



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0500

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal of the Illinois Dental Practice Act from January 1, 2016 to January 1, 2026. Amends the Illinois Dental Practice Act. Adds the position of vice-chairman to the Board of Dentistry, who shall be a dentist. Moves the following provisions into the provisions concerning types of dental licenses: licensure of applicants from other states, temporary authorization to practice, issuance of temporary permits, the display of licenses, fees, and penalties. Makes changes concerning what constitutes the practice of dentistry. Sets forth provisions concerning expanded functions for dental assistants. Removes language allowing the Department to make an exemption from the continuing education requirements for dentists and dental hygienists who agree not to practice within the State during the licensing period because they are retired from practice. Provides that certain fines shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine. Provides for the employment of dental investigators. Provides that the duly authorized dental investigators shall have the right to enter and inspect, during business hours, the business premises of a dentist licensed under the Act or of a person who holds himself or herself out as practicing dentistry, with due consideration for patient care of the subject of the investigation, so as to inspect the physical premises and equipment and furnishings therein. Makes changes in provisions concerning consent orders, disciplinary actions, hearings, and patient records. Makes other changes. Effective immediately.

LRB099 05874 HAF 25922 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Regulatory Sunset Act is amended by changing
5 Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 ~~The Illinois Dental Practice Act.~~

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, Hair Braiding, and
14 Nail Technology Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 The Illinois Physical Therapy Act.

18 The Professional Geologist Licensing Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
20 96-1246, eff. 1-1-11.)

21 (5 ILCS 80/4.36 new)

22 Sec. 4.36. Act repealed on January 1, 2026. The following

1 Act is repealed on January 1, 2026:

2 The Illinois Dental Practice Act.

3 Section 10. The Illinois Dental Practice Act is amended by
4 changing Sections 6, 11, 16.1, 17, 23, 24, 25, 26, 30, 41, 50,
5 and by adding Section 17.1 as follows:

6 (225 ILCS 25/6) (from Ch. 111, par. 2306)

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

8 Sec. 6. Board of Dentistry - Report By Majority Required.

9 There is created a Board of Dentistry, to be composed of
10 persons designated from time to time by the Secretary, as
11 follows:

12 Eleven persons, 8 of whom have been dentists for a period
13 of 5 years or more; 2 of whom have been dental hygienists for a
14 period of 5 years or more, and one public member. None of the
15 members shall be an officer, dean, assistant dean, or associate
16 dean of a dental college or dental department of an institute
17 of learning, nor shall any member be the program director of
18 any dental hygiene program. A board member who holds a faculty
19 position in a dental school or dental hygiene program shall not
20 participate in the examination of applicants for licenses from
21 that school or program. The dental hygienists shall not
22 participate in the examination of applicants for licenses to
23 practice dentistry. The public member shall not participate in
24 the examination of applicants for licenses to practice

1 dentistry or dental hygiene. The board shall annually elect a
2 chairman and vice-chairman who shall be a dentists ~~dentist~~.

3 Terms for all members shall be for 4 years. Partial terms
4 over 2 years in length shall be considered as full terms. A
5 member may be reappointed for a successive term, but no member
6 shall serve more than 2 full terms in his or her lifetime.

7 The membership of the Board shall include only residents
8 from various geographic areas of this State and shall include
9 at least some graduates from various institutions of dental
10 education in this State.

11 In making appointments to the Board the Secretary shall
12 give due consideration to recommendations by organizations of
13 the dental profession in Illinois, including the Illinois State
14 Dental Society and Illinois Dental Hygienists Association, and
15 shall promptly give due notice to such organizations of any
16 vacancy in the membership of the Board. The Secretary may
17 terminate the appointment of any member for cause which in the
18 opinion of the Secretary reasonably justifies such
19 termination.

20 A vacancy in the membership of the Board shall not impair
21 the right of a quorum to exercise all the rights and perform
22 all the duties of the Board. Any action to be taken by the
23 Board under this Act may be authorized by resolution at any
24 regular or special meeting, and each such resolution shall take
25 effect immediately. The Board shall meet at least quarterly.
26 ~~The Board may adopt all rules and regulations necessary and~~

1 ~~incident to its powers and duties under this Act.~~

2 The members of the Board shall each receive as compensation
3 a reasonable sum as determined by the Secretary for each day
4 actually engaged in the duties of the office, and all
5 legitimate and necessary expense incurred in attending the
6 meetings of the Board.

