



Sen. William R. Haine

Filed: 5/2/2005

09400HB0875sam003

LRB094 06602 RAS 45762 a

1 AMENDMENT TO HOUSE BILL 875

2 AMENDMENT NO. _____. Amend House Bill 875, AS AMENDED, in
3 Section 10, in the introductory clause, after "19,", by
4 inserting "24,"; and

5 in Section 10, in the introductory clause, by replacing
6 "Section 54.2" with "Sections 25.1 and 54.2"; and

7 in Section 10, by replacing Sec. 9 with the following:

8 "(225 ILCS 25/9) (from Ch. 111, par. 2309)

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 9. Qualifications of Applicants for Dental Licenses.
11 The Department shall require that each applicant for a license
12 to practice dentistry shall:

13 (a) (Blank).

14 (b) Be at least 21 years of age and of good moral
15 character.

16 (c) (1) Present satisfactory evidence of completion of
17 dental education by graduation from a dental college or school
18 in the United States or Canada approved by the Department. The
19 Department shall not approve any dental college or school which
20 does not require at least (A) 60 semester hours of collegiate
21 credit or the equivalent in acceptable subjects from a college
22 or university before admission, and (B) completion of at least
23 4 academic years of instruction or the equivalent in an

1 approved dental college or school before graduation; or

2 (2) Present satisfactory evidence of completion of dental
3 education by graduation from a dental college or school outside
4 the United States or Canada and provide satisfactory evidence
5 that:

6 (A) (blank) ~~the completion of a dental education~~
7 ~~outside the United States or Canada authorized the~~
8 ~~applicant to practice dentistry in the country in which he~~
9 ~~or she completed the dental education;~~

10 (B) the applicant has completed a minimum of 2 academic
11 years of general dental clinical training at a dental
12 college or school in the United States or Canada approved
13 by the Department, however, an accredited advanced dental
14 education program approved by the Department of no less
15 than 2 years may be substituted for the 2 academic years of
16 general dental clinical training and ~~except that~~ an
17 applicant who was enrolled for not less than one year in an
18 approved clinical program prior to January 1, 1993 at an
19 Illinois dental college or school shall be required to
20 complete only that program; and

21 (C) the applicant has received certification from the
22 dean of an approved dental college or school in the United
23 States or Canada or the program director of an approved
24 advanced dental education program stating that the
25 applicant has achieved the same level of scientific
26 knowledge and clinical competence as required of all
27 graduates of the college, ~~or~~ school, or advanced dental
28 education program.

29 Nothing in this Act shall be construed to prevent either
30 the Department or any dental college or school from
31 establishing higher standards than specified in this Act.

32 (d) In determining professional capacity under this
33 Section, any individual who has not been actively engaged in
34 the practice of dentistry, has not been a dental student, or

1 has not been engaged in a formal program of dental education
2 during the 5 years immediately preceding the filing of an
3 application may be required to complete such additional
4 testing, training, or remedial education as the Board may deem
5 necessary in order to establish the applicant's present
6 capacity to practice dentistry with reasonable judgment,
7 skill, and safety.

8 (e) Pass an examination authorized or given by the
9 Department in the theory and practice of the science of
10 dentistry; provided, that the Department (1) may recognize a
11 certificate granted by the National Board of Dental Examiners
12 in lieu of, or subject to, such examination as may be required
13 and (2) may recognize successful completion of the ~~preclinical~~
14 ~~and~~ clinical examination ~~examinations~~ conducted by approved
15 regional testing services in lieu of such examinations as may
16 be required. For purposes of this Section, successful
17 completion shall mean that the applicant has achieved a minimum
18 passing score on the regional examinations as determined by
19 each approved regional testing service.

20 (Source: P.A. 88-45; 88-635, eff. 1-1-95; 89-80, eff. 6-30-95;
21 89-116, eff. 7-7-95; 89-387, eff. 8-20-95; 89-626, eff.
22 8-9-96.)"; and

23 in Section 10, Sec. 16, by replacing the sentence beginning "A
24 ~~The expiration date~~" with the following:

25 "The expiration and renewal date period for each license issued
26 under this Act shall be set by rule. The renewal period for
27 each license issued under this Act shall be 3 years."; and

28 in Section 10, Sec. 16, by deleting the sentence beginning
29 "License expiration dates"; and

30 in Section 10, immediately below Sec. 19, by inserting the
31 following:

1 "(225 ILCS 25/24) (from Ch. 111, par. 2324)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 24. Refusal, Suspension or Revocation of Dental
4 Hygienist License. The Department may refuse to issue or renew
5 ~~or~~ may revoke, suspend, place on probation, reprimand or take
6 other disciplinary action as the Department may deem proper,
7 including fines not to exceed \$2,500 per violation, with regard
8 to any dental hygienist license for any one or any combination
9 of the following causes:

10 1. Fraud in procuring license.

11 2. Performing any operation not authorized by this Act.

12 3. Practicing dental hygiene other than under the
13 supervision of a licensed dentist as provided by this Act.

14 4. The wilful violation of, or the wilful procuring of, or
15 knowingly assisting in the violation of, any Act which is now
16 or which hereafter may be in force in this State relating to
17 the use of habit-forming drugs.

18 5. The obtaining of, or an attempt to obtain a license, or
19 practice in the profession, or money, or any other thing of
20 value by fraudulent representation.

21 6. Gross negligence in performing the operative procedure
22 of dental hygiene.

23 7. Active practice of dental hygiene while knowingly having
24 any infectious, communicable, or contagious disease proscribed
25 by rule or regulation of the Department.

26 8. Habitual intoxication or addiction to the use of
27 habit-forming drugs.

28 9. Conviction in this or another state of any crime which
29 is a felony under the laws of this State or conviction of a
30 felony in a federal court, if the Department determines, after
31 investigation, that such person has not been sufficiently
32 rehabilitated to warrant the public trust.

