



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB5213

Introduced 2/9/2024, by Rep. Lilian Jiménez

#### SYNOPSIS AS INTRODUCED:

225 ILCS 25/4	
225 ILCS 25/14.5 new	
225 ILCS 25/14.6 new	
225 ILCS 25/16	from Ch. 111, par. 2316
225 ILCS 25/16.1	from Ch. 111, par. 2316.1
225 ILCS 25/23	from Ch. 111, par. 2323
225 ILCS 25/25	from Ch. 111, par. 2325
225 ILCS 25/25.1	
225 ILCS 25/26	from Ch. 111, par. 2326
225 ILCS 25/34	from Ch. 111, par. 2334
225 ILCS 25/36	from Ch. 111, par. 2336
225 ILCS 25/37	from Ch. 111, par. 2337
225 ILCS 25/38.1	
225 ILCS 25/55	from Ch. 111, par. 2355

Amends the Illinois Dental Practice Act. Creates a license for dental therapists. Sets forth requirements for licensure and the scope of practice. Makes conforming changes.

LRB103 38052 RTM 68184 b

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 changing Sections 4, 16, 16.1, 23, 25, 25.1, 26, 34, 36, 37,  
6 38.1, and 55 and by adding Sections 7.7, 14.5, and 14.6 as  
7 follows:

8 (225 ILCS 25/4)

9 (Section scheduled to be repealed on January 1, 2026)

10 Sec. 4. Definitions. As used in this Act:

11 "Address of record" means the designated address recorded  
12 by the Department in the applicant's or licensee's application  
13 file or license file as maintained by the Department's  
14 licensure maintenance unit. It is the duty of the applicant or  
15 licensee to inform the Department of any change of address and  
16 those changes must be made either through the Department's  
17 website or by contacting the Department.

18 "Department" means the Department of Financial and  
19 Professional Regulation.

20 "Secretary" means the Secretary of Financial and  
21 Professional Regulation.

22 "Board" means the Board of Dentistry.

23 "Dentist" means a person who has received a general

1 license pursuant to paragraph (a) of Section 11 of this Act and  
2 who may perform any intraoral and extraoral procedure required  
3 in the practice of dentistry and to whom is reserved the  
4 responsibilities specified in Section 17.

5 "Dental hygienist" means a person who holds a license  
6 under this Act to perform dental services as authorized by  
7 Section 18.

8 "Dental assistant" means an appropriately trained person  
9 who, under the supervision of a dentist, provides dental  
10 services as authorized by Section 17.

11 "Expanded function dental assistant" means a dental  
12 assistant who has completed the training required by Section  
13 17.1 of this Act.

14 "Dental laboratory" means a person, firm, or corporation  
15 which:

16 (i) engages in making, providing, repairing, or  
17 altering dental prosthetic appliances and other artificial  
18 materials and devices which are returned to a dentist for  
19 insertion into the human oral cavity or which come in  
20 contact with its adjacent structures and tissues; and

21 (ii) utilizes or employs a dental technician to  
22 provide such services; and

23 (iii) performs such functions only for a dentist or  
24 dentists.

25 "Supervision" means supervision of a dental hygienist, ~~or~~  
26 a dental assistant, or a dental therapist requiring that a

1 dentist authorize the procedure, remain in the dental facility  
2 while the procedure is performed, and approve the work  
3 performed by the dental hygienist, ~~or~~ dental assistant, or  
4 dental therapist before dismissal of the patient, but does not  
5 mean that the dentist must be present at all times in the  
6 treatment room.

7 "General supervision" means supervision of a dental  
8 hygienist or dental therapist requiring that the patient be a  
9 patient of record, that the dentist examine the patient in  
10 accordance with Section 18 prior to treatment by the dental  
11 hygienist or dental therapist, and that the dentist authorize  
12 the procedures which are being carried out by a notation in the  
13 patient's record, but not requiring that a dentist be present  
14 when the authorized procedures are being performed. The  
15 issuance of a prescription to a dental laboratory by a dentist  
16 does not constitute general supervision.

17 "Public member" means a person who is not a health  
18 professional. For purposes of board membership, any person  
19 with a significant financial interest in a health service or  
20 profession is not a public member.

21 "Dentistry" means the healing art which is concerned with  
22 the examination, diagnosis, treatment planning, and care of  
23 conditions within the human oral cavity and its adjacent  
24 tissues and structures, as further specified in Section 17.

25 "Branches of dentistry" means the various specialties of  
26 dentistry which, for purposes of this Act, shall be limited to

1 the following: endodontics, oral and maxillofacial surgery,  
2 orthodontics and dentofacial orthopedics, pediatric dentistry,  
3 periodontics, prosthodontics, oral and maxillofacial  
4 radiology, and dental anesthesiology.

5 "Specialist" means a dentist who has received a specialty  
6 license pursuant to Section 11(b).

7 "Dental technician" means a person who owns, operates, or  
8 is employed by a dental laboratory and engages in making,  
9 providing, repairing, or altering dental prosthetic appliances  
10 and other artificial materials and devices which are returned  
11 to a dentist for insertion into the human oral cavity or which  
12 come in contact with its adjacent structures and tissues.

13 "Dental therapist" means a person licensed to practice  
14 dental therapy as described in Section 14.6.

15 "Dental therapy" means the provision of services described  
16 in Section 14.6 and any related services or procedures  
17 required in the performance of those services.

18 "Impaired dentist" or "impaired dental hygienist" means a  
19 dentist or dental hygienist who is unable to practice with  
20 reasonable skill and safety because of a physical or mental  
21 disability as evidenced by a written determination or written  
22 consent based on clinical evidence, including deterioration  
23 through the aging process, loss of motor skills, abuse of  
24 drugs or alcohol, or a psychiatric disorder, of sufficient  
25 degree to diminish the person's ability to deliver competent  
26 patient care.

1 "Nurse" means a registered professional nurse, a certified  
2 registered nurse anesthetist licensed as an advanced practice  
3 registered nurse, or a licensed practical nurse licensed under  
4 the Nurse Practice Act.