7 Members of the Board shall be immune from suit in any
8 action based upon any disciplinary proceedings or other
9 activities performed in good faith as members of the Board.

10 (Source: P.A. 97-1013, eff. 8-17-12.)

11 (225 ILCS 25/11) (from Ch. 111, par. 2311)

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

13 Sec. 11. Types of dental licenses; dental hygienist
14 licenses; licensing applicants from other States; temporary
15 authorizations; temporary permits for free dental care;
16 display of licenses; fees; returned checks; penalties ~~Dental~~
17 ~~licenses~~. The Department shall have the authority to issue the
18 following types of licenses:

19 (a) General licenses. The Department shall issue a license
20 authorizing practice as a dentist to any person who qualifies
21 for a license under this Act.

22 (b) Specialty licenses. The Department shall issue a
23 license authorizing practice as a specialist in any particular
24 branch of dentistry to any dentist who has complied with the
25 requirements established for that particular branch of

1 dentistry at the time of making application. The Department
2 shall establish additional requirements of any dentist who
3 announces or holds himself or herself out to the public as a
4 specialist or as being specially qualified in any particular
5 branch of dentistry.

6 No dentist shall announce or hold himself or herself out to
7 the public as a specialist or as being specially qualified in
8 any particular branch of dentistry unless he or she is licensed
9 to practice in that specialty of dentistry.

10 The fact that any dentist shall announce by card,
11 letterhead or any other form of communication using terms as
12 "Specialist," "Practice Limited To" or "Limited to Specialty
13 of" with the name of the branch of dentistry practiced as a
14 specialty, or shall use equivalent words or phrases to announce
15 the same, shall be prima facie evidence that the dentist is
16 holding himself or herself out to the public as a specialist.

17 (c) Temporary training licenses. Persons who wish to pursue
18 specialty or other advanced clinical educational programs in an
19 approved dental school or a hospital situated in this State, or
20 persons who wish to pursue programs of specialty training in
21 dental public health in public agencies in this State, may
22 receive without examination, in the discretion of the
23 Department, a temporary training license. In order to receive a
24 temporary training license under this subsection, an applicant
25 shall furnish satisfactory proof to the Department that:

26 (1) The applicant is at least 21 years of age and is of

1 good moral character. In determining moral character under
2 this Section, the Department may take into consideration
3 any felony conviction of the applicant, but such a
4 conviction shall not operate as bar to licensure;

5 (2) The applicant has been accepted or appointed for
6 specialty or residency training by an approved hospital
7 situated in this State, by an approved dental school
8 situated in this State, or by a public health agency in
9 this State the training programs of which are recognized
10 and approved by the Department. The applicant shall
11 indicate the beginning and ending dates of the period for
12 which he or she has been accepted or appointed;

13 (3) The applicant is a graduate of a dental school or
14 college approved and in good standing in the judgment of
15 the Department. The Department may consider diplomas or
16 certifications of education, or both, accompanied by
17 transcripts of course work and credits awarded to determine
18 if an applicant has graduated from a dental school or
19 college approved and in good standing. The Department may
20 also consider diplomas or certifications of education, or
21 both, accompanied by transcripts of course work and credits
22 awarded in determining whether a dental school or college
23 is approved and in good standing.

24 Temporary training licenses issued under this Section
25 shall be valid only for the duration of the period of residency
26 or specialty training and may be extended or renewed as

1 prescribed by rule. The holder of a valid temporary training
2 license shall be entitled thereby to perform acts as may be
3 prescribed by and incidental to his or her program of residency
4 or specialty training; but he or she shall not be entitled to
5 engage in the practice of dentistry in this State.

6 A temporary training license may be revoked by the
7 Department upon proof that the holder has engaged in the
8 practice of dentistry in this State outside of his or her
9 program of residency or specialty training, or if the holder
10 shall fail to supply the Department, within 10 days of its
11 request, with information as to his or her current status and
12 activities in his or her specialty training program.

13 (d) Restricted faculty licenses. Persons who have received
14 full-time appointments to teach dentistry at an approved dental
15 school or hospital situated in this State may receive without
16 examination, in the discretion of the Department, a restricted
17 faculty license. In order to receive a restricted faculty
18 license an applicant shall furnish satisfactory proof to the
19 Department that:

20 (1) The applicant is at least 21 years of age, is of
21 good moral character and is licensed to practice dentistry
22 in another state or country; and

23 (2) The applicant has a full-time appointment to teach
24 dentistry at an approved dental school or hospital situated
25 in this State.

