



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2822

Introduced 1/19/2024, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

225 ILCS 25/4	
225 ILCS 25/8.1	from Ch. 111, par. 2308.1
225 ILCS 25/17	
225 ILCS 25/19.2	
225 ILCS 25/45	from Ch. 111, par. 2345

Amends the Illinois Dental Practice Act. Defines the terms "deep sedation", "general anesthesia", and "moderate sedation". Provides for the minimum education requirements for permits to administer deep sedation, general anesthesia, and moderate sedation. Replaces all uses of the term "conscious sedation" with the term "moderate sedation". Effective immediately.

LRB103 36437 AWJ 66539 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, 8.1, 17, 19.2, and 45 as follows:

6 (225 ILCS 25/4)

7 (Section scheduled to be repealed on January 1, 2026)

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

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

16 "Department" means the Department of Financial and
17 Professional Regulation.

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

20 "Board" means the Board of Dentistry.

21 "Dentist" means a person who has received a general
22 license pursuant to paragraph (a) of Section 11 of this Act and
23 who may perform any intraoral and extraoral procedure required

1 in the practice of dentistry and to whom is reserved the
2 responsibilities specified in Section 17.

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

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

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

12 "Dental laboratory" means a person, firm, or corporation
13 which:

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

19 (ii) utilizes or employs a dental technician to
20 provide such services; and

21 (iii) performs such functions only for a dentist or
22 dentists.

23 "Supervision" means supervision of a dental hygienist or a
24 dental assistant requiring that a dentist authorize the
25 procedure, remain in the dental facility while the procedure
26 is performed, and approve the work performed by the dental

1 hygienist or dental assistant before dismissal of the patient,
2 but does not mean that the dentist must be present at all times
3 in the treatment room.

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

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

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

22 "Branches of dentistry" means the various specialties of
23 dentistry which, for purposes of this Act, shall be limited to
24 the following: endodontics, oral and maxillofacial surgery,
25 orthodontics and dentofacial orthopedics, pediatric dentistry,
26 periodontics, prosthodontics, oral and maxillofacial

1 radiology, and dental anesthesiology.

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

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

10 "Impaired dentist" or "impaired dental hygienist" means a
11 dentist or dental hygienist who is unable to practice with
12 reasonable skill and safety because of a physical or mental
13 disability as evidenced by a written determination or written
14 consent based on clinical evidence, including deterioration
15 through the aging process, loss of motor skills, abuse of
16 drugs or alcohol, or a psychiatric disorder, of sufficient
17 degree to diminish the person's ability to deliver competent
18 patient care.

19 "Nurse" means a registered professional nurse, a certified
20 registered nurse anesthetist licensed as an advanced practice
21 registered nurse, or a licensed practical nurse licensed under
22 the Nurse Practice Act.

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

1 "Dental responder" means a dentist or dental hygienist who
2 is appropriately certified in disaster preparedness,
3 immunizations, and dental humanitarian medical response
4 consistent with the Society of Disaster Medicine and Public
5 Health and training certified by the National Incident
6 Management System or the National Disaster Life Support
7 Foundation.

8 "Mobile dental van or portable dental unit" means any
9 self-contained or portable dental unit in which dentistry is
10 practiced that can be moved, towed, or transported from one
11 location to another in order to establish a location where
12 dental services can be provided.

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

19 "Public health setting" means a federally qualified health
20 center; a federal, State, or local public health facility;
21 Head Start; a special supplemental nutrition program for
22 Women, Infants, and Children (WIC) facility; a certified
23 school-based health center or school-based oral health
24 program; a prison; or a long-term care facility.

25 "Public health supervision" means the supervision of a
26 public health dental hygienist by a licensed dentist who has a

1 written public health supervision agreement with that public
2 health dental hygienist while working in an approved facility
3 or program that allows the public health dental hygienist to
4 treat patients, without a dentist first examining the patient
5 and being present in the facility during treatment, (1) who
6 are eligible for Medicaid or (2) who are uninsured or whose
7 household income is not greater than 300% of the federal
8 poverty level.

