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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The Department of Financial and Professional Regulation is posting these proposed amendments in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

These proposed amendments were published in the August 30, 2013 Illinois Register. The 45 day comment period will end October 14, 2013.

Please submit written comments to Craig Cellini as stated in the attached notice.

**THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.**

- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1285.70	Amendment
1285.80	Amendment
1285.90	Amendment
1285.91	Amendment
1285.100	Amendment
1285.101	Amendment
- 4) Statutory Authority: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and the Patients' Right to Know Act [225 ILCS 61] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A complete description of the subjects and issues involved: This proposed rulemaking implements a provision of Public Act 97-622, which amended the Medical Practice Act in relation to criminal history and background checks. The Act now states that each applicant for licensure or permit shall have his or her fingerprints submitted to the Department of State Police (ISP) in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the ISP. These fingerprints shall be checked against the ISP and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The ISP shall

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furnish, pursuant to positive identification, records of Illinois convictions to the Department of Financial and Professional Regulation (IDFPR). The verification from ISP will be required for licensure for the practice of medicine.

- 6) Any published studies or reports, along with the sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Craig Cellini, Rules Coordinator  
Department of Financial and Professional Regulation  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786

(217) 785-0813 Fax #: 217/557-4451

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Licensed physicians may be affected.
  - B) Reporting, bookkeeping, or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: Professional skills in the field of medicine will be necessary for compliance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2013.

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The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285  
MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL  
AND RESTORATION PROCEDURE

Section	
1285.20	Six Year Post-Secondary Programs of Medical Education
1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Clinical Training Programs
1285.50	Application for Examination
1285.60	Examinations
1285.70	Application for a License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.91	Visiting Resident Permits
1285.95	Professional Capacity Standards for Applicants Having Graduated More Than 2 Years Prior to Application
1285.100	Visiting Professor Permits
1285.101	Visiting Physician Permits
1285.105	Chiropractic Physician Preceptorship (Repealed)
1285.110	Continuing Medical Education (CME)
1285.120	Renewals
1285.130	Restoration and Inactive Status
1285.140	Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section	
1285.200	Medical Disciplinary Board
1285.205	Complaint Committee
1285.210	The Medical Coordinator
1285.215	Complaint Handling Procedure
1285.220	Informal Conferences
1285.225	Consent Orders
1285.230	Summary Suspension

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1285.235	Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240	Standards
1285.245	Advertising
1285.250	Monitoring of Probation and Other Discipline and Notification
1285.255	Rehabilitation
1285.260	Fines
1285.265	Subpoena Process of Medical and Hospital Records
1285.270	Inspection of Physical Premises
1285.275	Failing to Furnish Information

SUBPART C: GENERAL INFORMATION

Section	
1285.305	Physician Profiles
1285.310	Public Access to Records and Meetings
1285.320	Response to Hospital Inquiries
1285.330	Rules of Evidence
1285.335	Physician Delegation of Authority
1285.336	Use of Lasers
1285.340	Anesthesia Services in an Office Setting

**AUTHORITY:** Implementing the Medical Practice Act of 1987 [225 ILCS 60] and the Patients' Right to Know Act [225 ILCS 61] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

**SOURCE:** Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective April 6, 1998; amended at 22 Ill. Reg. 10580, effective June 1, 1998; amended at 24 Ill. Reg. 3620, effective February 15, 2000; amended at 24 Ill. Reg. 8348, effective June 5, 2000; amended at 26 Ill. Reg. 7243, effective April 26, 2002; amended at 28 Ill. Reg. 5857, effective March 29, 2004; amended at 29 Ill. Reg. 18823, effective November 4, 2005; amended at 31 Ill. Reg. 14069, effective September 24, 2007; amended at 33 Ill. Reg. 4971, effective March 19, 2009; emergency amendment at 35 Ill. Reg. 14564, effective August 12, 2011, for a maximum of

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150 days; amended at 35 Ill. Reg. 19500, effective November 17, 2011; amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1285.70 Application for a License on the Basis of Examination**

