



Rep. Jack D. Franks

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09700HB0220ham001

LRB097 06079 CEL 50855 a

1 AMENDMENT TO HOUSE BILL 220

2 AMENDMENT NO. _____. Amend House Bill 220 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 adding Section 2105-165 as follows:

7 (20 ILCS 2105/2105-165 new)

8 Sec. 2105-165. Health care worker licensure actions;
9 sexual 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 sexual criminal act that requires registration under the Sex
13 Offender Registration Act against a patient in the course of
14 patient care or treatment; (2) has been convicted of a criminal
15 battery against any patient; (3) has been convicted of a
16 forcible felony; or (4) is required as a part of a criminal

1 sentence to register under the Sex Offender Registration Act,
2 then the license of the health care worker shall by operation
3 of law be permanently revoked without a hearing.

4 (b) No person registered as a sex offender may receive a
5 license as a health care worker in Illinois.

6 (c) When an Illinois State's Attorney files criminal
7 charges alleging that a licensed health care worker, as defined
8 in the Health Care Worker Self-Referral Act, committed a
9 criminal battery against a patient, including a sexual act
10 against a patient in the course of patient care or treatment,
11 or a forcible felony, then the State's Attorney shall provide
12 notice to the Department of the health care worker's name,
13 address, practice address, and license number and the patient's
14 name. Within 15 business days after receiving notice from the
15 State's Attorney of the filing of criminal charges against the
16 health care worker, the Secretary shall issue an administrative
17 order that the health care worker shall immediately practice
18 only with a chaperone during all patient encounters pending the
19 outcome of the criminal proceedings. The licensee shall provide
20 an acceptable written plan of compliance with the
21 administrative order to the Department within 10 days after
22 receipt of the administrative order. Failure to comply with the
23 administrative order, failure to file a compliance plan, or
24 failure to follow the compliance plan shall subject the health
25 care worker to temporary suspension of his or her professional
26 license.

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

22 (e) Any licensee disciplined or who received an
23 administrative order under this Section shall have the
24 discipline or administrative order vacated and completely
25 removed from the licensee's records and public view and the
26 discipline or administrative order shall be afforded the same

1 status as is provided information under Part 21 of Article VIII
2 of the Code of Civil Procedure if (1) the charges upon which
3 the discipline or administrative order is based are dropped;
4 (2) the licensee is not convicted of the charges upon which the
5 discipline or administrative order is based; or (3) any
6 conviction for charges upon which the discipline or
7 administrative order was based have been vacated, overturned,
8 or reversed.

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

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