



Rep. Kelly M. Burke

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10100HB3032ham001

LRB101 10812 AMC 57964 a

1 AMENDMENT TO HOUSE BILL 3032

2 AMENDMENT NO. _____. Amend House Bill 3032 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing 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 Acts ~~Act~~ repealed on January 1, 2025.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8 following Acts are ~~Act is~~ repealed on January 1, 2025: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.

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

3 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

4 (Section scheduled to be repealed on December 31, 2019)

5 Sec. 21. License renewal; reinstatement; inactive status;
6 disposition and collection of fees.

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

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

21 (B) Reinstatement. Any licensee who has permitted his or
22 her license to lapse or who has had his or her license on
23 inactive status may have his or her license reinstated by
24 making application to the Department and filing proof
25 acceptable to the Department of his or her fitness to have the

1 license reinstated, including evidence certifying to active
2 practice in another jurisdiction satisfactory to the
3 Department, proof of meeting the continuing education
4 requirements for one renewal period, and by paying the required
5 reinstatement fee.

6 If the licensee has not maintained an active practice in
7 another jurisdiction satisfactory to the Department, the
8 Licensing Board shall determine, by an evaluation program
9 established by rule, the applicant's fitness to resume active
10 status and may require the licensee to complete a period of
11 evaluated clinical experience and may require successful
12 completion of a practical examination specified by the
13 Licensing Board.

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

1 or education has been so terminated.

2 (C) Inactive licenses. Any licensee who notifies the
3 Department, in writing on forms prescribed by the Department,
4 may elect to place his or her license on an inactive status and
5 shall, subject to rules of the Department, be excused from
6 payment of renewal fees until he or she notifies the Department
7 in writing of his or her desire to resume active status.

8 Any licensee requesting reinstatement from inactive status
9 shall be required to pay the current renewal fee, provide proof
10 of meeting the continuing education requirements for the period
11 of time the license is inactive not to exceed one renewal
12 period, and shall be required to reinstate his or her license
13 as provided in subsection (B).

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

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

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

5 ~~The State Comptroller shall order and the State Treasurer~~
6 ~~shall transfer an amount equal to \$1,100,000 from the Illinois~~
7 ~~State Medical Disciplinary Fund to the Local Government Tax~~
8 ~~Fund on each of the following dates: July 1, 2014, October 1,~~
9 ~~2014, January 1, 2015, July 1, 2017, October 1, 2017, and~~
10 ~~January 1, 2018. These transfers shall constitute repayment of~~
11 ~~the \$6,600,000 transfer made under Section 6z-18 of the State~~
12 ~~Finance Act.~~

13 All earnings received from investment of monies in the
14 Illinois State Medical Disciplinary Fund shall be deposited in
15 the Illinois State Medical Disciplinary Fund and shall be used
16 for the same purposes as fees deposited in such Fund.

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

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

1 examination fee.

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

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

8 (4) Before July 1, 2018, the fee for the renewal of a
9 license for a resident of Illinois shall be calculated at
10 the rate of \$230 per year, and beginning on July 1, 2018,
11 the fee for the renewal of a license shall be \$167, except
12 for licensees who were issued a license within 12 months of
13 the expiration date of the license, before July 1, 2018,
14 the fee for the renewal shall be \$230, and beginning on
15 July 1, 2018 that fee will be \$167. Before July 1, 2018,
16 the fee for the renewal of a license for a nonresident
17 shall be calculated at the rate of \$460 per year, and
18 beginning on July 1, 2018, the fee for the renewal of a
19 license for a nonresident shall be \$250, except for
20 licensees who were issued a license within 12 months of the
21 expiration date of the license, before July 1, 2018, the
22 fee for the renewal shall be \$460, and beginning on July 1,
23 2018 that fee will be \$250.

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

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

3 (7) The fee for the issuance of a duplicate license,
4 for the issuance of a replacement license for a license
5 which has been lost or destroyed, or for the issuance of a
6 license with a change of name or address other than during
7 the renewal period is \$20. No fee is required for name and
8 address changes on Department records when no duplicate
9 license is issued.

