

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 Medical Practice Act of 1987 is amended by
5 changing Sections 9 and 22 as follows:

6 (225 ILCS 60/9) (from Ch. 111, par. 4400-9)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 9. Application for license. Each applicant for a
9 license shall:

10 (A) Make application on blank forms prepared and
11 furnished by the Department.

12 (B) Submit evidence satisfactory to the Department
13 that the applicant:

14 (1) is of good moral character. In determining
15 moral character under this Section, the Department may
16 take into consideration whether the applicant has
17 engaged in conduct or activities which would
18 constitute grounds for discipline under this Act. The
19 Department may also request the applicant to submit,
20 and may consider as evidence of moral character,
21 endorsements from 2 or 3 individuals licensed under
22 this Act;

23 (2) has the preliminary and professional education

1 required by this Act;

2 (3) (blank); and

3 (4) is physically, mentally, and professionally
4 capable of practicing medicine with reasonable
5 judgment, skill, and safety. In determining physical
6 and mental capacity under this Section, the Medical
7 Board may, upon a showing of a possible incapacity or
8 conduct or activities that would constitute grounds
9 for discipline under this Act, compel any applicant to
10 submit to a mental or physical examination and
11 evaluation, or both, as provided for in Section 22 of
12 this Act. The Medical Board may condition or restrict
13 any license, subject to the same terms and conditions
14 as are provided for the Medical Board under Section 22
15 of this Act. Any such condition of a restricted
16 license shall provide that the Chief Medical
17 Coordinator or Deputy Medical Coordinator shall have
18 the authority to review the subject physician's
19 compliance with such conditions or restrictions,
20 including, where appropriate, the physician's record
21 of treatment and counseling regarding the impairment,
22 to the extent permitted by applicable federal statutes
23 and regulations safeguarding the confidentiality of
24 medical records of patients. The Medical Board, in
25 determining mental capacity, shall consider the latest
26 recommendations of the Federation of State Medical

1 Boards.

2 In determining professional capacity under this
3 Section, an individual may be required to complete such
4 additional testing, training, or remedial education as the
5 Medical Board may deem necessary in order to establish the
6 applicant's present capacity to practice medicine with
7 reasonable judgment, skill, and safety. The Medical Board
8 may consider the following criteria, as they relate to an
9 applicant, as part of its determination of professional
10 capacity:

11 (1) Medical research in an established research
12 facility, hospital, college or university, or private
13 corporation.

14 (2) Specialized training or education.

15 (3) Publication of original work in learned,
16 medical, or scientific journals.

17 (4) Participation in federal, State, local, or
18 international public health programs or organizations.

19 (5) Professional service in a federal veterans or
20 military institution.

21 (6) Any other professional activities deemed to
22 maintain and enhance the clinical capabilities of the
23 applicant.

24 Any applicant applying for a license to practice
25 medicine in all of its branches or for a license as a
26 chiropractic physician who has not been engaged in the

1 active practice of medicine or has not been enrolled in a
2 medical program for 2 years prior to application must
3 submit proof of professional capacity to the Medical
4 Board.

5 Any applicant applying for a temporary license that
6 has not been engaged in the active practice of medicine or
7 has not been enrolled in a medical program for longer than
8 5 years prior to application must submit proof of
9 professional capacity to the Medical Board.

10 (C) Designate specifically the name, location, and
11 kind of professional school, college, or institution of
12 which the applicant is a graduate and the category under
13 which the applicant seeks, and will undertake, to
14 practice.

15 (D) Pay to the Department at the time of application
16 the required fees.

17 (E) Pursuant to Department rules, as required, pass an
18 examination authorized by the Department to determine the
19 applicant's fitness to receive a license.

20 (F) Complete the application process within 3 years
21 from the date of application. If the process has not been
22 completed within 3 years, the application shall expire,
23 application fees shall be forfeited, and the applicant
24 must reapply and meet the requirements in effect at the
25 time of reapplication.

