

HB3661



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3661

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

225 ILCS 60/9
225 ILCS 60/21

from Ch. 111, par. 4400-9
from Ch. 111, par. 4400-21

Amends the Medical Practice Act of 1987. Requires that physicians submit documents from the Federation Credentials Verification Service while applying for licensure or renewal of licenses under the Act. Effective immediately.

LRB098 12938 MGM 47444 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Medical Practice Act of 1987 is amended by
5 changing Sections 9 and 21 as follows:

6 (225 ILCS 60/9) (from Ch. 111, par. 4400-9)

7 (Section scheduled to be repealed on December 31, 2013)

8 Sec. 9. Application for license. Each applicant for a
9 license shall:

10 (A) Make application on blank forms prepared and
11 furnished by the Department.

12 (B) Submit evidence satisfactory to the Department
13 that the applicant:

14 (1) is of good moral character. In determining
15 moral character under this Section, the Department may
16 take into consideration whether the applicant has
17 engaged in conduct or activities which would
18 constitute grounds for discipline under this Act. The
19 Department may also request the applicant to submit,
20 and may consider as evidence of moral character,
21 endorsements from 2 or 3 individuals licensed under
22 this Act;

23 (2) has the preliminary and professional education

1 required by this Act;

2 (3) (blank); and

3 (4) is physically, mentally, and professionally
4 capable of practicing medicine with reasonable
5 judgment, skill, and safety. In determining physical,
6 mental and professional capacity under this Section,
7 the Licensing Board may, upon a showing of a possible
8 incapacity or conduct or activities that would
9 constitute grounds for discipline under this Act,
10 compel any applicant to submit to a mental or physical
11 examination and evaluation, or both, as provided for in
12 Section 22 of this Act. The Licensing Board may
13 condition or restrict any license, subject to the same
14 terms and conditions as are provided for the
15 Disciplinary Board under Section 22 of this Act. Any
16 such condition of a restricted license shall provide
17 that the Chief Medical Coordinator or Deputy Medical
18 Coordinator shall have the authority to review the
19 subject physician's compliance with such conditions or
20 restrictions, including, where appropriate, the
21 physician's record of treatment and counseling
22 regarding the impairment, to the extent permitted by
23 applicable federal statutes and regulations
24 safeguarding the confidentiality of medical records of
25 patients.

26 In determining professional capacity under this

1 Section, an individual may be required to complete such
2 additional testing, training, or remedial education as the
3 Licensing Board may deem necessary in order to establish
4 the applicant's present capacity to practice medicine with
5 reasonable judgment, skill, and safety. The Licensing
6 Board may consider the following criteria, as they relate
7 to an applicant, as part of its determination of
8 professional capacity:

9 (1) Medical research in an established research
10 facility, hospital, college or university, or private
11 corporation.

12 (2) Specialized training or education.

13 (3) Publication of original work in learned,
14 medical, or scientific journals.

15 (4) Participation in federal, State, local, or
16 international public health programs or organizations.

17 (5) Professional service in a federal veterans or
18 military institution.

19 (6) Any other professional activities deemed to
20 maintain and enhance the clinical capabilities of the
21 applicant.

22 Any applicant applying for a license to practice
23 medicine in all of its branches or for a license as a
24 chiropractic physician who has not been engaged in the
25 active practice of medicine or has not been enrolled in a
26 medical program for 2 years prior to application must

1 submit proof of professional capacity to the Licensing
2 Board.

3 Any applicant applying for a temporary license that has
4 not been engaged in the active practice of medicine or has
5 not been enrolled in a medical program for longer than 5
6 years prior to application must submit proof of
7 professional capacity to the Licensing Board.

8 (C) Designate specifically the name, location, and
9 kind of professional school, college, or institution of
10 which the applicant is a graduate and the category under
11 which the applicant seeks, and will undertake, to practice.

12 (D) Pay to the Department at the time of application
13 the required fees.

14 (E) Pursuant to Department rules, as required, pass an
15 examination authorized by the Department to determine the
16 applicant's fitness to receive a license.

17 (E-5) Pursuant to Department rules, complete
18 credential verification through the Federation Credentials
19 Verification Service and submit the verification to the
20 Department.

21 (F) Complete the application process within 3 years
22 from the date of application. If the process has not been
23 completed within 3 years, the application shall expire,
24 application fees shall be forfeited, and the applicant must
25 reapply and meet the requirements in effect at the time of
26 reapplication.

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

2 (225 ILCS 60/21) (from Ch. 111, par. 4400-21)

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

4 Sec. 21. License renewal; restoration; inactive status;
5 disposition and collection of fees.

6 (A) Renewal. The expiration date and renewal period for
7 each license issued under this Act shall be set by rule. The
8 holder of a license may renew the license by paying the
9 required fee and providing continued credential verification
10 through the Federation Credentials Verification Service, as
11 required by Department rule. The holder of a license may also
12 renew the license within 90 days after its expiration by
13 complying with the requirements for renewal and payment of an
14 additional fee. A license renewal within 90 days after
15 expiration shall be effective retroactively to the expiration
16 date.

17 The Department shall mail to each licensee under this Act,
18 at his or her address of record, at least 60 days in advance of
19 the expiration date of his or her license, a renewal notice. No
20 such license shall be deemed to have lapsed until 90 days after
21 the expiration date and after such notice has been mailed by
22 the Department as herein provided.

23 (B) Restoration. Any licensee who has permitted his or her
24 license to lapse or who has had his or her license on inactive
25 status may have his or her license restored by making

1 application to the Department and filing proof acceptable to
2 the Department of his or her fitness to have the license
3 restored, including evidence certifying to active practice in
4 another jurisdiction satisfactory to the Department, proof of
5 meeting the continuing education requirements for one renewal
6 period, and by paying the required restoration fee.

