



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB0207

by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

New Act  
225 ILCS 60/22

from Ch. 111, par. 4400-22

Creates the Right to Try Act. Provides that an eligible patient with a terminal illness who has considered all other treatment options approved by the United States Food and Drug Administration may acquire from a manufacturer an investigational drug, biological product, or device that has successfully completed Phase 1 of a clinical trial, but has not been approved for general use by the United States Food and Drug Administration. Provides that a manufacturer may, but is not required to, provide an investigational drug, biological product, or device to an eligible patient, either with or without receiving compensation. Provides that an accident and health insurer may, but is not required to, provide coverage for an eligible patient seeking such a drug, product, or device. Provides that an entity responsible for Medicare certification may not take action against a health care provider's Medicare certification based solely on the health care provider's recommendation that a patient have access to an investigational drug, biological product, or device. Defines required terms. Amends the Medical Practice Act of 1987. Provides that the Department of Financial and Professional Regulation may not revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against the license or permit of a physician to practice medicine based solely on the physician's recommendation to an eligible patient regarding, or prescription for, or treatment with an investigational drug, biological product, or device.

LRB099 03736 JLK 24264 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Right  
5 to Try Act.

6 Section 5. Definitions. As used in this Act:

7 "Eligible patient" means an individual who:

8 (1) has an terminal illness, attested to by the  
9 patient's treating physician;

10 (2) has considered all other treatment options  
11 currently approved by the United States Food and Drug  
12 Administration;

13 (3) has received a recommendation from his or her  
14 treating physician for an investigational drug, biological  
15 product, or device;

16 (4) has given written, informed consent for the use of  
17 the investigational drug, biological product, or device;  
18 and

19 (5) has documentation from his or her treating  
20 physician that he or she meets the requirements of this  
21 Act.

22 "Hospital" means a hospital licensed under the Hospital  
23 Licensing Act or a hospital organized under the University of

1 Illinois Hospital Act.

2 "Investigational drug, biological product, or device"  
3 means a drug, biological product, or device that has  
4 successfully completed Phase 1 of a clinical trial but has not  
5 yet been approved for general use by the United States Food and  
6 Drug Administration and remains under investigation in a  
7 clinical trial approved by the United States Food and Drug  
8 Administration.

9 "Terminal illness" means a progressive disease or medical  
10 or surgical condition that entails significant functional  
11 impairment, that is not considered by a treating physician to  
12 be reversible even with administration of current available  
13 treatments approved by the United States Food and Drug  
14 Administration, and that, without life-sustaining procedures,  
15 will soon result in death.

16 "Written, informed consent" means a written document that  
17 is signed by the patient, parent (if the patient is a minor),  
18 legal guardian, or health care agent designated by the patient  
19 under Article IV of the Illinois Power of Attorney Act, and  
20 attested to by the patient's physician and a witness and that,  
21 at a minimum, includes all of the following:

22 (i) An explanation of the currently approved products  
23 and treatments for the disease or condition from which the  
24 patient suffers.

25 (ii) An attestation that the patient concurs with his  
26 or her physician in believing that all currently approved

1 and conventionally recognized treatments are unlikely to  
2 prolong the patient's life.

3 (iii) Clear identification of the specific proposed  
4 investigational drug, biological product, or device that  
5 the patient is seeking to use.

6 (iv) A description of the potentially best and worst  
7 outcomes of using the investigational drug, biological  
8 product, or device and a realistic description of the most  
9 likely outcome. The description shall include the  
10 possibility that new, unanticipated, different, or worse  
11 symptoms might result and that death could be hastened by  
12 the proposed treatment. The description shall be based on  
13 the physician's knowledge of the proposed treatment in  
14 conjunction with an awareness of the patient's condition.

15 (v) A statement that the patient's health plan or  
16 third-party administrator and provider are not obligated  
17 to pay for any care or treatments consequent to the use of  
18 the investigational drug, biological product, or device,  
19 unless they are specifically required to do so by law or  
20 contract.

