



Sen. Kirk W. Dillard

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09600HB4934sam002

LRB096 17965 CEL 44035 a

1 AMENDMENT TO HOUSE BILL 4934

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4934 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law  
5 of the Civil Administrative Code of Illinois is amended by  
6 adding Section 2105-165 as follows:

7 (20 ILCS 2105/2105-165 new)

8 Sec. 2105-165. Health care worker licensure actions;  
9 intentional felonies and sexual crimes.

10 (a) When a licensed health care worker, as defined in the  
11 Health Care Worker Self-Referral Act, (1) has been convicted of  
12 any forcible intentional felony or a sexual criminal act that  
13 requires registration under the Sex Offender Registration Act  
14 against a patient in the course of patient care or treatment;  
15 (2) has been convicted of any forcible intentional felony  
16 against any natural person; or (3) is required as a part of a

1 criminal sentence to register under the Sex Offender  
2 Registration Act, then the Secretary, after consultation with  
3 the Department's regulatory and prosecutorial staff, may  
4 immediately temporarily suspend the license of the health care  
5 worker without a hearing, simultaneously with the institution  
6 of proceedings for a hearing in accordance with subsection (c)  
7 of this Section, if the Secretary finds that evidence in his or  
8 her possession indicates that the health care worker's  
9 continuation in practice would constitute an immediate danger  
10 to the public.

11 (b) When an Illinois State's Attorney files criminal felony  
12 charges alleging that a licensed health care worker, as defined  
13 in the Health Care Worker Self-Referral Act, committed an  
14 intentional forcible felony against a patient including a  
15 sexual act against a patient in the course of patient care or  
16 treatment, then the State's Attorney shall provide notice to  
17 the Department of the health care worker's name, address,  
18 practice address, and license number and the patient's name.  
19 Within 15 business days after receiving notice from the State's  
20 Attorney of the filing of criminal charges against the health  
21 care worker, the Secretary shall issue an administrative order  
22 that the health care worker shall immediately practice only  
23 with a chaperone during all patient encounters pending the  
24 outcome of the criminal proceedings. The licensee shall provide  
25 an acceptable written plan of compliance with the  
26 administrative order to the Department within 10 days after

1 receipt of the administrative order. Failure to comply with the  
2 administrative order, failure to file a compliance plan, or  
3 failure to follow the compliance plan shall subject the health  
4 care worker to temporary suspension of his or her professional  
5 license.

6 (c) In instances in which the Secretary immediately  
7 suspends a license under this Section, a hearing on the health  
8 care worker's license must be convened by the appropriate  
9 licensing or disciplinary board within 15 days after the  
10 summary suspension and completed without appreciable delay.  
11 This hearing is to determine whether to recommend to the  
12 Secretary that the health care worker's license be revoked,  
13 suspended, placed on probationary status, or reinstated, or  
14 whether the health care worker should be subject to other  
15 disciplinary action. In the hearing, any written information or  
16 communication and any other evidence submitted therewith may be  
17 introduced as evidence against the health care worker; provided  
18 however, the health care worker, or his or her counsel, shall  
19 have the opportunity to discredit, impeach, and submit evidence  
20 rebutting such evidence.

21 (d) Notwithstanding any provision of law to the contrary,  
22 any revocation or suspension for crimes requiring sex offender  
23 registration under the Sex Offender Registration Act shall be  
24 for a minimum of 5 years. Licensees may only be considered  
25 rehabilitated by the appropriate licensing or disciplinary  
26 board (1) based upon certified written reports of examination

1 by 2 physicians board certified in psychiatry recommending that  
2 the licensee is sufficiently rehabilitated to warrant the  
3 public trust and that the licensee can resume practice without  
4 monitoring or limitations; (2) when the licensee is no longer  
5 required to register as a sex offender under the Sex Offender  
6 Registration Act; or (3) the licensee's conviction is vacated,  
7 overturned, or reversed.

8 (e) Nothing contained in this Section shall act in any way  
9 to waive or modify the confidentiality of information provided  
10 by the State's Attorney to the extent provided by law. Any  
11 information reported or disclosed shall be kept for the  
12 confidential use of the Secretary, Department attorneys, the  
13 investigative staff, and authorized clerical staff, as  
14 provided in this Act, and shall be afforded the same status as  
15 is provided information under Part 21 of Article VIII of the  
16 Code of Civil Procedure, except that the Department may  
17 disclose information and documents to (1) a federal, State, or  
18 local law enforcement agency pursuant to a subpoena in an  
19 ongoing criminal investigation or (2) an appropriate licensing  
20 authority of another state or jurisdiction pursuant to an  
21 official request made by that authority. Any information and  
22 documents disclosed to a federal, State, or local law  
23 enforcement agency may be used by that agency only for the  
24 investigation and prosecution of a criminal offense. Any  
25 information or documents disclosed by the Department to a  
26 professional licensing authority of another state or

1 jurisdiction may only be used by that authority for  
2 investigations and disciplinary proceedings with regards to a  
3 professional license.

4 (f) Any licensee disciplined or who received an  
5 administrative order under this Section shall have the  
6 discipline or administrative order vacated and completely  
7 removed from the licensee's records and public view and the  
8 discipline or administrative order shall be afforded the same  
9 status as is provided information under Part 21 of Article VIII  
10 of the Code of Civil Procedure if (1) the charges upon which  
11 the discipline or administrative order is based are dropped;  
12 (2) the licensee is not convicted of the charges upon which the  
13 discipline or administrative order is based; or (3) any  
14 conviction for charges upon which the discipline or  
15 administrative order was based have been vacated, overturned,  
16 or reversed.

17 (g) Nothing contained in this Section shall prohibit the  
18 Department from initiating or maintaining a disciplinary  
19 action against a licensee independent from any criminal  
20 charges, conviction, or sex offender registration.

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