26 (Source: P.A. 102-20, eff. 1-1-22.)

1 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 22. Disciplinary action.

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

11 (1) (Blank).

12 (2) (Blank).

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

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

20 (5) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 (6) Obtaining any fee by fraud, deceit, or
24 misrepresentation.

25 (7) Habitual or excessive use or abuse of drugs

1 defined in law as controlled substances, of alcohol, or of
2 any other substances which results in the inability to
3 practice with reasonable judgment, skill, or safety.

4 (8) Practicing under a false or, except as provided by
5 law, an assumed name.

6 (9) Fraud or misrepresentation in applying for, or
7 procuring, a license under this Act or in connection with
8 applying for renewal of a license under this Act.

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

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

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

1 (13) Violation of any provision of this Act or of the
2 Medical Practice Act prior to the repeal of that Act, or
3 violation of the rules, or a final administrative action
4 of the Secretary, after consideration of the
5 recommendation of the Medical Board.

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

8 (15) A finding by the Medical Board that the
9 registrant after having his or her license placed on
10 probationary status or subjected to conditions or
11 restrictions violated the terms of the probation or failed
12 to comply with such terms or conditions.

13 (16) Abandonment of a patient.

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

19 (18) Promotion of the sale of drugs, devices,
20 appliances, or goods provided for a patient in such manner
21 as to exploit the patient for financial gain of the
22 physician.

23 (19) Offering, undertaking, or agreeing to cure or
24 treat disease by a secret method, procedure, treatment, or
25 medicine, or the treating, operating, or prescribing for
26 any human condition by a method, means, or procedure which

1 the licensee refuses to divulge upon demand of the
2 Department.

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

6 (21) Willfully making or filing false records or
7 reports in his or her practice as a physician, including,
8 but not limited to, false records to support claims
9 against the medical assistance program of the Department
10 of Healthcare and Family Services (formerly Department of
11 Public Aid) under the Illinois Public Aid Code.

12 (22) Willful omission to file or record, or willfully
13 impeding the filing or recording, or inducing another
14 person to omit to file or record, medical reports as
15 required by law, or willfully failing to report an
16 instance of suspected abuse or neglect as required by law.

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

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

1 (25) Gross and willful and continued overcharging for
2 professional services, including filing false statements
3 for collection of fees for which services are not
4 rendered, including, but not limited to, filing such false
5 statements for collection of monies for services not
6 rendered from the medical assistance program of the
7 Department of Healthcare and Family Services (formerly
8 Department of Public Aid) under the Illinois Public Aid
9 Code.

10 (26) A pattern of practice or other behavior which
11 demonstrates incapacity or incompetence to practice under
12 this Act.

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

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

20 (29) Cheating on or attempting to subvert the
21 licensing examinations administered under this Act.

22 (30) Willfully or negligently violating the
23 confidentiality between physician and patient except as
24 required by law.

25 (31) The use of any false, fraudulent, or deceptive
26 statement in any document connected with practice under

1 this Act.

2 (32) Aiding and abetting an individual not licensed
3 under this Act in the practice of a profession licensed
4 under this Act.

5 (33) Violating State or federal laws or regulations
6 relating to controlled substances, legend drugs, or
7 ephedra as defined in the Ephedra Prohibition Act.

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

18 (35) Failure to report to the Department surrender of
19 a license or authorization to practice as a medical
20 doctor, a doctor of osteopathy, a doctor of osteopathic
21 medicine, or doctor of chiropractic in another state or
22 jurisdiction, or surrender of membership on any medical
23 staff or in any medical or professional association or
24 society, while under disciplinary investigation by any of
25 those authorities or bodies, for acts or conduct similar
26 to acts or conduct which would constitute grounds for

1 action as defined in this Section.

2 (36) Failure to report to the Department any adverse
3 judgment, settlement, or award arising from a liability
4 claim related to acts or conduct similar to acts or
5 conduct which would constitute grounds for action as
6 defined in this Section.

