

1 AN ACT concerning professional 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
5 by changing Sections 7 and 36 as follows:

6 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)
7 (Section scheduled to be repealed on January 1, 2007)

8 Sec. 7. Medical Disciplinary Board.

9 (A) There is hereby created the Illinois State Medical
10 Disciplinary Board (hereinafter referred to as the
11 "Disciplinary Board"). The Disciplinary Board shall consist
12 of 9 members, to be appointed by the Governor by and with the
13 advice and consent of the Senate. All shall be residents of
14 the State, not more than 5 of whom shall be members of the
15 same political party. Five members shall be physicians
16 licensed to practice medicine in all of its branches in
17 Illinois possessing the degree of doctor of medicine. Two
18 shall be members of the public, who shall not be engaged in
19 any way, directly or indirectly, as providers of health care.
20 The 2 public members shall act as nonvoting, ex-officio
21 members and shall not be considered in determining the
22 existence, or lack of existence, of a quorum for all purposes
23 for which a quorum may be called pursuant to this Act. One
24 member shall be a physician licensed to practice in Illinois
25 possessing the degree of doctor of osteopathy or osteopathic
26 medicine. One member shall be a physician licensed to
27 practice in Illinois and possessing the degree of doctor of
28 chiropractic.

29 (B) Members of the Disciplinary Board shall be appointed
30 for terms of 4 years. Upon the expiration of the term of any
31 member, their successor shall be appointed for a term of 4

1 years by the Governor by and with the advice and consent of
2 the Senate. The Governor shall fill any vacancy for the
3 remainder of the unexpired term by and with the advice and
4 consent of the Senate. Upon recommendation of the Board, any
5 member of the Disciplinary Board may be removed by the
6 Governor for misfeasance, malfeasance, or wilful neglect of
7 duty, after notice, and a public hearing, unless such notice
8 and hearing shall be expressly waived in writing. Each
9 member shall serve on the Disciplinary Board until their
10 successor is appointed and qualified. No member of the
11 Disciplinary Board shall serve more than 2 consecutive 4 year
12 terms.

13 In making appointments the Governor shall attempt to
14 insure that the various social and geographic regions of the
15 State of Illinois are properly represented.

16 In making the designation of persons to act for the
17 several professions represented on the Disciplinary Board,
18 the Governor shall give due consideration to recommendations
19 by members of the respective professions and by organizations
20 therein.

21 (C) The Disciplinary Board shall annually elect one of
22 its voting members as chairperson and one as vice
23 chairperson. No officer shall be elected more than twice in
24 succession to the same office. Each officer shall serve
25 until their successor has been elected and qualified.

26 (D) (Blank).

27 (E) Four voting members of the Disciplinary Board shall
28 constitute a quorum. A vacancy in the membership of the
29 Disciplinary Board shall not impair the right of a quorum to
30 exercise all the rights and perform all the duties of the
31 Disciplinary Board. Any action taken by the Disciplinary
32 Board under this Act may be authorized by resolution at any
33 regular or special meeting and each such resolution shall
34 take effect immediately. The Disciplinary Board shall meet

1 at least quarterly. The Disciplinary Board is empowered to
2 adopt all rules and regulations necessary and incident to the
3 powers granted to it under this Act.

4 (F) Each member, and member-officer, of the Disciplinary
5 Board shall receive a per diem stipend as the Director of the
6 Department, hereinafter referred to as the Director, shall
7 determine. The Director shall also determine the per diem
8 stipend that each ex-officio member shall receive. Each
9 member shall be paid their necessary expenses while engaged
10 in the performance of their duties.

