

HB4634



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4634

Introduced 2/1/2012, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.22
5 ILCS 80/4.32
225 ILCS 60/21

from Ch. 111, par. 4400-21

Amends the Medical Practice Act of 1987. Increases various fees concerning licenses and renewal of licenses under the Act. Amends the Regulatory Sunset Act to extend the Medical Practice Act of 1987 from December 31, 2012 to December 31, 2022.

LRB097 18993 CEL 64232 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 5. The Regulatory Sunset Act is amended by changing
5 Sections 4.22 and 4.32 as follows:

6 (5 ILCS 80/4.22)

7 Sec. 4.22. Act repealed on December 31, 2012. The following
8 Act is repealed on December 31, 2012:

9 ~~The Medical Practice Act of 1987.~~

10 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;
11 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.
12 8-16-11; 97-514, eff. 8-23-11; 97-598, eff. 8-26-11; 97-602,
13 eff. 8-26-11; 97-622, eff. 11-23-11.)

14 (5 ILCS 80/4.32)

15 (Text of Section before amendment by P.A. 97-576)

16 Sec. 4.32. Acts ~~Act~~ repealed on January 1, 2022 and on
17 December 31, 2022.

18 (a) The following Acts are ~~Act is~~ repealed on January 1,
19 2022:

20 The Boxing and Full-contact Martial Arts Act.

21 The Detection of Deception Examiners Act.

22 The Home Inspector License Act.

1 The Interior Design Title Act.
2 The Massage Licensing Act.
3 The Petroleum Equipment Contractors Licensing Act.
4 The Real Estate Appraiser Licensing Act of 2002.
5 The Water Well and Pump Installation Contractor's License
6 Act.

7 (b) The following Act is repealed on December 31, 2022:

8 The Medical Practice Act of 1987.

9 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;
10 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.
11 8-16-11; 97-514, eff. 8-23-11; 97-598, eff. 8-26-11; 97-602,
12 eff. 8-26-11; revised 8-30-11.)

13 (Text of Section after amendment by P.A. 97-576)

14 Sec. 4.32. Acts ~~Act~~ repealed on January 1, 2022 and on
15 December 31, 2022.

16 (a) The following Acts are ~~Act is~~ repealed on January 1,
17 2022:

18 The Boxing and Full-contact Martial Arts Act.
19 The Collateral Recovery Act.
20 The Detection of Deception Examiners Act.
21 The Home Inspector License Act.
22 The Interior Design Title Act.
23 The Massage Licensing Act.
24 The Petroleum Equipment Contractors Licensing Act.
25 The Real Estate Appraiser Licensing Act of 2002.

1 The Water Well and Pump Installation Contractor's License
2 Act.

3 (b) The following Act is repealed on December 31, 2022:

4 The Medical Practice Act of 1987.

5 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;
6 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.
7 8-16-11; 97-514, eff. 8-23-11; 97-576, eff. 7-1-12; 97-598,
8 eff. 8-26-11; 97-602, eff. 8-26-11; revised 8-30-11.)

9 Section 10. The Medical Practice Act of 1987 is amended by
10 changing Section 21 as follows:

11 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

12 (Section scheduled to be repealed on December 31, 2012)

13 Sec. 21. License renewal; restoration; inactive status;
14 disposition and collection of fees.

15 (A) Renewal. The expiration date and renewal period for
16 each license issued under this Act shall be set by rule. The
17 holder of a license may renew the license by paying the
18 required fee. The holder of a license may also renew the
19 license within 90 days after its expiration by complying with
20 the requirements for renewal and payment of an additional fee.
21 A license renewal within 90 days after expiration shall be
22 effective retroactively to the expiration date.

23 The Department shall mail to each licensee under this Act,
24 at his or her address of record, at least 60 days in advance of

1 the expiration date of his or her license, a renewal notice. No
2 such license shall be deemed to have lapsed until 90 days after
3 the expiration date and after such notice has been mailed by
4 the Department as herein provided.

5 (B) Restoration. Any licensee who has permitted his or her
6 license to lapse or who has had his or her license on inactive
7 status may have his or her license restored by making
8 application to the Department and filing proof acceptable to
9 the Department of his or her fitness to have the license
10 restored, including evidence certifying to active practice in
11 another jurisdiction satisfactory to the Department, proof of
12 meeting the continuing education requirements for one renewal
13 period, and by paying the required restoration fee.

14 If the licensee has not maintained an active practice in
15 another jurisdiction satisfactory to the Department, the
16 Licensing Board shall determine, by an evaluation program
17 established by rule, the applicant's fitness to resume active
18 status and may require the licensee to complete a period of
19 evaluated clinical experience and may require successful
20 completion of a practical examination specified by the
21 Licensing Board.

22 However, any registrant whose license has expired while he
23 or she has been engaged (a) in Federal Service on active duty
24 with the Army of the United States, the United States Navy, the
25 Marine Corps, the Air Force, the Coast Guard, the Public Health
26 Service or the State Militia called into the service or

1 training of the United States of America, or (b) in training or
2 education under the supervision of the United States
3 preliminary to induction into the military service, may have
4 his or her license reinstated or restored without paying any
5 lapsed renewal fees, if within 2 years after honorable
6 termination of such service, training, or education, he or she
7 furnishes to the Department with satisfactory evidence to the
8 effect that he or she has been so engaged and that his or her
9 service, training, or education has been so terminated.