7 (37) Failure to provide copies of medical records as
8 required by law.

9 (38) Failure to furnish the Department, its
10 investigators or representatives, relevant information,
11 legally requested by the Department after consultation
12 with the Chief Medical Coordinator or the Deputy Medical
13 Coordinator.

14 (39) Violating the Health Care Worker Self-Referral
15 Act.

16 (40) (Blank).

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

19 (42) Entering into an excessive number of written
20 collaborative agreements with licensed advanced practice
21 registered nurses resulting in an inability to adequately
22 collaborate.

23 (43) Repeated failure to adequately collaborate with a
24 licensed advanced practice registered nurse.

25 (44) Violating the Compassionate Use of Medical
26 Cannabis Program Act.

1 (45) Entering into an excessive number of written
2 collaborative agreements with licensed prescribing
3 psychologists resulting in an inability to adequately
4 collaborate.

5 (46) Repeated failure to adequately collaborate with a
6 licensed prescribing psychologist.

7 (47) Willfully failing to report an instance of
8 suspected abuse, neglect, financial exploitation, or
9 self-neglect of an eligible adult as defined in and
10 required by the Adult Protective Services Act.

11 (48) Being named as an abuser in a verified report by
12 the Department on Aging under the Adult Protective
13 Services Act, and upon proof by clear and convincing
14 evidence that the licensee abused, neglected, or
15 financially exploited an eligible adult as defined in the
16 Adult Protective Services Act.

17 (49) Entering into an excessive number of written
18 collaborative agreements with licensed physician
19 assistants resulting in an inability to adequately
20 collaborate.

21 (50) Repeated failure to adequately collaborate with a
22 physician assistant.

23 Except for actions involving the ground numbered (26), all
24 proceedings to suspend, revoke, place on probationary status,
25 or take any other disciplinary action as the Department may
26 deem proper, with regard to a license on any of the foregoing

1 grounds, must be commenced within 5 years next after receipt
2 by the Department of a complaint alleging the commission of or
3 notice of the conviction order for any of the acts described
4 herein. Except for the grounds numbered (8), (9), (26), and
5 (29), no action shall be commenced more than 10 years after the
6 date of the incident or act alleged to have violated this
7 Section. For actions involving the ground numbered (26), a
8 pattern of practice or other behavior includes all incidents
9 alleged to be part of the pattern of practice or other behavior
10 that occurred, or a report pursuant to Section 23 of this Act
11 received, within the 10-year period preceding the filing of
12 the complaint. In the event of the settlement of any claim or
13 cause of action in favor of the claimant or the reduction to
14 final judgment of any civil action in favor of the plaintiff,
15 such claim, cause of action, or civil action being grounded on
16 the allegation that a person licensed under this Act was
17 negligent in providing care, the Department shall have an
18 additional period of 2 years from the date of notification to
19 the Department under Section 23 of this Act of such settlement
20 or final judgment in which to investigate and commence formal
21 disciplinary proceedings under Section 36 of this Act, except
22 as otherwise provided by law. The time during which the holder
23 of the license was outside the State of Illinois shall not be
24 included within any period of time limiting the commencement
25 of disciplinary action by the Department.

26 The entry of an order or judgment by any circuit court

1 establishing that any person holding a license under this Act
2 is a person in need of mental treatment operates as a
3 suspension of that license. That person may resume his or her
4 practice only upon the entry of a Departmental order based
5 upon a finding by the Medical Board that the person has been
6 determined to be recovered from mental illness by the court
7 and upon the Medical Board's recommendation that the person be
8 permitted to resume his or her practice.

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

17 The Department, upon the recommendation of the Medical
18 Board, shall adopt rules which set forth standards to be used
19 in determining:

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

22 (b) what constitutes dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public;

25 (c) what constitutes immoral conduct in the commission
26 of any act, including, but not limited to, commission of

1 an act of sexual misconduct related to the licensee's
2 practice; and

3 (d) what constitutes gross negligence in the practice
4 of medicine.