5 "Patient of record" means a patient for whom the patient's  
6 most recent dentist has obtained a relevant medical and dental  
7 history and on whom the dentist has performed an examination  
8 and evaluated the condition to be treated.

9 "Dental responder" means a dentist or dental hygienist who  
10 is appropriately certified in disaster preparedness,  
11 immunizations, and dental humanitarian medical response  
12 consistent with the Society of Disaster Medicine and Public  
13 Health and training certified by the National Incident  
14 Management System or the National Disaster Life Support  
15 Foundation.

16 "Mobile dental van or portable dental unit" means any  
17 self-contained or portable dental unit in which dentistry is  
18 practiced that can be moved, towed, or transported from one  
19 location to another in order to establish a location where  
20 dental services can be provided.

21 "Public health dental hygienist" means a hygienist who  
22 holds a valid license to practice in the State, has 2 years of  
23 full-time clinical experience or an equivalent of 4,000 hours  
24 of clinical experience, and has completed at least 42 clock  
25 hours of additional structured courses in dental education in  
26 advanced areas specific to public health dentistry.

1 "Public health setting" means a federally qualified health  
2 center; a federal, State, or local public health facility;  
3 Head Start; a special supplemental nutrition program for  
4 Women, Infants, and Children (WIC) facility; a certified  
5 school-based health center or school-based oral health  
6 program; a prison; or a long-term care facility.

7 "Public health supervision" means the supervision of a  
8 public health dental hygienist by a licensed dentist who has a  
9 written public health supervision agreement with that public  
10 health dental hygienist while working in an approved facility  
11 or program that allows the public health dental hygienist to  
12 treat patients, without a dentist first examining the patient  
13 and being present in the facility during treatment, (1) who  
14 are eligible for Medicaid or (2) who are uninsured or whose  
15 household income is not greater than 300% of the federal  
16 poverty level.

17 "Teledentistry" means the use of telehealth systems and  
18 methodologies in dentistry and includes patient care and  
19 education delivery using synchronous and asynchronous  
20 communications under a dentist's authority as provided under  
21 this Act.

22 (Source: P.A. 102-93, eff. 1-1-22; 102-588, eff. 8-20-21;  
23 102-936, eff. 1-1-23; 103-425, eff. 1-1-24; 103-431, eff.  
24 1-1-24; revised 12-15-23.)

25 (225 ILCS 25/14.5 new)

1       Sec. 14.5. Examination of dental therapists; licensing

2       (a) Every person who desires to obtain a license as a  
3 dental therapist shall apply to the Department in writing,  
4 upon forms prepared and furnished by the Department. Each  
5 application shall contain proof of the particular  
6 qualifications required of the applicant, be verified by the  
7 applicant, under oath, and be accompanied by the required  
8 examination fee.

9       The Department shall require that every applicant for a  
10 license as a dental therapist shall:

11           (1) Be 18 years of age or older.

12           (2) Be a graduate of a dental therapy college or  
13 school accredited by the Commission on Dental  
14 Accreditation of the American Dental Association or any  
15 other dental therapy accrediting entity recognized by the  
16 United States Department of Education. For applicants  
17 applying for a dental therapy license before January 1,  
18 2029, the board must approve the applicant's dental  
19 therapy education program if the program was administered  
20 by a college or school that operates an accredited dental  
21 or dental hygiene program and the college or school  
22 certifies to the board that the applicant's education  
23 substantially conformed to the education standards  
24 established by the Commission on Dental Accreditation of  
25 the American Dental Association.

26           (3) Successfully completed a dental therapy practical



1 or clinical examination designated by the Department. If  
2 an applicant fails to pass an examination after 3  
3 attempts, the applicant is not eligible to retake the  
4 examination unless the applicant completes additional  
5 education requirements as specified by the Department.

6 (b) An applicant who satisfies the requirements of this  
7 Section and who has successfully completed an examination  
8 identified in paragraph (3) of subsection (a) in a  
9 jurisdiction other than this State, or who has successfully  
10 completed a comparable examination administered or approved by  
11 the licensing authority in a jurisdiction other than this  
12 State, shall be licensed to practice dental therapy in this  
13 State if the Department determines that the other  
14 jurisdiction's examination is substantially similar to those  
15 identified in paragraph (3) of subsection (a).

16 (c) The Department shall adopt rules to implement and  
17 administer this Section.

18 (225 ILCS 25/14.6 new)

19 Sec. 14.6. Dental therapists; scope and area of practice.

20 (a) Except as otherwise provided in this Act, a dental  
21 therapist may perform the dental therapy services specified in  
22 subsection (b) under the general supervision of a dentist to  
23 the extent authorized by the supervising dentist and provided  
24 within the terms of a written collaborative management  
25 agreement signed by the dental therapist and the supervising

1 dentist that meets the requirements of subsection (c).

2 (b) Dental therapy services include all of the following:

3 (1) All services, treatments, and competencies  
4 identified by the Commission on Dental Accreditation of  
5 the American Dental Association in the Accreditation  
6 Standards for Dental Therapy Education Programs.

7 (2) The following state-specific services, if the  
8 dental therapist's education included curriculum content  
9 satisfying the criteria established by the Commission on  
10 Dental Accreditation of the American Dental Association  
11 for state-specific dental therapy services:

12 (A) evaluating radiographs;

13 (B) placement of space maintainers;

14 (C) pulpotomies on primary teeth;

15 (D) dispensing and administering non-opioid  
16 analgesics, including nitrous oxide,  
17 anti-inflammatories, and antibiotics, as authorized by  
18 the supervising dentist and within the parameters of  
19 the collaborative management agreement; and

20 (E) oral evaluation and assessment of dental  
21 disease and formulation of an individualized treatment  
22 plan if authorized by the supervising dentist and  
23 subject to any conditions, limitations, and protocols  
24 specified by the supervising dentist in the  
25 collaborative management agreement.

