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ILLINOIS MEDICAL PRACTICE ACT

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Agenda

- Licensing Under the Act
- Fee Splitting and Self-Referral
- Telemedicine
- Advertising



Licensing Under The Act

- Individual: Anyone who holds themselves out as treating human ailments by some means (other than prayer)
 - Exception:
Unlicensed person may perform certain medical procedures when **supervised by someone who is licensed.**
- Corporations
 - governed by 805 ILCS 15/1, *et seq.*



Fee Splitting

- Subsection 22(a)(14)
 - prohibits physician from dividing with anyone other than another physician any fee, commission, rebate, or other forms of compensation for professional services not actually and personally rendered.
 - Caution in dealing with marketing firms who may violate Act through Agreements



Self-Referral

- Health Care Worker Self-Referral Act, 225 ILCS 47/1 (2006), “Anti-Kickback Statute”

A health care worker shall not refer a patient ... to an entity ... in which the health care worker is an investor, unless the health care worker directly provides health services within the entity and will be personally involved with the provision of care to the referred patient.

**Violation is grounds for
disciplinary action by IDFPR**



Self-Referral

Health Care Worker

Every licensed professional
who provides health care services.



Self-Referral

- Investor or Investment Interest
- Terms defined broadly
- Investment Interest explicitly includes equity securities and debt securities



Self-Referral

- Group Practice Exception
- HMO Exception
- Publicly Traded Entity Exception



Self-Referral

Penalties for Violations of Act

- Suspension or revocation of license
- Fines and civil penalties



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