



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by David Luechtefeld, Frank C. Watson,  
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**SYNOPSIS AS INTRODUCED:**

210 ILCS 45/2-211.1 new	
210 ILCS 85/10.9 new	
225 ILCS 60/7	from Ch. 111, par. 4400-7
225 ILCS 60/37.1 new	
225 ILCS 60/40	from Ch. 111, par. 4400-40

Amends the Medical Practice Act of 1987. In provisions concerning the Illinois State Medical Disciplinary Board, adds 3 public members and makes related changes, removes language allowing the Director of Professional Regulation to determine the per diem stipend for ex-officio members, and requires the Director to employ not less than one full-time investigator for every 1,000 (rather than 5,000) physicians licensed in this State. Provides that the list of names of persons disciplined under the Act, the process for filing complaints against physicians, and the process of disciplinary action under the Act be available on the Department of Regulation's website. Amends the Medical Practice Act of 1987, the Nursing Home Care Act, and the Hospital Licensing Act to require that licensees under those Acts provide information to their patients or residents regarding the process of filing complaints against physicians and the process for disciplinary action under the Medical Practice Act of 1987. Effective immediately.

LRB093 21022 AMC 47035 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning professional regulation.

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

4 Section 5. The Nursing Home Care Act is amended by adding  
5 Section 2-211.1 as follows:

6 (210 ILCS 45/2-211.1 new)

7 Sec. 2-211.1. Disclosure to residents. Each facility  
8 licensed under this Act must provide information to its  
9 residents regarding the process of filing complaints against  
10 physicians and the process for disciplinary action under the  
11 Medical Practice Act of 1987.

12 Section 10. The Hospital Licensing Act is amended by adding  
13 Section 10.9 as follows:

14 (210 ILCS 85/10.9 new)

15 Sec. 10.9. Disclosure to patients. Each hospital licensed  
16 under this Act must provide information to its patients  
17 regarding the process of filing complaints against physicians  
18 and the process for disciplinary action under the Medical  
19 Practice Act of 1987.

20 Section 15. The Medical Practice Act of 1987 is amended by  
21 changing Sections 7 and 40 and by adding Section 37.1 as  
22 follows:

23 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)

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

25 Sec. 7. Medical Disciplinary Board.

26 (A) There is hereby created the Illinois State Medical  
27 Disciplinary Board (hereinafter referred to as the  
28 "Disciplinary Board"). The Disciplinary Board shall consist of

1 12 ~~9~~ members, to be appointed by the Governor by and with the  
2 advice and consent of the Senate. All shall be residents of the  
3 State, not more than 7 ~~5~~ of whom shall be members of the same  
4 political party. Five members shall be physicians licensed to  
5 practice medicine in all of its branches in Illinois possessing  
6 the degree of doctor of medicine. Five ~~Two~~ shall be members of  
7 the public, who shall not be engaged in any way, directly or  
8 indirectly, as providers of health care. The 5 ~~2~~ public members  
9 shall act as voting members. One member shall be a physician  
10 licensed to practice in Illinois possessing the degree of  
11 doctor of osteopathy or osteopathic medicine. One member shall  
12 be a physician licensed to practice in Illinois and possessing  
13 the degree of doctor of chiropractic.

14 (B) Members of the Disciplinary Board shall be appointed  
15 for terms of 4 years. Upon the expiration of the term of any  
16 member, their successor shall be appointed for a term of 4  
17 years by the Governor by and with the advice and consent of the  
18 Senate. The Governor shall fill any vacancy for the remainder  
19 of the unexpired term by and with the advice and consent of the  
20 Senate. Upon recommendation of the Board, any member of the  
21 Disciplinary Board may be removed by the Governor for  
22 misfeasance, malfeasance, or wilful neglect of duty, after  
23 notice, and a public hearing, unless such notice and hearing  
24 shall be expressly waived in writing. Each member shall serve  
25 on the Disciplinary Board until their successor is appointed  
26 and qualified. No member of the Disciplinary Board shall serve  
27 more than 2 consecutive 4 year terms.

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

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

36 (C) The Disciplinary Board shall annually elect one of its

1 voting members as chairperson and one as vice chairperson. No  
2 officer shall be elected more than twice in succession to the  
3 same office. Each officer shall serve until their successor has  
4 been elected and qualified.

5 (D) (Blank).

