



Rep. David R. Leitch

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09600HB5308ham001

LRB096 15730 ASK 38617 a

1 AMENDMENT TO HOUSE BILL 5308

2 AMENDMENT NO. _____. Amend House Bill 5308, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Medical Practice Act of 1987 is amended by
6 changing Sections 2 and 4 and by adding Section 17.5 as
7 follows:

8 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

9 (Section scheduled to be repealed on December 31, 2010)

10 Sec. 2. Definitions. For purposes of this Act, the
11 following definitions shall have the following meanings,
12 except where the context requires otherwise:

13 1. "Act" means the Medical Practice Act of 1987.

14 2. "Department" means the Department of Professional
15 Regulation.

16 3. "Director" means the Director of Professional

1 Regulation.

2 4. "Disciplinary Action" means revocation, suspension,
3 probation, supervision, practice modification, reprimand,
4 required education, fines or any other action taken by the
5 Department against a person holding a license.

6 5. "Disciplinary Board" means the Medical Disciplinary
7 Board.

8 6. "Final Determination" means the governing body's final
9 action taken under the procedure followed by a health care
10 institution, or professional association or society, against
11 any person licensed under the Act in accordance with the bylaws
12 or rules and regulations of such health care institution, or
13 professional association or society.

14 7. "Fund" means the Medical Disciplinary Fund.

15 8. "Impaired" means the inability to practice medicine with
16 reasonable skill and safety due to physical or mental
17 disabilities as evidenced by a written determination or written
18 consent based on clinical evidence including deterioration
19 through the aging process or loss of motor skill, or abuse of
20 drugs or alcohol, of sufficient degree to diminish a person's
21 ability to deliver competent patient care.

22 9. "Licensing Board" means the Medical Licensing Board.

23 10. "Physician" means a person licensed under the Medical
24 Practice Act to practice medicine in all of its branches or a
25 chiropractic physician licensed to treat human ailments
26 without the use of drugs and without operative surgery.

1 10.5 "Pre-residency training" means a training program
2 within a specialty area that is (i) approved by the graduate
3 medical education committee, (ii) limited to assisting
4 hospital faculty members or residents during patient
5 treatment, and (iii) for persons who are not licensed to
6 practice medicine in all of its branches.

7 11. "Professional Association" means an association or
8 society of persons licensed under this Act, and operating
9 within the State of Illinois, including but not limited to,
10 medical societies, osteopathic organizations, and chiropractic
11 organizations, but this term shall not be deemed to include
12 hospital medical staffs.

13 12. "Program of Care, Counseling, or Treatment" means a
14 written schedule of organized treatment, care, counseling,
15 activities, or education, satisfactory to the Disciplinary
16 Board, designed for the purpose of restoring an impaired person
17 to a condition whereby the impaired person can practice
18 medicine with reasonable skill and safety of a sufficient
19 degree to deliver competent patient care.

20 (Source: P.A. 85-1209; 85-1245; 85-1440.)

21 (225 ILCS 60/4) (from Ch. 111, par. 4400-4)

22 (Section scheduled to be repealed on December 31, 2010)

23 Sec. 4. Exemptions.

24 (a) This Act does not apply to the following:

25 (1) persons lawfully carrying on their particular

1 profession or business under any valid existing regulatory
2 Act of this State;

3 (2) persons rendering gratuitous services in cases of
4 emergency;

5 (3) persons treating human ailments by prayer or
6 spiritual means as an exercise or enjoyment of religious
7 freedom; or

8 (4) (blank). ~~persons practicing the specified~~
9 ~~occupations set forth in in subsection (a) of, and pursuant~~
10 ~~to a licensing exemption granted in subsection (b) or (d)~~
11 ~~of, Section 2105-350 of the Department of Professional~~
12 ~~Regulation Law of the Civil Administrative Code of~~
13 ~~Illinois, but only for so long as the 2016 Olympic and~~
14 ~~Paralympic Games Professional Licensure Exemption Law is~~
15 ~~operable.~~

16 (b) (Blank).

17 (Source: P.A. 96-7, eff. 4-3-09.)

18 (225 ILCS 60/17.5 new)

19 (Section scheduled to be repealed on December 31, 2010)

20 Sec. 17.5. Pre-residency permit. Persons holding the
21 degree of Doctor of Medicine, persons holding the degree of
22 Doctor of Osteopathy or Doctor of Osteopathic Medicine, persons
23 holding the degree of Doctor of Chiropractic, and persons who
24 have satisfied the requirements therefor and are eligible to
25 receive such degree from a medical, osteopathic, or

1 chiropractic school, who wish to pursue programs of graduate or
2 specialty training in this State, may receive without
3 examination, in the discretion of the Department, a 3-year
4 pre-residency permit. In order to receive a 3-year
5 pre-residency permit hereunder, an applicant shall furnish
6 satisfactory proof to the Department that the applicant:

7 (A) Is of good moral character. In determining moral
8 character under this Section, the Department may take into
9 consideration whether the applicant has engaged in conduct
10 or activities which would constitute grounds for
11 discipline under this Act. The Department may also request
12 the applicant to submit, and may consider as evidence of
13 moral character, endorsements from 2 or 3 individuals
14 licensed under this Act;

15 (B) Has been accepted or appointed for pre-residency
16 training by a hospital situated in this State or a
17 pre-residency training program in hospitals or facilities
18 maintained by the State of Illinois or affiliated training
19 facilities which is approved by the Department for the
20 purpose of such training under this Act. The applicant
21 shall indicate the beginning and ending dates of the period
22 for which the applicant has been accepted or appointed;

23 (C) Has or will satisfy the professional education
24 requirements of Section 11 of this Act which are effective
25 at the date of application except for postgraduate clinical
26 training; and

1 (D) Is physically, mentally, and professionally
2 capable of practicing medicine or treating human ailments
3 without the use of drugs or operative surgery with
4 reasonable judgment, skill, and safety.

5 In determining physical, mental, and professional capacity
6 under this Section, the Medical Licensing Board may, upon a
7 showing of a possible incapacity, compel an applicant to submit
8 to a mental or physical examination, or both, and may condition
9 or restrict any pre-residency permit, subject to the same terms
10 and conditions as are provided for the Medical Disciplinary
11 Board under Section 22 of this Act. Any such condition of
12 restricted pre-residency permit shall provide that the Chief
13 Medical Coordinator or Deputy Medical Coordinator shall have
14 the authority to review the subject physician's compliance with
15 such conditions or restrictions, including, where appropriate,
16 the physician's record of treatment and counseling regarding
17 the impairment, to the extent permitted by applicable federal
18 statutes and regulations safeguarding the confidentiality of
19 medical records of patients.

20 Three-year pre-residency permits issued pursuant to this
21 Section shall be valid only for the period of time designated
22 therein, and may be extended or renewed pursuant to the rules
23 of the Department, and if a pre-residency permit is thereafter
24 extended, it shall not extend beyond completion of the
25 pre-residency program. The holder of a valid 3-year
26 pre-residency permit shall be entitled thereby to perform only

1 such acts as may be prescribed by and incidental to his or her
2 program of pre-residency training; he or she shall not be
3 entitled to otherwise engage in the practice of medicine in
4 this State unless fully licensed in this State.

5 A 3-year pre-residency permit may be revoked by the
6 Department upon proof that the holder thereof has engaged in
7 the practice of medicine in this State outside of his or her
8 pre-residency program, or if the holder shall fail to supply
9 the Department, within 10 days after its request, with
10 information as to his or her current status and activities in
11 his or her pre-residency training program."