



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4891

Introduced 2/7/2024, by Rep. Margaret Croke

#### SYNOPSIS AS INTRODUCED:

225 ILCS 25/45.5 new

Amends the Illinois Dental Practice Act. Provides that a dentist, employee of a dentist, or agent of a dentist shall provide the patient with a written treatment plan that includes a description of each anticipated service to be provided and a good faith estimate of expected charges before arranging for, offering, brokering, or establishing open-end credit, a line of credit, or a loan extended by a third party. Provides a form that a dentist, employee of a dentist, or agent of a dentist must provide before arranging for, offering, brokering, or establishing open-end credit, a line of credit, or a loan extended by a third party. Provides that a dentist, employee of a dentist, or agent of a dentist may not complete any portion of an application for open-end credit, a line of credit, or a loan extended by a third party. Provides that a dentist, employee of a dentist, or agent of a dentist may not arrange for, offer, broker, or establish open-end credit, a line of credit, or a loan extended by a third party that contains a deferred interest provision. Provides that a dentist, employee of a dentist, or agent of a dentist may not arrange for, offer, broker, or establish open-end credit, a line of credit, or a loan extended by a third party if (i) the treatment has yet to be rendered or costs associated with the treatment have yet to be incurred; (ii) the dentist, employee of a dentist, or agent of a dentist has not provided the patient with a treatment plan, and informed the patient in writing about which costs associated with the treatment are being charged in advance; and (iii) that dentist's office arranged for, offered, brokered, or established the open-end credit, line of credit, or loan extended by a third party. Provides that a dentist, employee of a dentist, or agent of a dentist shall, within 15 days business days of a patient's request or within 15 business days of the dentist, employee of a dentist, or agent of a dentist becoming aware of treatment that has not been rendered or costs that have not been incurred, whichever occurs first, refund to the lender any payment received through open-end credit, a line of credit, or a loan extended by a third party that is arranged for, offered, brokered, or established in that dentist's office. Provides that the Department of Financial and Professional Regulation may adopt rules to implement these provisions. Effective January 1, 2025.

LRB103 36635 RTM 66744 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Dental Practice Act is amended by  
5 adding Section 45.5 as follows:

6 (225 ILCS 25/45.5 new)

7 Sec. 45.5. Third-party financing referrals for dental  
8 services.

9 (a) As used in this Section:

10 "Arrange for, offer, broker, or establish" includes  
11 providing application information to the patient and  
12 facilitating or receiving application information from the  
13 patient and submitting it to a creditor, lender, or creditor's  
14 intermediary for approval or rejection.

15 "Deferred interest provision" means a contractual  
16 provision that allows for interest to be charged on portions  
17 of the original balance that have already been paid.

18 "Good faith estimate" means a written notification of  
19 expected charges for a scheduled or requested item or service  
20 that includes items or services that are reasonably expected  
21 to be provided in conjunction with such scheduled or requested  
22 item or service.

23 "Open-end credit" means credit extended by a creditor

1 under a plan in which the creditor reasonably contemplates or  
2 permits repeated transactions and where the creditor may  
3 impose a finance charge on an outstanding unpaid balance, as  
4 defined by 15 U.S.C. 1602(j). "Open-end credit" includes, but  
5 is not limited to, medical credit cards.

6 (b) A dentist, employee of a dentist, or agent of a dentist  
7 shall provide the patient with a written treatment plan that  
8 includes a description of each anticipated service to be  
9 provided and a good faith estimate of expected charges before  
10 arranging for, offering, brokering, or establishing open-end  
11 credit, a line of credit, or a loan extended by a third party.  
12 If a patient is covered by a private or government dental  
13 benefit plan or dental insurance from which the dentist takes  
14 assignment of benefits, then the treatment plan shall indicate  
15 the patient's private or government-estimated share of cost  
16 for each service. If the dentist does not take assignment of  
17 benefits from a patient's dental benefit plan or insurance,  
18 then the treatment plan shall indicate that the treatment may  
19 or may not be covered by a patient's dental benefit or  
20 insurance plan and that the patient has the right to confirm  
21 dental benefit or insurance information from the patient's  
22 plan, insurer, or employer before beginning treatment.

23 (c) A dentist, employee of a dentist, or agent of a dentist  
24 may not arrange for, offer, broker, or establish open-end  
25 credit, a line of credit, or a loan extended by a third party  
26 for a patient without first providing the following written or

1 electronic notice in at least 14-point font, and obtaining a  
2 signature from the patient:

3 "DENTAL SERVICES FINANCING DISCLOSURE

4 The application you are about to fill out is your application  
5 for a CREDIT CARD, LINE OF CREDIT, OR LOAN to help you finance  
6 or pay for your dental treatment. You should know that:

7 YOU ARE APPLYING FOR A CREDIT CARD, LINE OF CREDIT, OR A LOAN  
8 FOR [\$ amount].

9 THE CREDIT CARD, LINE OF CREDIT, OR LOAN YOU ARE APPLYING FOR  
10 IS NOT A PAYMENT PLAN WITH THE DENTIST'S OFFICE. It is a credit  
11 card, line of credit, or loan from [name of company issuing the  
12 credit card, line of credit, or loan]. Your dentist does not  
13 work for this company.

14 You do not have to apply for the credit card, line of credit,  
15 or loan. You may pay your dentist for treatment in another  
16 manner. Your dentist's office may offer its own payment plan.  
17 You are encouraged to explore any public or private insurance  
18 options that may cover your dental treatment.