26 (c) Before performing any of the services authorized in

1 subsection (b), a dental therapist must enter into a written  
2 collaborative management agreement with a supervising dentist.  
3 The agreement must be signed by the dental therapist and the  
4 supervising dentist and must include all of the following  
5 information:

6 (1) practice settings where services may be provided  
7 by the dental therapist and the populations to be served  
8 by the dental therapist;

9 (2) any limitations on the services that may be  
10 provided by the dental therapist, including the level of  
11 supervision required by the supervising dentist and  
12 teledentistry;

13 (3) age-specific and procedure-specific practice  
14 protocols for the dental therapist, including case  
15 selection criteria, assessment guidelines, and imaging  
16 frequency;

17 (4) a procedure for creating and maintaining dental  
18 records for the patients who are treated by the dental  
19 therapist;

20 (5) a plan to manage medical emergencies in each  
21 practice setting where the dental therapist provides care;

22 (6) a quality assurance plan for monitoring care  
23 provided by the dental therapist, including patient care  
24 review, referral follow-up, and a quality assurance chart  
25 review;

26 (7) protocols for the dental therapist to administer

1 and dispense medications, including the specific  
2 conditions and circumstances under which the medications  
3 are to be dispensed and administered;

4 (8) criteria relating to the provision of care by the  
5 dental therapist to patients with specific medical  
6 conditions or complex medication histories, including  
7 requirements for consultation before the initiation of  
8 care;

9 (9) supervision criteria of dental therapists; and

10 (10) a plan for the provision of clinical resources  
11 and referrals in situations that are beyond the  
12 capabilities of the dental therapist.

13 (d) A supervising dentist shall determine the number of  
14 hours of practice that a dental therapist must complete under  
15 direct or indirect supervision of the supervising dentist  
16 before the dental therapist may perform any of the services  
17 authorized in subsection (b) under general supervision.

18 (e) A supervising dentist may restrict or limit the dental  
19 therapist's practice in the written collaborative management  
20 agreement to be less than the full scope of practice for dental  
21 therapists that is authorized in subsection (b).

22 (f) A supervising dentist may authorize a dental therapist  
23 to provide dental therapy services to a patient before the  
24 supervising dentist examines or diagnoses the patient if the  
25 authority, conditions, and protocols are established in a  
26 written collaborative management agreement and if the patient

1 is subsequently referred to a dentist for any needed  
2 additional services that exceed the dental therapist's scope  
3 of practice or authorization under the collaborative  
4 management agreement.

5 (g) A supervising dentist must be licensed and practicing  
6 in this State. The supervising dentist is responsible for all  
7 services authorized and performed by the dental therapist  
8 pursuant to the collaborative management agreement and for  
9 providing or arranging follow-up services to be provided by a  
10 dentist for any additional services that exceed the dental  
11 therapist's scope of practice or authorization under the  
12 collaborative management agreement.

13 (225 ILCS 25/16) (from Ch. 111, par. 2316)

14 (Section scheduled to be repealed on January 1, 2026)

15 Sec. 16. Expiration, renewal and restoration of licenses.  
16 The expiration date and renewal date for each license issued  
17 under this Act shall be set by rule. The renewal period for  
18 each license issued under this Act shall be 3 years. A dentist,  
19 ~~or~~ dental hygienist, or dental therapist may renew a license  
20 during the month preceding its expiration date by paying the  
21 required fee. A dentist, ~~or~~ dental hygienist, or dental  
22 therapist shall provide proof of current Basic Life Support  
23 (BLS) certification intended for health care providers at the  
24 time of renewal as provided by rule. Basic Life Support  
25 certification training taken as a requirement of this Section

1 shall be counted for no more than 4 hours during each licensure  
2 period towards the continuing education hours under Section  
3 16.1 of this Act. The Department shall provide by rule for  
4 exemptions from this requirement for a dentist, ~~or~~ dental  
5 hygienist, or dental therapist with a physical disability that  
6 would preclude him or her from performing BLS.

7 Any dentist, ~~or~~ dental hygienist, or dental therapist  
8 whose license has expired or whose license is on inactive  
9 status may have his license restored at any time within 5 years  
10 after the expiration thereof, upon payment of the required fee  
11 and a showing of proof of compliance with current continuing  
12 education requirements, as provided by rule.

13 Any person whose license has been expired for more than 5  
14 years or who has had his license on inactive status for more  
15 than 5 years may have his license restored by making  
16 application to the Department and filing proof acceptable to  
17 the Department of taking continuing education and of his  
18 fitness to have the license restored, including sworn evidence  
19 certifying to active practice in another jurisdiction, and by  
20 paying the required restoration fee. A person practicing on an  
21 expired license is deemed to be practicing without a license.  
22 However, a holder of a license may renew the license within 90  
23 days after its expiration by complying with the requirements  
24 for renewal and payment of an additional fee. A license  
25 renewal within 90 days after expiration shall be effective  
26 retroactively to the expiration date.

1           If a person whose license has expired or who has had his  
2 license on inactive status for more than 5 years has not  
3 maintained an active practice satisfactory to the department,  
4 the Department shall determine, by an evaluation process  
5 established by rule, his or her fitness to resume active  
6 status and may require the person to complete a period of  
7 evaluated clinical experience and may require successful  
8 completion of a practical examination.

9           However, any person whose license expired while he or she  
10 was (i) on active duty with the Armed Forces of the United  
11 States or called into service or training by the State militia  
12 or (ii) in training or education under the supervision of the  
13 United States preliminary to induction into the military  
14 service, may have his or her license renewed, reinstated, or  
15 restored without paying any lapsed renewal or restoration fee,  
16 if within 2 years after termination of such service, training,  
17 or education other than by dishonorable discharge, he or she  
18 furnishes the Department with satisfactory proof that he or  
19 she has been so engaged and that his or her service, training,  
20 or education has been so terminated.

21           (Source: P.A. 97-526, eff. 1-1-12; 97-1013, eff. 8-17-12;  
22 98-147, eff. 1-1-14.)

23           (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

24           (Section scheduled to be repealed on January 1, 2026)

25           Sec. 16.1. Continuing education. The Department shall

1 promulgate rules of continuing education for persons licensed  
2 under this Act. In establishing rules, the Department shall  
3 require a minimum of 48 hours of study in approved courses for  
4 dentists during each 3-year licensing period and a minimum of  
5 36 hours of study in approved courses for dental hygienists  
6 and dental therapists during each 3-year licensing period.