21 (vi) A statement that the patient's eligibility for  
22 hospice care may be withdrawn if the patient begins  
23 curative treatment with the investigational drug,  
24 biological product, or device and that care may be  
25 reinstated if this treatment ends and the patient meets  
26 hospice eligibility requirements.

1           (vii) A statement that the patient understands that he  
2           or she is liable for all expenses consequent to the use of  
3           the investigational drug, biological product, or device  
4           and that this liability extends to the patient's estate,  
5           unless a contract between the patient and the manufacturer  
6           of the drug, biological product, or device states  
7           otherwise.

8           Section 10. Drug manufacturers; availability of  
9           investigational drugs, biological products, or devices.

10          (a) A manufacturer of an investigational drug, biological  
11          product, or device may make available and an eligible patient  
12          may request the manufacturer's investigational drug,  
13          biological product, or device under this Act. This Act does not  
14          require that a manufacturer make available an investigational  
15          drug, biological product, or device to an eligible patient.

16          (b) A manufacturer may:

17               (1) provide an investigational drug, biological  
18               product, or device to an eligible patient without receiving  
19               compensation; or

20               (2) require an eligible patient to pay the costs of, or  
21               the costs associated with, the manufacture of the  
22               investigational drug, biological product, or device.

23          Section 15. Coverage; costs; services.

24          (a) This Act does not expand the coverage required of an

1 accident and health insurer under the Illinois Insurance Code.

2 (b) A health plan, third-party administrator, or  
3 governmental agency may, but is not required to, provide  
4 coverage for the cost of an investigational drug, biological  
5 product, or device, or the cost of services related to the use  
6 of an investigational drug, biological product, or device under  
7 this Act.

8 (c) This Act does not require any governmental agency to  
9 pay costs associated with the use, care, or treatment of a  
10 patient with an investigational drug, biological product, or  
11 device.

12 (d) This Act does not require a hospital to provide new or  
13 additional services, unless approved by the hospital or  
14 facility.

15 Section 20. Death; outstanding debt. If a patient dies  
16 while being treated with an investigational drug, biological  
17 product, or device, the patient's heirs are not liable for any  
18 outstanding debt related to the treatment or lack of insurance  
19 due to the treatment.

20 Section 25. Action against Medicare certification. An  
21 entity responsible for Medicare certification may not take  
22 action against a health care provider's Medicare certification  
23 based solely on the health care provider's recommendation that  
24 a patient have access to an investigational drug, biological

1 product, or device.

2 Section 30. Access; counseling. An official, employee, or  
3 agent of this State may not block or attempt to block an  
4 eligible patient's access to an investigational drug,  
5 biological product, or device. Counseling, advice, or a  
6 recommendation consistent with medical standards of care from a  
7 licensed health care provider is not a violation of this Act.

8 Section 35. No private cause of action; health care  
9 coverage.

10 (a) This Act does not create a private cause of action  
11 against a manufacturer of an investigational drug, biological  
12 product, or device or against any other person or entity  
13 involved in the care of an eligible patient using the  
14 investigational drug, biological product, or device for any  
15 harm done to the eligible patient resulting from the  
16 investigational drug, biological product, or device, if the  
17 manufacturer or other person or entity is complying in good  
18 faith with the terms of this Act and has exercised reasonable  
19 care.

20 (b) This Act does not affect any mandatory health care  
21 coverage for participation in clinical trials under the  
22 Illinois Insurance Code.

