



Memorandum

TO: Reproductive Health Access Project
FROM: If/When/How
DATE: December 8, 2016
RE: Physician Licensing Requirements -- Illinois

Disclaimer: This memorandum includes general information about legal issues and developments in the law. Such materials are for informational purposes only, and are not intended, and must not be taken, as legal advice on any particular set of facts or circumstances.

In Illinois, the statutes pertaining to licensing are contained in the Medical Practice Act¹ and Section 1285 of Title 68, Chapter VII of the Illinois Administrative Code. The Department of Financial and Professional Development² (IDFPR) governs medical licensure and contains two separate state medical boards: the State Medical Disciplinary Board and the State Licensing Board. Applications for medical licensure are filed and reviewed by the Division of Professional Regulation.

I. Licenses

Illinois offers six types of physician medical licenses: (1) Physician License, (2) Physician Limited Temporary License, (3) Physician Temporary License, (4) Visiting Professor, (5) Visiting Physician, and (6) Controlled Substance License.

A Controlled Substance License is required by state law for anyone who prescribes, stores, or disburses controlled substances. Thus, any physician or medical professional who prescribes medication must obtain a Controlled Substance License in addition to the relevant license to practice medicine.

The application forms for each type of license provide detailed filing instructions.³

A. Physician License

¹ 225 ILL. COMP. STAT. § 60/1-64.

² ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Physicians, <http://www.idfpr.com/profs/Physicians.asp>.

³ ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Physicians, <http://www.idfpr.com/profs/Physicians.asp>. Applications are available under the "Licensee Application Forms" tab.

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Physicians are licensed to practice medicine fully in all its branches under the Medical Practice Act of 1987.⁴

The physician licensure methods in Illinois are:

- 1) Application by Examination: Applicant has taken a national exam, referred to by Illinois statute.⁵
- 2) Application by Endorsement: Original license issued in another state and that state's requirements were substantially equivalent to Illinois.⁶

Applicants must fill out an application,⁷ provide supporting documentation, including a transcript, and pay the required fee of \$700. All individual applying for initial licensure as a physician or chiropractic physician in Illinois must also submit to a criminal background check and fingerprinting.⁸

To be eligible for a license to practice medicine in Illinois under either method of licensure, the applicant must:

- 1) Be of good moral character⁹
- 2) Meet educational, examination and experience requirements¹⁰
- 3) Be physically, mentally, and professionally capable of practicing medicine with reasonable judgment, skill, and safety

To determine good moral character, the IDFPR may consider whether the applicant has engaged in conduct or activities which would constitute grounds for discipline.¹¹ The IDFPR may also request the applicant to submit, and may consider endorsements from two or three licensed individuals.¹²

To satisfy the educational requirements to qualify for a license to practice medicine, the applicant must complete six years of post-secondary study,

⁴ 225 ILL. COMP. STAT. § 60/2. To prescribe medicine, a physician must still apply for a Controlled Substance License.

⁵ ILL. ADMIN. CODE tit. 68, pt.1285.70.

⁶ ILL. ADMIN. CODE tit. 68, pt.1285.80.

⁷ Application available at <http://www.idfpr.com/Renewals/apply/forms/md-ac-end.pdf>.

⁸ ILL. ADMIN. CODE tit. 68, pt. 1285.60.

⁹ 225 ILL. COMP. STAT. § 60/9 (B)(1).

¹⁰ 225 ILL. COMP. STAT. § 60/9 (B)(2).

¹¹ 225 ILL. COMP. STAT. § 60/9 (B)(1).

¹² 225 ILL. COMP. STAT. § 60/9 (B)(1).

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including two years of college or university instruction and four years of medical education.¹³

To satisfy the experience requirements, the applicant must complete 24 months of approved postgraduate training.¹⁴ All applicants who have not been engaged in the active practice of medicine or who have not been enrolled in a medical program for two or more years prior to the application must also submit a document of Professional Capacity.¹⁵

To determine physical and mental capacity, the IDFPR may require the applicant to submit to a mental or physical examination upon showing of possible incapacity or conduct or activities that would constitute grounds for discipline.¹⁶

To determine professional capacity, the IDFPR may consider medical research, special training or education, original publications, public clinical research, federal clinical research and other professional or medical activities.¹⁷

B. Temporary License

Illinois issues temporary licenses to individuals receiving specialty/residency training in Illinois.¹⁸ The applicant must apply sixty days prior to commencement of the training.¹⁹ Temporary licenses are issued for a minimum of one year and maximum of three years, but may be extended if training continues.²⁰

Individuals enrolled in approved training programs outside of Illinois who are accepted to an approved clinical training program in Illinois “due to the absence of adequate facilities in another State” can obtain limited temporary

¹³ 225 ILL. COMP. STAT. § 60/11 (A).

¹⁴ This requirement is applicable to applicants who entered the program January 1, 1988 or after. If the applicant entered the postgraduate training requirement prior to December 31, 1987 the postgraduate training requirement is satisfied by the completion of (12) months of approved training. 225 ILL. COMP. STAT. § 60/11 (A)(2).

