

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 4.35 as follows:

6 (5 ILCS 80/4.35)

7 Sec. 4.35. Acts ~~Act~~ repealed on January 1, 2025. The
8 following Acts are ~~Act is~~ repealed on January 1, 2025:

9 The Genetic Counselor Licensing Act.

10 The Medical Practice Act of 1987.

11 (Source: P.A. 98-813, eff. 1-1-15.)

12 (5 ILCS 80/4.29 rep.)

13 Section 10. The Regulatory Sunset Act is amended by
14 repealing Section 4.29.

15 Section 15. The Medical Practice Act of 1987 is amended by
16 changing Sections 21, 36, 38, 39, and 40 as follows:

17 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

18 (Section scheduled to be repealed on December 31, 2019)

19 Sec. 21. License renewal; reinstatement; inactive status;
20 disposition and collection of fees.

1 (A) Renewal. The expiration date and renewal period for
2 each license issued under this Act shall be set by rule. The
3 holder of a license may renew the license by paying the
4 required fee. The holder of a license may also renew the
5 license within 90 days after its expiration by complying with
6 the requirements for renewal and payment of an additional fee.
7 A license renewal within 90 days after expiration shall be
8 effective retroactively to the expiration date.

9 The Department shall attempt to provide through electronic
10 means to each licensee under this Act, at least 60 days in
11 advance of the expiration date of his or her license, a renewal
12 notice. No such license shall be deemed to have lapsed until 90
13 days after the expiration date and after the Department has
14 attempted to provide such notice as herein provided.

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

25 If the licensee has not maintained an active practice in
26 another jurisdiction satisfactory to the Department, the

1 Licensing Board shall determine, by an evaluation program
2 established by rule, the applicant's fitness to resume active
3 status and may require the licensee to complete a period of
4 evaluated clinical experience and may require successful
5 completion of a practical examination specified by the
6 Licensing Board.

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

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

1 Any licensee requesting reinstatement from inactive status
2 shall be required to pay the current renewal fee, provide proof
3 of meeting the continuing education requirements for the period
4 of time the license is inactive not to exceed one renewal
5 period, and shall be required to reinstate his or her license
6 as provided in subsection (B).

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

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

20 Moneys in the Fund may be transferred to the Professions
21 Indirect Cost Fund as authorized under Section 2105-300 of the
22 Department of Professional Regulation Law of the Civil
23 Administrative Code of Illinois ~~(20 ILCS 2105/2105-300)~~.

24 ~~The State Comptroller shall order and the State Treasurer~~
25 ~~shall transfer an amount equal to \$1,100,000 from the Illinois~~
26 ~~State Medical Disciplinary Fund to the Local Government Tax~~

1 ~~Fund on each of the following dates: July 1, 2014, October 1,~~
2 ~~2014, January 1, 2015, July 1, 2017, October 1, 2017, and~~
3 ~~January 1, 2018. These transfers shall constitute repayment of~~
4 ~~the \$6,600,000 transfer made under Section 6z-18 of the State~~
5 ~~Finance Act.~~

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

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

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

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

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

1 (4) Before July 1, 2018, the fee for the renewal of a
2 license for a resident of Illinois shall be calculated at
3 the rate of \$230 per year, and beginning on July 1, 2018,
4 the fee for the renewal of a license shall be \$167, except
5 for licensees who were issued a license within 12 months of
6 the expiration date of the license, before July 1, 2018,
7 the fee for the renewal shall be \$230, and beginning on
8 July 1, 2018 that fee will be \$167. Before July 1, 2018,
9 the fee for the renewal of a license for a nonresident
10 shall be calculated at the rate of \$460 per year, and
11 beginning on July 1, 2018, the fee for the renewal of a
12 license for a nonresident shall be \$250, except for
13 licensees who were issued a license within 12 months of the
14 expiration date of the license, before July 1, 2018, the
15 fee for the renewal shall be \$460, and beginning on July 1,
16 2018 that fee will be \$250.

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

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

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

1 address changes on Department records when no duplicate
2 license is issued.

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

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

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

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

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

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

14 (Source: P.A. 98-3, eff. 3-8-13; 98-1140, eff. 12-30-14;
15 99-909, eff. 12-16-16.)

16 (225 ILCS 60/36) (from Ch. 111, par. 4400-36)

17 (Section scheduled to be repealed on December 31, 2019)

18 Sec. 36. Investigation; notice.

19 (a) Upon the motion of either the Department or the
20 Disciplinary Board or upon the verified complaint in writing of
21 any person setting forth facts which, if proven, would
22 constitute grounds for suspension or revocation under Section
23 22 of this Act, the Department shall investigate the actions of
24 any person, so accused, who holds or represents that he or she
25 holds ~~they hold~~ a license. Such person is hereinafter called

1 the accused.

