

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 23 and 24 as follows:

6 (225 ILCS 25/23) (from Ch. 111, par. 2323)

7 (Section scheduled to be repealed on January 1, 2016)

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

15 1. Fraud in procuring the license.

16 2. Habitual intoxication or addiction to the use of
17 drugs.

18 3. Willful or repeated violations of the rules of the
19 Department of Public Health or Department of Nuclear
20 Safety.

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

1 5. Division of fees or agreeing to split or divide the
2 fees received for dental services with any person for
3 bringing or referring a patient, except in regard to
4 referral services as provided for under Section 45, or
5 assisting in the care or treatment of a patient, without
6 the knowledge of the patient or his legal representative.

7 6. Employing, procuring, inducing, aiding or abetting
8 a person not licensed or registered as a dentist to engage
9 in the practice of dentistry. The person practiced upon is
10 not an accomplice, employer, procurer, inducer, aider, or
11 abetter within the meaning of this Act.

12 7. Making any misrepresentations or false promises,
13 directly or indirectly, to influence, persuade or induce
14 dental patronage.

15 8. Professional connection or association with or
16 lending his name to another for the illegal practice of
17 dentistry by another, or professional connection or
18 association with any person, firm or corporation holding
19 himself, herself, themselves, or itself out in any manner
20 contrary to this Act.

21 9. Obtaining or seeking to obtain practice, money, or
22 any other things of value by false or fraudulent
23 representations, but not limited to, engaging in such
24 fraudulent practice to defraud the medical assistance
25 program of the Department of Healthcare and Family Services
26 (formerly Department of Public Aid).

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

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

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

16 15. A violation of any provision of this Act or any
17 rules 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
24 is the same or substantially equivalent to those set forth
25 within this Act.

26 19. Willfully failing to report an instance of

1 suspected child abuse or neglect as required by the Abused
2 and Neglected Child Reporting Act.

3 20. Gross or repeated malpractice resulting in injury
4 or death of a patient.

5 21. The use or prescription for use of narcotics or
6 controlled substances or designated products as listed in
7 the Illinois Controlled Substances Act, in any way other
8 than for therapeutic purposes.

9 22. Willfully making or filing false records or reports
10 in his practice as a dentist, including, but not limited
11 to, false records to support claims against the dental
12 assistance program of the Department of Healthcare and
13 Family Services (formerly Illinois Department of Public
14 Aid).

15 23. Professional incompetence as manifested by poor
16 standards of care.

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

25 25. Repeated irregularities in billing a third party
26 for services rendered to a patient. For purposes of this

1 paragraph 25, "irregularities in billing" shall include:

2 (a) Reporting excessive charges for the purpose of
3 obtaining a total payment in excess of that usually
4 received by the dentist for the services rendered.

5 (b) Reporting charges for services not rendered.

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

8 26. Continuing the active practice of dentistry while
9 knowingly having any infectious, communicable, or
10 contagious disease proscribed by rule or regulation of the
11 Department.

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

18 28. Violating the Health Care Worker Self-Referral
19 Act.

20 29. Abandonment of a patient.

21 30. Mental incompetency as declared by a court of
22 competent jurisdiction.

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

26 All proceedings to suspend, revoke, place on probationary

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

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

20 (Source: P.A. 94-1014, eff. 7-7-06.)

21 (225 ILCS 25/24) (from Ch. 111, par. 2324)

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

23 Sec. 24. Refusal, Suspension or Revocation of Dental
24 Hygienist License. The Department may refuse to issue or renew
25 or may revoke, suspend, place on probation, reprimand or take

1 other disciplinary action as the Department may deem proper,
2 including fines not to exceed \$2,500 per violation, with regard
3 to any dental hygienist license for any one or any combination
4 of the following causes:

5 1. Fraud in procuring license.

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

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

9 4. The wilful violation of, or the wilful procuring of,
10 or knowingly assisting in the violation of, any Act which
11 is now or which hereafter may be in force in this State
12 relating to the use of habit-forming drugs.

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

16 6. Gross negligence in performing the operative
17 procedure of dental hygiene.

18 7. Active practice of dental hygiene while knowingly
19 having any infectious, communicable, or contagious disease
20 proscribed by rule or regulation of the Department.

21 8. Habitual intoxication or addiction to the use of
22 habit-forming drugs.

23 9. Conviction in this or another state of any crime
24 which is a felony under the laws of this State or
25 conviction of a felony in a federal court, if the
26 Department determines, after investigation, that such

1 person has not been sufficiently rehabilitated to warrant
2 the public trust.

3 10. Aiding or abetting the unlicensed practice of
4 dentistry or dental hygiene.

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

9 12. Violating the Health Care Worker Self-Referral
10 Act.

11 13. Violating the prohibitions of Section 38.1 of this
12 Act.

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

16 15. A finding by the Department that the licensee,
17 after having his or her license placed on probationary
18 status, has violated the terms of probation.

19 The provisions of this Act relating to proceedings for the
20 suspension and revocation of a license to practice dentistry
21 shall apply to proceedings for the suspension or revocation of
22 a license as a dental hygienist.

23 (Source: P.A. 94-409, eff. 12-31-05.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.