**Section 1360.86 Mandatory Reporting of Impaired Podiatric Physicians by Health Care Institutions**

a) Entities Required to Report

Section 26 of the Act requires that the chief administrator or executive officer of any health care institution licensed by the Department of Public Health report to the Board concerning impaired persons. All instances in which a person licensed under the Podiatric Medical Practice Act of 1987 is impaired by reason of age, drug or alcohol abuse or physical or mental impairment, is under supervision, and where appropriate, is in a program of rehabilitation, must be reported to the Board. The reports, as described in subsection (f), must contain sufficient current information to enable the Board to evaluate the impairment and determine the appropriateness of the supervision of the program of rehabilitation. If the Board finds the supervision or treatment plan submitted by the institution is not sufficient to meet the needs of the individual, the Board may direct the facility to work with Division staff to revise the plan or treatment to meet the specific objections. Reports must be filed with the Board by the following entities:

1) The president or chief executive officer of any association or society of podiatric physicians licensed under the Act and operating within this State shall report to the Board when the association or society renders a final determination relating to the professional competence or conduct of the podiatric physician.

2) Every insurance company that offers policies of professional liability insurance to persons licensed under the Act, or any other entity that seeks to indemnify the professional liability of a podiatric physician licensed under the Act, shall report to the Board the settlement of any claim or cause of action, or final judgment rendered in any cause of action, that alleged negligence in the furnishing of medical care by a person licensed under the Act when a settlement or final judgment is in favor of the plaintiff.

3) The State's Attorney of each county shall report to the Board all instances in which a person licensed under the Act is convicted or otherwise found guilty of the commission of any felony.

4) All agencies, boards, commissions, departments, or other instrumentalities the State of Illinois shall report to the Board any instance arising in connection with the operations of an agency, including the administration of any law by an agency, in which a podiatric physician licensed under the Act has either committed an act or acts that may be a violation of the Act or that may constitute unprofessional conduct related directly to patient care or that indicates that a podiatric physician licensed under the Act may be mentally or physically disabled in a manner that may endanger patients under that physician's care.

b) Contents of Reports. Reports of impaired persons shall be submitted in writing, on forms provided by the Division, which shall include, but not be limited to, the following information:

1) The name, address, telephone number and title of the person making the report;

2) The name, address, telephone number and type of health care institution where the maker of the report is employed;

3) The name, address, telephone number, and professional license number of the person who is the subject of the report;

4) A means of identification used by the institution of any patient or patients whose treatment is a subject of the report, provided, however, no medical records may be revealed without the written consent of the patient or patients; and further provided that the Board may require disclosure of the name, address and telephone number of any such patient if it deems such information necessary to an evaluation of the impairment or a determination of the appropriateness of the supervision or program of rehabilitation;

5) The nature of the impairment and brief description of the facts that gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report;

6) The terms and conditions of the supervision under which the subject of the report is conducting his/her activities or practice, including the date supervision commenced; the term of the supervision; the name, address and telephone number of the person in charge of the subject's supervision; and a written consent executed by the subject of the report, authorizing the Board, the Division staff or other designated representative of the Board to contact the person in charge of the subject's supervision for information, including written documentation, in order to evaluate the progress of the subject's supervision;

7) If the subject of the report is in a program of rehabilitation, the name, address and telephone number of the program and the name and position of any individual in charge of the program; and

8) Any other information deemed by the reporting person to be of assistance to the Board and the Division staff in evaluating the report, including, but not limited to, the following items: drug screens being used and their status; relapses and actions taken; attendance at work; observations of recovery status and level of cooperation in recovery; other psychopathology; known related physical and mental illnesses; involvement of the family and others in treatment or supervision; and a copy of the aftercare agreement.

c) Reports of impaired persons shall be submitted to the Board in a timely manner. The initial report shall be submitted on forms provided by the Division within 60 days after it is determined that a report is necessary under the Act and this Part. Periodic reports (which evidence written documentation of the progress of suspension or rehabilitation) shall thereafter be submitted to the Board every 6 months, commencing with the time of the filing of the initial report. A copy of each report shall be sent by the person making the report to the impaired person.

d) Confidentiality

1) The contents of any report shall be strictly confidential, except as otherwise provided in this subsection, and exempt from public disclosure, but may be reviewed by:

A) Members of the Board or their designees;

B) The Board's designated attorneys;

C) The Division staff;

D) Administrative personnel assigned to open mail containing reports and to process and distribute said reports to authorized persons, and to communicate with senders of reports; and

E) The person who is the subject of the report, his/her attorney or his/her authorized representative (as evidenced by a written authorization signed by the person who is the subject of the report).

2) The reports may also be handled or processed by other designated persons in a limited manner necessary to implement reports required under this Act by computer, word processing equipment or other mechanical means. The data record shall be limited to the name and address of the originator of the report, the date the initial report was received, the date of the most recent report and the professional license number of the subject of the report.

3) The contents of the confidential reports relating to impaired persons shall not be used or made available in any other administrative proceedings before the Division or any other department of State government; however, violations of the treatment or supervision plan will result in a review of the person's status by the Board or its designees for possible discipline or revision in the treatment or supervision plan. Such reports shall not be disclosed, made available or subject to subpoena or discovery proceedings in any civil or criminal court proceedings.

e) Upon a determination by the Board that a report on an impaired person no longer requires review and consideration, the Board shall notify the maker of the report to cease sending such reports and the Board and Division records shall be purged of information contained in the report. Such determinations shall be based on, but not be limited to: the type of impairment, type of rehabilitation program, length of supervision, occurrence of any relapses and present status of license.

f) When any chief administrative or chief executive officer of any health care institution making a report or providing other information to the Board, or assisting the Board concerning an impaired person, acts in good faith and not in a willful and wanton manner, said chief administrative or chief executive officer and the health care institution employing him/her shall not, as a result of such actions, be subject to criminal prosecution or civil damages (Section 23(c) of the Act).

g) The following definitions shall apply to this Section:

1) "Impaired" means the inability to practice podiatric medicine with reasonable skill and safety due to physical or mental disabilities, as evidenced by a written evaluation or clinical evidence that reveals a deterioration of the podiatric physician's ability to deliver competent care due to problems related to aging, loss of motor skill, abuse of drugs or alcohol or mental illness.

2) "Under supervision" means that the performance of the impaired person's clinical privileges and status of the person's impairment is being observed and monitored under the authority of a written directive issued in accordance with a health care institution's or medical staff's bylaws or rules and regulations.

(Source: Amended at 30 Ill. Reg. 4704, effective March 1, 2006)