- a) Each applicant for a license to practice medicine in all of its branches on the basis of examination must submit to the Division:
  - 1) A fully completed application signed by the applicant, on which all questions have been answered and all programs of medical education attended by the applicant have been identified, including dates of attendance;
  - 2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
  - 3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;
  - 4) Fee as required by Section 21 of the Act;
  - 5) An official transcript and diploma or an official transcript and certification of graduation from the medical education program granting the degree that shall be evidence that the applicant has met the minimum medical education requirements of the Act;
  - 6) Certification on forms provided by the Division that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of current ECFMG certification as set forth in Section 1285.20(k) for those applicants who are applying under Section 11(A)(2)(a) of the Act;

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- 7) Proof of satisfactory completion of an approved program of clinical training in accordance with Section 1285.40;
  - 8) Proof of the successful completion of the examination set forth in Section 1285.60. Scores shall be submitted to the Division directly from the testing entity;
  - 9) A certification from the jurisdiction of original licensure and current licensure stating:
    - A) The date of issuance of the license; and
    - B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
  - 10) Documentation of professional capacity, as set forth in Section 1285.95 ~~of this Part~~, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application; ~~and~~;
  - 11) Verification of fingerprint processing from the Illinois Department of State Police (ISP), an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- b) If an applicant for licensure as a physician to practice medicine in all of its branches has a Profile from the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States, Inc., the applicant will be required to submit the following:
- 1) A Physician Information Profile that includes, but is not limited to, verification of medical education, ECFMG Certification (if applicable), clinical training and complete examination information. The information contained in the applicant's Profile shall be reviewed by the Division in order to determine if the applicant meets the requirements for licensure as set forth in the Act and this Part;

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- 2) A fully completed Illinois medical application, on forms provided by the Division, signed by the applicant, on which all questions have been answered;
- 3) Proof that the applicant is of good moral character. Proof shall be an indication on the Illinois application that the applicant has not engaged in any conduct or activity that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as set out in Section 9(B)(4) of the Act;
- 4) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) ~~of this Part~~;
- 5) Individuals applying under Section 11(A)(2)(a)(i) of the Act shall also submit certification, on forms provided by the Division, that the core clerkship rotations were completed in accordance with Section 1285.20 ~~of this Part~~;
- 6) Documentation of professional capacity, as set forth in Section 1285.95 ~~of this Part~~, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application;
- 7) A certification from the jurisdiction of original licensure and current licensure stating:
  - A) The date of issuance and status of the license; ~~and~~
  - B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
- 8) Fees as required by Section 21 of the Act; ~~and~~;
- 9) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor



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agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.

- c) Proof of Waiver
- 1) The provisions of subsection (a)(8) shall be waived for a candidate for licensure to practice medicine in all of its branches who makes application satisfactory to the Division under Section 9 of the Act who submits proof of the successful completion of:
    - A) the National Board of Medical Examiners examination subsequent to January 1, 1964; or
    - B) the National Board of Examiners for Osteopathic Physicians and Surgeons examination subsequent to June 1, 1973; or
    - C) the Federation Licensing Examination (FLEX) in another state obtaining a FLEX weighted average of 75 or more subsequent to June 1, 1968; or
    - D) the Licentiate of the Medical Council of Canada examination (LMCC) subsequent to May 1, 1970; or
    - E) The Federation Licensing Examination (FLEX) in another state obtaining a score of 75 or more in each Component in accordance with Section 1285.60 ~~of this Part.~~
  - 2) Verification of the successful completion of the examinations described in subsection (c)(1) shall show the scores achieved by the applicant on the examination. Scores shall be submitted to the Division directly from the testing entity.
- d) Each applicant for a license to practice as a chiropractic physician must submit to the Division:
- 1) A fully completed application signed by the applicant, on which all questions have been answered and all programs of chiropractic education attended by the applicant have been identified, including dates of

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attendance;

- 2) An official transcript of a course of instruction, prerequisite to professional training in a college, university or other institution for those applying pursuant to Section 11(B)(2) of the Act;
- 3) An official transcript and copy of diploma or official transcript and certification of graduation from the education program granting the professional degree; the transcript shall indicate that the applicant has met the minimum chiropractic education requirements of Section 11 of the Act;
- 4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
- 5) Fee as required by Section 21 of the Act;
- 6) Proof of successful completion of Part I, Part II and Part III of the examination pursuant to Section 1285.60(b) forwarded directly to the Division from the National Board of Chiropractic Examiners;
- 7) Documentation of professional capacity, as set forth in Section 1285.95-~~of this Part~~, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application;
- 8) Certification from the jurisdiction of original licensure and current licensure stating:
  - A) The date of issuance of the license; ~~and~~
  - B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending; ~~and-~~