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

15 However, any registrant whose license has expired while he
16 or she has been engaged (a) in Federal Service on active duty
17 with the Army of the United States, the United States Navy, the
18 Marine Corps, the Air Force, the Coast Guard, the Public Health
19 Service or the State Militia called into the service or
20 training of the United States of America, or (b) in training or
21 education under the supervision of the United States
22 preliminary to induction into the military service, may have
23 his or her license reinstated or restored without paying any
24 lapsed renewal fees, if within 2 years after honorable
25 termination of such service, training, or education, he or she
26 furnishes to the Department with satisfactory evidence to the

1 effect that he or she has been so engaged and that his or her
2 service, training, or education has been so terminated.

3 (C) Inactive licenses. Any licensee who notifies the
4 Department, in writing on forms prescribed by the Department,
5 may elect to place his or her license on an inactive status and
6 shall, subject to rules of the Department, be excused from
7 payment of renewal fees until he or she notifies the Department
8 in writing of his or her desire to resume active status.

9 Any licensee requesting restoration from inactive status
10 shall be required to pay the current renewal fee, provide proof
11 of meeting the continuing education requirements for the period
12 of time the license is inactive not to exceed one renewal
13 period, and shall be required to restore his or her license as
14 provided in subsection (B).

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

17 (D) Disposition of monies collected. All monies collected
18 under this Act by the Department shall be deposited in the
19 Illinois State Medical Disciplinary Fund in the State Treasury,
20 and used only for the following purposes: (a) by the
21 Disciplinary Board and Licensing Board in the exercise of its
22 powers and performance of its duties, as such use is made by
23 the Department with full consideration of all recommendations
24 of the Disciplinary Board and Licensing Board, (b) for costs
25 directly related to persons licensed under this Act, and (c)
26 for direct and allocable indirect costs related to the public

1 purposes of the Department.

2 Moneys in the Fund may be transferred to the Professions
3 Indirect Cost Fund as authorized under Section 2105-300 of the
4 Department of Professional Regulation Law (20 ILCS
5 2105/2105-300).

6 The State Comptroller shall order and the State Treasurer
7 shall transfer an amount equal to \$1,100,000 from the Illinois
8 State Medical Disciplinary Fund to the Local Government Tax
9 Fund on each of the following dates: July 1, 2014, October 1,
10 2014, January 1, 2015, July 1, 2017, October 1, 2017, and
11 January 1, 2018. These transfers shall constitute repayment of
12 the \$6,600,000 transfer made under Section 6z-18 of the State
13 Finance Act.

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

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

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

1 testing service, shall result in the forfeiture of the
2 examination fee.

3 (2) Before July 1, 2018, the fee for a license under
4 Section 9 of this Act is \$700. Beginning on July 1, 2018,
5 the fee for a license under Section 9 of this Act is \$500.

6 (3) Before July 1, 2018, the fee for a license under
7 Section 19 of this Act is \$700. Beginning on July 1, 2018,
8 the fee for a license under Section 19 of this Act is \$500.

9 (4) Before July 1, 2018, the fee for the renewal of a
10 license for a resident of Illinois shall be calculated at
11 the rate of \$230 per year, and beginning on July 1, 2018,
12 the fee for the renewal of a license shall be \$167, except
13 for licensees who were issued a license within 12 months of
14 the expiration date of the license, before July 1, 2018,
15 the fee for the renewal shall be \$230, and beginning on
16 July 1, 2018 that fee will be \$167. Before July 1, 2018,
17 the fee for the renewal of a license for a nonresident
18 shall be calculated at the rate of \$460 per year, and
19 beginning on July 1, 2018, the fee for the renewal of a
20 license for a nonresident shall be \$250, except for
21 licensees who were issued a license within 12 months of the
22 expiration date of the license, before July 1, 2018, the
23 fee for the renewal shall be \$460, and beginning on July 1,
24 2018 that fee will be \$250.

25 (5) The fee for the restoration of a license other than
26 from inactive status, is \$230. In addition, payment of all

1 lapsed renewal fees not to exceed \$1,400 is required.

2 (6) The fee for a 3-year temporary license under
3 Section 17 is \$230.

4 (7) The fee for the issuance of a duplicate license,
5 for the issuance of a replacement license for a license
6 which has been lost or destroyed, or for the issuance of a
7 license with a change of name or address other than during
8 the renewal period is \$20. No fee is required for name and
9 address changes on Department records when no duplicate
10 license is issued.

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

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

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

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

24 (F) Any person who delivers a check or other payment to the
25 Department that is returned to the Department unpaid by the
26 financial institution upon which it is drawn shall pay to the

1 Department, in addition to the amount already owed to the
2 Department, a fine of \$50. The fines imposed by this Section
3 are in addition to any other discipline provided under this Act
4 for unlicensed practice or practice on a nonrenewed license.
5 The Department shall notify the person that payment of fees and
6 fines shall be paid to the Department by certified check or
7 money order within 30 calendar days of the notification. If,
8 after the expiration of 30 days from the date of the
9 notification, the person has failed to submit the necessary
10 remittance, the Department shall automatically terminate the
11 license or certificate or deny the application, without
12 hearing. If, after termination or denial, the person seeks a
13 license or certificate, he or she shall apply to the Department
14 for restoration or issuance of the license or certificate and
15 pay all fees and fines due to the Department. The Department
16 may establish a fee for the processing of an application for
17 restoration of a license or certificate to pay all expenses of
18 processing this application. The Secretary may waive the fines
19 due under this Section in individual cases where the Secretary
20 finds that the fines would be unreasonable or unnecessarily
21 burdensome.

22 (Source: P.A. 97-622, eff. 11-23-11; 98-3, eff. 3-8-13.)

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