26 Restricted faculty licenses issued under this Section

1 shall be valid for a period of 3 years and may be extended or
2 renewed. The holder of a valid restricted faculty license may
3 perform acts as may be required by his or her teaching of
4 dentistry. In addition, the holder of a restricted faculty
5 license may practice general dentistry or in his or her area of
6 specialty, but only in a clinic or office affiliated with the
7 dental school. Any restricted faculty license issued to a
8 faculty member under this Section shall terminate immediately
9 and automatically, without any further action by the
10 Department, if the holder ceases to be a faculty member at an
11 approved dental school or hospital in this State.

12 The Department may revoke a restricted faculty license for
13 a violation of this Act or its rules, or if the holder fails to
14 supply the Department, within 10 days of its request, with
15 information as to his current status and activities in his
16 teaching program.

17 (e) Inactive status. Any person who holds one of the
18 licenses under subsection (a) or (b) of Section 11 or under
19 Section 12 of this Act may elect, upon payment of the required
20 fee, to place his or her license on an inactive status and
21 shall, subject to the rules of the Department, be excused from
22 the payment of renewal fees until he or she notifies the
23 Department in writing of his or her desire to resume active
24 status.

25 Any licensee requesting restoration from inactive status
26 shall be required to pay the current renewal fee and upon

1 payment the Department shall be required to restore his or her
2 license, as provided in Section 16 of this Act.

3 Any licensee whose license is in an inactive status shall
4 not practice in the State of Illinois.

5 (f) Certificates of Identification. In addition to the
6 licenses authorized by this Section, the Department shall
7 deliver to each dentist a certificate of identification in a
8 form specified by the Department.

9 (g) Licensing applicants from other states. Any person who
10 has been lawfully licensed to practice dentistry, including the
11 practice of a licensed dental specialty, or dental hygiene in
12 another state or territory which has and maintains a standard
13 for the practice of dentistry, a dental specialty, or dental
14 hygiene at least equal to that now maintained in this State, or
15 if the requirements for licensure in such state or territory in
16 which the applicant was licensed were, at the date of his or
17 her licensure, substantially equivalent to the requirements
18 then in force in this State, and who has been lawfully engaged
19 in the practice of dentistry or dental hygiene for at least 3
20 of the 5 years immediately preceding the filing of his or her
21 application to practice in this State and who shall deposit
22 with the Department a duly attested certificate from the Board
23 of the state or territory in which he or she is licensed,
24 certifying to the fact of his or her licensing and of his or
25 her being a person of good moral character may, upon payment of
26 the required fee, be granted a license to practice dentistry, a

1 dental specialty, or dental hygiene in this State, as the case
2 may be.

3 For the purposes of this Section, "substantially
4 equivalent" means that the applicant has presented evidence of
5 completion and graduation from an American Dental Association
6 accredited dental college or school in the United States or
7 Canada, presented evidence that the applicant has passed both
8 parts of the National Board Dental Examination, and
9 successfully completed an examination conducted by a regional
10 testing service. In computing 3 of the immediately preceding 5
11 years of practice in another state or territory, any person who
12 left the practice of dentistry to enter the military service
13 and who practiced dentistry while in the military service may
14 count as a part of such period the time spent by him or her in
15 such service.

16 Applicants have 3 years from the date of application to
17 complete the application process. If the process has not been
18 completed in 3 years, the application shall be denied, the fee
19 forfeited, and the applicant must reapply and meet the
20 requirements in effect at the time of reapplication.

21 (h) Temporary authorization of applicants from other
22 jurisdictions. A person holding an active, unencumbered
23 license in good standing in another jurisdiction who applies
24 for a license pursuant to subsection (g) of this Section due to
25 a natural disaster or catastrophic event in another
26 jurisdiction may be temporarily authorized by the Secretary to

1 practice dentistry or dental hygiene under the supervision of a
2 dentist licensed under this Act, pending the issuance of the
3 license. This temporary authorization shall expire upon
4 issuance of the license or upon notification that the
5 Department has denied licensure. The Department may adopt all
6 rules necessary for the administration of this Section.

7 (i) Temporary permit for free dental care.