7 The Department shall approve only courses that are  
8 relevant to the treatment and care of patients, including, but  
9 not limited to, clinical courses in dentistry, ~~and~~ dental  
10 hygiene, and dental therapy and nonclinical courses such as  
11 patient management, legal and ethical responsibilities, and  
12 stress management. The Department shall allow up to 4 hours of  
13 continuing education credit hours per license renewal period  
14 for volunteer hours spent providing clinical services at, or  
15 sponsored by, a nonprofit community clinic, local or state  
16 health department, or a charity event. Courses shall not be  
17 approved in such subjects as estate and personal financial  
18 planning, personal investments, or personal health. Approved  
19 courses may include, but shall not be limited to, courses that  
20 are offered or sponsored by approved colleges, universities,  
21 and hospitals and by recognized national, State, and local  
22 dental and dental hygiene organizations. When offering a  
23 continuing education course, whether at no cost or for a fee,  
24 the course provider shall explicitly disclose that the course  
25 is an approved course for continuing education in the State of  
26 Illinois, as provided in this Section or by the rules adopted



1 by the Department.

2 No license shall be renewed unless the renewal application  
3 is accompanied by an affidavit indicating that the applicant  
4 has completed the required minimum number of hours of  
5 continuing education in approved courses as required by this  
6 Section. The affidavit shall not require a listing of courses.  
7 The affidavit shall be a prima facie evidence that the  
8 applicant has obtained the minimum number of required  
9 continuing education hours in approved courses. The Department  
10 shall not be obligated to conduct random audits or otherwise  
11 independently verify that an applicant has met the continuing  
12 education requirement. The Department, however, may not  
13 conduct random audits of more than 10% of the licensed  
14 dentists, ~~and~~ dental hygienists, and dental therapy in any one  
15 licensing cycle to verify compliance with continuing education  
16 requirements. If the Department, however, receives a complaint  
17 that a licensee has not completed the required continuing  
18 education or if the Department is investigating another  
19 alleged violation of this Act by a licensee, the Department  
20 may demand and shall be entitled to receive evidence from any  
21 licensee of completion of required continuing education  
22 courses for the most recently completed 3-year licensing  
23 period. Evidence of continuing education may include, but is  
24 not limited to, canceled checks, official verification forms  
25 of attendance, and continuing education recording forms, that  
26 demonstrate a reasonable record of attendance. The Board shall

1 determine, in accordance with rules adopted by the Department,  
2 whether a licensee or applicant has met the continuing  
3 education requirements. Any dentist who holds more than one  
4 license under this Act shall be required to complete only the  
5 minimum number of hours of continuing education required for  
6 renewal of a single license. The Department may provide  
7 exemptions from continuing education requirements.

8 (Source: P.A. 103-425, eff. 1-1-24.)

9 (225 ILCS 25/23) (from Ch. 111, par. 2323)

10 (Section scheduled to be repealed on January 1, 2026)

11 Sec. 23. Refusal, revocation or suspension of dental  
12 licenses. The Department may refuse to issue or renew, or may  
13 revoke, suspend, place on probation, reprimand or take other  
14 disciplinary or non-disciplinary action as the Department may  
15 deem proper, including imposing fines not to exceed \$10,000  
16 per violation, with regard to any license for any one or any  
17 combination of the following causes:

18 1. Fraud or misrepresentation in applying for or  
19 procuring a license under this Act, or in connection with  
20 applying for renewal of a license under this Act.

21 2. Inability to practice with reasonable judgment,  
22 skill, or safety as a result of habitual or excessive use  
23 or addiction to alcohol, narcotics, stimulants, or any  
24 other chemical agent or drug.

25 3. Willful or repeated violations of the rules of the

1 Department of Public Health or Department of Nuclear  
2 Safety.

3 4. Acceptance of a fee for service as a witness,  
4 without the knowledge of the court, in addition to the fee  
5 allowed by the court.

6 5. Division of fees or agreeing to split or divide the  
7 fees received for dental services with any person for  
8 bringing or referring a patient, except in regard to  
9 referral services as provided for under Section 45, or  
10 assisting in the care or treatment of a patient, without  
11 the knowledge of the patient or his or her legal  
12 representative. Nothing in this item 5 affects any bona  
13 fide independent contractor or employment arrangements  
14 among health care professionals, health facilities, health  
15 care providers, or other entities, except as otherwise  
16 prohibited by law. Any employment arrangements may include  
17 provisions for compensation, health insurance, pension, or  
18 other employment benefits for the provision of services  
19 within the scope of the licensee's practice under this  
20 Act. Nothing in this item 5 shall be construed to require  
21 an employment arrangement to receive professional fees for  
22 services rendered.

23 6. Employing, procuring, inducing, aiding or abetting  
24 a person not licensed or registered as a dentist, ~~or~~  
25 dental hygienist, or dental therapist to engage in the  
26 practice of dentistry or dental hygiene. The person

1           practiced upon is not an accomplice, employer, procurer,  
2           inducer, aider, or abetter within the meaning of this Act.

3           7. Making any misrepresentations or false promises,  
4           directly or indirectly, to influence, persuade or induce  
5           dental patronage.

6           8. Professional connection or association with or  
7           lending his or her name to another for the illegal  
8           practice of dentistry by another, or professional  
9           connection or association with any person, firm or  
10          corporation holding himself, herself, themselves, or  
11          itself out in any manner contrary to this Act.

12          9. Obtaining or seeking to obtain practice, money, or  
13          any other things of value by false or fraudulent  
14          representations, but not limited to, engaging in such  
15          fraudulent practice to defraud the medical assistance  
16          program of the Department of Healthcare and Family  
17          Services (formerly Department of Public Aid) under the  
18          Illinois Public Aid Code.

19          10. Practicing under a false or, except as provided by  
20          law, an assumed name.

21          11. Engaging in dishonorable, unethical, or  
22          unprofessional conduct of a character likely to deceive,  
23          defraud, or harm the public.