¹⁵ 225 ILL. COMP. STAT. § 60/11 (A)(2)(a).

¹⁶ 225 ILL. COMP. STAT. § 60/9 (B).

¹⁷ 225 ILL. COMP. STAT. § 60/9 (B).

¹⁸ ILL. ADMIN. CODE tit. 68, pt. 1285.90(a).

¹⁹ ILL. ADMIN. CODE tit. 68, pt. 1285.90(a).

²⁰ ILL. ADMIN. CODE tit. 68, pt. 1285.90(j).

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licenses for a six month period.²¹ These licenses are called limited temporary licenses.

All applicants for temporary licenses must submit the following:²²

- 1) Proof of good moral character
- 2) Transcripts
- 3) Certification of core clerkship rotation completion
- 4) Proof of acceptance in a specialty/residency program
- 5) Statement identifying all medical education programs attended
- 6) Complete work history since graduation from medical school
- 7) Fee of \$230 (or \$100 for limited temporary licenses)
- 8) Certifications from the jurisdiction(s) of original and current licensure
- 9) Documentation of professional capacity

C. Visiting Professor License/Permit

Any person appointed as a visiting professor at a medical, osteopathic or chiropractic program (program of medicine) in Illinois who does not already possess a license to practice in the state must obtain a Visiting Professor Permit.²³

This permit appears to be limited in light of the following language:

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.²⁴

Obtaining a full license nullifies a Visiting Professor Permit.²⁵ The permit is valid for a maximum for two years or for the term of the professor

²¹ ILL. ADMIN. CODE tit. 68, pt. 1285.90(l)(2).

²² ILL. ADMIN. CODE tit. 68, pt. 1285.90(b)-(d).

²³ ILL. ADMIN. CODE tit. 68, pt. 1285.100(a).

²⁴ ILL. ADMIN. CODE tit. 68, pt. 1285.100(m).

²⁵ ILL. ADMIN. CODE tit. 68, pt. 1285.100(l).

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appointment if less than two years. The permit may be renewed, but a renewal permit expires on July 31 of the year renewal made.²⁶

To apply for a Visiting Professor Permit, applicants must fill out an application form and pay the fee of \$300.²⁷ The application must include information about the program of medicine, certification from the jurisdiction of original licensure, certifications from the dean of the program of medicine, and the applicant's curriculum vitae.²⁸

D. Visiting Physician License/Permit

Visiting Physician Licenses are authorized for emergency procedures (limited to maximum of five days)²⁹ or for physicians appointed to study a specific medical subject or technique at a school or hospital (limited to 180 days or "until such time as the clinical studies or techniques are completed, whichever occurs first").³⁰ The Medical Practice Act of 1987 further limits the non-emergency Visiting Physician License to "practice medicine without use of drugs and without operative surgery" and within the scope for which he or she was invited or appointed.³¹

Only one Visiting Physician License shall be issued to an applicant.³² If the holder of the license desires to remain in the State and practice or teach, they must apply for and receive a license to practice medicine in all of its branches.³³ The visiting physician must also maintain full licensure in their native state and while visiting.³⁴

To receive a Visiting Physician License, the applicant must submit an application, including supporting documentation of record of licensure and examination, and pay a fee of \$100 for the 180-day license or \$25 for the five-day license.³⁵

²⁶ ILL. ADMIN. CODE tit. 68, pt. 1285.100(e).

²⁷ Physician – Licensure Visiting Professor, <http://www.idfpr.com/Renewals/apply/forms/md-vp.pdf>; ILL. ADMIN. CODE tit. 68, pt. 1285.100(e).

²⁸ ILL. ADMIN. CODE tit. 68, pt. 1285.100(b).

²⁹ ILL. ADMIN. CODE tit. 68, pt. 1285.101(j).

³⁰ ILL. ADMIN. CODE tit. 68, pt. 1285.101 (a), (e).

³¹ 225 ILL. COMP. STAT. § 60/18(B).

³² ILL. ADMIN. CODE tit. 68, pt. 1285.101(g).

³³ ILL. ADMIN. CODE tit. 68, pt. 1285.101(g).

³⁴ 225 ILL. COMP. STAT. § 60/18(B).

³⁵ Visiting Physician 180-Day Permit, Limited Visiting Physician 5-Day Permit,

E. Controlled Substance License

Every person who prescribes and/or stores and dispenses any controlled substances within the State of Illinois must obtain a license in accordance with the Illinois Controlled Substance Act. To apply, applicants must submit an application and pay the fee of \$5.³⁶

II. Medical Students

Medical students may practice under the the direct, on-premises supervision of a physician who is licensed to practice medicine in all its branches in Illinois and who is a member of the faculty of an accredited medical or osteopathic college.³⁷

In an office or practice setting and within a physician-patient relationship, a physician may delegate patient care tasks or duties to an unlicensed person who possesses appropriate training and experience, provided that a health care professional who is practicing within the scope of his/her medical license, is on site to provide assistance.³⁸ However, no physician may delegate any patient care task or duty that is statutorily or by rule mandated to be performed by a physician.³⁹

III. Regulation of Training Sites

A hospital is deemed approved for post-graduate clinical training required for licensure if it meets the following standards:⁴⁰

- 1) It has at least the departments of internal medicine, surgery, obstetrics and pediatrics, and have organized departmentalized staff and hold monthly meetings for case review and study
- 2) It has a laboratory employing a full-time technician and at least a part-time pathologist, legally empowered to perform laboratory services, visiting the laboratory at least 2 days per week.

