



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1762

Introduced 2/9/2011, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-165 new

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Provides that any licensed health care worker, who has been (1) convicted of committing a sexual criminal act that requires registration under the Sex Offender Registration Act against a patient in the course of patient care or treatment, (2) has been convicted of a criminal battery against any patient, (3) a forcible felony, or (4) required as part of a criminal sentence to register under the Sex Offender Registration Act, then the license of the health care worker shall by operation of law be permanently revoked without a hearing. Provides that no person registered as a sex offender may receive a license as a health care worker in Illinois. Requires that within 15 business days after receiving notice from the State's Attorney of the filing of criminal charges against the health care worker, the Secretary shall issue an administrative order that the health care worker may only practice with a chaperone during all patient encounters pending the outcome of the criminal proceedings. Adds provisions concerning the confidentiality of certain information and documents. Effective immediately.

LRB097 06104 CEL 46177 b

1 AN ACT concerning State government.

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 the license of the health care worker shall by operation
19 of law be permanently revoked without a hearing.

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

22 (c) When an Illinois State's Attorney files criminal
23 charges alleging that a licensed health care worker, as defined

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

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

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

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

1 or reversed.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.