



Rep. Angelo Saviano

**Filed: 3/29/2006**

09400SB2395ham001

LRB094 17537 RAS 57870 a

1 AMENDMENT TO SENATE BILL 2395

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2395 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Dental Practice Act is amended by  
5 changing Sections 5, 23, and 48 and by adding Section 19.1 as  
6 follows:

7 (225 ILCS 25/5) (from Ch. 111, par. 2305)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 5. Powers and duties of Department. Subject to the  
10 provisions of this Act, the Department shall exercise the  
11 following functions, powers and duties:

12 (a) Conduct or authorize examinations to ascertain the  
13 fitness and qualifications of applicants for dental licenses or  
14 dental hygienist licenses, pass upon the qualifications of  
15 applicants for licenses, and issue licenses to such as are  
16 found to be fit and qualified.

17 (b) Prescribe rules and regulations for a method of  
18 examination of candidates.

19 (c) Prescribe rules and regulations defining what shall  
20 constitute an approved program, school, college or department  
21 of a university except that no program, school, college or  
22 department of a university that refuses admittance to  
23 applicants solely on account of race, color, creed, sex or  
24 national origin shall be approved.

1 (d) Conduct hearings on proceedings to revoke, suspend, or  
2 on objection to the issuance of licenses and to revoke, suspend  
3 or refuse to issue such licenses.

4 (e) Promulgate rules and regulations required for the  
5 administration of this Act.

6 (f) The Department may require completion of a census by  
7 all licensed dentists in order to obtain relevant information  
8 regarding the availability of dental services within the State.  
9 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

10 (225 ILCS 25/19.1 new)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 19.1. Temporary authorization of applicants from  
13 other jurisdictions. A person holding an active, unencumbered  
14 license in good standing in another jurisdiction who applies  
15 for a license pursuant to Section 19 of this Act due to a  
16 natural disaster or catastrophic event in another  
17 jurisdiction, may be temporarily authorized by the Secretary to  
18 practice dentistry or dental hygiene under the supervision of a  
19 dentist licensed under this Act, pending the issuance of the  
20 license. This temporary authorization shall expire upon  
21 issuance of the license or upon notification that the  
22 Department has denied licensure.

23 The Department may adopt all rules necessary for the  
24 administration of this Section.

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

26 (Section scheduled to be repealed on January 1, 2016)

27 Sec. 23. Refusal, revocation or suspension of dental  
28 licenses. The Department may refuse to issue or renew, or may  
29 revoke, suspend, place on probation, reprimand or take other  
30 disciplinary action as the Department may deem proper,  
31 including fines not to exceed \$10,000 per violation, with  
32 regard to any license for any one or any combination of the

1 following causes:

2 1. Fraud in procuring the license.

3 2. Habitual intoxication or addiction to the use of drugs.

4 3. Willful ~~Wilful~~ or repeated violations of the rules of  
5 the Department of Public Health or Department of Nuclear  
6 Safety.

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

10 5. Division of fees or agreeing to split or divide the fees  
11 received for dental services with any person for bringing or  
12 referring a patient, except in regard to referral services as  
13 provided for under Section 45, or assisting in the care or  
14 treatment of a patient, without the knowledge of the patient or  
15 his legal representative.

16 6. Employing, procuring, inducing, aiding or abetting a  
17 person not licensed or registered as a dentist to engage in the  
18 practice of dentistry. The person practiced upon is not an  
19 accomplice, employer, procurer, inducer, aider, or abetter  
20 within the meaning of this Act.

21 7. Making any misrepresentations or false promises,  
22 directly or indirectly, to influence, persuade or induce dental  
23 patronage.

24 8. Professional connection or association with or lending  
25 his name to another for the illegal practice of dentistry by  
26 another, or professional connection or association with any  
27 person, firm or corporation holding himself, herself,  
28 themselves, or itself out in any manner contrary to this Act.