24          12. Conviction by plea of guilty or nolo contendere,  
25          finding of guilt, jury verdict, or entry of judgment or by  
26          sentencing for any crime, including, but not limited to,

1 convictions, preceding sentences of supervision,  
2 conditional discharge, or first offender probation, under  
3 the laws of any jurisdiction of the United States that (i)  
4 is a felony under the laws of this State or (ii) is a  
5 misdemeanor, an essential element of which is dishonesty,  
6 or that is directly related to the practice of dentistry.

7 13. Permitting a dental hygienist, dental assistant or  
8 other person under his or her supervision to perform any  
9 operation not authorized by this Act.

10 14. Permitting more than 4 dental hygienists to be  
11 employed under his or her supervision at any one time.

12 15. A violation of any provision of this Act or any  
13 rules promulgated under this Act.

14 16. Taking impressions for or using the services of  
15 any person, firm or corporation violating this Act.

16 17. Violating any provision of Section 45 relating to  
17 advertising.

18 18. Discipline by another U.S. jurisdiction or foreign  
19 nation, if at least one of the grounds for the discipline  
20 is the same or substantially equivalent to those set forth  
21 within this Act.

22 19. Willfully failing to report an instance of  
23 suspected child abuse or neglect as required by the Abused  
24 and Neglected Child Reporting Act.

25 20. Gross negligence in practice under this Act.

26 21. The use or prescription for use of narcotics or

1 controlled substances or designated products as listed in  
2 the Illinois Controlled Substances Act, in any way other  
3 than for therapeutic purposes.

4 22. Willfully making or filing false records or  
5 reports in his or her practice as a dentist, including,  
6 but not limited to, false records to support claims  
7 against the dental assistance program of the Department of  
8 Healthcare and Family Services (formerly Illinois  
9 Department of Public Aid).

10 23. Professional incompetence as manifested by poor  
11 standards of care.

12 24. Physical or mental illness, including, but not  
13 limited to, deterioration through the aging process, or  
14 loss of motor skills which results in a dentist's  
15 inability to practice dentistry with reasonable judgment,  
16 skill or safety. In enforcing this paragraph, the  
17 Department may compel a person licensed to practice under  
18 this Act to submit to a mental or physical examination  
19 pursuant to the terms and conditions of Section 23b.

20 25. Gross or repeated irregularities in billing for  
21 services rendered to a patient. For purposes of this  
22 paragraph 25, "irregularities in billing" shall include:

23 (a) Reporting excessive charges for the purpose of  
24 obtaining a total payment in excess of that usually  
25 received by the dentist for the services rendered.

26 (b) Reporting charges for services not rendered.

1           (c) Incorrectly reporting services rendered for  
2           the purpose of obtaining payment not earned.

3           26. Continuing the active practice of dentistry while  
4           knowingly having any infectious, communicable, or  
5           contagious disease proscribed by rule or regulation of the  
6           Department.

7           27. Being named as a perpetrator in an indicated  
8           report by the Department of Children and Family Services  
9           pursuant to the Abused and Neglected Child Reporting Act,  
10          and upon proof by clear and convincing evidence that the  
11          licensee has caused a child to be an abused child or  
12          neglected child as defined in the Abused and Neglected  
13          Child Reporting Act.

14          28. Violating the Health Care Worker Self-Referral  
15          Act.

16          29. Abandonment of a patient.

17          30. Mental incompetency as declared by a court of  
18          competent jurisdiction.

19          31. A finding by the Department that the licensee,  
20          after having his or her license placed on probationary  
21          status, has violated the terms of probation.

22          32. Material misstatement in furnishing information to  
23          the Department.

24          33. Failing, within 60 days, to provide information in  
25          response to a written request by the Department in the  
26          course of an investigation.

1           34. Immoral conduct in the commission of any act,  
2 including, but not limited to, commission of an act of  
3 sexual misconduct related to the licensee's practice.

4           35. Cheating on or attempting to subvert the licensing  
5 examination administered under this Act.

6           36. A pattern of practice or other behavior that  
7 demonstrates incapacity or incompetence to practice under  
8 this Act.

9           37. Failure to establish and maintain records of  
10 patient care and treatment as required under this Act.

11           38. Failure to provide copies of dental records as  
12 required by law.

13           39. Failure of a licensed dentist who owns or is  
14 employed at a dental office to give notice of an office  
15 closure to his or her patients at least 30 days prior to  
16 the office closure pursuant to Section 50.1.

17           40. Failure to maintain a sanitary work environment.

18           All proceedings to suspend, revoke, place on probationary  
19 status, or take any other disciplinary action as the  
20 Department may deem proper, with regard to a license on any of  
21 the foregoing grounds, must be commenced within 5 years after  
22 receipt by the Department of a complaint alleging the  
23 commission of or notice of the conviction order for any of the  
24 acts described herein. Except for fraud in procuring a  
25 license, no action shall be commenced more than 7 years after  
26 the date of the incident or act alleged to have violated this



1 Section. The time during which the holder of the license was  
2 outside the State of Illinois shall not be included within any  
3 period of time limiting the commencement of disciplinary  
4 action by the Department.

5 All fines imposed under this Section shall be paid within  
6 60 days after the effective date of the order imposing the fine  
7 or in accordance with the terms set forth in the order imposing  
8 the fine.

9 The Department may refuse to issue or may suspend the  
10 license of any person who fails to file a return, or to pay the  
11 tax, penalty or interest shown in a filed return, or to pay any  
12 final assessment of tax, penalty or interest, as required by  
13 any tax Act administered by the Illinois Department of  
14 Revenue, until such time as the requirements of any such tax  
15 Act are satisfied.

16 Any dentist who has had his or her license suspended or  
17 revoked for more than 5 years must comply with the  
18 requirements for restoration set forth in Section 16 prior to  
19 being eligible for reinstatement from the suspension or  
20 revocation.

21 (Source: P.A. 103-425, eff. 1-1-24.)

