**Section 1220.406 Impaired Dentist and Dental Hygienist Program of Care, Counseling or Treatment**

a) Section 5.5 of the Act requires the Division to establish a program of care, counseling or treatment for impaired dentists.

b) Definitions

1) *"Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care.* (Section 4 of the Act). A dentist or dental hygienist may be determined to be impaired:

A) by signing a written consent with the Department declaring the nature of the impairment; or

B) upon the determination of a qualified health care professional; or

C) upon the determination of a qualified health care professional who has performed an examination of the dentist or dental hygienist pursuant to Section 23b of the Act.

2) "Program of care, counseling, or treatment" means a written schedule of organized treatment care, counseling, activities, or education satisfactory to the Board, designed for the purpose of restoring an impaired person to a condition whereby the impaired person can practice with reasonable skill and safety of sufficient degree to deliver competent patient care.

c) Program of Care, Counseling or Treatment

1) A dentist or dental hygienist who has been determined by a qualified health care professional to be impaired shall enter into an agreement with the Division in which the dentist or dental hygienist agrees to participate in a program designed to provide care,counseling and treatment specifically for health care professionals and that has been approved by the Division. The agreement may include, but not be limited to, the length of the program, the status of the licensee while in a treatment program, and a termination clause whereby both parties may, by separate agreement in writing, terminate the agreement at any time.

2) All progress reports of treatment and participation in a treatment program shall be sent to the Division every 60 days. A relapse or non-compliance with the treatment program shall be reported to the Division immediately. All reports shall be signed by a licensed physician, clinical psychologist, licensed clinical social worker, or licensedclinical professional counselor or other substance abuse professional approved by the Division.

3) An impaired dentist or dental hygienist shall continue in an after care program until he or she is released upon successful completion of the structured treatment program.

4) If a dentist or dental hygienist is being treated for alcohol or drug abuse:

A) The person shall submit progress reports from any sponsors in Narcotics Anonymous or Alcoholics Anonymous or other after care programs to the Division on a quarterly basis.

B) The person shall submit to random drug and alcohol screenings and the results shall be submitted to the Division by the treatment program. The impaired dentist or dental hygienist is responsible for the cost of the reports. The Division shall be notified immediately by the treatment program if the person fails to submit to the random drug and alcohol screenings.

d) All reports required shall be submitted to the Dental Coordinator, Division of Professional Regulation, Illinois Department of Financial and Professional Regulation, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601.

e) The contents of any report shall be strictly confidential and shall be exempt from public disclosure. The reports shall be reviewed only by the following:

1) The Board of Dentistry.

2) Designated Department attorneys.

3) Administrative personnel assigned to open mail containing reports and to process and distribute the reports to authorized persons, and to communicate with senders of reports.

4) The individual who is the subject of the report, his/her attorney or his/her authorized representative.

5) The Division's Dental Coordinator.

f) The reports shall also be admissible as evidence at any hearing arising from any charge by the Division that the impaired individual failed to comply with any terms and conditions of any agreement with the Division or otherwise violated the Dental Practice Act during the period an agreement is in effect.

g) The reports may also be handled or processed by other designated persons in a limited manner necessary to implement reports required under the Act or this Section by computer, word processing equipment or other mechanical means. The data record shall be limited to the name and address of the originator of the report, the date the initial report was received, the date of the most recent report and the professional license number of the subject of the report.

h) Upon determination by the Board that a report on an impaired person is no longer required for review and consideration, the Board shall notify the maker of the reports to cease sending the reports. The Board's determination shall be based on, but not be limited to: the type of impairment and the type of rehabilitation program, length of supervision, occurrence of any relapses, and present status of the dentist's or dental hygienist's license.

(Source: Added at 30 Ill. Reg. 19656, effective December 18, 2006)