

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 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; sex
9 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 a criminal act that requires registration under the Sex
13 Offender Registration Act; (2) has been convicted of a criminal
14 battery against any patient in the course of patient care or
15 treatment, including any offense based on sexual conduct or
16 sexual penetration; (3) has been convicted of a forcible
17 felony; or (4) is required as a part of a criminal sentence to
18 register under the Sex Offender Registration Act, then,
19 notwithstanding any other provision of law to the contrary, the
20 license of the health care worker shall by operation of law be
21 permanently revoked without a hearing.

22 (b) No person who has been convicted of any offense listed
23 in subsection (a) or required to register as a sex offender may

1 receive a license as a health care worker in Illinois.

2 (c) Immediately after an Illinois State's Attorney files
3 criminal charges alleging that a licensed health care worker,
4 as defined in the Health Care Worker Self-Referral Act,
5 committed any offense for which the sentence includes
6 registration as a sex offender; a criminal battery against a
7 patient, including any offense based on sexual conduct or
8 sexual penetration, in the course of patient care or treatment;
9 or a forcible felony; then the State's Attorney shall provide
10 notice to the Department of the health care worker's name,
11 address, practice address, and license number and the patient's
12 name and a copy of the criminal charges filed. Within 5
13 business days after receiving notice from the State's Attorney
14 of the filing of criminal charges against the health care
15 worker, the Secretary shall issue an administrative order that
16 the health care worker shall immediately practice only with a
17 chaperone during all patient encounters pending the outcome of
18 the criminal proceedings. The chaperone must be a licensed
19 health care worker. The chaperone shall provide written notice
20 to all of the health care worker's patients explaining the
21 Department's order to use a chaperone. Each patient shall sign
22 an acknowledgement that they received the notice. The notice to
23 the patient of criminal charges shall include, in 14-point
24 font, the following statement: "The health care worker is
25 presumed innocent until proven guilty of the charges." The
26 licensed health care worker shall provide a written plan of

1 compliance with the administrative order that is acceptable to
2 the Department within 5 days after receipt of the
3 administrative order. Failure to comply with the
4 administrative order, failure to file a compliance plan, or
5 failure to follow the compliance plan shall subject the health
6 care worker to temporary suspension of his or her professional
7 license until the completion of the criminal proceedings.

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

1 investigations and disciplinary proceedings with regards to a
2 professional license.

3 (e) Any licensee whose license was revoked or who received
4 an administrative order under this Section shall have the
5 revocation or administrative order vacated and completely
6 removed from the licensee's records and public view and the
7 revocation or administrative order shall be afforded the same
8 status as is provided information under Part 21 of Article VIII
9 of the Code of Civil Procedure if (1) the charges upon which
10 the revocation or administrative order is based are dropped;
11 (2) the licensee is not convicted of the charges upon which the
12 revocation or administrative order is based; or (3) any
13 conviction for charges upon which the revocation or
14 administrative order was based have been vacated, overturned,
15 or reversed.

16 (f) Nothing contained in this Section shall prohibit the
17 Department from initiating or maintaining a disciplinary
18 action against a licensee independent from any criminal
19 charges, conviction, or sex offender registration.

20 (g) The Department may adopt rules necessary to implement
21 this Section.

22 Section 99. Effective date. This Act takes effect 30 days
23 after becoming law.