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- 9) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or training is questioned by the Division or the Medical Licensing Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide information as may be necessary; and/or
  - 2) Appear for an interview before the Licensing Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- f) Within 60 days after issuance of the license, the physician shall complete a physician profile in accordance with Section 1285.305.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1285.80 Licensure by Endorsement**

- a) Each applicant currently licensed in another jurisdiction who applies to the Division for a license to practice medicine in all of its branches on the basis of endorsement must cause to be submitted to the Division:
- 1) A signed application, on which all questions have been answered and all programs of medical education attended by the applicant have been identified, including dates of attendance;
  - 2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the

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application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

- 3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;
- 4) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree that shall be evidence that the applicant has met the minimum medical education requirements of the Act;
- 5) Certification on forms provided by the Division, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of current ECFMG certification as set forth in Section 1285.20(k) for those applicants who are applying under Section 11(A)(2)(a)(i) of the Act;
- 6) An original, notarized English translation for any document submitted to the Division in a foreign language;
- 7) Certification of postgraduate clinical training in the United States or Canada;
- 8) Certification from the jurisdiction of original and current licensure stating:
  - A) The date of issuance of the license; and
  - B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
- 9) The fee required by Section 21 of the Act; ~~and;~~
- 10) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints

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shall be taken within the 60 days prior to application.

- b) If an applicant for licensure as a physician to practice medicine in all of its branches has a Profile from the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States, Inc., the applicant will be required to submit the following:
- 1) A Profile that includes, but is not limited to, verification of medical education, ECFMG Certification (if applicable), clinical training and complete examination information. The information contained in the applicant's Profile shall be reviewed by the Division in order to determine if the applicant meets the requirements for licensure as set forth in the Act and this Part;
  - 2) A fully completed Illinois medical application, on forms provided by the Division, signed by the applicant, on which all questions have been answered;
  - 3) Proof that the applicant is of good moral character. Proof shall be an indication on the Illinois application that the applicant has not engaged in any conduct or activity that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
  - 4) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) ~~of this Part~~;
  - 5) Individuals applying under Section 11(A)(2)(a)(i) of the Act shall also submit certification, on forms provided by the Division, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part;
  - 6) A certification from the jurisdiction of original licensure and current licensure stating:
    - A) The date of issuance and status of the license; and

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- B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
  - 7) Fees as required by Section 21 of the Act; and-
  - 8) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- c) In addition to submitting the application required in subsections (a) and (b), each applicant for licensure to practice medicine in all of its branches pursuant to the provisions of Section 19 of the Act upon the basis of having passed a National Board of Medical Examiners Examination prior to January 1, 1964, or having passed a National Board of Examiners for Osteopathic Physicians and Surgeons Examination before June 1, 1973, or having passed the Licentiate of the Medical Council of Canada (LMCC) before May 1, 1970, or having passed the Federation Licensing Examination (FLEX) prior to June 1, 1968, or a State Constructed Examination, shall, subject as hereinafter provided, pass an examination conducted by the Division or its designated testing service to test the clinical competence of the applicant (clinical test). The Division upon recommendation of the Medical Licensing Board has determined that the examination conducted under this Section shall be Component 2 of the FLEX prior to December 31, 1993, USMLE Step 3 after January 1, 1994 or the Special Purpose Examination (SPEX) or the Comprehensive Osteopathic Medical Special Purpose Examination for the United States of America (COMSPEX-USA) as determined by the Board.
- 1) To be successful in the Component 2 examination of the FLEX, USMLE Step 3, SPEX or COMSPEX-USA, applicants must receive a minimum score of 75 or the passing score set by the authorized testing entity. In the case of failure on 3 attempts of the Component 2 examination, USMLE Step 3, SPEX or COMSPEX-USA, or any combination thereof, the application for licensure on the basis of endorsement shall be denied. The individuals may thereafter submit an application for licensure on the basis of examination and, if qualified, take the entire examination referenced in Section 1285.60(a)(1), (2) and (3) ~~of this Part~~ in accordance with the manner described in that Section.

