



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1843

Introduced 2/9/2011, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

225 ILCS 60/2	from Ch. 111, par. 4400-2
225 ILCS 60/3	from Ch. 111, par. 4400-3
225 ILCS 60/15	from Ch. 111, par. 4400-15
225 ILCS 60/49.3 new	
225 ILCS 60/50	from Ch. 111, par. 4400-50
225 ILCS 60/51	from Ch. 111, par. 4400-51

Amends the Medical Practice Act. Provides that any person holding a valid license under the Act, including persons licensed as a chiropractic physician, may prescribe, dispense, or administer oxygen. Makes changes in provisions concerning licenses for general practice. Makes corresponding changes.

LRB097 10065 CEL 50242 b

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 Medical Practice Act of 1987 is amended by
5 changing Sections 2, 3, 15, 50, and 51 and by adding Section
6 49.3 as follows:

7 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

8 (Section scheduled to be repealed on November 30, 2011)

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

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

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

15 3. "Director" means the Director of Professional
16 Regulation.

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

21 5. "Disciplinary Board" means the Medical Disciplinary
22 Board.

23 6. "Final Determination" means the governing body's final

1 action taken under the procedure followed by a health care
2 institution, or professional association or society, against
3 any person licensed under the Act in accordance with the bylaws
4 or rules and regulations of such health care institution, or
5 professional association or society.

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

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

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

15 10. "Physician" means a person licensed under the Medical
16 Practice Act to practice medicine in all of its branches or a
17 chiropractic physician licensed to treat human ailments
18 without operative surgery and without the use of prescription
19 drugs except as provided in Section 49.3 ~~and without operative~~
20 ~~surgery.~~

21 11. "Professional Association" means an association or
22 society of persons licensed under this Act, and operating
23 within the State of Illinois, including but not limited to,
24 medical societies, osteopathic organizations, and chiropractic
25 organizations, but this term shall not be deemed to include
26 hospital medical staffs.

1 12. "Program of Care, Counseling, or Treatment" means a
2 written schedule of organized treatment, care, counseling,
3 activities, or education, satisfactory to the Disciplinary
4 Board, designed for the purpose of restoring an impaired person
5 to a condition whereby the impaired person can practice
6 medicine with reasonable skill and safety of a sufficient
7 degree to deliver competent patient care.

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

9 (225 ILCS 60/3) (from Ch. 111, par. 4400-3)

10 (Section scheduled to be repealed on November 30, 2011)

11 Sec. 3. Licensure requirement. No person shall practice
12 medicine, or any of its branches, or treat human ailments
13 without ~~the use of drugs and without~~ operative surgery and
14 without the use of prescription drugs except as provided in
15 Section 49.3, without a valid, existing license to do so,
16 except that a physician who holds an active license in another
17 state or a second year resident enrolled in a residency program
18 accredited by the Liaison Committee on Graduate Medical
19 Education or the Bureau of Professional Education of the
20 American Osteopathic Association may provide medical services
21 to patients in Illinois during a bonafide emergency in
22 immediate preparation for or during interstate transit.

23 (Source: P.A. 89-702, eff. 7-1-97.)

24 (225 ILCS 60/15) (from Ch. 111, par. 4400-15)

1 (Section scheduled to be repealed on November 30, 2011)

2 Sec. 15. Chiropractic physician; license for general
3 practice. ~~Physician licensed to practice without drugs and~~
4 ~~operative surgery; license for general practice.~~ Any physician
5 licensed under this Act as a chiropractic physician ~~to treat~~
6 ~~human ailments without the use of prescriptive drugs and~~
7 ~~operative surgery~~ shall be permitted to take the examination
8 for licensure as a physician to practice medicine in all its
9 branches and shall receive a license to practice medicine in
10 all of its branches if he or she shall successfully pass such
11 examination, upon proof of having successfully completed in a
12 medical college, osteopathic college or chiropractic college
13 reputable and in good standing in the judgment of the
14 Department, courses of instruction in materia medica,
15 therapeutics, surgery, obstetrics, and theory and practice
16 deemed by the Department to be equal to the courses of
17 instruction required in those subjects for admission to the
18 examination for a license to practice medicine in all of its
19 branches, together with proof of having completed (a) the 2
20 year course of instruction in a college of liberal arts, or its
21 equivalent, required under this Act, and (b) a course of
22 postgraduate clinical training of not less than 24 months as
23 approved by the Department.

24 (Source: P.A. 89-702, eff. 7-1-97.)

25 (225 ILCS 60/49.3 new)

1 Sec. 49.3. Prescribing, dispensing, or administering
2 oxygen. Any person holding a valid license under this Act,
3 including persons licensed as a chiropractic physician, may
4 prescribe, dispense, or administer oxygen.

5 (225 ILCS 60/50) (from Ch. 111, par. 4400-50)

6 (Section scheduled to be repealed on November 30, 2011)

7 Sec. 50. Any person who practices as a physician ~~medicine~~
8 ~~in all of its branches or treats human ailments without the use~~
9 ~~of drugs or operative surgery~~ including, but not limited to,
10 treatment or diagnosis of any physical or mental ailments or
11 conditions including, but not limited to, deformities,
12 diseases, disorders, or injuries without a valid license under
13 the laws of this State shall be sentenced as provided in
14 Section 59.

15 (Source: P.A. 87-660.)

16 (225 ILCS 60/51) (from Ch. 111, par. 4400-51)

17 (Section scheduled to be repealed on November 30, 2011)

18 Sec. 51. Any person who treats human ailments by the use of
19 drugs or operative surgery except as provided in Section 49.3
20 and has only a license as a chiropractic physician ~~to treat~~
21 ~~human ailments without the use of drugs and without operative~~
22 ~~surgery~~, shall be sentenced as provided in Section 59.

23 (Source: P.A. 85-4.)