22 (225 ILCS 25/25) (from Ch. 111, par. 2325)

23 (Section scheduled to be repealed on January 1, 2026)

24 Sec. 25. Notice of hearing; investigations and informal  
25 conferences.

1 (a) Upon the motion of either the Department or the Board  
2 or upon the verified complaint in writing of any person  
3 setting forth facts which if proven would constitute grounds  
4 for refusal, suspension or revocation of license under this  
5 Act, the Board shall investigate the actions of any person,  
6 hereinafter called the respondent, who holds or represents  
7 that he or she holds a license. All such motions or complaints  
8 shall be brought to the Board.

9 (b) Prior to taking an in-person statement from a dentist,  
10 ~~or~~ dental hygienist, or dental therapist who is the subject of  
11 a complaint, the investigator shall inform the dentist, ~~or~~ the  
12 dental hygienist, or the dental therapist in writing:

13 (1) that the dentist, ~~or~~ dental hygienist, or dental  
14 therapist is the subject of a complaint;

15 (2) that the dentist, ~~or~~ dental hygienist, or dental  
16 therapist need not immediately proceed with the interview  
17 and may seek appropriate consultation prior to consenting  
18 to the interview; and

19 (3) that failure of the dentist, ~~or~~ dental hygienist, or  
20 or dental therapist to proceed with the interview shall  
21 not prohibit the Department from conducting a visual  
22 inspection of the facility.

23 A Department investigator's failure to comply with this  
24 subsection may not be the sole ground for dismissal of any  
25 order of the Department filed upon a finding of a violation or  
26 for dismissal of a pending investigation.

1 (b-5) The duly authorized dental investigators of the  
2 Department shall have the right to enter and inspect, during  
3 business hours, the business premises of a dentist licensed  
4 under this Act or of a person who holds himself or herself out  
5 as practicing dentistry, with due consideration for patient  
6 care of the subject of the investigation, so as to inspect the  
7 physical premises and equipment and furnishings therein. This  
8 right of inspection shall not include inspection of business,  
9 medical, or personnel records located on the premises without  
10 a Department subpoena issued in accordance with Section 25.1  
11 of this Act or Section 2105-105 of the Department of  
12 Professional Regulation Law of the Civil Administrative Code  
13 of Illinois. For the purposes of this Section, "business  
14 premises" means the office or offices where the dentist  
15 conducts the practice of dentistry.

16 (c) If the Department concludes on the basis of a  
17 complaint or its initial investigation that there is a  
18 possible violation of the Act, the Department may:

19 (1) schedule a hearing pursuant to this Act; or

20 (2) request in writing that the dentist, ~~or~~ dental  
21 hygienist, or dental therapist being investigated attend  
22 an informal conference with representatives of the  
23 Department.

24 The request for an informal conference shall contain the  
25 nature of the alleged actions or inactions that constitute the  
26 possible violations.

1           A dentist, ~~or~~ dental hygienist, or dental therapist shall  
2 be allowed to have legal counsel at the informal conference.  
3 If the informal conference results in a consent order between  
4 the accused dentist, ~~or~~ dental hygienist, or dental therapist  
5 and the Department, the consent order must be approved by the  
6 Secretary. However, if the consent order would result in a  
7 fine exceeding \$10,000 or the suspension or revocation of the  
8 dentist, ~~or~~ dental hygienist, or dental therapist license, the  
9 consent order must be approved by the Board and the Secretary.  
10 Participation in the informal conference by a dentist, a  
11 dental hygienist, or the Department and any admissions or  
12 stipulations made by a dentist, a dental hygienist, a dental  
13 therapist, or the Department at the informal conference,  
14 including any agreements in a consent order that is  
15 subsequently disapproved by either the Board or the Secretary,  
16 shall not be used against the dentist, dental hygienist,  
17 dental therapist, or Department at any subsequent hearing and  
18 shall not become a part of the record of the hearing.

19           (d) The Secretary shall, before suspending, revoking,  
20 placing on probationary status, or taking any other  
21 disciplinary action as the Secretary may deem proper with  
22 regard to any license, at least 30 days prior to the date set  
23 for the hearing, notify the respondent in writing of any  
24 charges made and the time and place for a hearing of the  
25 charges before the Board, direct him or her to file his or her  
26 written answer thereto to the Board under oath within 20 days

1 after the service on him or her of such notice and inform him  
2 or her that if he or she fails to file such answer default will  
3 be taken against him or her and his or her license may be  
4 suspended, revoked, placed on probationary status, or other  
5 disciplinary action may be taken with regard thereto,  
6 including limiting the scope, nature or extent of his or her  
7 practice, as the Secretary may deem proper.

8 (e) Such written notice and any notice in such proceedings  
9 thereafter may be served by delivery personally to the  
10 respondent, or by registered or certified mail to the address  
11 last theretofore specified by the respondent in his or her  
12 last notification to the Secretary.

13 (Source: P.A. 99-492, eff. 12-31-15.)

14 (225 ILCS 25/25.1)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 25.1. Subpoena powers.

17 (a) The Department, upon a determination by the  
18 chairperson of the Board that reasonable cause exists that a  
19 violation of one or more of the grounds for discipline set  
20 forth in Section 23 or Section 24 of this Act has occurred or  
21 is occurring, may subpoena the dental records of individual  
22 patients of dentists and dental hygienists licensed under this  
23 Act.

24 (b) Notwithstanding subsection (a) of this Section, the  
25 Board and the Department may subpoena copies of hospital,

1 medical, or dental records in mandatory report cases alleging  
2 death or permanent bodily injury when consent to obtain the  
3 records has not been provided by a patient or a patient's legal  
4 representative. All records and other information received  
5 pursuant to a subpoena shall be confidential and shall be  
6 afforded the same status as information concerning medical  
7 studies under Part 21 of Article VIII of the Code of Civil  
8 Procedure. The use of these records shall be restricted to  
9 members of the Board, the dental coordinator, and appropriate  
10 Department staff designated by the Secretary for the purpose  
11 of determining the existence of one or more grounds for  
12 discipline of the dentist, ~~or~~ dental hygienist, or dental  
13 therapist as provided for in Section 23 or Section 24 of this  
14 Act.

