 of Illinois shall be calculated at the rate of \$100 per
5 year, except for licensees who were issued a license within
6 12 months of the expiration date of the license, the fee
7 for the renewal shall be \$100. The fee for the renewal of a
8 license for a nonresident shall be calculated at the rate
9 of \$200 per year, except for licensees who were issued a
10 license within 12 months of the expiration date of the
11 license, the fee for the renewal shall be \$200.

12 (5) The fee for the restoration of a license other than
13 from inactive status, is \$100. In addition, payment of all
14 lapsed renewal fees not to exceed \$600 is required.

15 (6) The fee for a 3-year temporary license under
16 Section 17 is \$100.

17 (7) The fee for the issuance of a duplicate license,
18 for the issuance of a replacement license for a license
19 which has been lost or destroyed, or for the issuance of a
20 license with a change of name or address other than during
21 the renewal period is \$20. No fee is required for name and
22 address changes on Department records when no duplicate
23 license is issued.

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

26 (9) The fee to be paid to have the scoring of an

1 examination, administered by the Department, reviewed and
2 verified, is \$20 plus any fees charged by the applicable
3 testing service.

4 (10) The fee to be paid by a licensee for a wall
5 certificate showing his or her license shall be the actual
6 cost of producing the certificate.

7 (11) The fee for a roster of persons licensed as
8 physicians in this State shall be the actual cost of
9 producing such a roster.

10 (F) Any person who delivers a check or other payment to the
11 Department that is returned to the Department unpaid by the
12 financial institution upon which it is drawn shall pay to the
13 Department, in addition to the amount already owed to the
14 Department, a fine of \$50. The fines imposed by this Section
15 are in addition to any other discipline provided under this Act
16 for unlicensed practice or practice on a nonrenewed license.
17 The Department shall notify the person that payment of fees and
18 fines shall be paid to the Department by certified check or
19 money order within 30 calendar days of the notification. If,
20 after the expiration of 30 days from the date of the
21 notification, the person has failed to submit the necessary
22 remittance, the Department shall automatically terminate the
23 license or certificate or deny the application, without
24 hearing. If, after termination or denial, the person seeks a
25 license or certificate, he or she shall apply to the Department
26 for restoration or issuance of the license or certificate and

1 pay all fees and fines due to the Department. The Department
2 may establish a fee for the processing of an application for
3 restoration of a license or certificate to pay all expenses of
4 processing this application. The Director may waive the fines
5 due under this Section in individual cases where the Director
6 finds that the fines would be unreasonable or unnecessarily
7 burdensome.

8 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,
9 eff. 6-28-01; 92-146, eff. 1-1-02.)

10 (225 ILCS 60/24.1)

11 (Section scheduled to be repealed on December 31, 2008)

12 Sec. 24.1. Physician profile.

13 (a) This Section may be cited as the Patients' Right to
14 Know Law.

15 (b) Beginning on or before September 1, 2008, the ~~The~~
16 Department shall make available to the public a profile of each
17 physician. The Department shall make this information
18 available through an Internet web site and, if requested, in
19 writing. The physician profile shall contain the following
20 information:

21 (1) the full name of the physician;

22 (2) a description of any criminal convictions for
23 felonies and Class A misdemeanors, as determined by the
24 Department, within the most recent 5 years. For the
25 purposes of this Section, a person shall be deemed to be

1 convicted of a crime if he or she pleaded guilty or if he
2 was found or adjudged guilty by a court of competent
3 jurisdiction;

4 (3) a description of any final Department disciplinary
5 actions within the most recent 5 years;

6 (4) a description of any final disciplinary actions by
7 licensing boards in other states within the most recent 5
8 years;

9 (5) a description of revocation or involuntary
10 restriction of hospital privileges for reasons related to
11 competence or character that have been taken by the
12 hospital's governing body or any other official of the
13 hospital after procedural due process has been afforded, or
14 the resignation from or nonrenewal of medical staff
15 membership or the restriction of privileges at a hospital
16 taken in lieu of or in settlement of a pending disciplinary
17 case related to competence or character in that hospital.
18 Only cases which have occurred within the most recent 5
19 years shall be disclosed by the Department to the public;

20 (6) all medical malpractice court judgments and all
21 medical malpractice arbitration awards in which a payment
22 was awarded to a complaining party during the most recent 5
23 years and all settlements of medical malpractice claims in
24 which a payment was made to a complaining party within the
25 most recent 5 years. A medical malpractice judgment or
26 award that has been appealed shall be identified

1 prominently as "Under Appeal" on the profile within 20 days
2 of formal written notice to the Department. Information
3 concerning all settlements shall be accompanied by the
4 following statement: "Settlement of a claim may occur for a
5 variety of reasons which do not necessarily reflect
6 negatively on the professional competence or conduct of the
7 physician. A payment in settlement of a medical malpractice
8 action or claim should not be construed as creating a
9 presumption that medical malpractice has occurred."

10 Nothing in this subdivision (6) shall be construed to limit
11 or prevent the Disciplinary Board from providing further
12 explanatory information regarding the significance of
13 categories in which settlements are reported. Pending
14 malpractice claims shall not be disclosed by the Department
15 to the public. Nothing in this subdivision (6) shall be
16 construed to prevent the Disciplinary Board from
17 investigating and the Department from disciplining a
18 physician on the basis of medical malpractice claims that
19 are pending;

20 (7) names of medical schools attended, dates of
21 attendance, and date of graduation;

22 (8) graduate medical education;

23 (9) specialty board certification. The toll-free
24 number of the American Board of Medical Specialties shall
25 be included to verify current board certification status;

26 (10) number of years in practice and locations;

1 (11) names of the hospitals where the physician has
2 privileges;

3 (12) appointments to medical school faculties and
4 indication as to whether a physician has a responsibility
5 for graduate medical education within the most recent 5
6 years;

7 (13) information regarding publications in
8 peer-reviewed medical literature within the most recent 5
9 years;

10 (14) information regarding professional or community
11 service activities and awards;

12 (15) the location of the physician's primary practice
13 setting;

14 (16) identification of any translating services that
15 may be available at the physician's primary practice
16 location;

17 (17) an indication of whether the physician
18 participates in the Medicaid program.

19 (c) The Disciplinary Board shall provide individual
20 physicians with a copy of their profiles prior to release to
21 the public. A physician shall be provided 60 days to correct
22 factual inaccuracies that appear in such profile.

23 (d) A physician may elect to have his or her profile omit
24 certain information provided pursuant to subdivisions (12)
25 through (14) of subsection (b) concerning academic
26 appointments and teaching responsibilities, publication in

1 peer-reviewed journals and professional and community service
2 awards. In collecting information for such profiles and in
3 disseminating the same, the Disciplinary Board shall inform
4 physicians that they may choose not to provide such information
5 required pursuant to subdivisions (12) through (14) of
6 subsection (b).

7 (e) The Department shall promulgate such rules as it deems
8 necessary to accomplish the requirements of this Section,
9 including rules related to the submission of required
10 information by physicians under this Section.

11 (Source: P.A. 94-677, eff. 8-25-05.)

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