29 9. Obtaining or seeking to obtain practice, money, or any  
30 other things of value by false or fraudulent representations,  
31 but not limited to, engaging in such fraudulent practice to  
32 defraud the medical assistance program of the Department of  
33 Healthcare and Family Services (formerly Department of Public  
34 Aid).

1           10. Practicing under a name other than his or her own.

2           11. Engaging in dishonorable, unethical, or unprofessional  
3 conduct of a character likely to deceive, defraud, or harm the  
4 public.

5           12. Conviction in this or another State of any crime which  
6 is a felony under the laws of this State or conviction of a  
7 felony in a federal court, conviction of a misdemeanor, an  
8 essential element of which is dishonesty, or conviction of any  
9 crime which is directly related to the practice of dentistry or  
10 dental hygiene.

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

14           14. Permitting more than 4 dental hygienists to be employed  
15 under his supervision at any one time.

16           15. A violation of any provision of this Act or any rules  
17 promulgated under this Act.

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

20           17. Violating any provision of Section 45 relating to  
21 advertising.

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

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

29           20. Gross or repeated malpractice resulting in injury or  
30 death of a patient.

31           21. The use or prescription for use of narcotics or  
32 controlled substances or designated products as listed in the  
33 Illinois Controlled Substances Act, in any way other than for  
34 therapeutic purposes.

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

6           23. Professional incompetence as manifested by poor  
7 standards of care.

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

16           25. Repeated irregularities in billing a third party for  
17 services rendered to a patient. For purposes of this paragraph  
18 25, "irregularities in billing" shall include:

19               (a) Reporting excessive charges for the purpose of  
20 obtaining a total payment in excess of that usually  
21 received by the dentist for the services rendered.

22               (b) Reporting charges for services not rendered.

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

25           26. Continuing the active practice of dentistry while  
26 knowingly having any infectious, communicable, or contagious  
27 disease proscribed by rule or regulation of the Department.

28           27. Being named as a perpetrator in an indicated report by  
29 the Department of Children and Family Services pursuant to the  
30 Abused and Neglected Child Reporting Act, and upon proof by  
31 clear and convincing evidence that the licensee has caused a  
32 child to be an abused child or neglected child as defined in  
33 the Abused and Neglected Child Reporting Act.

34           28. Violating the Health Care Worker Self-Referral Act.

1 29. Abandonment of a patient.

2 30. Mental incompetency as declared by a court of competent  
3 jurisdiction.

4 All proceedings to suspend, revoke, place on probationary  
5 status, or take any other disciplinary action as the Department  
6 may deem proper, with regard to a license on any of the  
7 foregoing grounds, must be commenced within 3 years after  
8 receipt by the Department of a complaint alleging the  
9 commission of or notice of the conviction order for any of the  
10 acts described herein. Except for fraud in procuring a license,  
11 no action shall be commenced more than 5 years after the date  
12 of the incident or act alleged to have violated this Section.  
13 The time during which the holder of the license was outside the  
14 State of Illinois shall not be included within any period of  
15 time limiting the commencement of disciplinary action by the  
16 Department.

17 The Department may refuse to issue or may suspend the  
18 license of any person who fails to file a return, or to pay the  
19 tax, penalty or interest shown in a filed return, or to pay any  
20 final assessment of tax, penalty or interest, as required by  
21 any tax Act administered by the Illinois Department of Revenue,  
22 until such time as the requirements of any such tax Act are  
23 satisfied.

24 (Source: P.A. 91-357, eff. 7-29-99; 91-689, eff. 1-1-01;  
25 revised 12-15-05.)

