

**Updated Listing of
IRS Priority Proposals Before the Legislature
May 2011**

The State budget and negotiations over redistricting have had a great amount of focus over the last several weeks at the Capitol. Additionally, several controversial votes on issues such as medical marijuana and concealed carry licensure, have occurred within the last week. While neither garnered sufficient votes to pass, some (specifically concealed carry) may come back for an additional “bite at the apple” as it was put on postponed consideration with only a slim margin of defeat.

Medical Practice Act Licensure

- **HB 214 (Reitz-D)** **MEDICAL PRACT ACT-SUNSET-REEXAM** **MONITOR**
Bill Status: *Re-referred to Rules Committee / Failure to Pass by Deadline*

Amends the Regulatory Sunset Act. Extends the repeal date of the Medical Practice Act from November 30, 2011 to January 1, 2021. Also includes revisory changes. Amends the Medical Practice Act to provide that in determining what action to take or whether to proceed with prosecution of a complaint, the Complaint Committee shall consider any recommendation made by the Department. Sets forth criteria that the Licensing Board may consider in making a determination of professional capacity, and makes other changes concerning professional capacity. Makes a change concerning a visiting professor permit. Changes references from "licensure without examination" to "licensure by endorsement". Makes a change concerning requiring an examination. Adds specific requirements for mental and physical examinations required by the Licensing Board or Disciplinary Board, and authorizes a substance abuse or sexual offender evaluation. Changes the reporting requirements for State's Attorneys. Allows the disclosure of certain confidential information to a medical licensing authority of another state or jurisdiction in certain instances. Repeals a Section concerning the practice of medicine by persons licensed in any other state who have applied for a license to practice medicine in this State. Makes other changes. Also reenacts certain provisions of Public Act 94-677, which was declared to be unconstitutional; includes explanatory and validation provisions. Effective immediately.

- **SB 1388 (Frerichs-D)** **MED PRACTICE ACT-SUNSET EXAM REENACT** **MONITOR**
Bill Status: *Re-referred to SENATE Committee / Failure to Pass by Deadline*

Amends the Regulatory Sunset Act. Extends the repeal date of the Medical Practice Act from November 30, 2011 to January 1, 2021. Also includes revisory changes. Amends the Medical Practice Act. Provides that in determining what action to take or whether to proceed with prosecution of a complaint, the Complaint Committee shall consider any recommendation made by the Department. Sets forth criteria that the Licensing Board may consider in making a determination of professional capacity, and makes other changes concerning professional capacity. Makes a change concerning a visiting professor permit. Changes references from "licensure without examination" to "licensure by endorsement". Makes a change concerning requiring an examination. Adds specific requirements for mental and physical examinations required by the Licensing Board or Disciplinary Board, and authorizes a substance abuse or sexual offender evaluation. Changes the reporting requirements for State's Attorneys. Allows the disclosure of certain confidential information to a medical licensing authority of another state or jurisdiction in certain instances. Repeals a Section concerning the practice of medicine by persons licensed in any other state who have applied for a license to practice medicine in this State. Makes other changes. Also reenacts certain provisions of Public Act 94-677, which was declared to be unconstitutional; includes explanatory and validation provisions. Effective immediately.

- **SB 1540 (Martinez-D) MED PRACTICE ACT MONITOR**
Bill Status: Placed on SENATE Calendar Order of 2nd Reading

Amends the Medical Practice Act of 1987 to reenact certain provisions of Public Act 94-677, which was declared to be unconstitutional. Includes explanatory, validation, and severability provisions. Makes certain changes relating to the reenactment. Amends the Regulatory Sunset Act. Extends the repeal date of the Medical Practice Act of 1987 from November 30, 2011 until December 31, 2021. Further amends the Medical Practice Act of 1987. Makes changes in provisions concerning definitions; civil penalties for unlicensed practice; exemptions; the Medical Disciplinary Board; the Complaint Committee; the Medical Licensing Board; matters concerning advanced practice nurses; applications for licenses; criminal background checks; education standards; temporary licenses; visiting professor, physician, or resident permits; licensure without examination; continuing education; license renewal and fees; disciplinary action; reports related to professional conduct and capacity; license suspension; advertising; purchasing and dispensing legend drugs; hearing officers; hearings and notice; disclosure of information; reports of the Disciplinary Board's findings and recommendations; certification of record; prima facie proof; restoration of licenses; authority of the Director and the Department; criminal penalties; and public nuisances. Repeals a Section of the Medical Practice Act of 1987 concerning the practice of medicine by persons licensed in any other state who have applied to the Department for a license to practice medicine in all of its branches. Makes other changes. Effective immediately.

LICENSURE /REGULATORY RELATED

- **HB 220 (Franks-D/Dillard-R) MED PRACT ACT-SEX OFFENDERS MONITOR**
Bill Status: Placed on SENATE Calendar Order of 2nd Reading

This legislation was amended in committee and now amends the Department of Professional Regulation Law. It provides that any licensed health care worker, who has been convicted of committing specified sexual or violent related crimes shall by operation of law be have their license permanently revoked without a hearing. Additionally, no person registered as a sex offender may receive a license as a health care worker in Illinois. Requires that within 15 business days after receiving notice from the State's Attorney of the filing of criminal charges against the health care worker, the Secretary shall issue an administrative order that the health care worker may only practice with a chaperone during all patient encounters pending the outcome of the criminal proceedings. Also added are provisions concerning the confidentiality of certain information and documents. Failure to comply with an administrative order, fails to file a compliance plan, or fails to follow the compliance plan shall subject the health care worker to temporary suspension of his or her professional license until the completion of the criminal proceedings. Changes certain references from "discipline" to "revocation". Makes other changes. Effective immediately.