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- 2) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have been satisfied, make a recommendation to the Director of the Division (Director) for the waiver of the clinical examination requirement herein provided with respect to any such applicant for a license to practice medicine in all of its branches after full consideration of the quality of his/her medical education and clinical training or practical experience, including, but not limited to, whether the applicant is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in medicine and any other circumstance or attribute that the Medical Licensing Board accepts as evidence that the applicant has outstanding and proven ability in any branch of medicine.
  
- d) Each applicant currently licensed in another jurisdiction who applies to the Division for a license in Illinois as a chiropractic physician by endorsement must cause to be sent to the Division:
  - 1) A signed application on which all questions have been answered and all programs of chiropractic education attended by the applicant have been identified, including dates of attendance;
  - 2) An official transcript of the courses of instruction prerequisite to professional training in a college, university or other institution for those applying pursuant to Section 11(B)(2) of the Act;
  - 3) An official transcript and copy of diploma or official transcript and certification of graduation from the medical education program granting the degree; the transcript shall indicate that the applicant has met the minimum chiropractic education requirements of the Act;
  - 4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of

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the Act;

- 5) Successful completion of Part I, Part II and Part III of the examination administered by the National Board of Chiropractic Examiners.
  - A) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have not been satisfied, make a recommendation to the Director to require an applicant to successfully complete the Special Purposes Exam for Chiropractors (SPEC) or Part III of the examination administered by the National Board of Chiropractic Examiners;
  - B) The Medical Licensing Board may recommend a waiver of Part III of the examination or the SPEC requirement. In making the recommendation, the Licensing Board shall consider the quality of the chiropractic education and practical experience, including, but not limited to, whether he/she is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in chiropractic and any other circumstance or attribute which the Medical Licensing Board accepts as evidence that the applicant has outstanding and proven ability in chiropractic;
- 6) Certification from the jurisdiction of original and current licensure stating:
  - A) The date of issuance of the license; and
  - B) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;
- 7) The fee required by Section 21 of the Act; and-
- 8) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.



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- e) Pursuant to Section 9.7 of the Act, the Division shall check the criminal background of each endorsement applicant through the Federation of State Medical Boards or Chiropractic Information Network – Board Action Database (CIN-BAD).
- f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or training is questioned by the Division or the Medical Licensing Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:
  - 1) Provide information as may be necessary; and/or
  - 2) Appear for an interview before the Licensing Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- g) Within 60 days after issuance of the license, the physician shall complete a physician profile in accordance with Section 1285.305.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1285.90 Temporary Licenses**

- a) To allow for timely processing, an application for a Temporary License to pursue specialty/residency training shall be filed, on forms provided by the Division, at least 60 days prior to the commencement date of the training.
- b) No application shall be considered complete unless it is signed by the applicant, all questions have been answered and it contains or is accompanied by:
  - 1) Proof that the applicant is of good moral character and has not engaged in any conduct or activities that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board;

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- 2) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) ~~of this Part~~;
- 3) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree that shall be evidence that the applicant has met the minimum education requirements of the Act;
- 4) Certification on forms provided by the Division that the core clerkship rotations were completed in accordance with Section 1285.20 ~~of this Part~~ and current ECFMG certification as set forth in Section 1285.20(k) for those applicants applying under Section 11(A)(2)(a)(i) of the Act;
- 5) Proof that the applicant will be accepted or appointed to a position in a specialty/residency program that is approved by the Division, pursuant to the provisions of Section 1285.40 and the number of postgraduate years for which the applicant has been accepted or appointed;
- 6) A statement identifying all medical education programs attended, including dates of attendance;
- 7) An original notarized English translation for any document submitted to the Division in a foreign language;
- 8) A complete work history since graduation from medical school;
- 9) The fee required by Section 21 of the Act;
- 10) Certification from the jurisdictions of original licensure and current licensure stating:
  - A) The date of issuance of the license; and
  - B) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;
- 11) Documentation of professional capacity, as set forth in Section 1285.95 ~~of this Part~~, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application; and;

