



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1494

Introduced 2/7/2013, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.33

5 ILCS 80/4.23 rep.

225 ILCS 60/21

from Ch. 111, par. 4400-21

Amends the Regulatory Sunset Act. Extends the repeal of the Medical Practice Act of 1987 from December 31, 2013 to December 31, 2023. Amends the Medical Practice Act of 1987. Provides that a completed initial license application and a completed initial license application by endorsement that has been submitted to the Department of Financial and Professional Regulation shall be processed by the Department within 45 calendar days after receipt. Makes changes to the various fees for the renewal of a license for a resident of Illinois and nonresidents. Provides that an individual who has a 3-year temporary license and applies for an initial license shall pay the fee for a renewal of a license instead of applying for an initial license under certain provisions of the Act. Provides that the State Comptroller shall order and the State Treasurer shall transfer \$9,600,000 from the General Revenue Fund to the Illinois State Medical Disciplinary Fund. Effective immediately.

LRB098 07533 MGM 37604 b

FISCAL NOTE ACT
MAY APPLY

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 Regulatory Sunset Act is amended by changing
5 Section 4.33 as follows:

6 (5 ILCS 80/4.33)

7 Sec. 4.33. Acts repealed on January 1, 2023 and on December
8 31, 2023.

9 (a) The following Acts are repealed on January 1, 2023:

10 The Dietitian Nutritionist Practice Act.

11 The Elevator Safety and Regulation Act.

12 The Fire Equipment Distributor and Employee Regulation Act
13 of 2011.

14 The Funeral Directors and Embalmers Licensing Code.

15 The Naprapathic Practice Act.

16 The Professional Counselor and Clinical Professional
17 Counselor Licensing and Practice Act.

18 The Wholesale Drug Distribution Licensing Act.

19 (b) The following Act is repealed on December 31, 2023:

20 The Medical Practice Act of 1987.

21 (Source: P.A. 97-706, eff. 6-25-12; 97-778, eff. 7-13-12;
22 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff.
23 8-22-12; 97-1130, eff. 8-28-12; 97-1141, eff. 12-28-12.)

1 (5 ILCS 80/4.23 rep.)

2 Section 8. The Regulatory Sunset Act is amended by
3 repealing Section 4.23.

4 Section 10. 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 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 The State Comptroller shall order and the State Treasurer
10 shall transfer \$9,600,000 from the General Revenue Fund to the
11 Illinois State Medical Disciplinary Fund as soon as practicable
12 after the effective date of this amendatory Act of the 98th
13 General Assembly.

14 All earnings received from investment of monies in the
15 Illinois State Medical Disciplinary Fund shall be deposited in
16 the Illinois State Medical Disciplinary Fund and shall be used
17 for the same purposes as fees deposited in such Fund.

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

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

1 testing service, shall result in the forfeiture of the
2 examination fee.

3 (2) The fee for an initial ~~a~~ license under Section 9 of
4 this Act is \$500 ~~\$300~~. A completed application for an
5 initial license under Section 9 of this Act that has been
6 submitted to the Department shall be processed by the
7 Department within 45 calendar days after receipt.

8 (3) The fee for an initial ~~a~~ license under Section 19
9 of this Act is \$500 ~~\$300~~. A completed application for an
10 initial license under Section 19 of this Act that has been
11 submitted to the Department shall be processed by the
12 Department within 45 calendar days after receipt.

13 (4) The fee for the renewal of a license for a resident
14 of Illinois shall be calculated at the rate of \$167 ~~\$100~~
15 per year, except for licensees who were issued a license
16 within 12 months of the expiration date of the license, the
17 fee for the renewal shall be \$167 ~~\$100~~. The fee for the
18 renewal of a license for a nonresident shall be calculated
19 at the rate of \$250 ~~\$200~~ per year, except for licensees who
20 were issued a license within 12 months of the expiration
21 date of the license, the fee for the renewal shall be \$250
22 ~~\$200~~.

23 (5) The fee for the restoration of a license other than
24 from inactive status, is \$167 ~~\$100~~. In addition, payment of
25 all lapsed renewal fees not to exceed \$750 ~~\$600~~ is
26 required.

1 (6) The fee for a 3-year temporary license under
2 Section 17 is \$100. An individual who has a 3-year
3 temporary license under Section 17 and applies for an
4 initial license shall pay the fee for a renewal of a
5 license under paragraph (4) of this subsection.

6 (7) The fee for the issuance of a duplicate license,
7 for the issuance of a replacement license for a license
8 which has been lost or destroyed, or for the issuance of a
9 license with a change of name or address other than during
10 the renewal period is \$20. No fee is required for name and
11 address changes on Department records when no duplicate
12 license is issued.

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

15 (9) The fee to be paid to have the scoring of an
16 examination, administered by the Department, reviewed and
17 verified, is \$20 plus any fees charged by the applicable
18 testing service.

19 (10) The fee to be paid by a licensee for a wall
20 certificate showing his or her license shall be the actual
21 cost of producing the certificate as determined by the
22 Department.

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

26 (F) Any person who delivers a check or other payment to the

1 Department that is returned to the Department unpaid by the
2 financial institution upon which it is drawn shall pay to the
3 Department, in addition to the amount already owed to the
4 Department, a fine of \$50. The fines imposed by this Section
5 are in addition to any other discipline provided under this Act
6 for unlicensed practice or practice on a nonrenewed license.
7 The Department shall notify the person that payment of fees and
8 fines shall be paid to the Department by certified check or
9 money order within 30 calendar days of the notification. If,
10 after the expiration of 30 days from the date of the
11 notification, the person has failed to submit the necessary
12 remittance, the Department shall automatically terminate the
13 license or certificate or deny the application, without
14 hearing. If, after termination or denial, the person seeks a
15 license or certificate, he or she shall apply to the Department
16 for restoration or issuance of the license or certificate and
17 pay all fees and fines due to the Department. The Department
18 may establish a fee for the processing of an application for
19 restoration of a license or certificate to pay all expenses of
20 processing this application. The Secretary may waive the fines
21 due under this Section in individual cases where the Secretary
22 finds that the fines would be unreasonable or unnecessarily
23 burdensome.

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

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