9 "Teledentistry" means the use of telehealth systems and
10 methodologies in dentistry and includes patient care and
11 education delivery using synchronous and asynchronous
12 communications under a dentist's authority as provided under
13 this Act.

14 "Deep sedation" means a pharmacologically induced
15 depressed state of consciousness, accompanied by partial loss
16 of protective reflexes, including the inability to respond
17 purposefully to oral commands. The purposeful response to
18 painful stimulation is maintained.

19 "General anesthesia" means a pharmacologically induced
20 state of unconsciousness accompanied by a partial or complete
21 loss of protective reflexes, including the inability to
22 independently maintain an airway and respond purposefully to
23 painful stimulation or oral commands.

24 "Moderate sedation" means a pharmacologically induced
25 depressed state of consciousness under which an individual
26 retains the ability to independently and continuously maintain

1 an airway and respond appropriately to light tactile
2 stimulation and oral commands, including altered consciousness
3 of an individual and signs of sleep in an individual.

4 (Source: P.A. 102-93, eff. 1-1-22; 102-588, eff. 8-20-21;
5 102-936, eff. 1-1-23; 103-425, eff. 1-1-24; 103-431, eff.
6 1-1-24; revised 12-15-23.)

7 (225 ILCS 25/8.1) (from Ch. 111, par. 2308.1)

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

9 Sec. 8.1. Permit for the administration of anesthesia and
10 sedation.

11 (a) No licensed dentist shall administer general
12 anesthesia, deep sedation, or moderate ~~conscious~~ sedation
13 without first applying for and obtaining a permit for such
14 purpose from the Department. The Department shall issue such
15 permit only after ascertaining that the applicant possesses
16 the minimum qualifications necessary to protect public safety.
17 A person with a dental degree who administers anesthesia, deep
18 sedation, or moderate ~~conscious~~ sedation in an approved
19 hospital training program under the supervision of either a
20 licensed dentist holding such permit or a physician licensed
21 to practice medicine in all its branches shall not be required
22 to obtain such permit.

23 (b) The minimum requirements for a permit to administer
24 moderate sedation shall include the completion of a minimum of
25 75 hours of didactic and supervised clinical study in an

1 American Dental Association Commission on Dental Accreditation
2 accredited dental specialty program that includes training and
3 documentation in moderate sedation techniques appropriate for
4 each specialty. The minimum requirements for a permit to
5 administer deep sedation and general anesthesia shall include
6 the completion of a minimum of 2 years of advanced training in
7 anesthesiology beyond the pre-doctoral level in a training
8 program approved by the American Dental Association's Council
9 on Dental Education and Licensure, as outlined in Guidelines
10 for Teaching Pain Control and Sedation to Dentists and Dental
11 Students as published by the American Dental Association's
12 Council on Dental Education and Licensure. The Department may
13 establish, by rule, additional requirements to ensure patient
14 safety in dental offices administering anesthesia, to include,
15 but not limited to the following:~~In determining the minimum~~
16 ~~permit qualifications that are necessary to protect public~~
17 ~~safety, the Department, by rule, shall:~~

18 (1) (blank); ~~establish the minimum educational and~~
19 ~~training requirements necessary for a dentist to be issued~~
20 ~~an appropriate permit;~~

21 (2) establish the standards for properly equipped
22 dental facilities (other than licensed hospitals and
23 ambulatory surgical treatment centers) in which general
24 anesthesia, deep sedation, or moderate ~~conscious~~ sedation
25 is administered, as necessary to protect public safety;

26 (3) establish minimum requirements for all persons who

1 assist the dentist in the administration of general
2 anesthesia, deep sedation, or moderate ~~conscious~~ sedation,
3 including minimum training requirements for each member of
4 the dental team, monitoring requirements, recordkeeping
5 requirements, and emergency procedures;

6 (4) ensure that the dentist has completed and
7 maintains current certification in advanced cardiac life
8 support or pediatric advanced life support and all persons
9 assisting the dentist or monitoring the administration of
10 general anesthesia, deep sedation, or moderate ~~conscious~~
11 sedation maintain current certification in Basic Life
12 Support (BLS); and

13 (5) establish continuing education requirements in
14 sedation techniques and airway management for dentists who
15 possess a permit under this Section.