23 Section 50. The Medical Practice Act of 1987 is amended by

1 changing Section 22 as follows:

2 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

3 (Section scheduled to be repealed on December 31, 2015)

4 Sec. 22. Disciplinary action.

5 (A) The Department may revoke, suspend, place on probation,  
6 reprimand, refuse to issue or renew, or take any other  
7 disciplinary or non-disciplinary action as the Department may  
8 deem proper with regard to the license or permit of any person  
9 issued under this Act, including imposing fines not to exceed  
10 \$10,000 for each violation, upon any of the following grounds:

11 (1) Performance of an elective abortion in any place,  
12 locale, facility, or institution other than:

13 (a) a facility licensed pursuant to the Ambulatory  
14 Surgical Treatment Center Act;

15 (b) an institution licensed under the Hospital  
16 Licensing Act;

17 (c) an ambulatory surgical treatment center or  
18 hospitalization or care facility maintained by the  
19 State or any agency thereof, where such department or  
20 agency has authority under law to establish and enforce  
21 standards for the ambulatory surgical treatment  
22 centers, hospitalization, or care facilities under its  
23 management and control;

24 (d) ambulatory surgical treatment centers,  
25 hospitalization or care facilities maintained by the



1 Federal Government; or

2 (e) ambulatory surgical treatment centers,  
3 hospitalization or care facilities maintained by any  
4 university or college established under the laws of  
5 this State and supported principally by public funds  
6 raised by taxation.

7 (2) Performance of an abortion procedure in a wilful  
8 and wanton manner on a woman who was not pregnant at the  
9 time the abortion procedure was performed.

10 (3) A plea of guilty or nolo contendere, finding of  
11 guilt, jury verdict, or entry of judgment or sentencing,  
12 including, but not limited to, convictions, preceding  
13 sentences of supervision, conditional discharge, or first  
14 offender probation, under the laws of any jurisdiction of  
15 the United States of any crime that is a felony.

16 (4) Gross negligence in practice under this Act.

17 (5) Engaging in dishonorable, unethical or  
18 unprofessional conduct of a character likely to deceive,  
19 defraud or harm the public.

20 (6) Obtaining any fee by fraud, deceit, or  
21 misrepresentation.

22 (7) Habitual or excessive use or abuse of drugs defined  
23 in law as controlled substances, of alcohol, or of any  
24 other substances which results in the inability to practice  
25 with reasonable judgment, skill or safety.

26 (8) Practicing under a false or, except as provided by

1 law, an assumed name.

2 (9) Fraud or misrepresentation in applying for, or  
3 procuring, a license under this Act or in connection with  
4 applying for renewal of a license under this Act.

5 (10) Making a false or misleading statement regarding  
6 their skill or the efficacy or value of the medicine,  
7 treatment, or remedy prescribed by them at their direction  
8 in the treatment of any disease or other condition of the  
9 body or mind.

10 (11) Allowing another person or organization to use  
11 their license, procured under this Act, to practice.

12 (12) Adverse action taken by another state or  
13 jurisdiction against a license or other authorization to  
14 practice as a medical doctor, doctor of osteopathy, doctor  
15 of osteopathic medicine or doctor of chiropractic, a  
16 certified copy of the record of the action taken by the  
17 other state or jurisdiction being prima facie evidence  
18 thereof. This includes any adverse action taken by a State  
19 or federal agency that prohibits a medical doctor, doctor  
20 of osteopathy, doctor of osteopathic medicine, or doctor of  
21 chiropractic from providing services to the agency's  
22 participants.

23 (13) Violation of any provision of this Act or of the  
24 Medical Practice Act prior to the repeal of that Act, or  
25 violation of the rules, or a final administrative action of  
26 the Secretary, after consideration of the recommendation

1 of the Disciplinary Board.

2 (14) Violation of the prohibition against fee  
3 splitting in Section 22.2 of this Act.

4 (15) A finding by the Disciplinary Board that the  
5 registrant after having his or her license placed on  
6 probationary status or subjected to conditions or  
7 restrictions violated the terms of the probation or failed  
8 to comply with such terms or conditions.

9 (16) Abandonment of a patient.

10 (17) Prescribing, selling, administering,  
11 distributing, giving or self-administering any drug  
12 classified as a controlled substance (designated product)  
13 or narcotic for other than medically accepted therapeutic  
14 purposes.