8 (1) The Department may issue a temporary permit
9 authorizing the practice in this State, without
10 compensation, of dentistry or dental hygiene to an
11 applicant who is licensed to practice dentistry or dental
12 hygiene in another state, if all of the following apply:

13 (A) The Department determines that the applicant's
14 services will improve the welfare of Illinois
15 residents.

16 (B) The Department determines that the applicant
17 is qualified and satisfies the criteria specified
18 under Sections 9 and 13 of this Act, except for the
19 examination requirement.

20 (2) The Department may not require the applicant to
21 pass an examination as provided in subsection (e) of
22 Section 9 of this Act in order to receive a temporary
23 permit under this Section.

24 (3) A temporary permit under this Section shall
25 authorize the practice of dentistry or dental hygiene in a
26 specified area of the State for a period of time not to

1 exceed 10 consecutive days in a year and may be renewed by
2 the Department. The Department may require an applicant to
3 pay a fee for the issuance or renewal of a permit under
4 this Section.

5 (4) The Secretary may summarily terminate any permit
6 issued pursuant to this Section, without a hearing, if the
7 Secretary finds that evidence in his or her possession
8 indicates that an individual permit holder's continuation
9 in practice would constitute an imminent danger to the
10 public. In the event that the Secretary summarily suspends
11 a permit issued pursuant to this Section, the permit holder
12 may petition the Department for a hearing in accordance
13 with the provisions of this Act to reinstate his or her
14 permit. In addition to terminating any permit issued
15 pursuant to this Section, the Department may issue a
16 monetary penalty not to exceed \$1,000 upon the permit
17 holder and may notify any state in which the permit holder
18 has been issued a license that his or her Illinois permit
19 has been terminated and the reasons for the termination.
20 The monetary penalty shall be paid within 60 days after the
21 effective date of the order imposing the penalty. The order
22 shall constitute a judgment and may be filed and execution
23 had thereon in the same manner as any judgment from any
24 court of record. It is the intent of the General Assembly
25 that a permit issued pursuant to this Section shall be
26 considered a privilege and not a property right.

1 (j) Display of licenses. Any person licensed to practice
2 dentistry or dental hygiene in this State by the Department as
3 hereinbefore provided, shall at all times display such license
4 or duplicate original thereof in a conspicuous place, in his or
5 her office wherein he or she shall practice such profession,
6 and shall further, whenever requested, exhibit such license to
7 any of the members of the Department or its authorized agent.
8 Upon proof by affidavit, the Department shall provide a
9 duplicate if such person establishes that his or her license is
10 lost or stolen or that he or she practices at multiple
11 locations.

12 (k) Fees. The fees for the administration and enforcement
13 of this Act, including, but not limited to, original licensure,
14 renewal, and restoration fees, shall be set by the Department
15 by rule. However, the fee for application for renewal of a
16 license as a dentist or specialist is \$100 per year and the fee
17 for application for renewal of a license as a dental hygienist
18 is \$50 per year. The fees shall be nonrefundable.

19 (l) Returned checks; penalties. Any person who delivers a
20 check or other payment to the Department that is returned to
21 the Department unpaid by the financial institution upon which
22 it is drawn shall pay to the Department, in addition to the
23 amount already owed to the Department, a fine of \$50. The fines
24 imposed by this Section are in addition to any other discipline
25 provided under this Act for unlicensed practice or practice on
26 a nonrenewed license. The Department shall notify the person

1 that payment of fees and fines shall be paid to the Department
2 by certified check or money order within 30 calendar days of
3 the notification. If, after the expiration of 30 days from the
4 date of the notification, the person has failed to submit the
5 necessary remittance, the Department shall automatically
6 terminate the license or deny the application, without hearing.
7 If, after termination or denial, the person seeks a license, he
8 or she shall apply to the Department for restoration or
9 issuance of the license and pay all fees and fines due to the
10 Department. The Department may establish a fee for the
11 processing of an application for restoration of a license to
12 pay all expenses of processing this application. The Secretary
13 may waive the fines due under this Section in individual cases
14 where the Secretary finds that the fines would be unreasonable
15 or unnecessarily burdensome.

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

17 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

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

19 Sec. 16.1. Continuing education. The Department shall
20 promulgate rules of continuing education for persons licensed
21 under this Act. In establishing rules, the Department shall
22 require a minimum of 48 hours of study in approved courses for
23 dentists during each 3-year licensing period and a minimum of
24 36 hours of study in approved courses for dental hygienists
25 during each 3-year licensing period.