16 When establishing requirements under this Section, the
17 Department shall consider the current American Dental
18 Association guidelines on sedation and general anesthesia, the
19 current "Guidelines for Monitoring and Management of Pediatric
20 Patients During and After Sedation for Diagnostic and
21 Therapeutic Procedures" established by the American Academy of
22 Pediatrics and the American Academy of Pediatric Dentistry,
23 and the current parameters of care and Office Anesthesia
24 Evaluation (OAE) Manual established by the American
25 Association of Oral and Maxillofacial Surgeons.

26 (c) A licensed dentist must hold an appropriate permit

1 issued under this Section in order to perform dentistry while
2 a nurse anesthetist administers moderate ~~conscious~~ sedation,
3 and a valid written collaborative agreement must exist between
4 the dentist and the nurse anesthetist, in accordance with the
5 Nurse Practice Act.

6 A licensed dentist must hold an appropriate permit issued
7 under this Section in order to perform dentistry while a nurse
8 anesthetist administers deep sedation or general anesthesia,
9 and a valid written collaborative agreement must exist between
10 the dentist and the nurse anesthetist, in accordance with the
11 Nurse Practice Act.

12 For the purposes of this subsection (c), "nurse
13 anesthetist" means a licensed certified registered nurse
14 anesthetist who holds a license as an advanced practice
15 registered nurse.

16 (Source: P.A. 100-201, eff. 8-18-17; 100-513, eff. 1-1-18;
17 101-162, eff. 7-26-19.)

18 (225 ILCS 25/17)

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

20 Sec. 17. Acts constituting the practice of dentistry. A
21 person practices dentistry, within the meaning of this Act:

22 (1) Who represents himself or herself as being able to
23 diagnose or diagnoses, treats, prescribes, or operates for
24 any disease, pain, deformity, deficiency, injury, or
25 physical condition of the human tooth, teeth, alveolar

1 process, gums, or jaw; or

2 (2) Who is a manager, proprietor, operator, or
3 conductor of a business where dental operations are
4 performed; or

5 (3) Who performs dental operations of any kind; or

6 (4) Who uses an X-Ray machine or X-Ray films for
7 dental diagnostic purposes; or

8 (5) Who extracts a human tooth or teeth, or corrects
9 or attempts to correct malpositions of the human teeth or
10 jaws; or

11 (6) Who offers or undertakes, by any means or method,
12 to diagnose, treat, or remove stains, calculus, and
13 bonding materials from human teeth or jaws; or

14 (7) Who uses or administers local or general
15 anesthetics in the treatment of dental or oral diseases or
16 in any preparation incident to a dental operation of any
17 kind or character; or

18 (8) Who takes material or digital scans for final
19 impressions of the human tooth, teeth, or jaws or performs
20 any phase of any operation incident to the replacement of
21 a part of a tooth, a tooth, teeth, or associated tissues by
22 means of a filling, a crown, a bridge, a denture, or other
23 appliance; or

24 (9) Who offers to furnish, supply, construct,
25 reproduce, or repair, or who furnishes, supplies,
26 constructs, reproduces, or repairs, prosthetic dentures,

1 bridges, or other substitutes for natural teeth, to the
2 user or prospective user thereof; or

3 (10) Who instructs students on clinical matters or
4 performs any clinical operation included in the curricula
5 of recognized dental schools and colleges; or

6 (11) Who takes material or digital scans for final
7 impressions of human teeth or places his or her hands in
8 the mouth of any person for the purpose of applying teeth
9 whitening materials, or who takes impressions of human
10 teeth or places his or her hands in the mouth of any person
11 for the purpose of assisting in the application of teeth
12 whitening materials. A person does not practice dentistry
13 when he or she discloses to the consumer that he or she is
14 not licensed as a dentist under this Act and (i) discusses
15 the use of teeth whitening materials with a consumer
16 purchasing these materials; (ii) provides instruction on
17 the use of teeth whitening materials with a consumer
18 purchasing these materials; or (iii) provides appropriate
19 equipment on-site to the consumer for the consumer to
20 self-apply teeth whitening materials.