15 (c) Any review of an individual patient's records shall be  
16 conducted by the Department in strict confidentiality,  
17 provided that the patient records shall be admissible in a  
18 disciplinary hearing before the Secretary, the Board, or a  
19 hearing officer designated by the Department when necessary to  
20 substantiate the grounds for discipline alleged against the  
21 dentist, ~~or~~ dental hygienist, or dental therapist licensed  
22 under this Act.

23 (d) The Department may provide reimbursement for fees and  
24 mileage associated with its subpoena power in the same manner  
25 prescribed by law for judicial procedure in a civil case.

26 (e) Nothing in this Section shall be deemed to supersede

1 the provisions of Part 21 of Article VIII of the Code of Civil  
2 Procedure, now or hereafter amended, to the extent applicable.

3 (f) All information gathered by the Department during any  
4 investigation, including information subpoenaed under this Act  
5 and the investigative file, shall be kept for the confidential  
6 use of the Secretary, the dental coordinator, the Board's  
7 attorneys, the dental investigative staff, authorized clerical  
8 staff, and persons employed by contract to advise the dental  
9 coordinator or the Department as provided in this Act, except  
10 that the Department may disclose information and documents to  
11 (i) a federal, State, or local law enforcement agency pursuant  
12 to a subpoena in an ongoing criminal investigation or (ii) a  
13 dental licensing authority of another state or jurisdiction  
14 pursuant to an official request made by that authority. Any  
15 information or documents disclosed by the Department to a  
16 federal, State, or local law enforcement agency may only be  
17 used by that agency for the investigation and prosecution of a  
18 criminal offense. Any information or documents disclosed by  
19 the Department to a dental licensing authority of another  
20 state or jurisdiction may only be used by that authority for  
21 investigations and disciplinary proceedings with regards to a  
22 license.

23 This subsection (f) applies only to causes of action  
24 accruing on or after the effective date of this amendatory Act  
25 of the 96th General Assembly.

26 (Source: P.A. 96-1221, eff. 7-23-10.)

1 (225 ILCS 25/26) (from Ch. 111, par. 2326)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 26. Disciplinary actions.

4 (a) In case the respondent, after receiving notice, fails  
5 to file an answer, his or her license may, in the discretion of  
6 the Secretary, having first received the recommendation of the  
7 Board, be suspended, revoked, placed on probationary status,  
8 or the Secretary may take whatever disciplinary or  
9 non-disciplinary action he or she may deem proper, including  
10 limiting the scope, nature, or extent of the person's practice  
11 or the imposition of a fine, without a hearing, if the act or  
12 acts charged constitute sufficient grounds for such action  
13 under this Act.

14 (b) The Secretary may temporarily suspend the license of a  
15 dentist, ~~or~~ dental hygienist, or dental therapist without a  
16 hearing, simultaneous to the institution of proceedings for a  
17 hearing under this Act, if the Secretary finds that evidence  
18 in his or her possession indicates that a dentist's or dental  
19 hygienist's continuation in practice would constitute an  
20 immediate danger to the public. In the event that the  
21 Secretary temporarily suspends the license of a dentist, ~~or~~ a  
22 dental hygienist, or a dental therapist without a hearing, a  
23 hearing by the Board must be held within 15 days after such  
24 suspension has occurred.

25 (c) The entry of a judgment by any circuit court



1 establishing that any person holding a license under this Act  
2 is a person subject to involuntary admission under the Mental  
3 Health and Developmental Disabilities Code shall operate as a  
4 suspension of that license. That person may resume his or her  
5 practice only upon a finding by the Board that he or she has  
6 been determined to be no longer subject to involuntary  
7 admission by the court and upon the Board's recommendation to  
8 the Secretary that he or she be permitted to resume his or her  
9 practice.

10 (Source: P.A. 99-492, eff. 12-31-15.)

11 (225 ILCS 25/34) (from Ch. 111, par. 2334)

12 (Section scheduled to be repealed on January 1, 2026)

13 Sec. 34. Confidential information - disclosure. In all  
14 hearings conducted under this Act, information received,  
15 pursuant to law, relating to any information acquired by a  
16 dentist, ~~or~~ dental hygienist, or dental therapist in attending  
17 any patient in a professional character, and necessary to  
18 professionally serve such patient, shall be deemed strictly  
19 confidential and shall only be made available, either as part  
20 of the record of a hearing hereunder or otherwise: (1) when  
21 such record is required, in its entirety, for purposes of  
22 judicial review pursuant to this Act; or (2) upon the express,  
23 written consent of the patient, or in the case of his or her  
24 death or disability, his or her personal representative.

25 (Source: P.A. 84-365.)

1 (225 ILCS 25/36) (from Ch. 111, par. 2336)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 36. Reports of Violations - Immunity. Any person  
4 licensed under this Act, the Illinois State Dental Society,  
5 Illinois Dental Hygienists Association, or any other similar  
6 group or component society or member thereof, or any other  
7 person, may report to the Board any information such person,  
8 association or society may have which appears to show that a  
9 dentist, ~~or~~ dental hygienist, or dental therapist is or may be  
10 in violation of any of the provisions of this Act. Any such  
11 person, association, or society, participating in good faith  
12 in the making of a report, under the Act, shall have immunity  
13 from any liability, civil, criminal or that otherwise might  
14 result by reason of such action. For the purpose of any  
15 proceedings, civil or criminal, the good faith of any such  
16 person, association, or society shall be presumed.

17 (Source: P.A. 85-946.)

18 (225 ILCS 25/37) (from Ch. 111, par. 2337)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 37. Unlicensed practice; injunctions. The practice of  
21 dentistry by any person not holding a valid and current  
22 license under this Act is declared to be inimical to the public  
23 welfare, to constitute a public nuisance, and to cause  
24 irreparable harm to the public welfare.

