

SB2537



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2537

Introduced 2/16/2016, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.36a new
5 ILCS 80/4.26a 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, 2016 to December 31, 2026. Amends the Medical Practice Act of 1987. Removes the requirement that the Department of Financial and Professional Regulation mail to each licensee a renewal notice at least 60 days in advance of the expiration of his or her license. Effective immediately.

LRB099 20423 SMS 44920 b

FISCAL NOTE ACT
MAY APPLY

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 Regulatory Sunset Act is amended by adding
5 Section 4.36a as follows:

6 (5 ILCS 80/4.36a new)

7 Sec. 4.36a. Act repealed on December 31, 2026. The
8 following Act is repealed on December 31, 2026:

9 The Medical Practice Act of 1987.

10 (5 ILCS 80/4.26a rep.)

11 Section 10. The Regulatory Sunset Act is amended by
12 repealing Section 4.26a.

13 Section 15. The Medical Practice Act of 1987 is amended by
14 changing Section 21 as follows:

15 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

16 (Section scheduled to be repealed on December 31, 2016)

17 Sec. 21. License renewal; reinstatement; inactive status;
18 disposition and collection of fees.

19 (A) Renewal. The expiration date and renewal period for
20 each license issued under this Act shall be set by rule. The

1 holder of a license may renew the license by paying the
2 required fee. The holder of a license may also renew the
3 license within 90 days after its expiration by complying with
4 the requirements for renewal and payment of an additional fee.
5 A license renewal within 90 days after expiration shall be
6 effective retroactively to the expiration date.

7 ~~The Department shall mail to each licensee under this Act,~~
8 ~~at his or her address of record, at least 60 days in advance of~~
9 ~~the expiration date of his or her license, a renewal notice.~~ No
10 such license shall be deemed to have lapsed until 90 days after
11 the expiration date ~~and after such notice has been mailed by~~
12 ~~the Department as herein provided.~~

13 (B) Reinstatement. Any licensee who has permitted his or
14 her license to lapse or who has had his or her license on
15 inactive status may have his or her license reinstated by
16 making application to the Department and filing proof
17 acceptable to the Department of his or her fitness to have the
18 license reinstated, including evidence certifying to active
19 practice in another jurisdiction satisfactory to the
20 Department, proof of meeting the continuing education
21 requirements for one renewal period, and by paying the required
22 reinstatement fee.

23 If the licensee has not maintained an active practice in
24 another jurisdiction satisfactory to the Department, the
25 Licensing Board shall determine, by an evaluation program
26 established by rule, the applicant's fitness to resume active

1 status and may require the licensee to complete a period of
2 evaluated clinical experience and may require successful
3 completion of a practical examination specified by the
4 Licensing Board.

5 However, any registrant whose license has expired while he
6 or she has been engaged (a) in Federal Service on active duty
7 with the Army of the United States, the United States Navy, the
8 Marine Corps, the Air Force, the Coast Guard, the Public Health
9 Service or the State Militia called into the service or
10 training of the United States of America, or (b) in training or
11 education under the supervision of the United States
12 preliminary to induction into the military service, may have
13 his or her license reinstated without paying any lapsed renewal
14 fees, if within 2 years after honorable termination of such
15 service, training, or education, he or she furnishes to the
16 Department with satisfactory evidence to the effect that he or
17 she has been so engaged and that his or her service, training,
18 or education has been so terminated.

19 (C) Inactive licenses. Any licensee who notifies the
20 Department, in writing on forms prescribed by the Department,
21 may elect to place his or her license on an inactive status and
22 shall, subject to rules of the Department, be excused from
23 payment of renewal fees until he or she notifies the Department
24 in writing of his or her desire to resume active status.

25 Any licensee requesting reinstatement from inactive status
26 shall be required to pay the current renewal fee, provide proof

1 of meeting the continuing education requirements for the period
2 of time the license is inactive not to exceed one renewal
3 period, and shall be required to reinstate his or her license
4 as provided in subsection (B).