6 (E) Seven ~~Four~~ voting members of the Disciplinary Board  
7 shall constitute a quorum. A vacancy in the membership of the  
8 Disciplinary Board shall not impair the right of a quorum to  
9 exercise all the rights and perform all the duties of the  
10 Disciplinary Board. Any action taken by the Disciplinary Board  
11 under this Act may be authorized by resolution at any regular  
12 or special meeting and each such resolution shall take effect  
13 immediately. The Disciplinary Board shall meet at least  
14 quarterly. The Disciplinary Board is empowered to adopt all  
15 rules and regulations necessary and incident to the powers  
16 granted to it under this Act.

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

24 (G) The Director shall select a Chief Medical Coordinator  
25 and a Deputy Medical Coordinator who shall not be members of  
26 the Disciplinary Board. Each medical coordinator shall be a  
27 physician licensed to practice medicine in all of its branches,  
28 and the Director shall set their rates of compensation. The  
29 Director shall assign one medical coordinator to a region  
30 composed of Cook County and such other counties as the Director  
31 may deem appropriate, and such medical coordinator shall locate  
32 their office in Chicago. The Director shall assign the  
33 remaining medical coordinator to a region composed of the  
34 balance of counties in the State, and such medical coordinator  
35 shall locate their office in Springfield. Each medical  
36 coordinator shall be the chief enforcement officer of this Act

1 in their assigned region and shall serve at the will of the  
2 Disciplinary Board.

3 The Director shall employ, in conformity with the Personnel  
4 Code, not less than one full time investigator for every 1,000  
5 ~~5000~~ physicians licensed in the State. Each investigator shall  
6 be a college graduate with at least 2 years' investigative  
7 experience or one year advanced medical education. Upon the  
8 written request of the Disciplinary Board, the Director shall  
9 employ, in conformity with the Personnel Code, such other  
10 professional, technical, investigative, and clerical help,  
11 either on a full or part-time basis as the Disciplinary Board  
12 deems necessary for the proper performance of its duties.

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

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

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

1 (Source: P.A. 93-138, eff. 7-10-03.)

2 (225 ILCS 60/37.1 new)

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

4 Sec. 37.1. Disclosure to patients. Each physician licensed  
5 under this Act must provide information to his or her patients  
6 regarding the process of filing complaints against physicians  
7 and the process for disciplinary action under this Act. The  
8 Department must make this information available on its website.

9 (225 ILCS 60/40) (from Ch. 111, par. 4400-40)

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

11 Sec. 40. The Disciplinary Board shall present to the  
12 Director a written report of its findings and recommendations.  
13 A copy of such report shall be served upon the accused person,  
14 either personally or by registered or certified mail. Within 20  
15 days after such service, the accused person may present to the  
16 Department their motion, in writing, for a rehearing, which  
17 written motion shall specify the particular ground therefor. If  
18 the accused person orders and pays for a transcript of the  
19 record as provided in Section 39, the time elapsing thereafter  
20 and before such transcript is ready for delivery to them shall  
21 not be counted as part of such 20 days.

22 At the expiration of the time allowed for filing a motion  
23 for rehearing, the Director may take the action recommended by  
24 the Disciplinary Board. Upon the suspension, revocation,  
25 placement on probationary status, or the taking of any other  
26 disciplinary action, including the limiting of the scope,  
27 nature, or extent of one's practice, deemed proper by the  
28 Department, with regard to the license, certificate or visiting  
29 professor permit, the accused shall surrender their license to  
30 the Department, if ordered to do so by the Department, and upon  
31 their failure or refusal so to do, the Department may seize the  
32 same.

33 Each certificate of order of revocation, suspension, or  
34 other disciplinary action shall contain a brief, concise

1 statement of the ground or grounds upon which the Department's  
2 action is based, as well as the specific terms and conditions  
3 of such action. This document shall be retained as a permanent  
4 record by the Disciplinary Board and the Director.

5 The Department shall at least annually publish a list of  
6 the names of all persons disciplined under this Act in the  
7 preceding 12 months. Such lists shall be available to the  
8 public on the Department's website and be mailed by the  
9 Department to any person in the State upon request.

10 In those instances where an order of revocation,  
11 suspension, or other disciplinary action has been rendered by  
12 virtue of a physician's physical illness, including, but not  
13 limited to, deterioration through the aging process, or loss of  
14 motor skill which results in a physician's inability to  
15 practice medicine with reasonable judgment, skill, or safety,  
16 the Department shall only permit this document, and the record  
17 of the hearing incident thereto, to be observed, inspected,  
18 viewed, or copied pursuant to court order.

19 (Source: P.A. 85-4.)

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