21 The fact that any person engages in or performs, or offers
22 to engage in or perform, any of the practices, acts, or
23 operations set forth in this Section, shall be prima facie
24 evidence that such person is engaged in the practice of
25 dentistry.

26 The following practices, acts, and operations, however,

1 are exempt from the operation of this Act:

2 (a) The rendering of dental relief in emergency cases
3 in the practice of his or her profession by a physician or
4 surgeon, licensed as such under the laws of this State,
5 unless he or she undertakes to reproduce or reproduces
6 lost parts of the human teeth in the mouth or to restore or
7 replace lost or missing teeth in the mouth; or

8 (b) The practice of dentistry in the discharge of
9 their official duties by dentists in any branch of the
10 Armed Services of the United States, the United States
11 Public Health Service, or the United States Veterans
12 Administration; or

13 (c) The practice of dentistry by students in their
14 course of study in dental schools or colleges approved by
15 the Department, when acting under the direction and
16 supervision of dentists acting as instructors; or

17 (d) The practice of dentistry by clinical instructors
18 in the course of their teaching duties in dental schools
19 or colleges approved by the Department:

20 (i) when acting under the direction and
21 supervision of dentists, provided that such clinical
22 instructors have instructed continuously in this State
23 since January 1, 1986; or

24 (ii) when holding the rank of full professor at
25 such approved dental school or college and possessing
26 a current valid license or authorization to practice

1 dentistry in another country; or

2 (e) The practice of dentistry by licensed dentists of
3 other states or countries at meetings of the Illinois
4 State Dental Society or component parts thereof, alumni
5 meetings of dental colleges, or any other like dental
6 organizations, while appearing as clinicians; or

7 (f) The use of X-Ray machines for exposing X-Ray films
8 of dental or oral tissues by dental hygienists or dental
9 assistants; or

10 (g) The performance of any dental service by a dental
11 assistant, if such service is performed under the
12 supervision and full responsibility of a dentist. In
13 addition, after being authorized by a dentist, a dental
14 assistant may, for the purpose of eliminating pain or
15 discomfort, remove loose, broken, or irritating
16 orthodontic appliances on a patient of record.

17 For purposes of this paragraph (g), "dental service"
18 is defined to mean any intraoral procedure or act which
19 shall be prescribed by rule or regulation of the
20 Department. "Dental service", however, shall not include:

21 (1) Any and all diagnosis of or prescription for
22 treatment of disease, pain, deformity, deficiency,
23 injury, or physical condition of the human teeth or
24 jaws, or adjacent structures.

25 (2) Removal of, restoration of, or addition to the
26 hard or soft tissues of the oral cavity, except for the

1 placing, carving, and finishing of amalgam
2 restorations and placing, packing, and finishing
3 composite restorations by dental assistants who have
4 had additional formal education and certification.

5 A dental assistant may place, carve, and finish
6 amalgam restorations, place, pack, and finish
7 composite restorations, and place interim restorations
8 if he or she (A) has successfully completed a
9 structured training program as described in item (2)
10 of subsection (g) provided by an educational
11 institution accredited by the Commission on Dental
12 Accreditation, such as a dental school or dental
13 hygiene or dental assistant program, or (B) has at
14 least 4,000 hours of direct clinical patient care
15 experience and has successfully completed a structured
16 training program as described in item (2) of
17 subsection (g) provided by a statewide dental
18 association, approved by the Department to provide
19 continuing education, that has developed and conducted
20 training programs for expanded functions for dental
21 assistants or hygienists. The training program must:
22 (i) include a minimum of 16 hours of didactic study and
23 14 hours of clinical manikin instruction; all training
24 programs shall include areas of study in nomenclature,
25 caries classifications, oral anatomy, periodontium,
26 basic occlusion, instrumentations, pulp protection

1 liners and bases, dental materials, matrix and wedge
2 techniques, amalgam placement and carving, rubber dam
3 clamp placement, and rubber dam placement and removal;
4 (ii) include an outcome assessment examination that
5 demonstrates competency; (iii) require the supervising
6 dentist to observe and approve the completion of 8
7 amalgam or composite restorations; and (iv) issue a
8 certificate of completion of the training program,
9 which must be kept on file at the dental office and be
10 made available to the Department upon request. A
11 dental assistant must have successfully completed an
12 approved coronal polishing and dental sealant course
13 prior to taking the amalgam and composite restoration
14 course.