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

8 In enforcing this Section, the Medical Board, upon a
9 showing of a possible violation, may compel any individual who
10 is licensed to practice under this Act or holds a permit to
11 practice under this Act, or any individual who has applied for
12 licensure or a permit pursuant to this Act, to submit to a
13 mental or physical examination and evaluation, or both, which
14 may include a substance abuse or sexual offender evaluation,
15 as required by the Medical Board and at the expense of the
16 Department. The Medical Board shall specifically designate the
17 examining physician licensed to practice medicine in all of
18 its branches or, if applicable, the multidisciplinary team
19 involved in providing the mental or physical examination and
20 evaluation, or both. The multidisciplinary team shall be led
21 by a physician licensed to practice medicine in all of its
22 branches and may consist of one or more or a combination of
23 physicians licensed to practice medicine in all of its
24 branches, licensed chiropractic physicians, licensed clinical
25 psychologists, licensed clinical social workers, licensed
26 clinical professional counselors, and other professional and

1 administrative staff. Any examining physician or member of the
2 multidisciplinary team may require any person ordered to
3 submit to an examination and evaluation pursuant to this
4 Section to submit to any additional supplemental testing
5 deemed necessary to complete any examination or evaluation
6 process, including, but not limited to, blood testing,
7 urinalysis, psychological testing, or neuropsychological
8 testing. The Medical Board or the Department may order the
9 examining physician or any member of the multidisciplinary
10 team to provide to the Department or the Medical Board any and
11 all records, including business records, that relate to the
12 examination and evaluation, including any supplemental testing
13 performed. The Medical Board or the Department may order the
14 examining physician or any member of the multidisciplinary
15 team to present testimony concerning this examination and
16 evaluation of the licensee, permit holder, or applicant,
17 including testimony concerning any supplemental testing or
18 documents relating to the examination and evaluation. No
19 information, report, record, or other documents in any way
20 related to the examination and evaluation shall be excluded by
21 reason of any common law or statutory privilege relating to
22 communication between the licensee, permit holder, or
23 applicant and the examining physician or any member of the
24 multidisciplinary team. No authorization is necessary from the
25 licensee, permit holder, or applicant ordered to undergo an
26 evaluation and examination for the examining physician or any

1 member of the multidisciplinary team to provide information,
2 reports, records, or other documents or to provide any
3 testimony regarding the examination and evaluation. The
4 individual to be examined may have, at his or her own expense,
5 another physician of his or her choice present during all
6 aspects of the examination. Failure of any individual to
7 submit to mental or physical examination and evaluation, or
8 both, when directed, shall result in an automatic suspension,
9 without hearing, until such time as the individual submits to
10 the examination. If the Medical Board finds a physician unable
11 to practice following an examination and evaluation because of
12 the reasons set forth in this Section, the Medical Board shall
13 require such physician to submit to care, counseling, or
14 treatment by physicians, or other health care professionals,
15 approved or designated by the Medical Board, as a condition
16 for issued, continued, reinstated, or renewed licensure to
17 practice. Any physician, whose license was granted pursuant to
18 Section 9, 17, or 19 of this Act, or, continued, reinstated,
19 renewed, disciplined, or supervised, subject to such terms,
20 conditions, or restrictions who shall fail to comply with such
21 terms, conditions, or restrictions, or to complete a required
22 program of care, counseling, or treatment, as determined by
23 the Chief Medical Coordinator or Deputy Medical Coordinators,
24 shall be referred to the Secretary for a determination as to
25 whether the licensee shall have his or her license suspended
26 immediately, pending a hearing by the Medical Board. In

1 instances in which the Secretary immediately suspends a
2 license under this Section, a hearing upon such person's
3 license must be convened by the Medical Board within 15 days
4 after such suspension and completed without appreciable delay.
5 The Medical Board shall have the authority to review the
6 subject physician's record of treatment and counseling
7 regarding the impairment, to the extent permitted by
8 applicable federal statutes and regulations safeguarding the
9 confidentiality of medical records.