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- 12) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- c) If an applicant for temporary licensure has a Profile from the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States, Inc., the applicant will be required to submit the following:
- 1) A Profile that includes, but is not limited to, verification of medical education, ECFMG Certification (if applicable), postgraduate medical education (clinical training) and complete examination information. The information contained in the applicant's Profile shall be reviewed by the Division in order to determine if the applicant meets the requirements for licensure as set forth in the Act and this Part;
  - 2) A fully completed Illinois medical application, on forms provided by the Division, signed by the applicant, on which all questions have been answered;
  - 3) Proof that the applicant is of good moral character. Proof shall be an indication on the Illinois application that the applicant has not engaged in any conduct or activity that would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the personal history portion of the application or who have engaged in activities that would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Division of Professional Regulation for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
  - 4) Individuals applying under Section 11(A)(2)(a)(i) of the Act shall also submit certification, on forms provided by the Division, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part;
  - 5) Documentation of professional capacity, as set forth in Section 1285.95-~~of~~

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~~this Part~~, for applicants who have not been engaged in the active practice of medicine or have not been enrolled in a medical program for 2 years prior to application;

- 6) Proof that the applicant will be accepted or appointed to a position in a specialty/residency program that is approved by the Division, pursuant to the provisions of Section 1285.40, and the number of postgraduate years for which he/she has been accepted or appointed;
  - 7) A complete work history since graduation from medical school;
  - 8) A certification from the jurisdiction of original licensure and current licensure stating:
    - A) The date of issuance and status of the license; and
    - B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
  - 9) Fees as required by Section 21 of the Act; ~~and~~;
  - 10) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- d) Written notice of the Division's final action on every application for a temporary license shall be given to the applicant and hospital designated in the application. If the application is approved pursuant to Section 17 of the Act and this Section, the temporary license shall be delivered or mailed to the hospital and shall be kept in the care and custody of the hospital. Any person not licensed to practice medicine in all of its branches in the State of Illinois who is enrolled in a clinical training program shall have had a Temporary License issued on his/her behalf to an approved program of training prior to the commencement of the training.
- e) Commencement of the specialty/residency training program prior to the issuance of a temporary license shall be construed as the unlicensed practice of medicine.

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- f) A Temporary License shall be issued for a maximum of three years as provided in this Section. In no event shall a Temporary License be issued for less than one year except as provided in subsection (j) or for any purpose other than a post-graduate specialty/residency program required for licensure under the Act.
- g) No more than one Temporary License shall be issued to any person for the same period of time.
- h) When a resident is dismissed or otherwise terminates the specialty /residency program, it shall be the responsibility of the staff of the program to notify the Division immediately, return the Temporary License to the Division and submit a written explanation to the Division indicating why the resident was dismissed or terminated. If the Temporary License has been lost or destroyed, the staff of the program shall submit a written explanation to the Division.
- i) A Temporary License may be transferred from one program to another only upon the return of the Temporary License and receipt by the Division of a new application that contains a work history and a certificate of acceptance that the resident will be accepted or appointed to a specialty/residency position in an approved program. Requests for transfers shall be filed with the Division at least 60 days prior to the commencement date of the new program.
- j) The Division shall allow a 14-day extension of the temporary license beyond the 3-year period without filing an extension application. In order to extend beyond the 14-day period, a new application shall be filed with the Division that contains:
  - 1) a certificate of acceptance indicating that the resident has been accepted or appointed to a specialty/residency position in an approved program;
  - 2) a work history;
  - 3) a letter from the residency program director advising why an extension is being requested; and
  - 4) the fee set forth in Section 21 of the Act.
- k) Temporary licenses may be extended only when the applicant:
  - 1) is serving full-time in the Armed Forces;

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- 2) has an incapacitating illness as documented by a currently licensed physician;
  - 3) provides proof of continuance of a residency training program in order to meet the remedial requirements for licensure set forth in Section 1285.60(a)(8); or
  - 4) provides proof of continuance of a residency training program.
- l) The Division shall issue Limited Temporary Licenses for no more than 6 months on behalf of individuals who apply, on forms provided by the Division, and submit evidence that:
- 1) The applicant is enrolled in a postgraduate clinical training program that meets the requirements of Section 1285.40 outside of the State of Illinois;
  - 2) The applicant has been accepted for a specific period of time to perform, under supervision, a portion of the clinical training at a clinical training program approved pursuant to the provisions of Section 1285.40 in the State of Illinois due to the absence of adequate facilities in another State;
  - 3) The approved clinical training program in Illinois has assumed supervisory responsibility for the individual during the period specified on his/her application;
  - 4) the fee set forth in Section 21 of the Act; and-
  - 5) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- m) A Limited Temporary License may be extended only when the applicant:
- 1) is serving full-time in the Armed Forces;
  - 2) has an incapacitating illness as documented by a currently licensed physician; or