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

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

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

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

23 (F) Any person who delivers a check or other payment to the
24 Department that is returned to the Department unpaid by the
25 financial institution upon which it is drawn shall pay to the
26 Department, in addition to the amount already owed to the

1 Department, a fine of \$50. The fines imposed by this Section
2 are in addition to any other discipline provided under this Act
3 for unlicensed practice or practice on a nonrenewed license.
4 The Department shall notify the person that payment of fees and
5 fines shall be paid to the Department by certified check or
6 money order within 30 calendar days of the notification. If,
7 after the expiration of 30 days from the date of the
8 notification, the person has failed to submit the necessary
9 remittance, the Department shall automatically terminate the
10 license or permit or deny the application, without hearing. If,
11 after termination or denial, the person seeks a license or
12 permit, he or she shall apply to the Department for
13 reinstatement or issuance of the license or permit and pay all
14 fees and fines due to the Department. The Department may
15 establish a fee for the processing of an application for
16 reinstatement of a license or permit to pay all expenses of
17 processing this application. The Secretary may waive the fines
18 due under this Section in individual cases where the Secretary
19 finds that the fines would be unreasonable or unnecessarily
20 burdensome.

21 (Source: P.A. 98-3, eff. 3-8-13; 98-1140, eff. 12-30-14;
22 99-909, eff. 12-16-16.)

23 (225 ILCS 60/36) (from Ch. 111, par. 4400-36)

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

25 Sec. 36. Investigation; notice.

1 (a) Upon the motion of either the Department or the
2 Disciplinary Board or upon the verified complaint in writing of
3 any person setting forth facts which, if proven, would
4 constitute grounds for suspension or revocation under Section
5 22 of this Act, the Department shall investigate the actions of
6 any person, so accused, who holds or represents that he or she
7 holds ~~they hold~~ a license. Such person is hereinafter called
8 the accused.

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

1 against the accused of the time and place for the hearing of
2 the charges against the accused before the Disciplinary Board
3 and inform such person whether he or she may provide testimony
4 at the hearing.

5 (c) Where a physician has been found, upon complaint and
6 investigation of the Department, and after hearing, to have
7 performed an abortion procedure in a wilful and wanton manner
8 upon a woman who was not pregnant at the time such abortion
9 procedure was performed, the Department shall automatically
10 revoke the license of such physician to practice medicine in
11 Illinois.

12 (d) Such written notice and any notice in such proceedings
13 thereafter may be served by personal delivery, email to the
14 respondent's email address of record, or mail to the
15 respondent's ~~delivery of the same, personally, to the accused~~
16 ~~person, or by mailing the same by registered or certified mail~~
17 ~~to the accused person's~~ address of record.

18 (e) All information gathered by the Department during its
19 investigation including information subpoenaed under Section
20 23 or 38 of this Act and the investigative file shall be kept
21 for the confidential use of the Secretary, Disciplinary Board,
22 the Medical Coordinators, persons employed by contract to
23 advise the Medical Coordinator or the Department, the
24 Disciplinary Board's attorneys, the medical investigative
25 staff, and authorized clerical staff, as provided in this Act
26 and shall be afforded the same status as is provided

1 information concerning medical studies in Part 21 of Article
2 VIII of the Code of Civil Procedure, except that the Department
3 may disclose information and documents to a federal, State, or
4 local law enforcement agency pursuant to a subpoena in an
5 ongoing criminal investigation to a health care licensing body
6 of this State or another state or jurisdiction pursuant to an
7 official request made by that licensing body. Furthermore,
8 information and documents disclosed to a federal, State, or
9 local law enforcement agency may be used by that agency only
10 for the investigation and prosecution of a criminal offense or,
11 in the case of disclosure to a health care licensing body, only
12 for investigations and disciplinary action proceedings with
13 regard to a license issued by that licensing body.

14 (Source: P.A. 97-449, eff. 1-1-12; 97-622, eff. 11-23-11;
15 98-1140, eff. 12-30-14.)