2 (b) The Department shall, before suspending, revoking,
3 placing on probationary status, or taking any other
4 disciplinary action as the Department may deem proper with
5 regard to any license at least 30 days prior to the date set
6 for the hearing, notify the accused in writing of any charges
7 made and the time and place for a hearing of the charges before
8 the Disciplinary Board, direct him or her ~~them~~ to file his or
9 her ~~their~~ written answer thereto to the Disciplinary Board
10 under oath within 20 days after the service on him or her ~~them~~
11 of such notice and inform him or her ~~them~~ that if he or she
12 fails ~~they fail~~ to file such answer default will be taken
13 against him or her ~~them~~ and his or her ~~their~~ license may be
14 suspended, revoked, placed on probationary status, or have
15 other disciplinary action, including limiting the scope,
16 nature or extent of his or her ~~their~~ practice, as the
17 Department may deem proper taken with regard thereto. The
18 Department shall, at least 14 days prior to the date set for
19 the hearing, notify in writing any person who filed a complaint
20 against the accused of the time and place for the hearing of
21 the charges against the accused before the Disciplinary Board
22 and inform such person whether he or she may provide testimony
23 at the hearing.

24 (c) Where a physician has been found, upon complaint and
25 investigation of the Department, and after hearing, to have
26 performed an abortion procedure in a wilful and wanton manner

1 upon a woman who was not pregnant at the time such abortion
2 procedure was performed, the Department shall automatically
3 revoke the license of such physician to practice medicine in
4 Illinois.

5 (d) Such written notice and any notice in such proceedings
6 thereafter may be served by personal delivery, email to the
7 respondent's email address of record, or mail to the
8 respondent's ~~delivery of the same, personally, to the accused~~
9 ~~person, or by mailing the same by registered or certified mail~~
10 ~~to the accused person's~~ address of record.

11 (e) All information gathered by the Department during its
12 investigation including information subpoenaed under Section
13 23 or 38 of this Act and the investigative file shall be kept
14 for the confidential use of the Secretary, Disciplinary Board,
15 the Medical Coordinators, persons employed by contract to
16 advise the Medical Coordinator or the Department, the
17 Disciplinary Board's attorneys, the medical investigative
18 staff, and authorized clerical staff, as provided in this Act
19 and shall be afforded the same status as is provided
20 information concerning medical studies in Part 21 of Article
21 VIII of the Code of Civil Procedure, except that the Department
22 may disclose information and documents to a federal, State, or
23 local law enforcement agency pursuant to a subpoena in an
24 ongoing criminal investigation to a health care licensing body
25 of this State or another state or jurisdiction pursuant to an
26 official request made by that licensing body. Furthermore,

1 information and documents disclosed to a federal, State, or
2 local law enforcement agency may be used by that agency only
3 for the investigation and prosecution of a criminal offense or,
4 in the case of disclosure to a health care licensing body, only
5 for investigations and disciplinary action proceedings with
6 regard to a license issued by that licensing body.

7 (Source: P.A. 97-449, eff. 1-1-12; 97-622, eff. 11-23-11;
8 98-1140, eff. 12-30-14.)

9 (225 ILCS 60/38) (from Ch. 111, par. 4400-38)

10 (Section scheduled to be repealed on December 31, 2019)

11 Sec. 38. Subpoena; oaths.

12 (a) The Disciplinary Board or Department has power to
13 subpoena and bring before it any person in this State and to
14 take testimony either orally or by deposition, or both, with
15 the same fees and mileage and in the same manner as is
16 prescribed by law for judicial procedure in civil cases.

17 (b) The Disciplinary Board, upon a determination that
18 probable cause exists that a violation of one or more of the
19 grounds for discipline listed in Section 22 has occurred or is
20 occurring, may subpoena the medical and hospital records of
21 individual patients of physicians licensed under this Act,
22 provided, that prior to the submission of such records to the
23 Disciplinary Board, all information indicating the identity of
24 the patient shall be removed and deleted. Notwithstanding the
25 foregoing, the Disciplinary Board and Department shall possess

1 the power to subpoena copies of hospital or medical records in
2 mandatory report cases under Section 23 alleging death or
3 permanent bodily injury when consent to obtain records is not
4 provided by a patient or legal representative. Prior to
5 submission of the records to the Disciplinary Board, all
6 information indicating the identity of the patient shall be
7 removed and deleted. All medical records and other information
8 received pursuant to subpoena shall be confidential and shall
9 be afforded the same status as is provided information concerning
10 medical studies in Part 21 of Article VIII of the Code of Civil
11 Procedure. The use of such records shall be restricted to
12 members of the Disciplinary Board, the medical coordinators,
13 and appropriate staff of the Department designated by the
14 Disciplinary Board for the purpose of determining the existence
15 of one or more grounds for discipline of the physician as
16 provided for by Section 22 of this Act. Any such review of
17 individual patients' records shall be conducted by the
18 Disciplinary Board in strict confidentiality, provided that
19 such patient records shall be admissible in a disciplinary
20 hearing, before the Disciplinary Board, when necessary to
21 substantiate the grounds for discipline alleged against the
22 physician licensed under this Act, and provided further, that
23 nothing herein shall be deemed to supersede the provisions of
24 Part 21 of Article VIII of the "Code of Civil Procedure", as
25 now or hereafter amended, to the extent applicable.