10 An individual licensed under this Act, affected under this
11 Section, shall be afforded an opportunity to demonstrate to
12 the Medical Board that he or she can resume practice in
13 compliance with acceptable and prevailing standards under the
14 provisions of his or her license.

15 The Medical Board, in determining mental capacity of an
16 individual licensed under this Act, shall consider the latest
17 recommendations of the Federation of State Medical Boards.

18 The Department may promulgate rules for the imposition of
19 fines in disciplinary cases, not to exceed \$10,000 for each
20 violation of this Act. Fines may be imposed in conjunction
21 with other forms of disciplinary action, but shall not be the
22 exclusive disposition of any disciplinary action arising out
23 of conduct resulting in death or injury to a patient. Any funds
24 collected from such fines shall be deposited in the Illinois
25 State Medical Disciplinary Fund.

26 All fines imposed under this Section shall be paid within

1 60 days after the effective date of the order imposing the fine
2 or in accordance with the terms set forth in the order imposing
3 the fine.

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

15 (C) The Department shall not revoke, suspend, place on
16 probation, reprimand, refuse to issue or renew, or take any
17 other disciplinary or non-disciplinary action against the
18 license or permit issued under this Act to practice medicine
19 to a physician:

20 (1) based solely upon the recommendation of the
21 physician to an eligible patient regarding, or
22 prescription for, or treatment with, an investigational
23 drug, biological product, or device;

24 (2) for experimental treatment for Lyme disease or
25 other tick-borne diseases, including, but not limited to,
26 the prescription of or treatment with long-term

1 antibiotics;

2 (3) based solely upon the physician providing,
3 authorizing, recommending, aiding, assisting, referring
4 for, or otherwise participating in any health care
5 service, so long as the care was not unlawful under the
6 laws of this State, regardless of whether the patient was
7 a resident of this State or another state; or

8 (4) based upon the physician's license being revoked
9 or suspended, or the physician being otherwise disciplined
10 by any other state, if that revocation, suspension, or
11 other form of discipline was based solely on the physician
12 violating another state's laws prohibiting the provision
13 of, authorization of, recommendation of, aiding or
14 assisting in, referring for, or participation in any
15 health care service if that health care service as
16 provided would not have been unlawful under the laws of
17 this State and is consistent with the standards of conduct
18 for the physician if it occurred in Illinois.

19 (D) (Blank).

20 (E) The conduct specified in subsection (C) shall not
21 trigger reporting requirements under Section 23, constitute
22 grounds for suspension under Section 25, or be included on the
23 physician's profile required under Section 10 of the Patients'
24 Right to Know Act.

25 (F) An applicant seeking licensure, certification, or
26 authorization pursuant to this Act and who has been subject to

1 disciplinary action by a duly authorized professional
2 disciplinary agency of another jurisdiction solely on the
3 basis of having provided, authorized, recommended, aided,
4 assisted, referred for, or otherwise participated in health
5 care shall not be denied such licensure, certification, or
6 authorization, unless the Department determines that the
7 action would have constituted professional misconduct in this
8 State; however, nothing in this Section shall be construed as
9 prohibiting the Department from evaluating the conduct of the
10 applicant and making a determination regarding the licensure,
11 certification, or authorization to practice a profession under
12 this Act.

13 (G) The Department may adopt rules to implement the
14 changes made by this amendatory Act of the 102nd General
15 Assembly.

16 (Source: P.A. 101-13, eff. 6-12-19; 101-81, eff. 7-12-19;
17 101-363, eff. 8-9-19; 102-20, eff. 1-1-22; 102-558, eff.
18 8-20-21; 102-813, eff. 5-13-22; 102-1117, eff. 1-13-23.)