33 10. Aiding or abetting the unlicensed practice of dentistry

1 or dental hygiene.

2 11. Discipline by another U.S. jurisdiction or a foreign
3 nation, if at least one of the grounds for the discipline is
4 the same or substantially equivalent to those set forth in this
5 Act.

6 12. Violating the Health Care Worker Self-Referral Act.

7 13. Violating the prohibitions of Section 38.1 of this Act.

8 14. Engaging in dishonorable, unethical, or unprofessional
9 conduct of a character likely to deceive, defraud, or harm the
10 public.

11 The provisions of this Act relating to proceedings for the
12 suspension and revocation of a license to practice dentistry
13 shall apply to proceedings for the suspension or revocation of
14 a license as a dental hygienist.

15 (Source: P.A. 91-520, eff. 1-1-00.); and

16 in Section 10, by replacing Sec. 25 with the following:

17 "(225 ILCS 25/25) (from Ch. 111, par. 2325)

18 (Section scheduled to be repealed on January 1, 2006)

19 Sec. 25. Notice of hearing; investigations and informal
20 conferences.

21 (a) Upon the motion of either the Department or the Board
22 or upon the verified complaint in writing of any person setting
23 forth facts which if proven would constitute grounds for
24 refusal, suspension or revocation of license under this Act,
25 the Board shall investigate the actions of any person,
26 hereinafter called the respondent, who holds or represents that
27 he holds a license. All such motions or complaints shall be
28 brought to the Board.

29 (b) Prior to taking an in-person statement from a dentist
30 or dental hygienist who is the subject of a complaint, the
31 investigator shall inform the dentist or the dental hygienist
32 in writing:

1 (1) that the dentist or dental hygienist is the subject
2 of a complaint; ~~and~~

3 (2) that the dentist or dental hygienist need not
4 immediately proceed with the interview and may seek
5 appropriate consultation prior to consenting to the
6 interview; and -

7 (3) that failure of the dentist or dental hygienist to
8 proceed with the interview shall not prohibit the
9 Department from conducting a visual inspection of the
10 facility.

11 A Department investigator's failure to comply with this
12 subsection may not be the sole ground for dismissal of any
13 order of the Department filed upon a finding of a violation or
14 for dismissal of a pending investigation.

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

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

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

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

25 A dentist or dental hygienist shall be allowed to have
26 legal counsel at the informal conference. If the informal
27 conference results in a consent order between the accused
28 dentist or dental hygienist and the Department, the consent
29 order must be approved by ~~the Board and~~ the Director. However,
30 if the consent order would result in a fine exceeding \$5,000 or
31 the suspension or revocation of the dentist or dental hygienist
32 license, the consent order must be approved by the Board and
33 the Director. Participation in the informal conference by a
34 dentist, a dental hygienist, or the Department and any

1 admissions or stipulations made by a dentist, a dental
2 hygienist, or the Department at the informal conference,
3 including any agreements in a consent order that is
4 subsequently disapproved by either the Board or the Director,
5 shall not be used against the dentist, dental hygienist, or
6 Department at any subsequent hearing and shall not become a
7 part of the record of the hearing.

8 (d) The Director shall, before suspending, revoking,
9 placing on probationary status, or taking any other
10 disciplinary action as the Director may deem proper with regard
11 to any license, at least 30 days prior to the date set for the
12 hearing, notify the respondent in writing of any charges made
13 and the time and place for a hearing of the charges before the
14 Board, direct him or her to file his or her written answer
15 thereto to the Board under oath within 20 days after the
16 service on him or her of such notice and inform him or her that
17 if he or she fails to file such answer default will be taken
18 against him or her and his or her license may be suspended,
19 revoked, placed on probationary status, or other disciplinary
20 action may be taken with regard thereto, including limiting the
21 scope, nature or extent of his or her practice, as the Director
22 may deem proper.

23 (e) Such written notice and any notice in such proceedings
24 thereafter may be served by delivery personally to the
25 respondent, or by registered or certified mail to the address
26 last theretofore specified by the respondent in his or her last
27 notification to the Director.

28 (Source: P.A. 91-689, eff. 1-1-01.)

29 (225 ILCS 25/25.1 new)

30 Sec. 25.1. Subpoena powers.

31 (a) The Department, upon a determination by the chairperson
32 of the Board that reasonable cause exists that a violation of
33 one or more of the grounds for discipline set forth in Section

1 23 or Section 24 of this Act has occurred or is occurring, may
2 subpoena the dental records of individual patients of dentists
3 and dental hygienists licensed under this Act.

4 (b) Notwithstanding subsection (a) of this Section, the
5 Board and the Department may subpoena copies of hospital,
6 medical, or dental records in mandatory report cases alleging
7 death or permanent bodily injury when consent to obtain the
8 records has not been provided by a patient or a patient's legal
9 representative. All records and other information received
10 pursuant to a subpoena shall be confidential and shall be
11 afforded the same status as information concerning medical
12 studies under Part 21 of Article VIII of the Code of Civil
13 Procedure. The use of these records shall be restricted to
14 members of the Board, the dental coordinator, and appropriate
15 Department staff designated by the Secretary for the purpose of
16 determining the existence of one or more grounds for discipline
17 of the dentist or dental hygienist as provided for in Section
18 23 or Section 24 of this Act.

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

26 (d) The Department may provide reimbursement for fees and
27 mileage associated with its subpoena power in the same manner
28 prescribed by law for judicial procedure in a civil cases.

29 (e) Nothing in this Section shall be deemed to supersede
30 the provisions of Part 21 of Article VIII of the Code of Civil
31 Procedure, now or hereafter amended, to the extent
32 applicable."