15 (18) Promotion of the sale of drugs, devices,  
16 appliances or goods provided for a patient in such manner  
17 as to exploit the patient for financial gain of the  
18 physician.

19 (19) Offering, undertaking or agreeing to cure or treat  
20 disease by a secret method, procedure, treatment or  
21 medicine, or the treating, operating or prescribing for any  
22 human condition by a method, means or procedure which the  
23 licensee refuses to divulge upon demand of the Department.

24 (20) Immoral conduct in the commission of any act  
25 including, but not limited to, commission of an act of  
26 sexual misconduct related to the licensee's practice.

1           (21) Wilfully making or filing false records or reports  
2           in his or her practice as a physician, including, but not  
3           limited to, false records to support claims against the  
4           medical assistance program of the Department of Healthcare  
5           and Family Services (formerly Department of Public Aid)  
6           under the Illinois Public Aid Code.

7           (22) Wilful omission to file or record, or wilfully  
8           impeding the filing or recording, or inducing another  
9           person to omit to file or record, medical reports as  
10          required by law, or wilfully failing to report an instance  
11          of suspected abuse or neglect as required by law.

12          (23) Being named as a perpetrator in an indicated  
13          report by the Department of Children and Family Services  
14          under the Abused and Neglected Child Reporting Act, and  
15          upon proof by clear and convincing evidence that the  
16          licensee has caused a child to be an abused child or  
17          neglected child as defined in the Abused and Neglected  
18          Child Reporting Act.

19          (24) Solicitation of professional patronage by any  
20          corporation, agents or persons, or profiting from those  
21          representing themselves to be agents of the licensee.

22          (25) Gross and wilful and continued overcharging for  
23          professional services, including filing false statements  
24          for collection of fees for which services are not rendered,  
25          including, but not limited to, filing such false statements  
26          for collection of monies for services not rendered from the

1 medical assistance program of the Department of Healthcare  
2 and Family Services (formerly Department of Public Aid)  
3 under the Illinois Public Aid Code.

4 (26) A pattern of practice or other behavior which  
5 demonstrates incapacity or incompetence to practice under  
6 this Act.

7 (27) Mental illness or disability which results in the  
8 inability to practice under this Act with reasonable  
9 judgment, skill or safety.

10 (28) Physical illness, including, but not limited to,  
11 deterioration through the aging process, or loss of motor  
12 skill which results in a physician's inability to practice  
13 under this Act with reasonable judgment, skill or safety.

14 (29) Cheating on or attempt to subvert the licensing  
15 examinations administered under this Act.

16 (30) Wilfully or negligently violating the  
17 confidentiality between physician and patient except as  
18 required by law.

19 (31) The use of any false, fraudulent, or deceptive  
20 statement in any document connected with practice under  
21 this Act.

22 (32) Aiding and abetting an individual not licensed  
23 under this Act in the practice of a profession licensed  
24 under this Act.

25 (33) Violating state or federal laws or regulations  
26 relating to controlled substances, legend drugs, or

1 ephedra as defined in the Ephedra Prohibition Act.

2 (34) Failure to report to the Department any adverse  
3 final action taken against them by another licensing  
4 jurisdiction (any other state or any territory of the  
5 United States or any foreign state or country), by any peer  
6 review body, by any health care institution, by any  
7 professional society or association related to practice  
8 under this Act, by any governmental agency, by any law  
9 enforcement agency, or by any court for acts or conduct  
10 similar to acts or conduct which would constitute grounds  
11 for action as defined in this Section.

12 (35) Failure to report to the Department surrender of a  
13 license or authorization to practice as a medical doctor, a  
14 doctor of osteopathy, a doctor of osteopathic medicine, or  
15 doctor of chiropractic in another state or jurisdiction, or  
16 surrender of membership on any medical staff or in any  
17 medical or professional association or society, while  
18 under disciplinary investigation by any of those  
19 authorities or bodies, for acts or conduct similar to acts  
20 or conduct which would constitute grounds for action as  
21 defined in this Section.

