

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 Department of Professional Regulation Law of  
5 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  
17 been convicted of a criminal battery against any patient in the  
18 course of patient care or treatment, including any offense  
19 based on sexual conduct or sexual penetration; (3) has been  
20 convicted of a forcible felony; or (4) is required as a part of  
21 a criminal sentence to register under the Sex Offender  
22 Registration Act, then, notwithstanding any other provision of  
23 law to the contrary, except as provided in this Section, the

1 license of the health care worker shall by operation of law be  
2 permanently revoked without a hearing.

3 (a-1) If a licensed health care worker has been convicted  
4 of a forcible felony, other than a forcible felony requiring  
5 registration under the Sex Offender Registration Act or  
6 involuntary sexual servitude of a minor that is a forcible  
7 felony, and the health care worker has had his or her license  
8 revoked, the health care worker may petition the Department to  
9 restore his or her license so long as the conviction occurred  
10 more than 5 years before the date the petition is filed. In  
11 determining whether a license shall be restored, the Department  
12 shall consider, but is not limited to, the following factors:

13 (1) the seriousness of the offense;

14 (2) the presence of multiple offenses;

15 (3) prior disciplinary history, including actions  
16 taken by other agencies in this State or by other states or  
17 jurisdictions, hospitals, health care facilities,  
18 residency programs, employers, insurance providers, or any  
19 of the armed forces of the United States or any state;

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

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

24 (6) the motive for the offense;

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

26 (8) the lack of cooperation with the Department or

1 other investigative authorities;

2 (9) the lack of prior disciplinary action by the  
3 Department or by other agencies in this State or by other  
4 states or jurisdictions, hospitals, health care  
5 facilities, residency programs, employers, insurance  
6 providers, or any of the armed forces of the United States  
7 or any state;

8 (10) contrition for the offense;

9 (11) cooperation with the Department or other  
10 investigative authorities;

11 (12) restitution to injured parties;

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

13 (14) any voluntary remedial actions taken; and

14 (15) the date of conviction.

15 (b) No person who has been convicted of any offense listed  
16 in subsection (a) or required to register as a sex offender may  
17 receive a license as a health care worker in Illinois. The  
18 process for petition and review by the Department provided in  
19 subsection (a-1) shall also apply to a person whose application  
20 for licensure is denied under this Section for a conviction of  
21 a forcible felony, other than a forcible felony requiring  
22 registration under the Sex Offender Registration Act or  
23 involuntary sexual servitude of a minor that is a forcible  
24 felony.

25 (c) Immediately after a licensed health care worker, as  
26 defined in the Health Care Worker Self-Referral Act, has been

1 charged with any offense for which the sentence includes  
2 registration as a sex offender; involuntary sexual servitude of  
3 a minor; a criminal battery against a patient, including any  
4 offense based on sexual conduct or sexual penetration, in the  
5 course of patient care or treatment; or a forcible felony; then  
6 the prosecuting attorney shall provide notice to the Department  
7 of the health care worker's name, address, practice address,  
8 and license number and the patient's name and a copy of the  
9 criminal charges filed. Within 5 business days after receiving  
10 notice from the prosecuting attorney of the filing of criminal  
11 charges against the health care worker, the Secretary shall  
12 issue an administrative order that the health care worker shall  
13 immediately practice only with a chaperone during all patient  
14 encounters pending the outcome of the criminal proceedings. The  
15 chaperone must be a licensed health care worker. The chaperone  
16 shall provide written notice to all of the health care worker's  
17 patients explaining the Department's order to use a chaperone.  
18 Each patient shall sign an acknowledgement that they received  
19 the notice. The notice to the patient of criminal charges shall  
20 include, in 14-point font, the following statement: "The health  
21 care worker is presumed innocent until proven guilty of the  
22 charges.". The licensed health care worker shall provide a  
23 written plan of compliance with the administrative order that  
24 is acceptable to the Department within 5 days after receipt of  
25 the administrative order. Failure to comply with the  
26 administrative order, failure to file a compliance plan, or

1 failure to follow the compliance plan shall subject the health  
2 care worker to temporary suspension of his or her professional  
3 license until the completion of the criminal proceedings.

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

25 (e) Any licensee whose license was revoked or who received  
26 an administrative order under this Section shall have the

1 revocation or administrative order vacated and completely  
2 removed from the licensee's records and public view and the  
3 revocation or administrative order shall be afforded the same  
4 status as is provided information under Part 21 of Article VIII  
5 of the Code of Civil Procedure if (1) the charges upon which  
6 the revocation or administrative order is based are dropped;  
7 (2) the licensee is not convicted of the charges upon which the  
8 revocation or administrative order is based; or (3) any  
9 conviction for charges upon which the revocation or  
10 administrative order was based have been vacated, overturned,  
11 or reversed.

12 (f) Nothing contained in this Section shall prohibit the  
13 Department from initiating or maintaining a disciplinary  
14 action against a licensee independent from any criminal  
15 charges, conviction, or sex offender registration.

16 (g) The Department may adopt rules necessary to implement  
17 this Section.

18 (Source: P.A. 97-156, eff. 8-20-11; 97-484, eff. 9-21-11;  
19 97-873, eff. 7-31-12.)