19 Your dentist must give you an estimate of your charges,  
20 including what your insurance should cover before they ask you  
21 to apply for a credit card, line of credit, or loan. Your  
22 dentist must not charge the credit card, line of credit, or  
23 loan until you receive services or the dentist has incurred  
24 costs related to your treatment. If you are charged for  
25 services that you did not receive, notify the dentist's office  
26 as soon as possible in order to help expedite a refund.

1 The lender or creditor may offer you a "promotional period" to  
2 pay back the credit or loan without interest. AFTER ANY  
3 PROMOTIONAL PERIOD ENDS, YOU MAY OWE INTEREST ON THE REMAINING  
4 BALANCE OF THE CREDIT CARD, LINE OF CREDIT, OR AMOUNT OF THE  
5 LOAN. IF YOU MISS A PAYMENT OR DO NOT PAY ON TIME, YOU MAY HAVE  
6 TO PAY A PENALTY AND A HIGHER INTEREST RATE.

7 IF YOU DO NOT PAY THE MONEY THAT YOU OWE THE CREDITOR OR  
8 LENDER, THEN YOUR MISSED PAYMENTS CAN APPEAR ON YOUR CREDIT  
9 REPORT AND COULD HURT YOUR CREDIT SCORE. YOU COULD ALSO BE  
10 SUED.

11 You may file a complaint against a dental practice that does  
12 not follow both the requirements of this notice and the  
13 Illinois Dental Practice Act by contacting the Illinois  
14 Department of Financial and Professional Regulation (IDFPR) at  
15 www.IDFPR.Illinois.gov, or by calling 312-814-6910.

16 [Patient's Signature]

17 [Date]"

18 The Department shall make the disclosure required under  
19 this subsection available on the Department's website in  
20 English, Spanish, Polish, Mandarin, Russian, and any other  
21 languages deemed necessary by the Department.

22 A dentist, employee of a dentist, or agent of a dentist may  
23 not arrange for, offer, broker, or establish open-end credit,  
24 a line of credit, or a loan extended by a third party for a  
25 patient with whom the dentist, employee of the dentist, or  
26 agent of the dentist communicates primarily in a language

1 other than English, unless the disclosure notice required in  
2 this subsection is also provided in that language.

3 (d) A dentist, employee of a dentist, or agent of a dentist  
4 may not arrange for, offer, broker, or establish open-end  
5 credit, a line of credit, or a loan extended by a third party  
6 that contains a deferred interest provision.

7 This subsection may not be construed as prohibiting a  
8 dentist, employee of a dentist, or agent of a dentist from  
9 arranging for, offering, brokering, or establishing open-end  
10 credit, a line of credit, or a loan extended by a third party  
11 that:

12 (1) offers a promotional period during which a patient  
13 may avoid the payment of interest in connection with an  
14 open-end credit plan, a line of credit, or a loan;

15 (2) charges interest on any unpaid balance remaining  
16 at the end of a promotional period; or

17 (3) imposes a reasonable late fee on a patient who  
18 fails to pay the minimum amount due during any payment  
19 period.

20 (e) A dentist, employee of a dentist, or agent of a dentist  
21 may not arrange for, offer, broker, or establish open-end  
22 credit, a line of credit, or a loan that is extended by a third  
23 party for a patient who:

24 (1) has been administered or is under the influence of  
25 general anesthesia, conscious sedation, nitrous oxide, or  
26 any other condition that substantially impairs their

1 ability to understand the credit offer and exercise  
2 independent judgment; or

3 (2) is in a treatment area, including, but not limited  
4 to, an exam room, surgical room, or other area where  
5 medical treatment is administered.

6 (f) A dentist, employee of a dentist, or agent of a dentist  
7 may not complete any portion of an application for open-end  
8 credit, a line of credit, or a loan extended by a third party  
9 for the patient. A dentist, employee of a dentist, or agent of  
10 a dentist may not arrange for, offer, broker, or establish  
11 open-end credit, a line of credit, or a loan extended by a  
12 third party if the application is not completely filled out by  
13 the patient.

14 (g) A dentist, employee of a dentist, or agent of a dentist  
15 may not charge a treatment or cost to open-end credit, a line  
16 of credit, or a loan extended by a third party if (i) the  
17 treatment has yet to be rendered or costs associated with the  
18 treatment have yet to be incurred; (ii) the dentist, employee  
19 of a dentist, or agent of the dentist has not provided the  
20 patient with a treatment plan as required by subsection (b),  
21 and informed the patient in writing about which costs  
22 associated with the treatment are being charged in advance;  
23 and (iii) that dentist's office arranged for, offered,  
24 brokered, or established the open-end credit, line of credit,  
25 or loan extended by a third party.

26 (h) A dentist, employee of a dentist, or agent of a dentist

1 shall, within 15 business days of a patient's request or  
2 within 15 business days of the dentist, employee of the  
3 dentist, or agent of the dentist becoming aware of treatment  
4 that has not been rendered or costs that have not been  
5 incurred, whichever occurs first, refund to the lender any  
6 payment received through open-end credit, line of credit, or a  
7 loan extended by a third party that is arranged for, offered,  
8 brokered, or established in that dentist's office.

9 (i) The Department may adopt rules to implement this  
10 Section. The Department may update the disclosure contained in  
11 subsection (c) as the Department deems necessary.

12 Section 99. Effective date. This Act takes effect January  
13 1, 2025.