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HOW THE DIVISION RESPONDS TO A REQUEST FOR AN INVESTIGATION OF A PHYSICIAN

DIVISION OF PROFESSIONAL REGULATION
JESSICA BAER, DIRECTOR



ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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www.idfpr.com

The Mission of the Illinois Department of Financial and Professional Regulation Division of Professional Regulation

The Division licenses and regulates individuals in over 60 professions. It is the Division's mission to serve, safeguard, and promote the public welfare by ensuring that licensure qualifications and standards for professional practice are properly evaluated, accurately applied and vigorously enforced. We must provide the most efficient service possible through effective utilization of human resources, emerging technology and sound fiscal practices.

The applications for many Division of Professional Regulation licenses are now available to complete online at <https://ilesonline.idfpr.illinois.gov/DFPR/Default.aspx>

Does the Division regulate physicians?

The Division licenses physicians and surgeons, osteopaths and chiropractors, all of whom are subject to the Illinois Medical Practice Act.

What is the Illinois Medical Practice Act?

The Act was passed by the Illinois General Assembly and sets forth the laws by which physicians are governed. The Act specifically identifies the types of violations for which doctors can be charged and disciplined. Several examples include: unprofessional or immoral conduct, substance abuse, misleading advertising and violating patient confidentiality.

How can I obtain a copy of the Medical Practice Act?

Acts and rules governing all professions regulated by the Division are located on the Internet at www.idfpr.com.

If a physician's privileges are curtailed at a hospital, or if he or she is found culpable in a legal action, can the Division take disciplinary action?

Yes. In addition to reviewing all consumer complaints, the Division also reviews reports received from outside entities including hospitals, insurance companies and courts (a settlement or judgment alone is not considered absolute evidence of unprofessional conduct, or that the medical practice act has been violated). The Division may conduct its own investigation into the matter to determine whether a violation of the Medical Practice Act occurred.

Likewise, the Division may investigate adverse incidents that have been reported by a physician's place of employment.

If I think a physician violated the law, what do I do?

File a complaint online at www.idfpr.com or by calling the Division's Complaint Intake Unit at 312-814-6910.

Do I have to give my name?

No, you do not have to give your name. However, it is especially important to be as detailed as possible when submitting a complaint against a licensee if you decide to complain anonymously. While anonymous complaints receive the same amount of consideration as any other complaint,

successful investigation and prosecution is not as common since most cases rely upon an identifiable complainant or witness.

Then what happens?

After a complaint is received, it is forwarded to the Division's investigative unit. If the alleged activity could, if proven, constitute a violation of the Medical Practice Act, the unit docket a complaint and opens an investigation. Upon completion of the investigation, the file is sent to a Division physician who reviews it and turns it over to the Complaint Committee (a subcommittee of the Medical Disciplinary Board). The Complaint Committee may either refer the complaint to the Division's Prosecution Unit, recommend closure, or request further investigation.

What happens if my case is closed?

The Complaint Committee may recommend closure of complaints which do not allege a violation of the Medical Practice Act, or if insufficient evidence exists to allow the Division's attorney to prove a violation of the law.

What happens if a complaint is sent to Prosecutions?

The case is assigned to a Division prosecuting attorney. The prosecuting attorney may schedule an informal conference where the Division, the physician, and a member of the Medical Disciplinary Board, discuss the facts of the case and possibly attempt to negotiate a discipline. If no agreement is reached, the Division prosecuting attorney will initiate legal action that results in a formal hearing.

What is a formal hearing?

A formal hearing is a trial before an administrative law judge with a court reporter providing a full transcript of the proceedings. It provides the

opportunity for the Division and physician to present their cases by introducing evidence and calling witnesses. After the hearing is concluded, the administrative law judge makes a recommendation regarding discipline. That recommendation and other relevant materials are then sent to the Medical Disciplinary Board, which may accept, modify or reject. Once the Medical Disciplinary Board reviews the case and makes its recommendation, the matter is sent to the Director of the Division to consider. The Director issues the final order in the case. If the physician elects to contest the final discipline, he or she may appeal to state courts.

What is the Medical Disciplinary Board?

The Board is a panel appointed by the Governor to review complaints against physicians and make recommendations to the Director in disciplinary matters. The Board consists of a total of eleven individuals: five medical doctors, one osteopath, one chiropractor and four public members.

Who has the final say regarding discipline?

The Director of the Division takes evidence and recommendations into account before deciding what discipline an individual should receive. Disciplines range from a reprimand to revocation of licensure.

Can I find out if the physician has been disciplined in the past?

Yes. Prior disciplines are public information. You may visit our website at www.idfpr.com to look-up your physician's license and view a monthly report of disciplines.

What are the limits on the action taken by the Division against physicians?

The law limits the Division's jurisdiction to actions against the physician's license. For this reason, an action by the Division will not result in any compensation, monetary or otherwise, to an aggrieved consumer. The law also limits the information the Division can disclose about physicians to: (a) whether the physician has an active license and whether the license is restricted in any way because of a Division action; (b) prior disciplines; and (c) whether a case is pending after the filing of a formal complaint and the status of that case. Importantly, the law does not allow the Division to divulge information about: (a) prior complaints not resulting in discipline; (b) other complaints being currently investigated; and (c) private lawsuits filed by other patients against the physician for malpractice. To obtain information about malpractice lawsuits, you should contact the clerk's office for your local state court.

Additional information can be found on the Divisions Physicians Profile website at DoctorInfo.illinois.gov.

State of Illinois Web site - www.illinois.gov



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