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- 3) provides proof of continuance of a residency training program as documented by the residency training program director.
- n) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
  - 1) Provide information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- o) Any individual who participates in any portion of a specialty/residency program without a Temporary license issued by the Division shall be considered to be involved in the unlicensed practice of medicine.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1285.91 Visiting Resident Permits**

- a) An individual who has been invited or appointed to perform a portion of a post graduate clinical training program in an Illinois patient care clinic or facility pursuant to Section 18(C) of the Act shall file an application, on forms provided by the Division, at least 60 days prior to the commencement date of the training.
- b) No application shall be considered complete unless it is signed by the applicant, all questions have been answered and it contains or is accompanied by:
  - 1) Proof that the applicant has been invited or appointed to perform a portion of the post graduate clinical training program in Illinois;
  - 2) Name and address of the patient care clinics or facilities and the date the training is to begin and the length of time of the invitation or appointment;
  - 3) Name and license number of the Illinois physicians who will be responsible for supervising the applicant;

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- 4) Certification from the post-graduate training program that the applicant is approved and enrolled in an out-of-state post-graduate training program approved by the Division;
- 5) Either:
  - A) Proof that the applicant maintains an equivalent authorization to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery in the applicant's native jurisdiction; or
  - B) Certification of licensure from the jurisdiction in which the applicant's clinical training program is located stating:
    - i) the date of issuance of the license;
    - ii) whether the records of the licensing authority contain any record of any disciplinary action taken or pending; and
- 6) A fee of \$100; ~~and-~~
- 7) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- c) A visiting resident permit will be issued for 180 days.
- d) No more than one visiting resident permit shall be issued to any person for the same period of time.
- e) Written notice of the Division's final action on every application for a visiting resident permit shall be given to the applicant and the patient care clinics or facilities. If the application is approved pursuant to Section 18(C) of the Act and this Section, the visiting resident permit shall be delivered or mailed to the patient care clinic or facility.



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- f) Commencement of the post-graduate training program prior to the issuance of the visiting resident permit shall be construed as unlicensed practice.
- g) When a visiting resident is dismissed or otherwise terminates the specialty/residency program, it shall be the responsibility of the staff of the patient care clinic or facility to notify the Division immediately, return the Visiting Resident Permit to the Division and submit a written explanation to the Division indicating why the visiting resident was dismissed or terminated. If the visiting resident permit has been lost or destroyed, the staff of the program shall submit a written explanation to the Division.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1285.100 Visiting Professor Permits**

- a) Any person not licensed in this State to practice medicine in all of its branches or as a chiropractic physician who has been appointed as a visiting professor at a medical, osteopathic or chiropractic program (program of medicine) in this State must be the holder of a Visiting Professor Permit issued by the Division pursuant to the provisions of Section 18 of the Act.
- b) An application for a Visiting Professor Permit shall be made on forms provided by the Division. The application shall include:
  - 1) The name and location of the applicant's program of medicine, dates of attendance, date and type of degree conferred;
  - 2) Certification from the jurisdiction of original licensure indicating:
    - A) The date of issuance and status of the license; and
    - B) Whether the records of the licensing authority contain any record of any disciplinary action or pending action;
  - 3) Verification, signed by a dean of a program of medicine located in another jurisdiction, that the applicant was qualified and has and maintains professor status in the program;
  - 4) Certification from the Dean of the program of medicine indicating:

