

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 1. Short title. This Act may be cited as the
5 Patients' Right to Know Act.

6 Section 5. Definitions. For purposes of this Act, the
7 following definitions shall have the following meanings,
8 except where the context requires otherwise:

9 "Department" means the Department of Financial and
10 Professional Regulation.

11 "Disciplinary Board" means the Medical Disciplinary Board.

12 "Physician" means a person licensed under the Medical
13 Practice Act to practice medicine in all of its branches or a
14 chiropractic physician licensed to treat human ailments
15 without the use of drugs and without operative surgery.

16 "Secretary" means the Secretary of the Department of
17 Financial and Professional Regulation.

18 Section 10. Physician profiles. The Department shall make
19 available to the public a profile of each physician. The
20 Department shall make this information available through an
21 Internet web site and, if requested, in writing. The physician
22 profile shall contain the following information:

- 1 (1) the full name of the physician;
- 2 (2) a description of any criminal convictions for
3 felonies and Class A misdemeanors, as determined by the
4 Department, within the most recent 5 years. For the
5 purposes of this Section, a person shall be deemed to be
6 convicted of a crime if he or she pleaded guilty or if he
7 was found or adjudged guilty by a court of competent
8 jurisdiction;
- 9 (3) a description of any final Department disciplinary
10 actions within the most recent 5 years;
- 11 (4) a description of any final disciplinary actions by
12 licensing boards in other states within the most recent 5
13 years;
- 14 (5) a description of revocation or involuntary
15 restriction of hospital privileges for reasons related to
16 competence or character that have been taken by the
17 hospital's governing body or any other official of the
18 hospital after procedural due process has been afforded, or
19 the resignation from or nonrenewal of medical staff
20 membership or the restriction of privileges at a hospital
21 taken in lieu of or in settlement of a pending disciplinary
22 case related to competence or character in that hospital.
23 Only cases which have occurred within the most recent 5
24 years shall be disclosed by the Department to the public;
- 25 (6) all medical malpractice court judgments and all
26 medical malpractice arbitration awards in which a payment

1 was awarded to a complaining party during the most recent 5
2 years and all settlements of medical malpractice claims in
3 which a payment was made to a complaining party within the
4 most recent 5 years. A medical malpractice judgment or
5 award that has been appealed shall be identified
6 prominently as "Under Appeal" on the profile within 20 days
7 of formal written notice to the Department. Information
8 concerning all settlements shall be accompanied by the
9 following statement: "Settlement of a claim may occur for a
10 variety of reasons which do not necessarily reflect
11 negatively on the professional competence or conduct of the
12 physician. A payment in settlement of a medical malpractice
13 action or claim should not be construed as creating a
14 presumption that medical malpractice has occurred."
15 Nothing in this subdivision (6) shall be construed to limit
16 or prevent the Disciplinary Board from providing further
17 explanatory information regarding the significance of
18 categories in which settlements are reported. Pending
19 malpractice claims shall not be disclosed by the Department
20 to the public. Nothing in this subdivision (6) shall be
21 construed to prevent the Disciplinary Board from
22 investigating and the Department from disciplining a
23 physician on the basis of medical malpractice claims that
24 are pending;

25 (7) names of medical schools attended, dates of
26 attendance, and date of graduation;

- 1 (8) graduate medical education;
- 2 (9) specialty board certification. The toll-free
3 number of the American Board of Medical Specialties shall
4 be included to verify current board certification status;
- 5 (10) number of years in practice and locations;
- 6 (11) names of the hospitals where the physician has
7 privileges;
- 8 (12) appointments to medical school faculties and
9 indication as to whether a physician has a responsibility
10 for graduate medical education within the most recent 5
11 years;
- 12 (13) information regarding publications in
13 peer-reviewed medical literature within the most recent 5
14 years;
- 15 (14) information regarding professional or community
16 service activities and awards;
- 17 (15) the location of the physician's primary practice
18 setting;
- 19 (16) identification of any translating services that
20 may be available at the physician's primary practice
21 location; and
- 22 (17) an indication of whether the physician
23 participates in the Medicaid program.

24 Section 15. Publication of physician's profiles. The
25 Disciplinary Board shall provide individual physicians with a

1 copy of their profiles prior to release to the public. A
2 physician shall be provided 60 days to correct factual
3 inaccuracies that appear in such profile.

4 Section 20. Exclusion of information from physician's
5 profiles. A physician may elect to have his or her profile
6 omit certain information provided pursuant to subdivisions
7 (12) through (14) of Section 10 of this Act concerning academic
8 appointments and teaching responsibilities, publication in
9 peer-reviewed journals and professional and community service
10 awards. In collecting information for such profiles and in
11 disseminating the same, the Disciplinary Board shall inform
12 physicians that they may choose not to provide such information
13 required pursuant to subdivisions (12) through (14) of Section
14 10 of this Act.

15 Section 25. Rules. The Department shall promulgate such
16 rules as it deems necessary to accomplish the requirements of
17 this Act, including, but not limited to, rules requiring
18 physicians to submit the necessary information that shall be
19 published under this Act.

20 Section 30. Penalties. Failure to comply with this Act may
21 be grounds for disciplinary action as provided in the Medical
22 Practice Act of 1987.

1 (225 ILCS 60/24.1 rep.)

2 Section 900. The Medical Practice Act of 1987 is amended by
3 repealing Section 24.1.

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.