



Sen. Kirk W. Dillard

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09600HB4934sam004

LRB096 17965 CEL 44246 a

1 AMENDMENT TO HOUSE BILL 4934

2 AMENDMENT NO. _____. Amend House Bill 4934, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

8 (20 ILCS 2105/2105-165 new)

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

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

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

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

1 administrative order to the Department within 10 days after
2 receipt of the administrative order. Failure to comply with the
3 administrative order, failure to file a compliance plan, or
4 failure to follow the compliance plan shall subject the health
5 care worker to temporary suspension of his or her professional
6 license.

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

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

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

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

1 state or 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.".