



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB2248

Introduced 2/15/2013, by Sen. Kyle McCarter

#### SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.28

5 ILCS 80/4.23 rep.

30 ILCS 105/8.52 new

225 ILCS 60/21

225 ILCS 95/14.1

from Ch. 111, par. 4400-21

Amends the State Finance Act. Provides that, as soon as possible after the effective date of the amendatory Act, the State Comptroller shall order transferred and the State Treasurer shall transfer from the Illinois Violence Prevention Special Projects Fund (#318) to the Illinois State Medical Disciplinary Fund an amount equal to the total available balance in the Illinois Violence Prevention Special Projects Fund (#318) as of the date of the transfer. Provides that those moneys are not required to be repaid. Provides that moneys in the Illinois State Medical Disciplinary Fund are not subject to sweeps or administrative charges or chargebacks. Amends the Medical Practice Act of 1987. Extends the repeal of the Act to December 31, 2018 (now, December 31, 2013). Provides that the fee for the renewal of a license is \$167 (instead of \$100) per year for residents and \$334 (instead of \$200) per year for non-residents. Effective immediately.

LRB098 10481 HLH 41025 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.28 as follows:

6 (5 ILCS 80/4.28)

7 Sec. 4.28. Acts repealed on January 1, 2018 and December  
8 31, 2018.

9 (a) The following Acts are repealed on January 1, 2018:

10 The Illinois Petroleum Education and Marketing Act.

11 The Podiatric Medical Practice Act of 1987.

12 The Acupuncture Practice Act.

13 The Illinois Speech-Language Pathology and Audiology  
14 Practice Act.

15 The Interpreter for the Deaf Licensure Act of 2007.

16 The Nurse Practice Act.

17 The Clinical Social Work and Social Work Practice Act.

18 The Pharmacy Practice Act.

19 The Home Medical Equipment and Services Provider  
20 License Act.

21 The Marriage and Family Therapy Licensing Act.

22 The Nursing Home Administrators Licensing and  
23 Disciplinary Act.

1           The Physician Assistant Practice Act of 1987.

2           (b) The following Act is repealed on December 31, 2018:

3           The Medical Practice Act of 1987.

4           (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;  
5           95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.  
6           9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,  
7           eff. 10-29-07; 95-703, eff. 12-31-07; 95-876, eff. 8-21-08;  
8           96-328, eff. 8-11-09.)

9           (5 ILCS 80/4.23 rep.)

10          Section 10. The Regulatory Sunset Act is amended by  
11          repealing Section 4.23.

12          Section 15. The State Finance Act is amended by adding  
13          Section 8.52 as follows:

14          (30 ILCS 105/8.52 new)

15          Sec. 8.52. Fund transfers. Notwithstanding any other  
16          provision of law, as soon as possible after the effective date  
17          of this amendatory Act of the 98th General Assembly, the State  
18          Comptroller shall order transferred and the State Treasurer  
19          shall transfer from the Illinois Violence Prevention Special  
20          Projects Fund (#318) to the Illinois State Medical Disciplinary  
21          Fund an amount equal to the total available balance in the  
22          Illinois Violence Prevention Special Projects Fund (#318) as of  
23          the date of the transfer.

1       Moneys transferred from the Illinois Violence Prevention  
2       Special Projects Fund (#318) to the Illinois State Medical  
3       Disciplinary Fund are not required to be repaid into the  
4       Illinois Violence Prevention Special Projects Fund (#318), and  
5       no interest may be charged on those moneys as a result of a  
6       failure to reimburse the Illinois Violence Prevention Special  
7       Projects Fund (#318).

8           Section 20. The Medical Practice Act of 1987 is amended by  
9       changing Section 21 as follows:

10           (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

11           (Section scheduled to be repealed on December 31, 2013)

12           Sec. 21. License renewal; restoration; inactive status;  
13       disposition and collection of fees.

14           (A) Renewal. The expiration date and renewal period for  
15       each license issued under this Act shall be set by rule. The  
16       holder of a license may renew the license by paying the  
17       required fee. The holder of a license may also renew the  
18       license within 90 days after its expiration by complying with  
19       the requirements for renewal and payment of an additional fee.  
20       A license renewal within 90 days after expiration shall be  
21       effective retroactively to the expiration date.

22           The Department shall mail to each licensee under this Act,  
23       at his or her address of record, at least 60 days in advance of  
24       the expiration date of his or her license, a renewal notice. No

1 such license shall be deemed to have lapsed until 90 days after  
2 the expiration date and after such notice has been mailed by  
3 the Department as herein provided.

4 (B) Restoration. Any licensee who has permitted his or her  
5 license to lapse or who has had his or her license on inactive  
6 status may have his or her license restored by making  
7 application to the Department and filing proof acceptable to  
8 the Department of his or her fitness to have the license  
9 restored, including evidence certifying to active practice in  
10 another jurisdiction satisfactory to the Department, proof of  
11 meeting the continuing education requirements for one renewal  
12 period, and by paying the required restoration fee.

13 If the licensee has not maintained an active practice in  
14 another jurisdiction satisfactory to the Department, the  
15 Licensing Board shall determine, by an evaluation program  
16 established by rule, the applicant's fitness to resume active  
17 status and may require the licensee to complete a period of  
18 evaluated clinical experience and may require successful  
19 completion of a practical examination specified by the  
20 Licensing Board.

21 However, any registrant whose license has expired while he  
22 or she has been engaged (a) in Federal Service on active duty  
23 with the Army of the United States, the United States Navy, the  
24 Marine Corps, the Air Force, the Coast Guard, the Public Health  
25 Service or the State Militia called into the service or  
26 training of the United States of America, or (b) in training or

1 education under the supervision of the United States  
2 preliminary to induction into the military service, may have  
3 his or her license reinstated or restored without paying any  
4 lapsed renewal fees, if within 2 years after honorable  
5 termination of such service, training, or education, he or she  
6 furnishes to the Department with satisfactory evidence to the  
7 effect that he or she has been so engaged and that his or her  
8 service, training, or education has been so terminated.

