



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6954

by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-165 new

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Provides that when a licensed health care worker, as defined in the Health Care Worker Self-Referral Act, (1) has been convicted of any forcible intentional felony or a sexual criminal act that requires registration under the Sex Offender Registration Act against a patient in the course of patient care or treatment; (2) has been convicted of any forcible intentional felony against any natural person; or (3) is required as a part of a criminal sentence to register under the Sex Offender Registration Act, then the Secretary, after consultation with Department's regulatory and prosecutorial staff, may immediately temporarily suspend the license of a health care worker, as defined in the Health Care Worker Self-Referral Act, without a hearing if the Secretary finds that evidence in his or her possession indicates that the health care worker's continuation in practice would constitute an immediate danger to the public. Provides that within 15 business days after receiving notice from the State's Attorney of the filing of criminal charges against the health care worker, the Secretary shall issue an administrative order that the health care worker may only practice with a chaperone during all patient encounters pending the outcome of the criminal proceedings. Provides that in instances in which the Secretary immediately suspends a license, a hearing on the health care worker's license must be convened by the appropriate licensing or disciplinary board within 15 days after the summary suspension and completed without appreciable delay. Adds provisions concerning the confidentiality of certain information and documents. Effective immediately.

LRB096 24465 CEL 44173 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by adding
6 Section 2105-165 as follows:

7 (20 ILCS 2105/2105-165 new)

8 Sec. 2105-165. Health care worker licensure actions;
9 intentional felonies and sexual crimes.

10 (a) When a licensed health care worker, as defined in the
11 Health Care Worker Self-Referral Act, (1) has been convicted of
12 any forcible intentional felony or a sexual criminal act that
13 requires registration under the Sex Offender Registration Act
14 against a patient in the course of patient care or treatment;
15 (2) has been convicted of any forcible intentional felony
16 against any natural person; or (3) is required as a part of a
17 criminal sentence to register under the Sex Offender
18 Registration Act, then the Secretary, after consultation with
19 the Department's regulatory and prosecutorial staff, may
20 immediately temporarily suspend the license of the health care
21 worker without a hearing, simultaneously with the institution
22 of proceedings for a hearing in accordance with subsection (c)
23 of this Section, if the Secretary finds that evidence in his or

1 her possession indicates that the health care worker's
2 continuation in practice would constitute an immediate danger
3 to the public.

4 (b) When an Illinois State's Attorney files criminal felony
5 charges alleging that a licensed health care worker, as defined
6 in the Health Care Worker Self-Referral Act, committed an
7 intentional forcible felony against a patient including a
8 sexual act against a patient in the course of patient care or
9 treatment, then the State's Attorney shall provide notice to
10 the Department of the health care worker's name, address,
11 practice address, and license number and the patient's name.
12 Within 15 business days after receiving notice from the State's
13 Attorney of the filing of criminal charges against the health
14 care worker, the Secretary shall issue an administrative order
15 that the health care worker shall immediately practice only
16 with a chaperone during all patient encounters pending the
17 outcome of the criminal proceedings. The licensee shall provide
18 an acceptable written plan of compliance with the
19 administrative order to the Department within 10 days after
20 receipt of the administrative order. Failure to comply with the
21 administrative order, failure to file a compliance plan, or
22 failure to follow the compliance plan shall subject the health
23 care worker to temporary suspension of his or her professional
24 license.

25 (c) In instances in which the Secretary immediately
26 suspends a license under this Section, a hearing on the health

1 care worker's license must be convened by the appropriate
2 licensing or disciplinary board within 15 days after the
3 summary suspension and completed without appreciable delay.
4 This hearing is to determine whether to recommend to the
5 Secretary that the health care worker's license be revoked,
6 suspended, placed on probationary status, or reinstated, or
7 whether the health care worker should be subject to other
8 disciplinary action. In the hearing, any written information or
9 communication and any other evidence submitted therewith may be
10 introduced as evidence against the health care worker; provided
11 however, the health care worker, or his or her counsel, shall
12 have the opportunity to discredit, impeach, and submit evidence
13 rebutting such evidence.

14 (d) Notwithstanding any provision of law to the contrary,
15 any revocation or suspension for crimes requiring sex offender
16 registration under the Sex Offender Registration Act shall be
17 for a minimum of 5 years. Licensees may only be considered
18 rehabilitated by the appropriate licensing or disciplinary
19 board (1) based upon certified written reports of examination
20 by 2 physicians board certified in psychiatry recommending that
21 the licensee is sufficiently rehabilitated to warrant the
22 public trust and that the licensee can resume practice without
23 monitoring or limitations; (2) when the licensee is no longer
24 required to register as a sex offender under the Sex Offender
25 Registration Act; or (3) the licensee's conviction is vacated,
26 overturned, or reversed.

1 (e) Nothing contained in this Section shall act in any way
2 to waive or modify the confidentiality of information provided
3 by the State's Attorney to the extent provided by law. Any
4 information reported or disclosed shall be kept for the
5 confidential use of the Secretary, Department attorneys, the
6 investigative staff, and authorized clerical staff, as
7 provided in this Act, and shall be afforded the same status as
8 is provided information under Part 21 of Article VIII of the
9 Code of Civil Procedure, except that the Department may
10 disclose information and documents to (1) a federal, State, or
11 local law enforcement agency pursuant to a subpoena in an
12 ongoing criminal investigation or (2) an appropriate licensing
13 authority of another state or jurisdiction pursuant to an
14 official request made by that authority. Any information and
15 documents disclosed to a federal, State, or local law
16 enforcement agency may be used by that agency only for the
17 investigation and prosecution of a criminal offense. Any
18 information or documents disclosed by the Department to a
19 professional licensing authority of another state or
20 jurisdiction may only be used by that authority for
21 investigations and disciplinary proceedings with regards to a
22 professional license.

23 (f) Any licensee disciplined or who received an
24 administrative order under this Section shall have the
25 discipline or administrative order vacated and completely
26 removed from the licensee's records and public view and the

1 discipline or administrative order shall be afforded the same
2 status as is provided information under Part 21 of Article VIII
3 of the Code of Civil Procedure if (1) the charges upon which
4 the discipline or administrative order is based are dropped;
5 (2) the licensee is not convicted of the charges upon which the
6 discipline or administrative order is based; or (3) any
7 conviction for charges upon which the discipline or
8 administrative order was based have been vacated, overturned,
9 or reversed.

10 (g) Nothing contained in this Section shall prohibit the
11 Department from initiating or maintaining a disciplinary
12 action against a licensee independent from any criminal
13 charges, conviction, or sex offender registration.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.