22 (36) Failure to report to the Department any adverse  
23 judgment, settlement, or award arising from a liability  
24 claim related to acts or conduct similar to acts or conduct  
25 which would constitute grounds for action as defined in  
26 this Section.

1           (37) Failure to provide copies of medical records as  
2 required by law.

3           (38) Failure to furnish the Department, its  
4 investigators or representatives, relevant information,  
5 legally requested by the Department after consultation  
6 with the Chief Medical Coordinator or the Deputy Medical  
7 Coordinator.

8           (39) Violating the Health Care Worker Self-Referral  
9 Act.

10          (40) Willful failure to provide notice when notice is  
11 required under the Parental Notice of Abortion Act of 1995.

12          (41) Failure to establish and maintain records of  
13 patient care and treatment as required by this law.

14          (42) Entering into an excessive number of written  
15 collaborative agreements with licensed advanced practice  
16 nurses resulting in an inability to adequately  
17 collaborate.

18          (43) Repeated failure to adequately collaborate with a  
19 licensed advanced practice nurse.

20          (44) Violating the Compassionate Use of Medical  
21 Cannabis Pilot Program Act.

22          (45) Entering into an excessive number of written  
23 collaborative agreements with licensed prescribing  
24 psychologists resulting in an inability to adequately  
25 collaborate.

26          (46) Repeated failure to adequately collaborate with a

1 licensed prescribing psychologist.

2 Except for actions involving the ground numbered (26), all  
3 proceedings to suspend, revoke, place on probationary status,  
4 or take any other disciplinary action as the Department may  
5 deem proper, with regard to a license on any of the foregoing  
6 grounds, must be commenced within 5 years next after receipt by  
7 the Department of a complaint alleging the commission of or  
8 notice of the conviction order for any of the acts described  
9 herein. Except for the grounds numbered (8), (9), (26), and  
10 (29), no action shall be commenced more than 10 years after the  
11 date of the incident or act alleged to have violated this  
12 Section. For actions involving the ground numbered (26), a  
13 pattern of practice or other behavior includes all incidents  
14 alleged to be part of the pattern of practice or other behavior  
15 that occurred, or a report pursuant to Section 23 of this Act  
16 received, within the 10-year period preceding the filing of the  
17 complaint. In the event of the settlement of any claim or cause  
18 of action in favor of the claimant or the reduction to final  
19 judgment of any civil action in favor of the plaintiff, such  
20 claim, cause of action or civil action being grounded on the  
21 allegation that a person licensed under this Act was negligent  
22 in providing care, the Department shall have an additional  
23 period of 2 years from the date of notification to the  
24 Department under Section 23 of this Act of such settlement or  
25 final judgment in which to investigate and commence formal  
26 disciplinary proceedings under Section 36 of this Act, except



1 as otherwise provided by law. The time during which the holder  
2 of the license was outside the State of Illinois shall not be  
3 included within any period of time limiting the commencement of  
4 disciplinary action by the Department.

5 The entry of an order or judgment by any circuit court  
6 establishing that any person holding a license under this Act  
7 is a person in need of mental treatment operates as a  
8 suspension of that license. That person may resume their  
9 practice only upon the entry of a Departmental order based upon  
10 a finding by the Disciplinary Board that they have been  
11 determined to be recovered from mental illness by the court and  
12 upon the Disciplinary Board's recommendation that they be  
13 permitted to resume their practice.

14 The Department may refuse to issue or take disciplinary  
15 action concerning the license of any person who fails to file a  
16 return, or to pay the tax, penalty or interest shown in a filed  
17 return, or to pay any final assessment of tax, penalty or  
18 interest, as required by any tax Act administered by the  
19 Illinois Department of Revenue, until such time as the  
20 requirements of any such tax Act are satisfied as determined by  
21 the Illinois Department of Revenue.