15 A dentist utilizing dental assistants shall not
16 supervise more than 4 dental assistants at any one
17 time for placing, carving, and finishing of amalgam
18 restorations or for placing, packing, and finishing
19 composite restorations.

20 (3) Any and all correction of malformation of
21 teeth or of the jaws.

22 (4) Administration of anesthetics, except for
23 monitoring of nitrous oxide, moderate ~~conscious~~
24 sedation, deep sedation, and general anesthetic as
25 provided in Section 8.1 of this Act, that may be
26 performed only after successful completion of a

1 training program approved by the Department. A dentist
2 utilizing dental assistants shall not supervise more
3 than 4 dental assistants at any one time for the
4 monitoring of nitrous oxide.

5 (5) Removal of calculus from human teeth.

6 (6) Taking of material or digital scans for final
7 impressions for the fabrication of prosthetic
8 appliances, crowns, bridges, inlays, onlays, or other
9 restorative or replacement dentistry.

10 (7) The operative procedure of dental hygiene
11 consisting of oral prophylactic procedures, except for
12 coronal polishing and pit and fissure sealants, which
13 may be performed by a dental assistant who has
14 successfully completed a training program approved by
15 the Department. Dental assistants may perform coronal
16 polishing under the following circumstances: (i) the
17 coronal polishing shall be limited to polishing the
18 clinical crown of the tooth and existing restorations,
19 supragingivally; (ii) the dental assistant performing
20 the coronal polishing shall be limited to the use of
21 rotary instruments using a rubber cup or brush
22 polishing method (air polishing is not permitted); and
23 (iii) the supervising dentist shall not supervise more
24 than 4 dental assistants at any one time for the task
25 of coronal polishing or pit and fissure sealants.

26 In addition to coronal polishing and pit and

1 fissure sealants as described in this item (7), a
2 dental assistant who has at least 2,000 hours of
3 direct clinical patient care experience and who has
4 successfully completed a structured training program
5 provided by (1) an educational institution including,
6 but not limited to, a dental school or dental hygiene
7 or dental assistant program, (2) a continuing
8 education provider approved by the Department, or (3)
9 a statewide dental or dental hygienist association
10 that has developed and conducted a training program
11 for expanded functions for dental assistants or
12 hygienists may perform: (A) coronal scaling above the
13 gum line, supragingivally, on the clinical crown of
14 the tooth only on patients 17 years of age or younger
15 who have an absence of periodontal disease and who are
16 not medically compromised or individuals with special
17 needs and (B) intracoronal temporization of a tooth.
18 The training program must: (I) include a minimum of 32
19 hours of instruction in both didactic and clinical
20 manikin or human subject instruction; all training
21 programs shall include areas of study in dental
22 anatomy, public health dentistry, medical history,
23 dental emergencies, and managing the pediatric
24 patient; (II) include an outcome assessment
25 examination that demonstrates competency; (III)
26 require the supervising dentist to observe and approve

1 the completion of 6 full mouth supragingival scaling
2 procedures unless the training was received as part of
3 a Commission on Dental Accreditation approved dental
4 assistant program; and (IV) issue a certificate of
5 completion of the training program, which must be kept
6 on file at the dental office and be made available to
7 the Department upon request. A dental assistant must
8 have successfully completed an approved coronal
9 polishing course prior to taking the coronal scaling
10 course. A dental assistant performing these functions
11 shall be limited to the use of hand instruments only.
12 In addition, coronal scaling as described in this
13 paragraph shall only be utilized on patients who are
14 eligible for Medicaid, who are uninsured, or whose
15 household income is not greater than 300% of the
16 federal poverty level. A dentist may not supervise
17 more than 2 dental assistants at any one time for the
18 task of coronal scaling. This paragraph is inoperative
19 on and after January 1, 2026.