<http://www.idfpr.com/Renewals/apply/forms/md-vpp.pdf>.

³⁶ Controlled Substantives Registration, <http://www.idfpr.com/Renewals/apply/forms/f0500cs.pdf>.

³⁷ 225 ILL. COMP. STAT. § 60 / 13.

³⁸ 225 ILL. COMP. STAT. § 60/54.2(B).

³⁹ 225 ILL. COMP. STAT. § 60/54.2.

⁴⁰ ILL. ADMIN. CODE tit. 68, pt. 1285.40(a).

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- 3) It has a radiological department employing an X-ray technician and at least a part-time roentgenologist, legally empowered to perform radiology services, visiting the department at least two days per week.
- 4) It maintains an up-to-date medical library available to residents.

All clinical training programs accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, the College of Family Physicians of Canada, Royal College of Physicians and Surgeons of Canada, or the Federation of Medical Licensing Authorities of Canada are deemed to meet the minimum criteria for approval.⁴¹

IV. Malpractice Insurance

Illinois does not appear to have statutes or regulations requiring physicians, medical professionals, residents, or medical students to carry malpractice insurance. Prior to 2010, Illinois placed a limit or “cap” of \$500,000 on non-economic damages for cases against a negligent doctor or other health care professional and a \$1 million cap for lawsuits against a hospital or health care facility.⁴² These caps were deemed unconstitutional by the Illinois Supreme Court in 2010.⁴³

V. Denial and Revocation of Licenses

A medical professional applicant may be denied a license if he neglects, fails without an approved excuse, or refuses to take the next available required licensure examination and will forfeit the application fee.⁴⁴ If an applicant fails to pass an examination for a license within three years after filing the application, the application will be denied.⁴⁵ However, the applicant may reapply for the examination.⁴⁶

Any person who fails a licensure examination as a medical doctor, doctor of osteopathy or osteopathic medicine, or doctor of chiropractic medicine in Illinois or any jurisdiction a total of five times is ineligible for further examinations until he/she

⁴¹ ILL. ADMIN. CODE tit. 68, pt. 1285.40(d).

⁴² 735 ILL. COMP. STAT. § 5/2-1706.5 (repealed).

⁴³ Lebron v. Gottlieb Mem. Hosp., 237 Ill. 2d 217, 341 Ill. Dec. 381, 930 N.E.2d 895 (2010).

⁴⁴ 225 ILL. COMP. STAT. § 60/12.

⁴⁵ 225 ILL. COMP. STAT. § 60/12.

⁴⁶ 225 ILL. COMP. STAT. § 60/12.

submits to the IDFPR evidence of further formal professional study in an accredited institution.⁴⁷

A three-year temporary license may be revoked or suspended by the IDFPR upon proof that the licensee has engaged in practice of medicine in Illinois outside of the program of his residency or specialty training, or if the licensee fails to supply the IDFPR, within ten days of its request, with information about his current status and activities in his specialty training program.⁴⁸

Illinois' current law states that the IDFPR may revoke, suspend, place on probation, reprimand, refuse to issue or renew, take any other disciplinary or non-disciplinary action, or impose a fine of up to \$10,000 for each violation as it deems proper with regard to licenses or permits for violation of certain abortion laws.⁴⁹ However, this law is scheduled to be repealed on December 31, 2016.⁵⁰

VI. Restrictions on the Provision of Abortion Services

Only a licensed physician may perform abortion procedures in Illinois.⁵¹ Advanced practice clinicians such as physician assistants and advanced practice nurses can dispense and administer medication abortion under the supervision of a physician.⁵² If the physician makes the medical judgment that there is a reasonable likelihood that the fetus will survive outside of the womb, with or without artificial support, then the physician must use a method of abortion that, in his medical judgment, will most likely preserve the life and health of the fetus.⁵³

Any corporation operating an Ambulatory Surgical Treatment Center devoted primarily to performing abortions must have a physician on the board of directors as a condition to licensure of the center.⁵⁴

⁴⁷ 225 ILL. COMP. STAT. § 60/16.

⁴⁸ 225 ILL. COMP. STAT. § 60/17.

⁴⁹ 225 ILL. COMP. STAT. § 60/22.

⁵⁰ 225 ILL. COMP. STAT. § 60/22.

⁵¹ 720 ILL. COMP. STAT. § 510/3.1.

⁵² Ill. Att'y Gen. Op. No. 09-002 2009, <http://www.ag.state.il.us/opinions/2009/09-002.pdf>.

⁵³ 720 ILL. COMP. STAT. § 510/6.

⁵⁴ 210 ILL. COMP. STAT. § 5/6.1.