



Sen. Kirk W. Dillard

Filed: 3/23/2012

09700SB3137sam001

LRB097 17061 CEL 67888 a

1 AMENDMENT TO SENATE BILL 3137

2 AMENDMENT NO. _____. Amend Senate Bill 3137 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of 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

1 felony; or (4) is required as a part of a criminal sentence to
2 register under the Sex Offender Registration Act, then,
3 notwithstanding any other provision of law to the contrary, the
4 license of the health care worker shall by operation of law be
5 permanently revoked without a hearing.

6 (b) No person who has been convicted of any offense listed
7 in subsection (a) or required to register as a sex offender may
8 receive a license as a health care worker in Illinois.

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

1 care worker. The chaperone shall provide written notice to all
2 of the health care worker's patients explaining the
3 Department's order to use a chaperone. Each patient shall sign
4 an acknowledgement that they received the notice. The notice to
5 the patient of criminal charges shall include, in 14-point
6 font, the following statement: "The health care worker is
7 presumed innocent until proven guilty of the charges.". The
8 licensed health care worker shall provide a written plan of
9 compliance with the administrative order that is acceptable to
10 the Department within 5 days after receipt of the
11 administrative order. Failure to comply with the
12 administrative order, failure to file a compliance plan, or
13 failure to follow the compliance plan shall subject the health
14 care worker to temporary suspension of his or her professional
15 license until the completion of the criminal proceedings.

16 (d) Nothing contained in this Section shall act in any way
17 to waive or modify the confidentiality of information provided
18 by the prosecuting attorney ~~State's Attorney~~ to the extent
19 provided by law. Any information reported or disclosed shall be
20 kept for the confidential use of the Secretary, Department
21 attorneys, the investigative staff, and authorized clerical
22 staff and shall be afforded the same status as is provided
23 information under Part 21 of Article VIII of the Code of Civil
24 Procedure, except that the Department may disclose information
25 and documents to (1) a federal, State, or local law enforcement
26 agency pursuant to a subpoena in an ongoing criminal

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

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

24 (f) Nothing contained in this Section shall prohibit the
25 Department from initiating or maintaining a disciplinary
26 action against a licensee independent from any criminal

1 charges, conviction, or sex offender registration.

2 (g) The Department may adopt rules necessary to implement
3 this Section.

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

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