

# HB0193



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB0193

Introduced 1/23/2013, by Rep. Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

225 ILCS 60/21

from Ch. 111, par. 4400-21

Amends the Medical Practice Act of 1987. Makes a technical change in a provision concerning license renewal.

LRB098 07005 MGM 37064 b

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 Medical Practice Act of 1987 is amended by  
5 changing Section 21 as follows:

6 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

7 (Section scheduled to be repealed on December 31, 2013)

8 Sec. 21. License renewal; restoration; inactive status;  
9 disposition and collection of fees.

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

18 The Department shall mail to each licensee under this Act,  
19 at his or her address of record, at least 60 days in advance of  
20 the expiration date of his or her license, a renewal notice. No  
21 such license shall be deemed to have lapsed until 90 days after  
22 the expiration date and after such notice has been mailed by  
23 the Department as herein provided.

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

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

18 However, any registrant whose license has expired while he  
19 or she has been engaged (a) in Federal Service on active duty  
20 with the Army of the United States, the United States Navy, the  
21 Marine Corps, the Air Force, the Coast Guard, the Public Health  
22 Service or the State Militia called into the service or  
23 training of the United States of America, or (b) in training or  
24 education under the supervision of the United States  
25 preliminary to induction into the military service, may have  
26 his or her license reinstated or restored without paying any

1 lapsed renewal fees, if within 2 years after honorable  
2 termination of such service, training, or education, he or she  
3 furnishes to the Department with satisfactory evidence to the  
4 effect that he or she has been so engaged and that his or her  
5 service, training, or education has been so terminated.

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

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

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

20 (D) Disposition of monies collected. All monies collected  
21 under this Act by the Department shall be deposited in the  
22 Illinois State Medical Disciplinary Fund in the State Treasury,  
23 and used only for the following purposes: (a) by the  
24 Disciplinary Board and Licensing Board in the exercise of its  
25 powers and performance of its duties, as such use is made by  
26 the Department with full consideration of all recommendations

1 of the Disciplinary Board and Licensing Board, (b) for costs  
2 directly related to persons licensed under this Act, and (c)  
3 for direct and allocable indirect costs related to the public  
4 purposes of the Department.

5 Moneys in the Fund may be transferred to the Professions  
6 Indirect Cost Fund as authorized under Section 2105-300 of the  
7 Department of Professional Regulation Law (20 ILCS  
8 2105/2105-300).

9 All earnings received from investment of monies in the  
10 Illinois State Medical Disciplinary Fund shall be deposited in  
11 the Illinois State Medical Disciplinary Fund and shall be used  
12 for the same purposes as fees deposited in such Fund.

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

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

24 (2) The fee for a license under Section 9 of this Act  
25 is \$300.

26 (3) The fee for a license under Section 19 of this Act

1 is \$300.

2 (4) The fee for the renewal of a license for a resident  
3 of Illinois shall be calculated at the rate of \$100 per  
4 year, except for licensees who were issued a license within  
5 12 months of the expiration date of the license, the fee  
6 for the renewal shall be \$100. The fee for the renewal of a  
7 license for a nonresident shall be calculated at the rate  
8 of \$200 per year, except for licensees who were issued a  
9 license within 12 months of the expiration date of the  
10 license, the fee for the renewal shall be \$200.

11 (5) The fee for the restoration of a license other than  
12 from inactive status, is \$100. In addition, payment of all  
13 lapsed renewal fees not to exceed \$600 is required.

14 (6) The fee for a 3-year temporary license under  
15 Section 17 is \$100.

16 (7) The fee for the issuance of a duplicate license,  
17 for the issuance of a replacement license for a license  
18 which has been lost or destroyed, or for the issuance of a  
19 license with a change of name or address other than during  
20 the renewal period is \$20. No fee is required for name and  
21 address changes on Department records when no duplicate  
22 license is issued.

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

25 (9) The fee to be paid to have the scoring of an  
26 examination, administered by the Department, reviewed and

1 verified, is \$20 plus any fees charged by the applicable  
2 testing service.

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

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

10 (F) Any person who delivers a check or other payment to the  
11 Department that is returned to the Department unpaid by the  
12 financial institution upon which it is drawn shall pay to the  
13 Department, in addition to the amount already owed to the  
14 Department, a fine of \$50. The fines imposed by this Section  
15 are in addition to any other discipline provided under this Act  
16 for unlicensed practice or practice on a nonrenewed license.  
17 The Department shall notify the person that payment of fees and  
18 fines shall be paid to the Department by certified check or  
19 money order within 30 calendar days of the notification. If,  
20 after the expiration of 30 days from the date of the  
21 notification, the person has failed to submit the necessary  
22 remittance, the Department shall automatically terminate the  
23 license or certificate or deny the application, without  
24 hearing. If, after termination or denial, the person seeks a  
25 license or certificate, he or she shall apply to the Department  
26 for restoration or issuance of the license or certificate and

1 pay all fees and fines due to the Department. The Department  
2 may establish a fee for the processing of an application for  
3 restoration of a license or certificate to pay all expenses of  
4 processing this application. The Secretary may waive the fines  
5 due under this Section in individual cases where the Secretary  
6 finds that the fines would be unreasonable or unnecessarily  
7 burdensome.

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