9 (C) Inactive licenses. Any licensee who notifies the  
10 Department, in writing on forms prescribed by the Department,  
11 may elect to place his or her license on an inactive status and  
12 shall, subject to rules of the Department, be excused from  
13 payment of renewal fees until he or she notifies the Department  
14 in writing of his or her desire to resume active status.

15 Any licensee requesting restoration from inactive status  
16 shall be required to pay the current renewal fee, provide proof  
17 of meeting the continuing education requirements for the period  
18 of time the license is inactive not to exceed one renewal  
19 period, and shall be required to restore his or her license as  
20 provided in subsection (B).

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

23 (D) Disposition of monies collected. All monies collected  
24 under this Act by the Department shall be deposited in the  
25 Illinois State Medical Disciplinary Fund in the State Treasury,  
26 and used only for the following purposes: (a) by the

1 Disciplinary Board and Licensing Board in the exercise of its  
2 powers and performance of its duties, as such use is made by  
3 the Department with full consideration of all recommendations  
4 of the Disciplinary Board and Licensing Board, (b) for costs  
5 directly related to persons licensed under this Act, and (c)  
6 for direct and allocable indirect costs related to the public  
7 purposes of the Department.

8 Moneys in the Fund may be transferred to the Professions  
9 Indirect Cost Fund as authorized under Section 2105-300 of the  
10 Department of Professional Regulation Law (20 ILCS  
11 2105/2105-300).

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

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

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

1           (2) The fee for a license under Section 9 of this Act  
2 is \$300.

3           (3) The fee for a license under Section 19 of this Act  
4 is \$300.

5           (4) The fee for the renewal of a license for a resident  
6 of Illinois shall be calculated at the rate of \$167 ~~\$100~~  
7 per year, except for licensees who were issued a license  
8 within 12 months of the expiration date of the license, the  
9 fee for the renewal shall be \$167 ~~\$100~~. The fee for the  
10 renewal of a license for a nonresident shall be calculated  
11 at the rate of \$334 ~~\$200~~ per year, except for licensees who  
12 were issued a license within 12 months of the expiration  
13 date of the license, the fee for the renewal shall be \$334  
14 ~~\$200~~.

15           (5) The fee for the restoration of a license other than  
16 from inactive status, is \$100. In addition, payment of all  
17 lapsed renewal fees not to exceed \$600 is required.

18           (6) The fee for a 3-year temporary license under  
19 Section 17 is \$100.

20           (7) The fee for the issuance of a duplicate license,  
21 for the issuance of a replacement license for a license  
22 which has been lost or destroyed, or for the issuance of a  
23 license with a change of name or address other than during  
24 the renewal period is \$20. No fee is required for name and  
25 address changes on Department records when no duplicate  
26 license is issued.



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

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

7           (10) The fee to be paid by a licensee for a wall  
8           certificate showing his or her license shall be the actual  
9           cost of producing the certificate as determined by the  
10          Department.

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

14          (F) Any person who delivers a check or other payment to the  
15          Department that is returned to the Department unpaid by the  
16          financial institution upon which it is drawn shall pay to the  
17          Department, in addition to the amount already owed to the  
18          Department, a fine of \$50. The fines imposed by this Section  
19          are in addition to any other discipline provided under this Act  
20          for unlicensed practice or practice on a nonrenewed license.  
21          The Department shall notify the person that payment of fees and  
22          fines shall be paid to the Department by certified check or  
23          money order within 30 calendar days of the notification. If,  
24          after the expiration of 30 days from the date of the  
25          notification, the person has failed to submit the necessary  
26          remittance, the Department shall automatically terminate the

1 license or certificate or deny the application, without  
2 hearing. If, after termination or denial, the person seeks a  
3 license or certificate, he or she shall apply to the Department  
4 for restoration or issuance of the license or certificate and  
5 pay all fees and fines due to the Department. The Department  
6 may establish a fee for the processing of an application for  
7 restoration of a license or certificate to pay all expenses of  
8 processing this application. The Secretary may waive the fines  
9 due under this Section in individual cases where the Secretary  
10 finds that the fines would be unreasonable or unnecessarily  
11 burdensome.

12 (Source: P.A. 97-622, eff. 11-23-11.)

13 Section 25. The Physician Assistant Practice Act of 1987 is  
14 amended by changing Section 14.1 as follows:

15 (225 ILCS 95/14.1)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 14.1. Fees.

18 (a) Fees collected for the administration of this Act shall  
19 be set by the Department by rule . All fees are not refundable.

20 (b) (Blank) .

21 (c) All moneys collected under this Act by the Department  
22 shall be deposited in the Illinois State Medical Disciplinary  
23 Fund in the State Treasury and used (1) in the exercise of its  
24 powers and performance of its duties under this Act, as such

1 use is made by the Department; (2) for costs directly related  
2 to license renewal of persons licensed under this Act; and (3)  
3 for costs related to the public purposes of the Department.

4 All earnings received from investment of moneys in the  
5 Illinois State Medical Disciplinary Fund shall be deposited  
6 into the Illinois State Medical Disciplinary Fund and shall be  
7 used for the same purposes as fees deposited in the Fund.

8 (d) Moneys in the Illinois State Medical Disciplinary Fund  
9 are not subject to sweeps or administrative charges or  
10 chargebacks.

11 (Source: P.A. 95-703, eff. 12-31-07.)

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