20 The limitations on the number of dental assistants a
21 dentist may supervise contained in items (2), (4), and (7)
22 of this paragraph (g) mean a limit of 4 total dental
23 assistants or dental hygienists doing expanded functions
24 covered by these Sections being supervised by one dentist;
25 or

26 (h) The practice of dentistry by an individual who:

1 (i) has applied in writing to the Department, in
2 form and substance satisfactory to the Department, for
3 a general dental license and has complied with all
4 provisions of Section 9 of this Act, except for the
5 passage of the examination specified in subsection (e)
6 of Section 9 of this Act; or

7 (ii) has applied in writing to the Department, in
8 form and substance satisfactory to the Department, for
9 a temporary dental license and has complied with all
10 provisions of subsection (c) of Section 11 of this
11 Act; and

12 (iii) has been accepted or appointed for specialty
13 or residency training by a hospital situated in this
14 State; or

15 (iv) has been accepted or appointed for specialty
16 training in an approved dental program situated in
17 this State; or

18 (v) has been accepted or appointed for specialty
19 training in a dental public health agency situated in
20 this State.

21 The applicant shall be permitted to practice dentistry
22 for a period of 3 months from the starting date of the
23 program, unless authorized in writing by the Department to
24 continue such practice for a period specified in writing
25 by the Department.

26 The applicant shall only be entitled to perform such

1 acts as may be prescribed by and incidental to his or her
2 program of residency or specialty training and shall not
3 otherwise engage in the practice of dentistry in this
4 State.

5 The authority to practice shall terminate immediately
6 upon:

7 (1) the decision of the Department that the
8 applicant has failed the examination; or

9 (2) denial of licensure by the Department; or

10 (3) withdrawal of the application.

11 (Source: P.A. 102-558, eff. 8-20-21; 102-936, eff. 1-1-23;
12 103-425, eff. 1-1-24; 103-431, eff. 1-1-24; revised 12-15-23.)

13 (225 ILCS 25/19.2)

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

15 Sec. 19.2. Temporary permit for free dental care.

16 (a) Upon Board recommendation, the Department may issue a
17 temporary permit authorizing the practice in this State,
18 without compensation, of dentistry to an applicant who is
19 licensed to practice dentistry in another state, if all of the
20 following apply:

21 (1) the Department determines that the applicant's
22 services will improve the welfare of Illinois residents
23 who are eligible for Medicaid or who are uninsured and
24 whose household income is not greater than 200% of the
25 federal poverty level;

1 (2) the applicant has graduated from a dental program
2 approved by the American Dental Association's Commission
3 on Dental Accreditation and maintains an equivalent
4 authorization to practice dentistry in good standing in
5 his or her native licensing jurisdiction during the period
6 of the temporary visiting dentist permit and can furnish
7 the Department a certified letter upon request from that
8 jurisdiction attesting to the fact that the applicant has
9 no pending action or violations against his or her
10 license;

11 (3) the applicant has received an invitation to
12 perform dental care by a charitable organization or has
13 received an invitation to study or receive training on
14 specific dental or clinical subjects or techniques by a
15 licensed continuing education sponsor who is approved by
16 the Department to provide clinical training in the State
17 of Illinois on patients for the welfare of Illinois
18 residents pursuant to subsection (a-5) and is in
19 compliance with the provisions of this Act;

20 (4) the applicant will be working pursuant to a
21 collaborative agreement with and under the direct
22 supervision of an Illinois licensed dentist, who is in
23 good standing, during the duration of the program. The
24 supervising dentist must be physically present during all
25 clinical training courses; and

26 (5) payment of a fee established by rule.