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- A) That the entity has contracted with the applicant and the applicant has received a faculty appointment to teach in the program;
  - B) Name and address of the patient care clinics or facilities affiliated with the medical program at which the applicant will be providing instruction and/or providing clinical care and a justification for any clinical activities that will be provided at the facilities;
  - C) The nature of the educational services to be provided by the applicant and the qualifications of the applicant to provide these services;
  - D) The term of the contract;
  - 5) A copy of the applicant's current curriculum vitae; and
  - 6) The fee of \$300; and-
  - 7) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- c) In determining the need for the issuance of a Visiting Professor Permit, the Division, upon the recommendation of the Medical Licensing Board, shall consider the availability to the program of medicine of the services for which the Visiting Professor Permit is sought.
  - d) Written notice of the Division's final action on every application for a Visiting Professor Permit shall be given to the applicant and the program of medicine designated. When the application is approved, the Visiting Professor Permit shall be delivered or mailed to the program of medicine. The applicant shall not commence the faculty appointment before the program receives written notification of the approval of the application.
  - e) The initial Visiting Professor Permit shall be valid for 2 years or for the term of the faculty appointment, if less than 2 years. The Visiting Professor Permit may be renewed. Renewed Visiting Professor Permits shall be issued to expire on July

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31 in the year of the physician license renewal. Individuals holding a valid Visiting Professor Permit on the effective date of this Section are eligible for renewal of that permit pursuant to subsection (f).

- f) Permit Renewal
  - 1) Effective July 31, 2006 for the first renewal of the Visiting Professor Permit, the permit holder shall file an application with the Division, on forms provided by the Division, that includes:
    - A) Certification from the Dean of the program of medicine indicating the term of the renewal contract and a list of the affiliated patient care clinics and facilities where the permit holder will be providing instruction and the justification for any clinical activities that will be provided at the facilities;
    - B) Certification from the jurisdiction of original licensure indicating the current status of the license;
    - C) Proof of successful completion of:
      - i) the United States Medical Licensing Examination (USMLE) Step 2 Clinical Skills and Clinical Knowledge in accordance with Section 1285.60 for a visiting professor to practice medicine in all of its branches; or
      - ii) the National Board of Chiropractic Examiners (NBCE) Part II or SPEC in accordance with Section 1285.60 for a visiting professor to practice chiropractic; and
    - D) The renewal fee of \$300.
  - 2) After the first renewal, a Visiting Professor Permit shall be renewed in accordance with subsection (g).
- g) For renewals not made pursuant to subsection (f), the application for renewal of a Visiting Professor Permit shall be made on forms supplied by the Division at least 60 days prior to expiration of the permit. The Visiting Professor Permit renewal application shall include:

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- 1) Certification from the Dean of the program of medicine indicating a valid contract between the visiting professor and the school and a list of the affiliated patient care clinics and facilities where the permit holder will be providing instruction and the justification for any clinical activities that will be provided at the facilities;
  - 2) Certification from the jurisdiction of original licensure indicating the current status of the license;
  - 3) Completion of the 150 hours continuing medical education in accordance with Section 1285.110; and
  - 4) The renewal fee of \$300.
- 
- h) When any person on whose behalf a Visiting Professor Permit has been issued shall be discharged or shall terminate his/her faculty appointment, any permit issued in the name of such person shall be null and void as of the date of discharge or termination. The program of medicine shall immediately deliver or mail by registered mail to the Division the Visiting Professor Permit and written notice of the reason for the return of the permit.
  - i) Only one Visiting Professor Permit shall be issued to an applicant. If the faculty appointment for which the permit was issued is terminated and the holder of the permit desires to remain in the State and practice or teach his/her profession, he/she must apply for, meet all the requirements of this State for, and receive a license to practice that profession.
  - j) Whenever a program of medicine is required to deliver or return a Visiting Professor Permit to the Division and that permit has been lost or destroyed or is for any other reason unavailable for return to the Division, the program of medicine shall immediately mail or deliver to the Division a written explanation concerning the inability to return the permit.
  - k) When there has been a change in or addition to privileges of a visiting professor or a change in a facility where instruction or clinical care is being provided, the program shall notify the Division in writing of the changes and a justification for the changes. The Division, upon recommendation of the Licensing Board, shall review the information and determine if a new permit needs to be issued.
  - l) Nothing in this Section shall prohibit the holder of a Visiting Professor Permit

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from applying for and receiving a license to practice his/her profession in this State during the term of his/her faculty appointment. In the event the holder of a permit is issued a license to practice his/her profession in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the Division pursuant to the provisions of subsection (h).

