

AN ACT concerning regulation.

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

Section 1. Short title. This Act may be cited as the Patients' Right to Know Act.

Section 5. Definitions. For purposes of this Act, the following definitions shall have the following meanings, except where the context requires otherwise:

"Department" means the Department of Financial and Professional Regulation.

"Disciplinary Board" means the Medical Disciplinary Board.

"Physician" means a person licensed under the Medical Practice Act to practice medicine in all of its branches or a chiropractic physician licensed to treat human ailments without the use of drugs and without operative surgery.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

Section 10. Physician profiles. The Department shall make available to the public a profile of each physician. The Department shall make this information available through an Internet web site and, if requested, in writing. The physician profile shall contain the following information:

(1) the full name of the physician;

(2) a description of any criminal convictions for felonies and Class A misdemeanors, as determined by the Department, within the most recent 5 years. For the purposes of this Section, a person shall be deemed to be convicted of a crime if he or she pleaded guilty or if he was found or adjudged guilty by a court of competent jurisdiction;

(3) a description of any final Department disciplinary actions within the most recent 5 years;

(4) a description of any final disciplinary actions by licensing boards in other states within the most recent 5 years;

(5) a description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that have been taken by the hospital's governing body or any other official of the hospital after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent 5 years shall be disclosed by the Department to the public;

(6) all medical malpractice court judgments and all medical malpractice arbitration awards in which a payment

was awarded to a complaining party during the most recent 5 years and all settlements of medical malpractice claims in which a payment was made to a complaining party within the most recent 5 years. A medical malpractice judgment or award that has been appealed shall be identified prominently as "Under Appeal" on the profile within 20 days of formal written notice to the Department. Information concerning all settlements shall be accompanied by the following statement: "Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred." Nothing in this subdivision (6) shall be construed to limit or prevent the Disciplinary Board from providing further explanatory information regarding the significance of categories in which settlements are reported. Pending malpractice claims shall not be disclosed by the Department to the public. Nothing in this subdivision (6) shall be construed to prevent the Disciplinary Board from investigating and the Department from disciplining a physician on the basis of medical malpractice claims that are pending;

(7) names of medical schools attended, dates of attendance, and date of graduation;

- (8) graduate medical education;
- (9) specialty board certification. The toll-free number of the American Board of Medical Specialties shall be included to verify current board certification status;
- (10) number of years in practice and locations;
- (11) names of the hospitals where the physician has privileges;
- (12) appointments to medical school faculties and indication as to whether a physician has a responsibility for graduate medical education within the most recent 5 years;
- (13) information regarding publications in peer-reviewed medical literature within the most recent 5 years;
- (14) information regarding professional or community service activities and awards;
- (15) the location of the physician's primary practice setting;
- (16) identification of any translating services that may be available at the physician's primary practice location; and
- (17) an indication of whether the physician participates in the Medicaid program.

Section 15. Publication of physician's profiles. The Disciplinary Board shall provide individual physicians with a

copy of their profiles prior to release to the public. A physician shall be provided 60 days to correct factual inaccuracies that appear in such profile.

Section 20. Exclusion of information from physician's profiles. A physician may elect to have his or her profile omit certain information provided pursuant to subdivisions (12) through (14) of Section 10 of this Act concerning academic appointments and teaching responsibilities, publication in peer-reviewed journals and professional and community service awards. In collecting information for such profiles and in disseminating the same, the Disciplinary Board shall inform physicians that they may choose not to provide such information required pursuant to subdivisions (12) through (14) of Section 10 of this Act.

Section 25. Rules. The Department shall promulgate such rules as it deems necessary to accomplish the requirements of this Act, including, but not limited to, rules requiring physicians to submit the necessary information that shall be published under this Act.

Section 30. Penalties. Failure to comply with this Act may be grounds for disciplinary action as provided in the Medical Practice Act of 1987.

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HB0105 Enrolled

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(225 ILCS 60/24.1 rep.)

Section 900. The Medical Practice Act of 1987 is amended by repealing Section 24.1.

Section 999. Effective date. This Act takes effect upon becoming law.