

makes a recommendation regarding discipline. That recommendation and other relevant materials are then sent to the Medical Board, which may accept, modify, or reject. Once the Medical 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 Board?

The Board is a panel appointed by the Governor to handle matters of licensure and to review complaints against physicians and make recommendations to the Director in disciplinary matters. The Board consists of medical doctors (MD/DO), physician assistants, chiropractors, and 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 <https://idfpr.illinois.gov/applications/professionprofile/default.aspx> to look-up your physician's license and view a monthly report of disciplinary actions.

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 records.

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

Enforcement, Complaints, and Investigations

555 West Monroe Street – Suite 500
Chicago, Illinois 60661

Complaint Intake Unit: 312-814-6910
General Inquiries: 1-888-473-4858

www.idfpr.illinois.gov/DPR.asp

TTY Line: 1-866-325-4949

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State of Illinois
Illinois Department of Financial
and Professional Regulation

How the Division Responds to a Request for an Investigation of a *Physician*



Division of
Professional Regulation



IDFPR
Illinois Department of
Financial and Professional Regulation

Mission

The Division licenses and regulates individuals in more than 70 professions. It is the Division's mission to serve, safeguard, and promote the health, safety, and welfare of the public by ensuring that licensure qualifications and standards for professional practice are properly evaluated, accurately applied, and enforced.

Does the Division regulate physicians?

The Division licenses physicians (MD/DO) and surgeons, physician assistants, 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 physicians can be charged and disciplined. Several examples include: unprofessional conduct, impairment, deviation from standard of care, 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 our website at <https://idfpr.illinois.gov/About/actsrules.asp>.

If a physician's privileges are suspended 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 Act has been violated). The Division may conduct its own investigation into the matter to determine whether a violation of the 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?

You may file a complaint against any individual or entity regulated by the Division of Professional Regulation by submitting a complaint, either by using our online complaint portal or by filling out a form online, printing it, and mailing it to us. Both may be found on our website: <https://idfpr.illinois.gov/admin/DPR/DPRcomplaint.asp>.

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 submit a complaint anonymously. While anonymous complaints receive the same amount of consideration as any other complaint, this may make investigation and prosecution more difficult without an identifiable complainant or witness.

What happens after I've submitted a complaint?

After a complaint is received, it is forwarded to the Division's Investigations Unit. If the alleged

activity could, if proven, constitute a violation of the 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 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 that do not allege a violation of the Act, or if insufficient evidence exists to allow the Division's Prosecution Unit 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 Board discuss the facts of the case and possibly attempt to negotiate a resolution. If no agreement is reached, the Division prosecuting attorney may initiate legal action that results in a formal hearing. The case may be closed due to various reasons, such as insufficient evidence, the allegations are not a violation or are unfounded, or an expiration of the statute of limitations.

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