



Rep. Mary E. Flowers

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LRB096 05404 CEL 43998 a

1 AMENDMENT TO HOUSE BILL 1760

2 AMENDMENT NO. _____. Amend House Bill 1760 by replacing
3 everything after the enacting clause with the following:

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

1 Financial and Professional Regulation.

2 Section 10. Physician profiles. The Department shall make
3 available to the public a profile of each physician. The
4 Department shall make this information available through an
5 Internet web site and, if requested, in writing. The physician
6 profile shall contain the following information:

7 (1) the full name of the physician;

8 (2) a description of any criminal convictions for
9 felonies and Class A misdemeanors, as determined by the
10 Department, within the most recent 5 years. For the
11 purposes of this Section, a person shall be deemed to be
12 convicted of a crime if he or she pleaded guilty or if he
13 was found or adjudged guilty by a court of competent
14 jurisdiction;

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

17 (4) a description of any final disciplinary actions by
18 licensing boards in other states within the most recent 5
19 years;

20 (5) a description of revocation or involuntary
21 restriction of hospital privileges for reasons related to
22 competence or character that have been taken by the
23 hospital's governing body or any other official of the
24 hospital after procedural due process has been afforded, or
25 the resignation from or nonrenewal of medical staff

1 membership or the restriction of privileges at a hospital
2 taken in lieu of or in settlement of a pending disciplinary
3 case related to competence or character in that hospital.
4 Only cases which have occurred within the most recent 5
5 years shall be disclosed by the Department to the public;

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

1 to the public. Nothing in this subdivision (6) shall be
2 construed to prevent the Disciplinary Board from
3 investigating and the Department from disciplining a
4 physician on the basis of medical malpractice claims that
5 are pending;

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

8 (8) graduate medical education;

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

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

13 (11) names of the hospitals where the physician has
14 privileges;

15 (12) appointments to medical school faculties and
16 indication as to whether a physician has a responsibility
17 for graduate medical education within the most recent 5
18 years;

19 (13) information regarding publications in
20 peer-reviewed medical literature within the most recent 5
21 years;

22 (14) information regarding professional or community
23 service activities and awards;

24 (15) the location of the physician's primary practice
25 setting;

26 (16) identification of any translating services that

1 may be available at the physician's primary practice
2 location; and

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

5 Section 15. Publication of physician's profiles. The
6 Disciplinary Board shall provide individual physicians with a
7 copy of their profiles prior to release to the public. A
8 physician shall be provided 60 days to correct factual
9 inaccuracies that appear in such profile.

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

21 Section 25. Rules. The Department shall promulgate such
22 rules as it deems necessary to accomplish the requirements of
23 this Act, including, but not limited to, rules requiring

1 physicians to submit the necessary information that shall be
2 published under this Act.

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

6 (225 ILCS 60/24.1 rep.)

7 Section 900. The Medical Practice Act of 1987 is amended by
8 repealing Section 24.1.

9 Section 999. Effective date. This Act takes effect upon
10 becoming law.".