



What is the Medical Practice Act, and why is it important?

The Illinois Medical Practice Act is an essential state law that governs the practice of medicine in our state; without it, *any* person regardless of qualification could practice medicine in Illinois without restriction or penalty. Because medicine is an ever-changing field, the Act is set to expire on a regular basis, enabling the legislature to ensure that the law keeps pace with the current state of medical practice. Unfortunately, this regular expiration has also allowed politicians and interest groups to use this indispensable piece of legislation as a tool for exercising political influence.

Who and what does it cover?

The Act authorizes the Illinois Department of Financial and Professional Regulation (IDFPR) to make the rules that govern the practice of medicine in Illinois. Generally speaking, the Medical Practice Act defines the scope and limits of the rules IDFPR may make to govern the practice of medicine, but within these limits IDFPR has broad discretion. These rules apply to physicians with M.D., D.O., or D.C. degrees and students who are studying for these degrees. The Act is primarily concerned with two topics: licensure and discipline.

Licensure

The Act specifies many details regarding medical licensure, including:

- Requirements for medical education and fitness for licensure;
- The term of each license and conditions for renewal;
- Continuing medical education requirements;
- Licensure fees and the purposes for which they may be used; and
- General terms under which medical students, residents, and visiting physicians may practice.

Discipline

The Act also specifies many details regarding medical discipline, including:

- Penalties for practicing medicine without a license or beyond the scope of one's license;
- What disciplinary actions may be taken by IDFPR, including restriction, suspension, or revocation of licenses;
- 43 specific grounds for discipline, ranging from gross negligence to record-keeping failures;
- Fines that may be levied by IDFPR in addition to any disciplinary action; and
- Requirements for confidentiality of all materials related to disciplinary proceedings.

The Medical Practice Act also sets forth standards for reporting physician impairment or other actions that may warrant discipline. These standards include:

- Requirements regarding what entities and practitioners must report, including what information at what time, and how they are to do so;
- Penalties for failure to report; and
- Confidentiality requirements and legal protections for reporting entities/practitioners.



The IDFPR is advised by two bodies that are created by the Medical Practice Act: the Medical Licensing Board and the Medical Disciplinary Board. The **Medical Licensing Board** advises the Department on the qualifications of applicants for licensure as physicians, and the **Medical Disciplinary Board** reviews complaints against Illinois physicians for violations of the Medical Practice Act, conducts hearings and may recommend disciplinary action. The Act governs the composition and activities of both boards.

What else does it do?

While the bulk of the Medical Practice Act is devoted to medical licensure and discipline, it contains a number of other provisions that apply to the practice of medicine. The Act also:

- Provides for delegation of patient care tasks to other professionals practicing within the scope of their licenses, and to unlicensed individuals under the supervision of a licensed professional;
- Specifies requirements for collaboration between physicians and other licensed professionals;
- Allows registered nurses to administer limited levels of anesthesia;
- Prohibits fee-splitting;
- Specifies limits and requirements for physicians advertising their services;
- Provides for the practice of telemedicine, generally restricting it to holders of Illinois medical licenses;
- Allows the provision of expedited partner therapy for sexually transmissible diseases;
- Allows IDFPR to make rules concerning the use of lasers in treatment; and more.

What can physicians do to protect their profession?

Each time the Medical Practice Act comes before the General Assembly for renewal, as it will in late 2011, there are attempts to make changes that are detrimental to Illinois physicians: increasing licensure fees, forcing physicians to renew their licenses more often, and much more. The Illinois State Medical Society is ever-vigilant against harmful changes to the Medical Practice Act, but we need your help.

Physicians need to make their voices heard. Watch ISMS publications and our Legislative Action Hub (in the Governmental Affairs section of www.isms.org) to learn more about proposed changes to the Medical Practice Act, and whether they represent positive steps for patient care or erosions of physicians' rights. Then call your elected representatives. Urge them to support ISMS positions on changes that harm physicians, and to extend the Act without playing political games with our patients' health and safety.

For more information about the Medical Practice Act, visit www.isms.org, or contact Audrey Vanagunas at audreyvanagunas@isms.org or Rob Kane at robertkane@isms.org.

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