11 (G) The Director shall select a Chief Medical
12 Coordinator and a Deputy Medical Coordinator who shall not be
13 members of the Disciplinary Board. Each medical coordinator
14 shall be a physician licensed to practice medicine in all of
15 its branches, and the Director shall set their rates of
16 compensation. The Director shall assign one medical
17 coordinator to a region composed of Cook County and such
18 other counties as the Director may deem appropriate, and such
19 medical coordinator shall locate their office in Chicago.
20 The Director shall assign the remaining medical coordinator
21 to a region composed of the balance of counties in the State,
22 and such medical coordinator shall locate their office in
23 Springfield. Each medical coordinator shall be the chief
24 enforcement officer of this Act in his or her their assigned
25 region ~~and shall serve at the will of the Disciplinary Board.~~

26 The Director shall employ, in conformity with the
27 Personnel Code, not less than one full time investigator for
28 every 5000 physicians licensed in the State. Each
29 investigator shall be a college graduate with at least 2
30 years' investigative experience or one year advanced medical
31 education. Upon the written request of the Disciplinary
32 Board, the Director shall employ, in conformity with the
33 Personnel Code, such other professional, technical,
34 investigative, and clerical help, either on a full or

1 part-time basis as the Disciplinary Board deems necessary for
2 the proper performance of its duties.

3 (H) Upon the specific request of the Disciplinary Board,
4 signed by either the chairman, vice chairman, or a medical
5 coordinator of the Disciplinary Board, the Department of
6 Human Services or the Department of State Police shall make
7 available any and all information that they have in their
8 possession regarding a particular case then under
9 investigation by the Disciplinary Board.

10 (I) Members of the Disciplinary Board shall be immune
11 from suit in any action based upon any disciplinary
12 proceedings or other acts performed in good faith as members
13 of the Disciplinary Board.

14 (J) The Disciplinary Board may compile and establish a
15 statewide roster of physicians and other medical
16 professionals, including the several medical specialties, of
17 such physicians and medical professionals, who have agreed to
18 serve from time to time as advisors to the medical
19 coordinators. Such advisors shall assist the medical
20 coordinators in their investigations and participation in
21 complaints against physicians. Such advisors shall serve
22 under contract and shall be reimbursed at a reasonable rate
23 for the services provided, plus reasonable expenses incurred.
24 While serving in this capacity, the advisor, for any act
25 undertaken in good faith and in the conduct of their duties
26 under this Section, shall be immune from civil suit.

27 (Source: P.A. 89-507, eff. 7-1-97; 89-702, eff. 7-1-97.)

28 (225 ILCS 60/36) (from Ch. 111, par. 4400-36)

29 (Section scheduled to be repealed on January 1, 2007)

30 Sec. 36. Upon the motion of either the Department or the
31 Disciplinary Board or upon the verified complaint in writing
32 of any person setting forth facts which, if proven, would
33 constitute grounds for suspension or revocation under Section

1 22 of this Act, the Department shall investigate the actions
2 of any person, so accused, who holds or represents that they
3 hold a license. Such person is hereinafter called the
4 accused. The Department may file a complaint pursuant to
5 this Act without obtaining prior approval from the Medical
6 Disciplinary Board.

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

22 Where a physician has been found, upon complaint and
23 investigation of the Department, and after hearing, to have
24 performed an abortion procedure in a wilful and wanton manner
25 upon a woman who was not pregnant at the time such abortion
26 procedure was performed, the Department shall automatically
27 revoke the license of such physician to practice medicine in
28 Illinois.

29 Such written notice and any notice in such proceedings
30 thereafter may be served by delivery of the same, personally,
31 to the accused person, or by mailing the same by registered
32 or certified mail to the address last theretofore specified
33 by the accused in their last notification to the Department.

34 All information gathered by the Department during its

1 investigation including information subpoenaed under Section
2 23 or 38 of this Act and the investigative file shall be kept
3 for the confidential use of the Director, Disciplinary Board,
4 the Medical Coordinators, persons employed by contract to
5 advise the Medical Coordinator or the Department, the
6 Disciplinary Board's attorneys, the medical investigative
7 staff, and authorized clerical staff, as provided in this Act
8 and shall be afforded the same status as is provided
9 information concerning medical studies in Part 21 of Article
10 VIII of the Code of Civil Procedure.

11 (Source: P.A. 90-699, eff. 1-1-99.)

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