26 (225 ILCS 25/48) (from Ch. 111, par. 2348)

27 (Section scheduled to be repealed on January 1, 2016)

28 Sec. 48. Manufacture of dentures, bridges or replacements  
29 for dentists; prescriptions; order; penalties.

30 (a) Any dentist who employs or engages the services of any  
31 dental laboratory to construct or repair, extraorally,  
32 prosthetic dentures, bridges, or other replacements for a part  
33 of a tooth, a tooth, or teeth, or who directs a dental

1 laboratory to participate in shade selection for a prosthetic  
2 appliance, shall furnish such dental laboratory with a written  
3 prescription on forms prescribed by the Department which shall  
4 contain:

5 (1) The name and address of the dental laboratory to  
6 which the prescription is directed.

7 (2) The patient's name or identification number. If a  
8 number is used, the patient's name shall be written upon  
9 the duplicate copy of the prescription retained by the  
10 dentist.

11 (3) The date on which the prescription was written.

12 (4) A description of the work to be done, including  
13 diagrams if necessary.

14 (5) A specification of the type and quality of  
15 materials to be used.

16 (6) The signature of the dentist and the number of his  
17 or her license to practice dentistry.

18 (b) The dental laboratory receiving a prescription from a  
19 dentist shall retain the original prescription and the dentist  
20 shall retain a duplicate copy thereof for inspection at any  
21 reasonable time by the Department or its duly authorized  
22 agents, for a period of 3 years in both cases.

23 (c) If the dental laboratory receiving a written  
24 prescription from a dentist engages another dental laboratory  
25 (hereinafter referred to as "subcontractor") to perform some of  
26 the services relative to such prescription, it shall furnish a  
27 written order with respect thereto on forms prescribed by the  
28 Department which shall contain:

29 (1) The name and address of the subcontractor.

30 (2) A number identifying the order with the original  
31 prescription, which number shall be endorsed on the  
32 prescription received from the dentist.

33 (3) The date on which the order was written.

34 (4) A description of the work to be done by the

1 subcontractor, including diagrams if necessary.

2 (5) A specification of the type and quality of  
3 materials to be used.

4 (6) The signature of an agent of the dental laboratory  
5 issuing the order. The subcontractor shall retain the order  
6 and the issuer thereof shall retain a duplicate copy,  
7 attached to the prescription received from the dentist, for  
8 inspection by the Department or its duly authorized agents,  
9 for a period of 3 years in both cases.

10 (7) A copy of the order to the subcontractor shall be  
11 furnished to the dentist.

12 (c-5) Regardless of whether the dental laboratory  
13 manufactures the dental appliance or has it manufactured by a  
14 subcontractor, the laboratory shall provide to the prescribing  
15 dentist the (i) location where the work was done and (ii)  
16 source and original location where the materials were obtained.

17 (d) Any dentist who:

18 (1) employs or engages the services of any dental  
19 laboratory to construct or repair, extraorally, prosthetic  
20 dentures, bridges, or other dental appliances without  
21 first providing such dental laboratory with a written  
22 prescription;

23 (2) fails to retain a duplicate copy of the  
24 prescription for 3 years; or

25 (3) refuses to allow the Department or its duly  
26 authorized agents to inspect his or her files of  
27 prescriptions;

28 is guilty of a Class A misdemeanor and the Department may  
29 revoke or suspend his or her license therefor.

30 (e) Any dental laboratory which:

31 (1) furnishes such services to any dentist without  
32 first obtaining a written prescription therefor from such  
33 dentist;

34 (2) acting as a subcontractor as described in (c)



1           above, furnishes such services to any dental laboratory  
2           without first obtaining a written order from such dental  
3           laboratory;

4           (3) fails to retain the original prescription or order,  
5           as the case may be, for 3 years; ~~or~~

6           (4) refuses to allow the Department or its duly  
7           authorized agents to inspect its files of prescriptions or  
8           orders; or

9           (5) fails to provide any information required under  
10          this Section to the prescribing dentist;

11          is guilty of a Class A misdemeanor.

12          (Source: P.A. 91-357, eff. 7-29-99.)

13          Section 99. Effective date. This Act takes effect upon  
14          becoming law."