1 The Department shall approve only courses that are relevant
2 to the treatment and care of patients, including, but not
3 limited to, clinical courses in dentistry and dental hygiene
4 and nonclinical courses such as patient management, legal and
5 ethical responsibilities, and stress management. The
6 Department shall allow up to 4 hours of continuing education
7 credit hours per license renewal period for volunteer hours
8 spent providing clinical services at, or sponsored by, a
9 nonprofit community clinic, local or state health department,
10 or a charity event. Courses shall not be approved in such
11 subjects as estate and financial planning, investments, or
12 personal health. Approved courses may include, but shall not be
13 limited to, courses that are offered or sponsored by approved
14 colleges, universities, and hospitals and by recognized
15 national, State, and local dental and dental hygiene
16 organizations.

17 No license shall be renewed unless the renewal application
18 is accompanied by an affidavit indicating that the applicant
19 has completed the required minimum number of hours of
20 continuing education in approved courses as required by this
21 Section. The affidavit shall not require a listing of courses.
22 The affidavit shall be a prima facie evidence that the
23 applicant has obtained the minimum number of required
24 continuing education hours in approved courses. The Department
25 shall not be obligated to conduct random audits or otherwise
26 independently verify that an applicant has met the continuing

1 education requirement. The Department, however, may not
2 conduct random audits of more than 10% of the licensed dentists
3 and dental hygienists in any one licensing cycle to verify
4 compliance with continuing education requirements. If the
5 Department, however, receives a complaint that a licensee has
6 not completed the required continuing education or if the
7 Department is investigating another alleged violation of this
8 Act by a licensee, the Department may demand and shall be
9 entitled to receive evidence from any licensee of completion of
10 required continuing education courses for the most recently
11 completed 3-year licensing period. Evidence of continuing
12 education may include, but is not limited to, canceled checks,
13 official verification forms of attendance, and continuing
14 education recording forms, that demonstrate a reasonable
15 record of attendance. The Board shall determine, in accordance
16 with rules adopted by the Department, whether a licensee or
17 applicant has met the continuing education requirements. Any
18 dentist who holds more than one license under this Act shall be
19 required to complete only the minimum number of hours of
20 continuing education required for renewal of a single license.
21 The Department may provide exemptions from continuing
22 education requirements. ~~The exemptions shall include, but~~
23 ~~shall not be limited to, dentists and dental hygienists who~~
24 ~~agree not to practice within the State during the licensing~~
25 ~~period because they are retired from practice.~~

26 (Source: P.A. 97-526, eff. 1-1-12; 97-1013, eff. 8-17-12.)

1 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

3 Sec. 17. Acts Constituting the Practice of Dentistry. A
4 person practices dentistry, within the meaning of this Act:

5 (1) Who represents himself or herself as being able to
6 diagnose or diagnoses, treats, prescribes, or operates for
7 any disease, pain, deformity, deficiency, injury, or
8 physical condition of the human tooth, teeth, alveolar
9 process, gums or jaw; or

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

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

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

15 (5) Who extracts a human tooth or teeth, or corrects or
16 attempts to correct malpositions of the human teeth or
17 jaws; or

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

21 (7) Who uses or administers local or general
22 anesthetics in the treatment of dental or oral diseases or
23 in any preparation incident to a dental operation of any
24 kind or character; or

25 (8) Who takes impressions of the human tooth, teeth, or

1 jaws or performs any phase of any operation incident to the
2 replacement of a part of a tooth, a tooth, teeth or
3 associated tissues by means of a filling, crown, a bridge,
4 a denture or other appliance; or

5 (9) Who offers to furnish, supply, construct,
6 reproduce or repair, or who furnishes, supplies,
7 constructs, reproduces or repairs, prosthetic dentures,
8 bridges or other substitutes for natural teeth, to the user
9 or prospective user thereof; or

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

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

1 The fact that any person engages in or performs, or offers
2 to engage in or perform, any of the practices, acts, or
3 operations set forth in this Section, shall be prima facie
4 evidence that such person is engaged in the practice of
5 dentistry.

