

HB3724



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3724

Introduced 2/28/2007, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

225 ILCS 60/49.5

Amends the Medical Practice Act of 1987. Excludes from the definition of "telemedicine" a consultation, with both the referring physician licensed under the Act and the patient whose case is being consulted upon, given by a licensed practitioner outside of the State with whom the referring physician has a professional relationship, evidenced by a letter of agreement, for the purpose of tailoring the medical actions that are taken in regard to the patient accordingly.

LRB095 11421 RAS 32242 b

A BILL FOR

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 Section 49.5 as follows:

6 (225 ILCS 60/49.5)

7 (Section scheduled to be repealed on December 31, 2008)

8 Sec. 49.5. Telemedicine.

9 (a) The General Assembly finds and declares that because of
10 technological advances and changing practice patterns the
11 practice of medicine is occurring with increasing frequency
12 across state lines and that certain technological advances in
13 the practice of medicine are in the public interest. The
14 General Assembly further finds and declares that the practice
15 of medicine is a privilege and that the licensure by this State
16 of practitioners outside this State engaging in medical
17 practice within this State and the ability to discipline those
18 practitioners is necessary for the protection of the public
19 health, welfare, and safety.

20 (b) A person who engages in the practice of telemedicine
21 without a license issued under this Act shall be subject to
22 penalties provided in Section 59.

23 (c) For purposes of this Act, "telemedicine" means the

1 performance of any of the activities listed in Section 49,
2 including but not limited to rendering written or oral opinions
3 concerning diagnosis or treatment of a patient in Illinois by a
4 person located outside the State of Illinois as a result of
5 transmission of individual patient data by telephonic,
6 electronic, or other means of communication from within this
7 State. "Telemedicine" does not include the following:

8 (1) periodic consultations between a person licensed
9 under this Act and a person outside the State of Illinois;

10 (2) a second opinion provided to a person licensed
11 under this Act; ~~and~~

12 (3) diagnosis or treatment services provided to a
13 patient in Illinois following care or treatment originally
14 provided to the patient in the state in which the provider
15 is licensed to practice medicine; or

16 (4) a consultation, with both the referring physician
17 licensed under this Act and the patient whose case is being
18 consulted upon, given by a licensed practitioner outside of
19 this State with whom the referring physician has a
20 professional relationship, evidenced by a letter of
21 agreement, for the purpose of tailoring the medical actions
22 that are taken in regard to the patient accordingly.

23 (d) Whenever the Department has reason to believe that a
24 person has violated this Section, the Department may issue a
25 rule to show cause why an order to cease and desist should not
26 be entered against that person. The rule shall clearly set

1 forth the grounds relied upon by the Department and shall
2 provide a period of 7 days from the date of the rule to file an
3 answer to the satisfaction of the Department. Failure to answer
4 to the satisfaction of the Department shall cause an order to
5 cease and desist to be issued immediately.

6 (e) An out-of-state person providing a service listed in
7 Section 49 to a patient residing in Illinois through the
8 practice of telemedicine submits himself or herself to the
9 jurisdiction of the courts of this State.

10 (Source: P.A. 90-99, eff. 1-1-98.)