



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB0105

Introduced 1/12/2011, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

New Act  
225 ILCS 60/24.1 rep.

Creates the Patients' Right to Know Act. Provides for the Department of Financial and Professional Regulation to make available to the public a profile of each licensed physician and chiropractor on an Internet website or in writing if requested by an individual. Requires on the profiles the full name of the physician, any criminal convictions for felonies and Class A misdemeanors, any Department disciplinary action within the most recent 5 years, name of medical schools attended and date of attendance and graduation, specialty board certification, the number of years in practice and locations, the name of hospital where physician has privileges, and other requirements. Permits the Disciplinary Board to provide copies of the profiles to the physicians prior to publication and allows 60 days for the physician to correct any inaccuracies. Provides the physician the option to exclude any information concerning academic appointments, teaching responsibilities, publications in peer-reviewed journals, and any professional and community service awards if the physician or chiropractor chooses not to publish such information. Sets any penalties for a violation of this Act to be provided for in the Medical Practice Act of 1987. Repeals similar provisions of the Medical Practice Act of 1987 that were enacted by Public Act 94-677, which has been held unconstitutional. Effective immediately.

LRB097 05223 CEL 45273 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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.