1 The Department may adopt rules to implement this
2 subsection.

3 (a-5) Upon Board recommendation, after the filing of an
4 application, the Department may allow approved continuing
5 education sponsors to be licensed to provide live patient
6 continuing education clinical training courses if the
7 following requirements are met:

8 (1) the continuing education course provides services,
9 without compensation, that will improve the welfare of
10 Illinois residents as described in paragraph (1) of
11 subsection (a). The application to the Board must include
12 the following information for review and approval by the
13 Department:

14 (i) a plan of follow-up care and training models;

15 (ii) any and all documentation to be signed by the
16 patients, including, but not limited to, waivers,
17 consent forms, and releases;

18 (iii) information related to the facilities being
19 utilized, staffing plans, and emergency plans;

20 (iv) the process by which patients will be
21 contacted before, during, and after treatment;

22 (v) the intended population that will be receiving
23 treatment; and

24 (vi) proof of valid malpractice insurance for the
25 approved continuing education sponsor that extends
26 coverage to clinical staff, trainees, and out-of-state

1 permit holders that meet the requirements of
2 subsection (a);

3 (2) a valid written collaborative agreement must exist
4 between the temporary visiting dentist and the Illinois
5 licensed dentist co-treating patients under this Section.
6 The collaborative agreement must include a description of
7 the care to be provided and procedures to be performed by
8 the temporary visiting dentist. There shall be no more
9 than 5 trainees per supervising dentist. A copy of this
10 agreement shall become part of the patient's dental record
11 and shall be made available upon request to the
12 Department; and

13 (3) payment of a fee established by rule.

14 A continuing education sponsor license issued under this
15 Section shall be valid for a period of time as provided by
16 rule.

17 The Department shall adopt rules to implement this
18 subsection.

19 (b) (Blank).

20 (c) A temporary permit shall be valid for no longer than 5
21 consecutive clinical days within 6 months from the date of
22 issuance. The temporary permit may be issued once per year to a
23 visiting dentist. Temporary permits under subsection (a) may
24 be restored no more than one time within 5 years of the initial
25 permits issuance. The Department may require an applicant to
26 pay a fee for the issuance or restoration of a permit under

1 this Section.

2 (d) (Blank).

3 (e) The temporary permit shall only permit the holder to
4 practice dentistry within the scope of the dental studies and
5 in conjunction with one of the following:

6 (1) the charitable organization; or

7 (2) a continuing education program provided by a
8 continuing education sponsor approved by the Department
9 pursuant to this Section that the permit holder is
10 attending.

11 (f) The temporary visiting dentist may not administer
12 moderate ~~conscious~~ sedation, deep sedation, or general
13 anesthesia.

14 (g) A patient who seeks treatment from a temporary
15 visiting dentist must sign a consent form acknowledging that
16 the care the patient will receive will be provided by a dentist
17 not licensed in the State of Illinois and that the Illinois
18 licensed dentist who has the collaborative agreement with the
19 temporary visiting dentist will be responsible for all the
20 follow-up care associated with the treatment rendered to the
21 patient.

22 (h) An application for the temporary permit shall be made
23 to the Department in writing on forms prescribed by the
24 Department and shall be accompanied by a nonrefundable fee
25 established by rule.

26 (i) An applicant for a temporary permit may be requested

1 to appear before the Board to respond to questions concerning
2 the applicant's qualifications to receive the permit. An
3 applicant's refusal to appear before the Board may be grounds
4 for denial of the application by the Department.

5 (j) The Secretary may summarily cancel any permit or
6 license issued pursuant to this Section without a hearing if
7 the Secretary finds that evidence in his or her possession
8 indicates that a continuing education sponsor licensed under
9 this Section or a temporary permit holder's continuation in
10 practice would constitute an imminent danger to the public or
11 violate any provision of this Act or its rules. If the
12 Secretary summarily cancels a permit or license issued
13 pursuant to this Section, the permit holder or licensee may
14 petition the Department for a hearing in accordance with the
15 provisions of subsection (b) of Section 26 of this Act to
16 reinstate his or her permit or license.

17 (k) In addition to terminating any permit or license
18 issued pursuant to this Section, the Department may impose a
19 monetary penalty not to exceed \$10,000 upon the temporary
20 permit holder or licensee and may notify any state in which the
21 temporary permit holder or licensee has been issued a license
22 that his or her Illinois permit or license has been terminated
23 and the reasons for the termination. The monetary penalty
24 shall be paid within 60 days after the effective date of the
25 order imposing the penalty. The order shall constitute a
26 judgment and may be filed and execution had thereon in the same

1 manner as any judgment from any court of record. It is the
2 intent of the General Assembly that a permit or license issued
3 pursuant to this Section shall be considered a privilege and
4 not a property right.