- **HB 1271 (Burns-D) HEALTH CARE WORKER-SEX CRIME MONITOR**
Bill Status: POSTED for Hearing to SENATE Criminal Law Committee

Amends the Department of Professional Regulation Law to provide that any licensed health care worker, who has been convicted of committing specified sexual or violent criminal acts that requires registration under the Sex Offender Registration Act against a patient in the course of patient care or treatment, then the license of the health care worker shall by operation of law be permanently revoked without a hearing. No person registered as a sex offender may receive a license as a health care worker in Illinois. Requires that

HB 1271 Cont.

within 15 business days after receiving notice from the State's Attorney of the filing of criminal charges against the health care worker, the Secretary shall issue an administrative order that the health care worker may only practice with a chaperone during all patient encounters pending the outcome of the criminal proceedings. Adds provisions concerning the confidentiality of certain information and documents. Effective immediately.

- **HB 1973 (Saviano-R/Crotty-D) DFPR-REMOVE PUBLIC RECORD MONITOR**
Bill Status: Bill Placed on SENATE Calendar Order of 2nd Reading

Amends the Department of Professional Regulation Law to provide that any licensee disciplined under a licensure Act administered by Professional Regulation for an offense relating to the failure to pay taxes, child support, or student loans or relating to continuing education or advertising may file a petition with the Department, along with a required fee of \$200, to have the records of that offense removed from public view on the Department's website if certain conditions are met. Removal of records of a disciplinary offense from the Department's website shall not be considered a vacating or expunging of the offense from the licensee's disciplinary record. Effective immediately.

- **HB 3547 (Flowers-D) MEDICAID – PROVIDER FRAUD MONITOR**
Bill Status: Re-referred to HOUSE Rules Committee / Failure to Pass by Deadline

Amends the Public Assistance Fraud Article of the Illinois Public Aid Code. Provides that providers and suppliers of healthcare services under the State's medical assistance program shall be screened by the Department of Healthcare and Family Services prior to being accepted by the State as service providers. Contains provisions concerning screening measures; payment audits; and mandatory compliance plans.

INSURANCE RELATED

- **SB 72 (Haine-D/Harris-D) INSURANCE CD – NON PARTICIPATING PROVIDERS**
Bill Status: Assigned to HOUSE Executive Committee

Initially this bill amended the Illinois Insurance Code and made changes to the provision concerning disclosure of limited benefits and reimbursement to out of network providers. As amended and as it currently stands, the bill is only a vehicle with no substantive language attached. It is intended that this bill would be used for compromise language that is being sought by the medical community to ameliorate language put into law last year.

WORKERS COMPENSATION

- **HB 1032 (Bradley-D)** **EMPLOYMENT-TECH**
Bill Status: **HELD on HOUSE Calendar Order of 2nd Reading**

As it currently stands, this bill would repeal the Workers' Compensation Act and the Workers' Occupational Diseases Act. It creates the Workers' Compensation and Workers' Occupational Diseases Transfer and Transition Act. The bill would provide that: except as otherwise provided, the provisions of the repealed Acts do not apply to any cause of action based on workplace injuries or diseases accruing on or after January 1, 2012; on January 1, 2012, the Illinois Workers' Compensation Commission is divested of jurisdiction over any action over which it had jurisdiction on December 31, 2011; all actions over which the Commission had jurisdiction on December 31, 2011 are transferred to the Supreme Court for assignment to the circuit courts, which assume jurisdiction over those actions on January 1, 2012, with the exception of cases transferred to the Court of Claims; each such action shall be decided in accordance with the substantive law that was in effect when the cause of action accrued and procedure shall be governed by court rule; and if a cause of action for compensation or treatment accrued before January 1, 2012, an action may be brought in the circuit court within the time limits that were in effect when the cause of action accrued, the action shall be decided in accordance with the substantive law that was in effect when the cause of action accrued, and procedure shall be governed by court rule. Provides for: venue; appeals; records, property, and personnel of the Commission; duties of the Department of Labor as a substituting party and successor agency; abolition of the Commission; temporary orders; funds; insurance; offsets; and other matters. Amends the Department of Central Management Services Law of the Civil Administrative Code, the State Finance Act, the Illinois Insurance Code, and the Court of Claims Act to make various changes concerning workplace injuries and occupational diseases. Effective January 1, 2012.

- **SB 1349 (McCarter-R)** **WORKERS COMPENSATION INITIATIVE**
Bill Status: **Bill LOST in SENATE on 3rd Reading 25-06-28**

Amends the Workers' Compensation Act. Defines "accident" and "injury." Deletes language allowing rebuttable presumptions for an employee employed as a firefighter, emergency medical technician (EMT), or paramedic. Deletes language allowing an employee to secure his own physician, surgeon and hospital services at the employer's expense. Provides that the employer shall choose all necessary medical, surgical and hospital services reasonably required to cure or relieve from the effects of the accidental injury at the employer's expense, except upon a finding by the Commission that the employer's choice of medical care threatens life, health, or recovery, then the employee may choose a second physician, surgeon, and hospital services at the employer's expense. Provides for a waiver of employee privacy for the employer to obtain necessary decision making information. Provides for a wage differential award and that such award shall cease when the employee reaches the full retirement age as defined by the Social Security Administration. Provides for reimbursement of out-of-state procedures, treatments, services, products or supplies. Provides for a new medical fee schedule after January 1, 2012, in accordance with the Medicare payment systems (160%). Moves the utilization review program registration and administration to the Department of Insurance. Makes numerous changes regarding employee intoxication, partial or total disability, implants, employment verification documents, and other changes.
