

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
6 changing Section 2105-165 as follows:

7 (20 ILCS 2105/2105-165)

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

22 (b) No person who has been convicted of any offense listed
23 in subsection (a) or required to register as a sex offender may

1 receive a license as a health care worker in Illinois.

2 (c) Immediately after ~~an Illinois State's Attorney files~~
3 ~~criminal charges alleging that~~ a licensed health care worker,
4 as defined in the Health Care Worker Self-Referral Act, has
5 been charged with ~~committed~~ any offense for which the sentence
6 includes registration as a sex offender; a criminal battery
7 against a patient, including any offense based on sexual
8 conduct or sexual penetration, in the course of patient care or
9 treatment; or a forcible felony; then the prosecuting attorney
10 ~~State's Attorney~~ shall provide notice to the Department of the
11 health care worker's name, address, practice address, and
12 license number and the patient's name and a copy of the
13 criminal charges filed. Within 5 business days after receiving
14 notice from the prosecuting attorney ~~State's Attorney~~ of the
15 filing of criminal charges against the health care worker, the
16 Secretary shall issue an administrative order that the health
17 care worker shall immediately practice only with a chaperone
18 during all patient encounters pending the outcome of the
19 criminal proceedings. The chaperone must be a licensed health
20 care worker. The chaperone shall provide written notice to all
21 of the health care worker's patients explaining the
22 Department's order to use a chaperone. Each patient shall sign
23 an acknowledgement that they received the notice. The notice to
24 the patient of criminal charges shall include, in 14-point
25 font, the following statement: "The health care worker is
26 presumed innocent until proven guilty of the charges.". The

1 licensed health care worker shall provide a written plan of
2 compliance with the administrative order that is acceptable to
3 the Department within 5 days after receipt of the
4 administrative order. Failure to comply with the
5 administrative order, failure to file a compliance plan, or
6 failure to follow the compliance plan shall subject the health
7 care worker to temporary suspension of his or her professional
8 license until the completion of the criminal proceedings.

9 (d) Nothing contained in this Section shall act in any way
10 to waive or modify the confidentiality of information provided
11 by the prosecuting attorney ~~State's Attorney~~ to the extent
12 provided by law. Any information reported or disclosed shall be
13 kept for the confidential use of the Secretary, Department
14 attorneys, the investigative staff, and authorized clerical
15 staff and shall be afforded the same status as is provided
16 information under Part 21 of Article VIII of the Code of Civil
17 Procedure, except that the Department may disclose information
18 and documents to (1) a federal, State, or local law enforcement
19 agency pursuant to a subpoena in an ongoing criminal
20 investigation or (2) an appropriate licensing authority of
21 another state or jurisdiction pursuant to an official request
22 made by that authority. Any information and documents disclosed
23 to a federal, State, or local law enforcement agency may be
24 used by that agency only for the investigation and prosecution
25 of a criminal offense. Any information or documents disclosed
26 by the Department to a professional licensing authority of

1 another state or jurisdiction may only be used by that
2 authority for investigations and disciplinary proceedings with
3 regards to a professional license.

4 (e) Any licensee whose license was revoked or who received
5 an administrative order under this Section shall have the
6 revocation or administrative order vacated and completely
7 removed from the licensee's records and public view and the
8 revocation or administrative order shall be afforded the same
9 status as is provided information under Part 21 of Article VIII
10 of the Code of Civil Procedure if (1) the charges upon which
11 the revocation or administrative order is based are dropped;
12 (2) the licensee is not convicted of the charges upon which the
13 revocation or administrative order is based; or (3) any
14 conviction for charges upon which the revocation or
15 administrative order was based have been vacated, overturned,
16 or reversed.

17 (f) Nothing contained in this Section shall prohibit the
18 Department from initiating or maintaining a disciplinary
19 action against a licensee independent from any criminal
20 charges, conviction, or sex offender registration.

21 (g) The Department may adopt rules necessary to implement
22 this Section.

23 (Source: P.A. 97-156, eff. 8-20-11; 97-484, eff. 9-21-11.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.