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

7 (D) Disposition of monies collected. All monies collected
8 under this Act by the Department shall be deposited in the
9 Illinois State Medical Disciplinary Fund in the State Treasury,
10 and used only for the following purposes: (a) by the
11 Disciplinary Board and Licensing Board in the exercise of its
12 powers and performance of its duties, as such use is made by
13 the Department with full consideration of all recommendations
14 of the Disciplinary Board and Licensing Board, (b) for costs
15 directly related to persons licensed under this Act, and (c)
16 for direct and allocable indirect costs related to the public
17 purposes of the Department.

18 Moneys in the Fund may be transferred to the Professions
19 Indirect Cost Fund as authorized under Section 2105-300 of the
20 Department of Professional Regulation Law (20 ILCS
21 2105/2105-300).

22 The State Comptroller shall order and the State Treasurer
23 shall transfer an amount equal to \$1,100,000 from the Illinois
24 State Medical Disciplinary Fund to the Local Government Tax
25 Fund on each of the following dates: July 1, 2014, October 1,
26 2014, January 1, 2015, July 1, 2017, October 1, 2017, and

1 January 1, 2018. These transfers shall constitute repayment of
2 the \$6,600,000 transfer made under Section 6z-18 of the State
3 Finance Act.

4 All earnings received from investment of monies in the
5 Illinois State Medical Disciplinary Fund shall be deposited in
6 the Illinois State Medical Disciplinary Fund and shall be used
7 for the same purposes as fees deposited in such Fund.

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

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

19 (2) Before July 1, 2018, the fee for a license under
20 Section 9 of this Act is \$700. Beginning on July 1, 2018,
21 the fee for a license under Section 9 of this Act is \$500.

22 (3) Before July 1, 2018, the fee for a license under
23 Section 19 of this Act is \$700. Beginning on July 1, 2018,
24 the fee for a license under Section 19 of this Act is \$500.

25 (4) Before July 1, 2018, the fee for the renewal of a
26 license for a resident of Illinois shall be calculated at

1 the rate of \$230 per year, and beginning on July 1, 2018,
2 the fee for the renewal of a license shall be \$167, except
3 for licensees who were issued a license within 12 months of
4 the expiration date of the license, before July 1, 2018,
5 the fee for the renewal shall be \$230, and beginning on
6 July 1, 2018 that fee will be \$167. Before July 1, 2018,
7 the fee for the renewal of a license for a nonresident
8 shall be calculated at the rate of \$460 per year, and
9 beginning on July 1, 2018, the fee for the renewal of a
10 license for a nonresident shall be \$250, except for
11 licensees who were issued a license within 12 months of the
12 expiration date of the license, before July 1, 2018, the
13 fee for the renewal shall be \$460, and beginning on July 1,
14 2018 that fee will be \$250.

15 (5) The fee for the reinstatement of a license other
16 than from inactive status, is \$230. In addition, payment of
17 all lapsed renewal fees not to exceed \$1,400 is required.

18 (6) The fee for a 3-year temporary license under
19 Section 17 is \$230.

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

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

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

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

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

14 (F) Any person who delivers a check or other payment to the
15 Department that is returned to the Department unpaid by the
16 financial institution upon which it is drawn shall pay to the
17 Department, in addition to the amount already owed to the
18 Department, a fine of \$50. The fines imposed by this Section
19 are in addition to any other discipline provided under this Act
20 for unlicensed practice or practice on a nonrenewed license.
21 The Department shall notify the person that payment of fees and
22 fines shall be paid to the Department by certified check or
23 money order within 30 calendar days of the notification. If,
24 after the expiration of 30 days from the date of the
25 notification, the person has failed to submit the necessary
26 remittance, the Department shall automatically terminate the

1 license or permit or deny the application, without hearing. If,
2 after termination or denial, the person seeks a license or
3 permit, he or she shall apply to the Department for
4 reinstatement or issuance of the license or permit and pay all
5 fees and fines due to the Department. The Department may
6 establish a fee for the processing of an application for
7 reinstatement of a license or permit to pay all expenses of
8 processing this application. The Secretary may waive the fines
9 due under this Section in individual cases where the Secretary
10 finds that the fines would be unreasonable or unnecessarily
11 burdensome.

12 (Source: P.A. 97-622, eff. 11-23-11; 98-3, eff. 3-8-13;
13 98-1140, eff. 12-30-14.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.