6 The following practices, acts, and operations, however,
7 are exempt from the operation of this Act:

8 (a) The rendering of dental relief in emergency cases
9 in the practice of his or her profession by a physician or
10 surgeon, licensed as such under the laws of this State,
11 unless he or she undertakes to reproduce or reproduces lost
12 parts of the human teeth in the mouth or to restore or
13 replace lost or missing teeth in the mouth; or

14 (b) The practice of dentistry in the discharge of their
15 official duties by dentists in any branch of the Armed
16 Services of the United States, the United States Public
17 Health Service, or the United States Veterans
18 Administration; or

19 (c) The practice of dentistry by students in their
20 course of study in dental schools or colleges approved by
21 the Department, when acting under the direction and
22 supervision of dentists acting as instructors; or

23 (d) The practice of dentistry by clinical instructors
24 in the course of their teaching duties in dental schools or
25 colleges approved by the Department:

26 (i) when acting under the direction and

1 supervision of dentists, provided that such clinical
2 instructors have instructed continuously in this State
3 since January 1, 1986; or

4 (ii) when holding the rank of full professor at
5 such approved dental school or college and possessing a
6 current valid license or authorization to practice
7 dentistry in another country; or

8 (e) The practice of dentistry by licensed dentists of
9 other states or countries at meetings of the Illinois State
10 Dental Society or component parts thereof, alumni meetings
11 of dental colleges, or any other like dental organizations,
12 while appearing as clinicians; or

13 (f) The use of X-Ray machines for exposing X-Ray films
14 of dental or oral tissues by dental hygienists or dental
15 assistants; or

16 (g) The performance of any dental service by a dental
17 assistant, if such service is performed under the
18 supervision and full responsibility of a dentist.

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

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

1 (2) Removal of, or restoration of, or addition to
2 the hard or soft tissues of the oral cavity,~~except for~~
3 ~~the placing, carving, and finishing of amalgam~~
4 ~~restorations by dental assistants who have had~~
5 ~~additional formal education and certification as~~
6 ~~determined by the Department. A dentist utilizing~~
7 ~~dental assistants shall not supervise more than 4~~
8 ~~dental assistants at any one time for placing, carving,~~
9 ~~and finishing of amalgam restorations.~~

10 (3) Any and all correction of malformation of teeth
11 or of the jaws.

12 (4) Administration of anesthetics,~~except for~~
13 ~~monitoring of nitrous oxide, conscious sedation, deep~~
14 ~~sedation, and general anesthetic as provided in~~
15 ~~Section 8.1 of this Act, that may be performed only~~
16 ~~after successful completion of a training program~~
17 ~~approved by the Department. A dentist utilizing dental~~
18 ~~assistants shall not supervise more than 4 dental~~
19 ~~assistants at any one time for the monitoring of~~
20 ~~nitrous oxide.~~

21 (5) Removal of calculus from human teeth.

22 (6) Taking of impressions for the fabrication of
23 prosthetic appliances, crowns, bridges, inlays,
24 onlays, or other restorative or replacement dentistry.

25 (7) The operative procedure of dental hygiene
26 consisting of oral prophylactic procedures,~~except for~~

1 ~~coronal polishing and pit and fissure sealants, which~~
2 ~~may be performed by a dental assistant who has~~
3 ~~successfully completed a training program approved by~~
4 ~~the Department. Dental assistants may perform coronal~~
5 ~~polishing under the following circumstances: (i) the~~
6 ~~coronal polishing shall be limited to polishing the~~
7 ~~clinical crown of the tooth and existing restorations,~~
8 ~~supragingivally; (ii) the dental assistant performing~~
9 ~~the coronal polishing shall be limited to the use of~~
10 ~~rotary instruments using a rubber cup or brush~~
11 ~~polishing method (air polishing is not permitted); and~~
12 ~~(iii) the supervising dentist shall not supervise more~~
13 ~~than 4 dental assistants at any one time for the task~~
14 ~~of coronal polishing or pit and fissure sealants.~~

15 ~~The limitations on the number of dental assistants a~~
16 ~~dentist may supervise contained in items (2), (4), and (7)~~
17 ~~of this paragraph (g) mean a limit of 4 total dental~~
18 ~~assistants or dental hygienists doing expanded functions~~
19 ~~covered by these Sections being supervised by one dentist.~~

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

21 (i) has applied in writing to the Department, in
22 form and substance satisfactory to the Department, for
23 a general dental license and has complied with all
24 provisions of Section 9 of this Act, except for the
25 passage of the examination specified in subsection (e)
26 of Section 9 of this Act; or

1 (ii) has applied in writing to the Department, in
2 form and substance satisfactory to the Department, for
3 a temporary dental license and has complied with all
4 provisions of subsection (c) of Section 11 of this Act;
5 and

6 (iii) has been accepted or appointed for specialty
7 or residency training by a hospital situated in this
8 State; or

9 (iv) has been accepted or appointed for specialty
10 training in an approved dental program situated in this
11 State; or

12 (v) has been accepted or appointed for specialty
13 training in a dental public health agency situated in
14 this State.