26 (c) The Secretary, hearing officer, and any member of the

1 Disciplinary Board each have power to administer oaths at any
2 hearing which the Disciplinary Board or Department is
3 authorized by law to conduct.

4 (d) The Disciplinary Board, upon a determination that
5 probable cause exists that a violation of one or more of the
6 grounds for discipline listed in Section 22 has occurred or is
7 occurring on the business premises of a physician licensed
8 under this Act, may issue an order authorizing an appropriately
9 qualified investigator employed by the Department to enter upon
10 the business premises with due consideration for patient care
11 of the subject of the investigation so as to inspect the
12 physical premises and equipment and furnishings therein. No
13 such order shall include the right of inspection of business,
14 medical, or personnel records located on the premises. For
15 purposes of this Section, "business premises" is defined as the
16 office or offices where the physician conducts the practice of
17 medicine. Any such order shall expire and become void five
18 business days after its issuance by the Disciplinary Board. The
19 execution of any such order shall be valid only during the
20 normal business hours of the facility or office to be
21 inspected.

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

23 (225 ILCS 60/39) (from Ch. 111, par. 4400-39)

24 (Section scheduled to be repealed on December 31, 2019)

25 Sec. 39. Certified shorthand reporter; record. The

1 Department, at its expense, shall provide a certified shorthand
2 reporter to take down the testimony and preserve a record of
3 all proceedings at the hearing of any case wherein a license
4 may be revoked, suspended, placed on probationary status, or
5 other disciplinary action taken with regard thereto. The notice
6 of hearing, complaint and all other documents in the nature of
7 pleadings and written motions filed in the proceedings, the
8 transcript of testimony, the report of the hearing officer,
9 exhibits, the report of the ~~Licensing~~ Board, and the orders of
10 the Department constitute the record of the proceedings. ~~The~~
11 ~~Department shall furnish a copy of the record to any person~~
12 ~~interested in such hearing upon payment of the fee required~~
13 ~~under Section 2105-115 of the Department of Professional~~
14 ~~Regulation Law (20 ILCS 2105/2105-115). The Department may~~
15 ~~contract for court reporting services, and, in the event it~~
16 ~~does so, the Department shall provide the name and contact~~
17 ~~information for the certified shorthand reporter who~~
18 ~~transcribed the testimony at a hearing to any person~~
19 ~~interested, who may obtain a copy of the record of any~~
20 ~~proceedings at a hearing upon payment of the fee specified by~~
21 ~~the certified shorthand reporter. This charge is in addition to~~
22 ~~any fee charged by the Department for certifying the record.~~

23 (Source: P.A. 100-429, eff. 8-25-17.)

24 (225 ILCS 60/40) (from Ch. 111, par. 4400-40)

25 (Section scheduled to be repealed on December 31, 2019)

1 Sec. 40. Findings and recommendations; rehearing.

2 (a) The Disciplinary Board shall present to the Secretary a
3 written report of its findings and recommendations. A copy of
4 such report shall be served upon the accused person, either
5 personally or by ~~registered or certified~~ mail or email. Within
6 20 days after such service, the accused person may present to
7 the Department his or her ~~their~~ motion, in writing, for a
8 rehearing, which written motion shall specify the particular
9 ground therefor. If the accused person orders and pays for a
10 transcript of the record as provided in Section 39, the time
11 elapsing thereafter and before such transcript is ready for
12 delivery to them shall not be counted as part of such 20 days.

13 (b) At the expiration of the time allowed for filing a
14 motion for rehearing, the Secretary may take the action
15 recommended by the Disciplinary Board. Upon the suspension,
16 revocation, placement on probationary status, or the taking of
17 any other disciplinary action, including the limiting of the
18 scope, nature, or extent of one's practice, deemed proper by
19 the Department, with regard to the license or permit, the
20 accused shall surrender his or her ~~their~~ license or permit to
21 the Department, if ordered to do so by the Department, and upon
22 his or her ~~their~~ failure or refusal so to do, the Department
23 may seize the same.

24 (c) Each order of revocation, suspension, or other
25 disciplinary action shall contain a brief, concise statement of
26 the ground or grounds upon which the Department's action is

1 based, as well as the specific terms and conditions of such
2 action. This document shall be retained as a permanent record
3 by the Disciplinary Board and the Secretary.

4 (d) The Department shall at least annually publish a list
5 of the names of all persons disciplined under this Act in the
6 preceding 12 months. Such lists shall be available by the
7 Department on its website.

8 (e) In those instances where an order of revocation,
9 suspension, or other disciplinary action has been rendered by
10 virtue of a physician's physical illness, including, but not
11 limited to, deterioration through the aging process, or loss of
12 motor skill which results in a physician's inability to
13 practice medicine with reasonable judgment, skill, or safety,
14 the Department shall only permit this document, and the record
15 of the hearing incident thereto, to be observed, inspected,
16 viewed, or copied pursuant to court order.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.