

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

7 (20 ILCS 2105/2105-165 new)

8 Sec. 2105-165. Health care worker licensure actions;  
9 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 a sexual criminal act that requires registration under the Sex  
13 Offender Registration Act against a patient in the course of  
14 patient care or treatment; (2) has been convicted of a criminal  
15 battery against any patient; (3) has been convicted of a  
16 forcible felony; or (4) is required as a part of a criminal  
17 sentence to register under the Sex Offender Registration Act,  
18 then, notwithstanding any other provision of law to the  
19 contrary, the license of the health care worker shall by  
20 operation of law be permanently revoked without a hearing.

21 (b) No person registered as a sex offender may receive a  
22 license as a health care worker in Illinois.

23 (c) When an Illinois State's Attorney files criminal

1 charges alleging that a licensed health care worker, as defined  
2 in the Health Care Worker Self-Referral Act, committed a  
3 criminal battery against a patient, including a sexual act  
4 against a patient in the course of patient care or treatment,  
5 or a forcible felony, then the State's Attorney shall provide  
6 notice to the Department of the health care worker's name,  
7 address, practice address, and license number and the patient's  
8 name. Within 15 business days after receiving notice from the  
9 State's Attorney of the filing of criminal charges against the  
10 health care worker, the Secretary shall issue an administrative  
11 order that the health care worker shall immediately practice  
12 only with a chaperone during all patient encounters pending the  
13 outcome of the criminal proceedings. The licensee shall provide  
14 a written plan of compliance with the administrative order that  
15 is acceptable to the Department within 10 days after receipt of  
16 the administrative order. Failure to comply with the  
17 administrative order, failure to file a compliance plan, or  
18 failure to follow the compliance plan shall subject the health  
19 care worker to temporary suspension of his or her professional  
20 license until the completion of the criminal proceedings.

21 (d) Nothing contained in this Section shall act in any way  
22 to waive or modify the confidentiality of information provided  
23 by the State's Attorney to the extent provided by law. Any  
24 information reported or disclosed shall be kept for the  
25 confidential use of the Secretary, Department attorneys, the  
26 investigative staff, and authorized clerical staff and shall be

1 afforded the same status as is provided information under Part  
2 21 of Article VIII of the Code of Civil Procedure, except that  
3 the Department may disclose information and documents to (1) a  
4 federal, State, or local law enforcement agency pursuant to a  
5 subpoena in an ongoing criminal investigation or (2) an  
6 appropriate licensing authority of another state or  
7 jurisdiction pursuant to an official request made by that  
8 authority. Any information and documents disclosed to a  
9 federal, State, or local law enforcement agency may be used by  
10 that agency only for the investigation and prosecution of a  
11 criminal offense. Any information or documents disclosed by the  
12 Department to a professional licensing authority of another  
13 state or jurisdiction may only be used by that authority for  
14 investigations and disciplinary proceedings with regards to a  
15 professional license.

16 (e) Any licensee whose license was revoked or who received  
17 an administrative order under this Section shall have the  
18 revocation or administrative order vacated and completely  
19 removed from the licensee's records and public view and the  
20 revocation or administrative order shall be afforded the same  
21 status as is provided information under Part 21 of Article VIII  
22 of the Code of Civil Procedure if (1) the charges upon which  
23 the revocation or administrative order is based are dropped;  
24 (2) the licensee is not convicted of the charges upon which the  
25 revocation or administrative order is based; or (3) any  
26 conviction for charges upon which the revocation or

1 administrative order was based have been vacated, overturned,  
2 or reversed.

3 (f) Nothing contained in this Section shall prohibit the  
4 Department from initiating or maintaining a disciplinary  
5 action against a licensee independent from any criminal  
6 charges, conviction, or sex offender registration.

7 (g) The Department may adopt rules necessary to implement  
8 this Section.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.