



Rep. William D. Burns

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09700HB1271ham003

LRB097 06105 CEL 53759 a

1 AMENDMENT TO HOUSE BILL 1271

2 AMENDMENT NO. _____. Amend House Bill 1271 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 adding 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

1 felony; or (4) is required as a part of a criminal sentence to
2 register under the Sex Offender Registration Act, then,
3 notwithstanding any other provision of law to the contrary, the
4 license of the health care worker shall by operation of law be
5 permanently revoked without a hearing.

6 (b) No person who has been convicted of any offense listed
7 in subsection (a) or required to register as a sex offender may
8 receive a license as a health care worker in Illinois.

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

1 to all of the health care worker's patients explaining the
2 Department's order to use a chaperone. Each patient shall sign
3 an acknowledgement that they received the notice. The notice to
4 the patient of criminal charges shall include, in 14-point
5 font, the following statement: "The health care worker is
6 presumed innocent until proven guilty of the charges.". The
7 licensed health care worker shall provide a written plan of
8 compliance with the administrative order that is acceptable to
9 the Department within 5 days after receipt of the
10 administrative order. Failure to comply with the
11 administrative order, failure to file a compliance plan, or
12 failure to follow the compliance plan shall subject the health
13 care worker to temporary suspension of his or her professional
14 license until the completion of the criminal proceedings.

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

1 jurisdiction pursuant to an official request made by that
2 authority. Any information and documents disclosed to a
3 federal, State, or local law enforcement agency may be used by
4 that agency only for the investigation and prosecution of a
5 criminal offense. Any information or documents disclosed by the
6 Department to a professional licensing authority of another
7 state or jurisdiction may only be used by that authority for
8 investigations and disciplinary proceedings with regards to a
9 professional license.

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

23 (f) Nothing contained in this Section shall prohibit the
24 Department from initiating or maintaining a disciplinary
25 action against a licensee independent from any criminal
26 charges, conviction, or sex offender registration.

1 (g) The Department may adopt rules necessary to implement
2 this Section.

3 Section 99. Effective date. This Act takes effect 30 days
4 after becoming law.".