22 The Department, upon the recommendation of the  
23 Disciplinary Board, shall adopt rules which set forth standards  
24 to be used in determining:

25 (a) when a person will be deemed sufficiently  
26 rehabilitated to warrant the public trust;

1           (b) what constitutes dishonorable, unethical or  
2 unprofessional conduct of a character likely to deceive,  
3 defraud, or harm the public;

4           (c) what constitutes immoral conduct in the commission  
5 of any act, including, but not limited to, commission of an  
6 act of sexual misconduct related to the licensee's  
7 practice; and

8           (d) what constitutes gross negligence in the practice  
9 of medicine.

10          However, no such rule shall be admissible into evidence in  
11 any civil action except for review of a licensing or other  
12 disciplinary action under this Act.

13          In enforcing this Section, the Disciplinary Board or the  
14 Licensing Board, upon a showing of a possible violation, may  
15 compel, in the case of the Disciplinary Board, any individual  
16 who is licensed to practice under this Act or holds a permit to  
17 practice under this Act, or, in the case of the Licensing  
18 Board, any individual who has applied for licensure or a permit  
19 pursuant to this Act, to submit to a mental or physical  
20 examination and evaluation, or both, which may include a  
21 substance abuse or sexual offender evaluation, as required by  
22 the Licensing Board or Disciplinary Board and at the expense of  
23 the Department. The Disciplinary Board or Licensing Board shall  
24 specifically designate the examining physician licensed to  
25 practice medicine in all of its branches or, if applicable, the  
26 multidisciplinary team involved in providing the mental or

1 physical examination and evaluation, or both. The  
2 multidisciplinary team shall be led by a physician licensed to  
3 practice medicine in all of its branches and may consist of one  
4 or more or a combination of physicians licensed to practice  
5 medicine in all of its branches, licensed chiropractic  
6 physicians, licensed clinical psychologists, licensed clinical  
7 social workers, licensed clinical professional counselors, and  
8 other professional and administrative staff. Any examining  
9 physician or member of the multidisciplinary team may require  
10 any person ordered to submit to an examination and evaluation  
11 pursuant to this Section to submit to any additional  
12 supplemental testing deemed necessary to complete any  
13 examination or evaluation process, including, but not limited  
14 to, blood testing, urinalysis, psychological testing, or  
15 neuropsychological testing. The Disciplinary Board, the  
16 Licensing Board, or the Department may order the examining  
17 physician or any member of the multidisciplinary team to  
18 provide to the Department, the Disciplinary Board, or the  
19 Licensing Board any and all records, including business  
20 records, that relate to the examination and evaluation,  
21 including any supplemental testing performed. The Disciplinary  
22 Board, the Licensing Board, or the Department may order the  
23 examining physician or any member of the multidisciplinary team  
24 to present testimony concerning this examination and  
25 evaluation of the licensee, permit holder, or applicant,  
26 including testimony concerning any supplemental testing or

1 documents relating to the examination and evaluation. No  
2 information, report, record, or other documents in any way  
3 related to the examination and evaluation shall be excluded by  
4 reason of any common law or statutory privilege relating to  
5 communication between the licensee, permit holder, or  
6 applicant and the examining physician or any member of the  
7 multidisciplinary team. No authorization is necessary from the  
8 licensee, permit holder, or applicant ordered to undergo an  
9 evaluation and examination for the examining physician or any  
10 member of the multidisciplinary team to provide information,  
11 reports, records, or other documents or to provide any  
12 testimony regarding the examination and evaluation. The  
13 individual to be examined may have, at his or her own expense,  
14 another physician of his or her choice present during all  
15 aspects of the examination. Failure of any individual to submit  
16 to mental or physical examination and evaluation, or both, when  
17 directed, shall result in an automatic suspension, without  
18 hearing, until such time as the individual submits to the  
19 examination. If the Disciplinary Board or Licensing Board finds  
20 a physician unable to practice following an examination and  
21 evaluation because of the reasons set forth in this Section,  
22 the Disciplinary Board or Licensing Board shall require such  
23 physician to submit to care, counseling, or treatment by  
24 physicians, or other health care professionals, approved or  
25 designated by the Disciplinary Board, as a condition for  
26 issued, continued, reinstated, or renewed licensure to