10 (C) Inactive licenses. Any licensee who notifies the
11 Department, in writing on forms prescribed by the Department,
12 may elect to place his or her license on an inactive status and
13 shall, subject to rules of the Department, be excused from
14 payment of renewal fees until he or she notifies the Department
15 in writing of his or her desire to resume active status.

16 Any licensee requesting restoration from inactive status
17 shall be required to pay the current renewal fee, provide proof
18 of meeting the continuing education requirements for the period
19 of time the license is inactive not to exceed one renewal
20 period, and shall be required to restore his or her license as
21 provided in subsection (B).

22 Any licensee whose license is in an inactive status shall
23 not practice in the State of Illinois.

24 (D) Disposition of monies collected. All monies collected
25 under this Act by the Department shall be deposited in the
26 Illinois State Medical Disciplinary Fund in the State Treasury,

1 and used only for the following purposes: (a) by the
2 Disciplinary Board and Licensing Board in the exercise of its
3 powers and performance of its duties, as such use is made by
4 the Department with full consideration of all recommendations
5 of the Disciplinary Board and Licensing Board, (b) for costs
6 directly related to persons licensed under this Act, and (c)
7 for direct and allocable indirect costs related to the public
8 purposes of the Department.

9 Moneys in the Fund may be transferred to the Professions
10 Indirect Cost Fund as authorized under Section 2105-300 of the
11 Department of Professional Regulation Law (20 ILCS
12 2105/2105-300).

13 All earnings received from investment of monies in the
14 Illinois State Medical Disciplinary Fund shall be deposited in
15 the Illinois State Medical Disciplinary Fund and shall be used
16 for the same purposes as fees deposited in such Fund.

17 (E) Fees. The following fees are nonrefundable.

18 (1) Applicants for any examination shall be required to
19 pay, either to the Department or to the designated testing
20 service, a fee covering the cost of determining the
21 applicant's eligibility and providing the examination.
22 Failure to appear for the examination on the scheduled
23 date, at the time and place specified, after the
24 applicant's application for examination has been received
25 and acknowledged by the Department or the designated
26 testing service, shall result in the forfeiture of the

1 examination fee.

2 (2) The fee for a license under Section 9 of this Act
3 is \$600 ~~\$300~~.

4 (3) The fee for a license under Section 19 of this Act
5 is \$600 ~~\$300~~.

6 (4) The fee for the renewal of a license for a resident
7 of Illinois shall be calculated at the rate of \$200 ~~\$100~~
8 per year, except for licensees who were issued a license
9 within 12 months of the expiration date of the license, the
10 fee for the renewal shall be \$200 ~~\$100~~. The fee for the
11 renewal of a license for a nonresident shall be calculated
12 at the rate of \$400 ~~\$200~~ per year, except for licensees who
13 were issued a license within 12 months of the expiration
14 date of the license, the fee for the renewal shall be \$400
15 ~~\$200~~.

16 (5) The fee for the restoration of a license other than
17 from inactive status, is \$200 ~~\$100~~. In addition, payment of
18 all lapsed renewal fees not to exceed \$1,200 ~~\$600~~ is
19 required.

20 (6) The fee for a 3-year temporary license under
21 Section 17 is \$200 ~~\$100~~.

22 (7) The fee for the issuance of a duplicate license,
23 for the issuance of a replacement license for a license
24 which has been lost or destroyed, or for the issuance of a
25 license with a change of name or address other than during
26 the renewal period is \$20. No fee is required for name and

1 address changes on Department records when no duplicate
2 license is issued.

3 (8) The fee to be paid for a license record for any
4 purpose is \$20.

5 (9) The fee to be paid to have the scoring of an
6 examination, administered by the Department, reviewed and
7 verified, is \$20 plus any fees charged by the applicable
8 testing service.

9 (10) The fee to be paid by a licensee for a wall
10 certificate showing his or her license shall be the actual
11 cost of producing the certificate as determined by the
12 Department.

13 (11) The fee for a roster of persons licensed as
14 physicians in this State shall be the actual cost of
15 producing such a roster as determined by the Department.

16 (F) Any person who delivers a check or other payment to the
17 Department that is returned to the Department unpaid by the
18 financial institution upon which it is drawn shall pay to the
19 Department, in addition to the amount already owed to the
20 Department, a fine of \$50. The fines imposed by this Section
21 are in addition to any other discipline provided under this Act
22 for unlicensed practice or practice on a nonrenewed license.
23 The Department shall notify the person that payment of fees and
24 fines shall be paid to the Department by certified check or
25 money order within 30 calendar days of the notification. If,
26 after the expiration of 30 days from the date of the

1 notification, the person has failed to submit the necessary
2 remittance, the Department shall automatically terminate the
3 license or certificate or deny the application, without
4 hearing. If, after termination or denial, the person seeks a
5 license or certificate, he or she shall apply to the Department
6 for restoration or issuance of the license or certificate and
7 pay all fees and fines due to the Department. The Department
8 may establish a fee for the processing of an application for
9 restoration of a license or certificate to pay all expenses of
10 processing this application. The Secretary may waive the fines
11 due under this Section in individual cases where the Secretary
12 finds that the fines would be unreasonable or unnecessarily
13 burdensome.

14 (Source: P.A. 97-622, eff. 11-23-11.)