16 (225 ILCS 60/38) (from Ch. 111, par. 4400-38)

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

18 Sec. 38. Subpoena; oaths.

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

24 (b) The Disciplinary Board, upon a determination that
25 probable cause exists that a violation of one or more of the

1 grounds for discipline listed in Section 22 has occurred or is
2 occurring, may subpoena the medical and hospital records of
3 individual patients of physicians licensed under this Act,
4 provided, that prior to the submission of such records to the
5 Disciplinary Board, all information indicating the identity of
6 the patient shall be removed and deleted. Notwithstanding the
7 foregoing, the Disciplinary Board and Department shall possess
8 the power to subpoena copies of hospital or medical records in
9 mandatory report cases under Section 23 alleging death or
10 permanent bodily injury when consent to obtain records is not
11 provided by a patient or legal representative. Prior to
12 submission of the records to the Disciplinary Board, all
13 information indicating the identity of the patient shall be
14 removed and deleted. All medical records and other information
15 received pursuant to subpoena shall be confidential and shall
16 be afforded the same status as is proved information concerning
17 medical studies in Part 21 of Article VIII of the Code of Civil
18 Procedure. The use of such records shall be restricted to
19 members of the Disciplinary Board, the medical coordinators,
20 and appropriate staff of the Department designated by the
21 Disciplinary Board for the purpose of determining the existence
22 of one or more grounds for discipline of the physician as
23 provided for by Section 22 of this Act. Any such review of
24 individual patients' records shall be conducted by the
25 Disciplinary Board in strict confidentiality, provided that
26 such patient records shall be admissible in a disciplinary

1 hearing, before the Disciplinary Board, when necessary to
2 substantiate the grounds for discipline alleged against the
3 physician licensed under this Act, and provided further, that
4 nothing herein shall be deemed to supersede the provisions of
5 Part 21 of Article VIII of the "Code of Civil Procedure", as
6 now or hereafter amended, to the extent applicable.

7 (c) The Secretary, hearing officer, and any member of the
8 Disciplinary Board each have power to administer oaths at any
9 hearing which the Disciplinary Board or Department is
10 authorized by law to conduct.

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

1 normal business hours of the facility or office to be
2 inspected.

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

4 (225 ILCS 60/39) (from Ch. 111, par. 4400-39)

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

6 Sec. 39. Certified shorthand reporter; record. The
7 Department, at its expense, shall provide a certified shorthand
8 reporter to take down the testimony and preserve a record of
9 all proceedings at the hearing of any case wherein a license
10 may be revoked, suspended, placed on probationary status, or
11 other disciplinary action taken with regard thereto. The notice
12 of hearing, complaint and all other documents in the nature of
13 pleadings and written motions filed in the proceedings, the
14 transcript of testimony, the report of the hearing officer,
15 exhibits, the report of the ~~Licensing~~ Board, and the orders of
16 the Department constitute the record of the proceedings. ~~The~~
17 ~~Department shall furnish a copy of the record to any person~~
18 ~~interested in such hearing upon payment of the fee required~~
19 ~~under Section 2105-115 of the Department of Professional~~
20 ~~Regulation Law (20 ILCS 2105/2105-115). The Department may~~
21 ~~contract for court reporting services, and, in the event it~~
22 ~~does so, the Department shall provide the name and contact~~
23 ~~information for the certified shorthand reporter who~~
24 ~~transcribed the testimony at a hearing to any person~~
25 ~~interested, who may obtain a copy of the record of any~~

1 ~~proceedings at a hearing upon payment of the fee specified by~~
2 ~~the certified shorthand reporter. This charge is in addition to~~
3 ~~any fee charged by the Department for certifying the record.~~

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

5 (225 ILCS 60/40) (from Ch. 111, par. 4400-40)

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

7 Sec. 40. Findings and recommendations; rehearing.

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

19 (b) At the expiration of the time allowed for filing a
20 motion for rehearing, the Secretary may take the action
21 recommended by the Disciplinary Board. Upon the suspension,
22 revocation, placement on probationary status, or the taking of
23 any other disciplinary action, including the limiting of the
24 scope, nature, or extent of one's practice, deemed proper by
25 the Department, with regard to the license or permit, the

1 accused shall surrender his or her ~~their~~ license or permit to
2 the Department, if ordered to do so by the Department, and upon
3 his or her ~~their~~ failure or refusal so to do, the Department
4 may seize the same.

5 (c) Each order of revocation, suspension, or other
6 disciplinary action shall contain a brief, concise statement of
7 the ground or grounds upon which the Department's action is
8 based, as well as the specific terms and conditions of such
9 action. This document shall be retained as a permanent record
10 by the Disciplinary Board and the Secretary.

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

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

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

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".