

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 8.1 and 45 as follows:

6 (225 ILCS 25/8.1) (from Ch. 111, par. 2308.1)

7 (Section scheduled to be repealed on January 1, 2016)

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

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

21 (b) In determining the minimum permit qualifications that
22 are necessary to protect public safety, the Department, by
23 rule, shall:

1 (1) establish the minimum educational and training
2 requirements necessary for a dentist to be issued an
3 appropriate permit;

4 (2) establish the standards for properly equipped
5 dental facilities (other than licensed hospitals and
6 ambulatory surgical treatment centers) in which general
7 anesthesia, deep sedation, or conscious sedation is
8 administered, as necessary to protect public safety;

9 (3) establish minimum requirements for all persons who
10 assist the dentist in the administration of general
11 anesthesia, deep sedation, or conscious sedation,
12 including minimum training requirements for each member of
13 the dental team, monitoring requirements, recordkeeping
14 requirements, and emergency procedures; and

15 (4) ensure that the dentist and all persons assisting
16 the dentist or monitoring the administration of general
17 anesthesia, deep sedation, or conscious sedation maintain
18 current certification in Basic Life Support (BLS).

19 (5) establish continuing education requirements in
20 sedation techniques for dentists who possess a permit under
21 this Section.

22 When establishing requirements under this Section, the
23 Department shall consider the current American Dental
24 Association guidelines on sedation and general anesthesia, the
25 current "Guidelines for Monitoring and Management of Pediatric
26 Patients During and After Sedation for Diagnostic and

1 Therapeutic Procedures" established by the American Academy of
2 Pediatrics and the American Academy of Pediatric Dentistry, and
3 the current parameters of care and Office Anesthesia Evaluation
4 (OAE) Manual established by the American Association of Oral
5 and Maxillofacial Surgeons.

6 (c) A licensed dentist must hold an appropriate permit
7 issued under this Section in order to perform dentistry while a
8 nurse anesthetist administers conscious sedation, and a valid
9 written practice agreement must exist between the dentist and
10 the nurse anesthetist, in accordance with the Nursing and
11 Advanced Practice Nursing Act.

12 A licensed dentist must hold an appropriate permit issued
13 under this Section in order to perform dentistry while a nurse
14 anesthetist administers deep sedation or general anesthesia,
15 and a valid written practice agreement must exist between the
16 dentist and the nurse anesthetist, in accordance with the
17 Nursing and Advanced Practice Nursing Act.

18 For the purposes of this subsection (c), "nurse
19 anesthetist" means a licensed certified registered nurse
20 anesthetist who holds a license as an advanced practice nurse.

21 (Source: P.A. 92-280, eff. 1-1-02.)

22 (225 ILCS 25/45) (from Ch. 111, par. 2345)

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

24 Sec. 45. Advertising. The purpose of this Section is to
25 authorize and regulate the advertisement by dentists of

1 information which is intended to provide the public with a
2 sufficient basis upon which to make an informed selection of
3 dentists while protecting the public from false or misleading
4 advertisements which would detract from the fair and rational
5 selection process.

6 Any dentist may advertise the availability of dental
7 services in the public media or on the premises where such
8 dental services are rendered. Such advertising shall be limited
9 to the following information:

10 (a) The dental services available;

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

13 (c) Information pertaining to his or her area of
14 specialization, including appropriate board certification or
15 limitation of professional practice;

16 (d) Information on usual and customary fees for routine
17 dental services offered, which information shall include
18 notification that fees may be adjusted due to complications or
19 unforeseen circumstances;

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

22 (f) Announcement of additions to or deletions from
23 professional dental staff;

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

25 (h) Other information about the dentist, dentist's
26 practice or the types of dental services which the dentist

1 offers to perform which a reasonable person might regard as
2 relevant in determining whether to seek the dentist's services.
3 However, any advertisement which announces the availability of
4 endodontics, pediatric dentistry, periodontics,
5 prosthodontics, orthodontics and dentofacial orthopedics, oral
6 and maxillofacial surgery, or oral and maxillofacial radiology
7 by a general dentist or by a licensed specialist who is not
8 licensed in that specialty shall include a disclaimer stating
9 that the dentist does not hold a license in that specialty.

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

12 (1) Use ~~To use~~ testimonials or claims of superior
13 quality of care to entice the public. †

14 (2) Advertise ~~To advertise~~ in any way to practice
15 dentistry without causing pain. †

16 (3) Pay ~~To pay~~ a fee to any dental referral service or
17 other third party who advertises a dental referral service,
18 unless all advertising of the dental referral service makes
19 it clear that dentists are paying a fee for that referral
20 service. † ~~or~~

21 (4) Advertise ~~To advertise~~ or offer gifts as an
22 inducement to secure dental patronage. Dentists may
23 advertise or offer free examinations or free dental
24 services; it shall be unlawful, however, for any dentist to
25 charge a fee to any new patient for any dental service
26 provided at the time that such free examination or free

1 dental services are provided.

2 (5) Use the term "sedation dentistry" or similar terms
3 in advertising unless the advertising dentist holds a valid
4 and current permit issued by the Department to administer
5 either general anesthesia, deep sedation, or conscious
6 sedation as required under Section 8.1 of this Act.

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

14 A dentist shall be required to keep a copy of all
15 advertisements for a period of 3 years. All advertisements in
16 the dentist's possession shall indicate the accurate date and
17 place of publication.

18 The Department shall adopt rules to carry out the intent of
19 this Section.

20 (Source: P.A. 92-280, eff. 1-1-02.)