15 The applicant shall be permitted to practice dentistry
16 for a period of 3 months from the starting date of the
17 program, unless authorized in writing by the Department to
18 continue such practice for a period specified in writing by
19 the Department.

20 The applicant shall only be entitled to perform such
21 acts as may be prescribed by and incidental to his or her
22 program of residency or specialty training and shall not
23 otherwise engage in the practice of dentistry in this
24 State.

25 The authority to practice shall terminate immediately
26 upon:

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

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

4 (3) withdrawal of the application.

5 (Source: P.A. 97-526, eff. 1-1-12; 97-886, eff. 8-2-12;
6 97-1013, eff. 8-17-12; 98-147, eff. 1-1-14; 98-463, eff.
7 8-16-13; 98-756, eff. 7-16-14.)

8 (225 ILCS 25/17.1 new)

9 Sec. 17.1. Expanded functions for dental assistants. A
10 dental assistant operating under the direct supervision of a
11 dentist may perform the following services upon completion of
12 appropriate training:

13 (1) placing, carving, and finishing of amalgam
14 restorations by dental assistants who have had additional
15 formal education and certification as determined by the
16 Department;

17 (2) monitoring of nitrous oxide, conscious sedation,
18 deep sedation, and general anesthetic as provided in
19 Section 8.1 of this Act, which may be performed only after
20 successful completion of a training program approved by the
21 Department; and

22 (3) coronal polishing and pit and fissure sealants,
23 which may be performed by a dental assistant who has
24 successfully completed a training program approved by the
25 Department under the following circumstances:

1 (A) the coronal polishing shall be limited to
2 polishing the clinical crown of the tooth and existing
3 restorations, supragingivally; and

4 (B) the dental assistant performing the coronal
5 polishing shall be limited to the use of rotary
6 instruments using a rubber cup or brush polishing
7 method (air polishing is not permitted).

8 A supervising dentist shall not supervise more than a total
9 of 4 dental assistants at any one time for (i) placing,
10 carving, and finishing of amalgam restorations; (ii)
11 monitoring of nitrous oxide; and (iii) the task of coronal
12 polishing or pit and fissure sealants.

13 (225 ILCS 25/23) (from Ch. 111, par. 2323)

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

15 Sec. 23. Refusal, revocation or suspension of dental
16 licenses. The Department may refuse to issue or renew, or may
17 revoke, suspend, place on probation, reprimand or take other
18 disciplinary or non-disciplinary action as the Department may
19 deem proper, including imposing fines not to exceed \$10,000 per
20 violation, with regard to any license for any one or any
21 combination of the following causes:

22 1. Fraud or misrepresentation in applying for or
23 procuring a license under this Act, or in connection with
24 applying for renewal of a license under this Act.

25 2. Inability to practice with reasonable judgment,

1 skill, or safety as a result of habitual or excessive use
2 or addiction to alcohol, narcotics, stimulants, or any
3 other chemical agent or drug.

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

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

10 5. Division of fees or agreeing to split or divide the
11 fees received for dental services with any person for
12 bringing or referring a patient, except in regard to
13 referral services as provided for under Section 45, or
14 assisting in the care or treatment of a patient, without
15 the knowledge of the patient or his or her legal
16 representative. Nothing in this item 5 affects any bona
17 fide independent contractor or employment arrangements
18 among health care professionals, health facilities, health
19 care providers, or other entities, except as otherwise
20 prohibited by law. Any employment arrangements may include
21 provisions for compensation, health insurance, pension, or
22 other employment benefits for the provision of services
23 within the scope of the licensee's practice under this Act.
24 Nothing in this item 5 shall be construed to require an
25 employment arrangement to receive professional fees for
26 services rendered.

1 6. Employing, procuring, inducing, aiding or abetting
2 a person not licensed or registered as a dentist to engage
3 in the practice of dentistry. The person practiced upon is
4 not an accomplice, employer, procurer, inducer, aider, or
5 abetter within the meaning of this Act.