1 A person is considered to practice dentistry who:

2 (1) employs a dentist, dental hygienist, dental  
3 therapist, or other entity which can provide dental  
4 services under this Act;

5 (2) directs or controls the use of any dental  
6 equipment or material while such equipment or material is  
7 being used for the provision of dental services, provided  
8 that this provision shall not be construed to prohibit a  
9 person from obtaining professional advice or assistance in  
10 obtaining or from leasing the equipment or material,  
11 provided the advice, assistance, or lease does not  
12 restrict or interfere with the custody, control, or use of  
13 the equipment or material by the person;

14 (3) directs, controls or interferes with a dentist's,  
15 ~~or~~ dental hygienist's, or dental therapist's clinical  
16 judgment; or

17 (4) exercises direction or control, by written  
18 contract, license, or otherwise, over a dentist, dental  
19 hygienist, dental therapist, or other entity which can  
20 provide dental services under this Act in the selection of  
21 a course of treatment; limitation of patient referrals;  
22 content of patient records; policies and decisions  
23 relating to refunds (if the refund payment would be  
24 reportable under federal law to the National Practitioner  
25 Data Bank) and warranties and the clinical content of  
26 advertising; and final decisions relating to employment of

1 dental assistants and dental hygienists. Nothing in this  
2 Act shall, however, be construed as prohibiting the  
3 seeking or giving of advice or assistance with respect to  
4 these matters.

5 The purpose of this Section is to prevent a non-dentist  
6 from influencing or otherwise interfering with the exercise of  
7 independent professional judgment by a dentist, dental  
8 hygienist, dental therapist, or other entity which can provide  
9 dental services under this Act. Nothing in this Section shall  
10 be construed to prohibit insurers and managed care plans from  
11 operating pursuant to the applicable provisions of the  
12 Illinois Insurance Code under which the entities are licensed.

13 The Secretary, the Attorney General, the State's attorney  
14 of any county in the State, or any person may maintain an  
15 action in the name of the People of the State of Illinois, and  
16 may apply for injunctive relief in any circuit court to enjoin  
17 such person from engaging in such practice; and upon the  
18 filing of a verified petition in such court, the court if  
19 satisfied by affidavit, or otherwise, that such person has  
20 been engaged in such practice without a valid and current  
21 license so to do, may enter a temporary restraining order  
22 without notice or bond, enjoining the defendant from such  
23 further practice. Only the showing of non-licensure, by  
24 affidavit or otherwise, is necessary in order for a temporary  
25 injunction to issue. A copy of the verified complaint shall be  
26 served upon the defendant and the proceedings shall thereafter

1 be conducted as in other civil cases except as modified by this  
2 Section. If it is established that the defendant has been, or  
3 is engaged in such unlawful practice, the court may enter an  
4 order or judgment perpetually enjoining the defendant from  
5 further such practice. In all proceedings hereunder the court,  
6 in its discretion, may apportion the costs among the parties  
7 interested in the action, including cost of filing the  
8 complaint, service of process, witness fees and expenses,  
9 court reporter charges and reasonable attorneys' fees. In case  
10 of violation of any injunctive order entered under the  
11 provisions of this Section, the court may summarily try and  
12 punish the offender for contempt of court. Such injunction  
13 proceedings shall be in addition to, and not in lieu of, all  
14 penalties and other remedies provided in this Act.

15 This Section does not apply to an executor, administrator,  
16 guardian, or authorized representative contracting with  
17 another dentist or dentists to continue the operations of a  
18 deceased or incapacitated dentist's practice under Section  
19 38.2 of this Act.

20 (Source: P.A. 97-1013, eff. 8-17-12.)

21 (225 ILCS 25/38.1)

22 (Section scheduled to be repealed on January 1, 2026)

23 Sec. 38.1. Prohibition against interference by  
24 non-dentists. The purpose of this Section is to ensure that  
25 each dentist, ~~or~~ dental hygienist, or dental therapist

1 practicing in this State meets minimum requirements for safe  
2 practice without clinical interference by persons not licensed  
3 under this Act. It is the legislative intent that dental  
4 services be provided only in accordance with the provisions of  
5 this Act and not be delegated to unlicensed persons.

6 Unless otherwise authorized by this Act, a dentist, ~~or~~  
7 dental hygienist, or dental therapist is prohibited from  
8 providing dental services in this State, if the dentist, ~~or~~  
9 dental hygienist, or dental therapist:

10 (1) is employed by any person other than a dentist to  
11 provide dental services, except as set forth in Section  
12 38.2 of this Act; or

13 (2) allows any person other than another dentist to  
14 direct, control, or interfere with the dentist's or dental  
15 hygienist's clinical judgment. Clinical judgment shall  
16 include but not be limited to such matters as the  
17 dentist's or dental hygienist's selection of a course of  
18 treatment, limitation of patient referrals, content of  
19 patient records, policies and decisions relating to  
20 refunds (if the refund payment would be reportable under  
21 federal law to the National Practitioner Data Bank) and  
22 warranties and the clinical content of advertising, and  
23 final decisions relating to employment of dental  
24 assistants and dental hygienists. This paragraph shall not  
25 be construed to limit a patient's right of informed  
26 consent. An executor, administrator, guardian, or

1 authorized representative contracting with another dentist  
2 or dentists to continue the operations of a deceased or  
3 incapacitated dentist's practice under Section 38.2 of  
4 this Act who violates this paragraph (2) is subject to the  
5 civil penalties set forth in Section 8.5 of this Act.

6 (Source: P.A. 94-1028, eff. 1-1-07.)

7 (225 ILCS 25/55) (from Ch. 111, par. 2355)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 55. Administrative Procedure Act. The Illinois  
10 Administrative Procedure Act is hereby expressly adopted and  
11 incorporated herein as if all of the provisions of that Act  
12 were included in this Act, except that the provision of  
13 subsection (d) of Section 10-65 of the Illinois Administrative  
14 Procedure Act that provides that at hearings the dentist, ~~or~~  
15 dental hygienist, or dental therapist has the right to show  
16 compliance with all lawful requirements for retention,  
17 continuation or renewal of the license is specifically  
18 excluded. For the purposes of this Act the notice required  
19 under Section 10-25 of the Administrative Procedure Act is  
20 deemed sufficient when mailed to the last known address of a  
21 party.

22 (Source: P.A. 88-45; 89-80, eff. 6-30-95; 89-116, eff.  
23 7-7-95.)