5 (Source: P.A. 102-582, eff. 1-1-22.)

6 (225 ILCS 25/45) (from Ch. 111, par. 2345)

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

8 Sec. 45. Advertising. The purpose of this Section is to
9 authorize and regulate the advertisement by dentists of
10 information which is intended to provide the public with a
11 sufficient basis upon which to make an informed selection of
12 dentists while protecting the public from false or misleading
13 advertisements which would detract from the fair and rational
14 selection process.

15 Any dentist may advertise the availability of dental
16 services in the public media or on the premises where such
17 dental services are rendered. Such advertising shall be
18 limited to the following information:

19 (a) The dental services available;

20 (b) Publication of the dentist's name, title, office
21 hours, address and telephone;

22 (c) Information pertaining to his or her area of
23 specialization, including appropriate board certification
24 or limitation of professional practice;

25 (d) Information on usual and customary fees for

1 routine dental services offered, which information shall
2 include notification that fees may be adjusted due to
3 complications or unforeseen circumstances;

4 (e) Announcement of the opening of, change of, absence
5 from, or return to business;

6 (f) Announcement of additions to or deletions from
7 professional dental staff;

8 (g) The issuance of business or appointment cards;

9 (h) Other information about the dentist, dentist's
10 practice or the types of dental services which the dentist
11 offers to perform which a reasonable person might regard
12 as relevant in determining whether to seek the dentist's
13 services. However, any advertisement which announces the
14 availability of endodontics, pediatric dentistry,
15 periodontics, prosthodontics, orthodontics and
16 dentofacial orthopedics, oral and maxillofacial surgery,
17 or oral and maxillofacial radiology by a general dentist
18 or by a licensed specialist who is not licensed in that
19 specialty shall include a disclaimer stating that the
20 dentist does not hold a license in that specialty.

21 Any dental practice with more than one location that
22 enrolls its dentist as a participating provider in a managed
23 care plan's network must verify electronically or in writing
24 to the managed care plan whether the provider is accepting new
25 patients at each of the specific locations listing the
26 provider. The health plan shall remove the provider from the

1 directory in accordance with standard practices within 10
2 business days after being notified of the changes by the
3 provider. Nothing in this paragraph shall void any contractual
4 relationship between the provider and the plan.

5 It is unlawful for any dentist licensed under this Act to
6 do any of the following:

7 (1) Use claims of superior quality of care to entice
8 the public.

9 (2) Advertise in any way to practice dentistry without
10 causing pain.

11 (3) Pay a fee to any dental referral service or other
12 third party who advertises a dental referral service,
13 unless all advertising of the dental referral service
14 makes it clear that dentists are paying a fee for that
15 referral service.

16 (4) Advertise or offer gifts as an inducement to
17 secure dental patronage. Dentists may advertise or offer
18 free examinations or free dental services; it shall be
19 unlawful, however, for any dentist to charge a fee to any
20 new patient for any dental service provided at the time
21 that such free examination or free dental services are
22 provided.

23 (5) Use the term "sedation dentistry" or similar terms
24 in advertising unless the advertising dentist holds a
25 valid and current permit issued by the Department to
26 administer either general anesthesia, deep sedation, or

1 moderate ~~conscious~~ sedation as required under Section 8.1
2 of this Act.

3 This Act does not authorize the advertising of dental
4 services when the offeror of such services is not a dentist.
5 Nor shall the dentist use statements which contain false,
6 fraudulent, deceptive or misleading material or guarantees of
7 success, statements which play upon the vanity or fears of the
8 public, or statements which promote or produce unfair
9 competition.

10 A dentist shall be required to keep a copy of all
11 advertisements for a period of 3 years. All advertisements in
12 the dentist's possession shall indicate the accurate date and
13 place of publication.

14 The Department shall adopt rules to carry out the intent
15 of this Section.

16 (Source: P.A. 99-329, eff. 1-1-16.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.