

AN ACT concerning the practice of medicine.

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

Section 5. The Medical Practice Act of 1987 is amended
by changing Section 7 as follows:

(225 ILCS 60/7) (from Ch. 111, par. 4400-7)

(Section scheduled to be repealed on January 1, 2007)

Sec. 7. Medical Disciplinary Board.

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

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

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

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

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

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

(D) (Blank).

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

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

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

(G) The Director shall select a Chief Medical Coordinator and a Deputy Medical Coordinator who shall not be members of the Disciplinary Board. Each medical coordinator shall be a physician licensed to practice medicine in all of its branches, and the Director shall set their rates of compensation. The Director shall assign one medical coordinator to a region composed of Cook County and such other counties as the Director may deem appropriate, and such medical coordinator shall locate their office in Chicago. The Director shall assign the remaining medical coordinator to a region composed of the balance of counties in the State, and such medical coordinator shall locate their office in Springfield. Each medical coordinator shall be the chief enforcement officer of this Act in their assigned region and shall serve at the will of the Disciplinary Board.

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

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

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

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

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

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

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