1 practice. Any physician, whose license was granted pursuant to  
2 Sections 9, 17, or 19 of this Act, or, continued, reinstated,  
3 renewed, disciplined or supervised, subject to such terms,  
4 conditions or restrictions who shall fail to comply with such  
5 terms, conditions or restrictions, or to complete a required  
6 program of care, counseling, or treatment, as determined by the  
7 Chief Medical Coordinator or Deputy Medical Coordinators,  
8 shall be referred to the Secretary for a determination as to  
9 whether the licensee shall have their license suspended  
10 immediately, pending a hearing by the Disciplinary Board. In  
11 instances in which the Secretary immediately suspends a license  
12 under this Section, a hearing upon such person's license must  
13 be convened by the Disciplinary Board within 15 days after such  
14 suspension and completed without appreciable delay. The  
15 Disciplinary Board shall have the authority to review the  
16 subject physician's record of treatment and counseling  
17 regarding the impairment, to the extent permitted by applicable  
18 federal statutes and regulations safeguarding the  
19 confidentiality of medical records.

20 An individual licensed under this Act, affected under this  
21 Section, shall be afforded an opportunity to demonstrate to the  
22 Disciplinary Board that they can resume practice in compliance  
23 with acceptable and prevailing standards under the provisions  
24 of their license.

25 The Department may promulgate rules for the imposition of  
26 fines in disciplinary cases, not to exceed \$10,000 for each

1 violation of this Act. Fines may be imposed in conjunction with  
2 other forms of disciplinary action, but shall not be the  
3 exclusive disposition of any disciplinary action arising out of  
4 conduct resulting in death or injury to a patient. Any funds  
5 collected from such fines shall be deposited in the Medical  
6 Disciplinary Fund.

7 All fines imposed under this Section shall be paid within  
8 60 days after the effective date of the order imposing the fine  
9 or in accordance with the terms set forth in the order imposing  
10 the fine.

11 (B) The Department shall revoke the license or permit  
12 issued under this Act to practice medicine or a chiropractic  
13 physician who has been convicted a second time of committing  
14 any felony under the Illinois Controlled Substances Act or the  
15 Methamphetamine Control and Community Protection Act, or who  
16 has been convicted a second time of committing a Class 1 felony  
17 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A  
18 person whose license or permit is revoked under this subsection  
19 B shall be prohibited from practicing medicine or treating  
20 human ailments without the use of drugs and without operative  
21 surgery.

22 (C) The Department shall not revoke, suspend, place on  
23 probation, reprimand, refuse to issue or renew, or take any  
24 other disciplinary or non-disciplinary action against the  
25 license or permit issued under this Act to practice medicine to  
26 a physician based solely upon the recommendation of the

1 physician to an eligible patient regarding, or prescription  
2 for, or treatment with, an investigational drug, biological  
3 product, or device.

4 (D) ~~(C)~~ The Disciplinary Board shall recommend to the  
5 Department civil penalties and any other appropriate  
6 discipline in disciplinary cases when the Board finds that a  
7 physician willfully performed an abortion with actual  
8 knowledge that the person upon whom the abortion has been  
9 performed is a minor or an incompetent person without notice as  
10 required under the Parental Notice of Abortion Act of 1995.  
11 Upon the Board's recommendation, the Department shall impose,  
12 for the first violation, a civil penalty of \$1,000 and for a  
13 second or subsequent violation, a civil penalty of \$5,000.

14 (Source: P.A. 97-622, eff. 11-23-11; 98-601, eff. 12-30-13;  
15 98-668, eff. 6-25-14; 98-1140, eff. 12-30-14.)