- m) *Persons holding a permit under this Section shall only practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery in the State of Illinois in their official capacity under their contract within the medical school itself and any affiliated institution in which the permit holder is providing instruction as part of the medical school's educational program and for which the medical school has assumed direct responsibility. (Section 18 of the Act)*

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1285.101 Visiting Physician Permits**

- a) Any person not licensed in this State to practice medicine in all of its branches or as a chiropractic physician who has received an invitation or appointment to study a specific medical, osteopathic, chiropractic or clinical subject or technique in a medical, osteopathic, or chiropractic school or hospital in this State must be the holder of a Visiting Physician Permit issued by the Division pursuant to the provisions of Section 18(B) of the Act.
- b) An application for a Visiting Physician Permit shall be made on forms provided by the Division. The application shall include:
- 1) Certification from the jurisdiction of current licensure indicating the date of licensure and current status of the license;
  - 2) Certification from the dean or program director of the school or hospital indicating:
    - A) That the person has received an invitation or appointment to study a specific clinical subject or technique;
    - B) The nature of the educational services to be provided to the applicant;

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- C) The term of the contact;
  - 3) A copy of the applicant's current curriculum vitae; ~~and~~
  - 4) The fee of \$100; and-
  - 5) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.
- c) In determining the need for the issuance of a Visiting Physician Permit, the Division, upon the recommendation of the Medical Licensing Board, shall consider the availability to the program of medicine of the services for which the Visiting Physician Permit is sought.
  - d) Written notice of the Division's final action on every application for a Visiting Physician Permit shall be given to the applicant and/or the school or hospital designated. When the application is approved, the Visiting Physician Permit shall be delivered or mailed to the program of medicine. The applicant shall not commence the appointment before the program receives written notification from the Division of the approval of the application.
  - e) A Visiting Physician Permit shall be valid for 180 days or until such time as the clinical studies or techniques are completed, whichever occurs first.
  - f) When the holder of a Visiting Physician Permit has been discharged or terminated from an appointment, any certificate issued in the name of the person shall be null and void as of the date of the discharge or termination. The school or hospital shall immediately deliver or mail by registered mail to the Division the Visiting Physician Permit and written notice of the reason for the return of the permit.
  - g) Only one Visiting Physician Permit shall be issued to an applicant. If, at the conclusion of the term of the appointment for which the permit was issued, the holder of the permit desires to remain in the State and practice or teach his/her profession, he/she must apply for and receive a license to practice medicine in all of its branches or as a chiropractic physician.

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- h) Whenever a program of medicine is required to deliver or return a Visiting Physician Permit to the Division and that permit has been lost or destroyed or is for any other reason unavailable for return to the Division, the program of medicine shall immediately mail or deliver to the Division a written explanation concerning the inability to return the permit.
- i) Nothing shall prohibit the holder of a Visiting Physician Permit from applying for and receiving a license to practice his/her profession in this State during the term of the appointment. In the event the holder of a permit is issued a license to practice in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the Division pursuant to the provisions of subsection (f).
- j) A Limited Visiting Physician Permit will be issued by the Division to an out-of-state physician who has been requested to perform an emergency procedure in Illinois.
  - 1) An individual seeking a Limited Visiting Physician Permit shall apply to the Division, on forms provided by the Division, and submit the following:
    - A) Verification of licensure in another jurisdiction;
    - B) A description of the emergency procedure to be performed;
    - C) The exact date and location of the procedure;
    - D) The name and license number of the sponsoring physician who will be responsible for the applicant;
    - E) Proof from the hospital that the applicant has approval from the facility to perform the procedure signed by the administrator of the hospital;
    - F) A copy of an up to date curriculum vitae; ~~and~~
    - G) A fee of \$25; and-
    - H) Verification of fingerprint processing from the ISP, an ISP live scan vendor whose equipment has been certified by ISP, or a

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fingerprint vendor agency licensed by the Division. Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP. Fingerprints shall be taken within the 60 days prior to application.

- 2) The permit will be issued for no more than 5 days. However, in extenuating circumstances, upon review by the Chairman of the Licensing Board or his/her designee, the permit may be extended.
- 3) The Division shall notify the Medical Licensing Board of the issuance of all Limited Visiting Physician Permits.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)