



Rep. Elgie R. Sims, Jr.

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LRB098 04437 MRW 58629 a

1 AMENDMENT TO SENATE BILL 642

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 642 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; (1.5) has been convicted of  
14 involuntary sexual servitude of a minor under subsection (c) of  
15 Section 10-9 or subsection (b) of Section 10A-10 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012; (2) has

1 been convicted of a criminal battery against any patient in the  
2 course of patient care or treatment, including any offense  
3 based on sexual conduct or sexual penetration; (3) has been  
4 convicted of a forcible felony; or (4) is required as a part of  
5 a criminal sentence to register under the Sex Offender  
6 Registration Act, then, notwithstanding any other provision of  
7 law to the contrary, except as provided in this Section, the  
8 license of the health care worker shall by operation of law be  
9 permanently revoked without a hearing.

10 (a-1) If a licensed health care worker has been convicted  
11 of a forcible felony, other than a forcible felony requiring  
12 registration under the Sex Offender Registration Act or  
13 involuntary sexual servitude of a minor that is a forcible  
14 felony, and the health care worker has had his or her license  
15 revoked, the health care worker may petition the Department to  
16 restore his or her license. In determining whether a license  
17 shall be restored, the Department shall consider, but is not  
18 limited to, the following factors:

19 (1) the seriousness of the offense;

20 (2) the presence of multiple offenses;

21 (3) prior disciplinary history, including actions  
22 taken by other agencies in this State or by other states or  
23 jurisdictions, hospitals, health care facilities,  
24 residency programs, employers, insurance providers, or any  
25 of the armed forces of the United States or any state;

26 (4) the impact of the offense on any injured party;

1           (5) the vulnerability of any injured party, including,  
2           but not limited to, consideration of the injured party's  
3           age, disability, or mental illness;

4           (6) the motive for the offense;

5           (7) the lack of contrition for the offense;

6           (8) the lack of cooperation with the Department or  
7           other investigative authorities;

8           (9) the lack of prior disciplinary action by the  
9           Department or by other agencies in this State or by other  
10          states or jurisdictions, hospitals, health care  
11          facilities, residency programs, employers, insurance  
12          providers, or any of the armed forces of the United States  
13          or any state;

14          (10) contrition for the offense;

15          (11) cooperation with the Department or other  
16          investigative authorities;

17          (12) restitution to injured parties;

18          (13) whether the misconduct was self-reported;

19          (14) any voluntary remedial actions taken; and

20          (15) the date of conviction.

21           (b) No person who has been convicted of any offense listed  
22           in subsection (a) or required to register as a sex offender may  
23           receive a license as a health care worker in Illinois. The  
24           process for petition and review by the Department provided in  
25           subsection (a-1) shall also apply to a person whose application  
26           for licensure is denied under this Section for a conviction of

1 a forcible felony, other than a forcible felony requiring  
2 registration under the Sex Offender Registration Act or  
3 involuntary sexual servitude of a minor that is a forcible  
4 felony.

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

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

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

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

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

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

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

24 (Source: P.A. 97-156, eff. 8-20-11; 97-484, eff. 9-21-11;  
25 97-873, eff. 7-31-12.)".