6 7. Making any misrepresentations or false promises,
7 directly or indirectly, to influence, persuade or induce
8 dental patronage.

9 8. Professional connection or association with or
10 lending his or her name to another for the illegal practice
11 of dentistry by another, or professional connection or
12 association with any person, firm or corporation holding
13 himself, herself, themselves, or itself out in any manner
14 contrary to this Act.

15 9. Obtaining or seeking to obtain practice, money, or
16 any other things of value by false or fraudulent
17 representations, but not limited to, engaging in such
18 fraudulent practice to defraud the medical assistance
19 program of the Department of Healthcare and Family Services
20 (formerly Department of Public Aid) under the Illinois
21 Public Aid Code.

22 10. Practicing under a false or, except as provided by
23 law, an assumed name.

24 11. Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public.

1 12. Conviction by plea of guilty or nolo contendere,
2 finding of guilt, jury verdict, or entry of judgment or by
3 sentencing for any crime, including, but not limited to,
4 convictions, preceding sentences of supervision,
5 conditional discharge, or first offender probation, under
6 the laws of any jurisdiction of the United States that (i)
7 is a felony under the laws of this State or (ii) is a
8 misdemeanor, an essential element of which is dishonesty,
9 or that is directly related to the practice of dentistry.

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

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

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

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

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

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

25 19. Willfully failing to report an instance of
26 suspected child abuse or neglect as required by the Abused

1 and Neglected Child Reporting Act.

2 20. Gross negligence in practice under this Act.

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

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

13 23. Professional incompetence as manifested by poor
14 standards of care.

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

23 25. Gross or repeated irregularities in billing for
24 services rendered to a patient. For purposes of this
25 paragraph 25, "irregularities in billing" shall include:

26 (a) Reporting excessive charges for the purpose of

1 obtaining a total payment in excess of that usually
2 received by the dentist for the services rendered.

3 (b) Reporting charges for services not rendered.

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

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

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

16 28. Violating the Health Care Worker Self-Referral
17 Act.

18 29. Abandonment of a patient.

19 30. Mental incompetency as declared by a court of
20 competent jurisdiction.

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

24 32. Material misstatement in furnishing information to
25 the Department.

26 33. Failing, within 60 days, to provide information in

1 response to a written request by the Department in the
2 course of an investigation.

3 34. Immoral conduct in the commission of any act,
4 including, but not limited to, commission of an act of
5 sexual misconduct related to the licensee's practice.

6 35. Cheating on or attempting to subvert the licensing
7 examination administered under this Act.

8 36. A pattern of practice or other behavior that
9 demonstrates incapacity or incompetence to practice under
10 this Act.

11 37. Failure to establish and maintain records of
12 patient care and treatment as required under this Act.

13 38. Failure to provide copies of dental records as
14 required by law.

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

1 Department. All fines imposed under this Section shall be paid
2 within 60 days after the effective date of the order imposing
3 the fine or in accordance with the terms set forth in the order
4 imposing the fine.

5 The Department may refuse to issue or may suspend the
6 license of any person who fails to file a return, or to pay the
7 tax, penalty or interest shown in a filed return, or to pay any
8 final assessment of tax, penalty or interest, as required by
9 any tax Act administered by the Illinois Department of Revenue,
10 until such time as the requirements of any such tax Act are
11 satisfied.

12 (Source: P.A. 96-1482, eff. 11-29-10; 97-102, eff. 7-14-11;
13 97-813, eff. 7-13-12; 97-1013, eff. 8-17-12.)

14 (225 ILCS 25/24) (from Ch. 111, par. 2324)

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

16 Sec. 24. Refusal, Suspension or Revocation of Dental
17 Hygienist License. The Department may refuse to issue or renew
18 or may revoke, suspend, place on probation, reprimand or take
19 other disciplinary or non-disciplinary action as the
20 Department may deem proper, including imposing fines not to
21 exceed \$10,000 per violation, with regard to any dental
22 hygienist license for any one or any combination of the
23 following causes:

24 1. Fraud or misrepresentation in applying for or
25 procuring a license under this Act, or in connection with

1 applying for renewal of a license under this Act.

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

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

5 4. The wilful violation of, or the wilful procuring of,
6 or knowingly assisting in the violation of, any Act which
7 is now or which hereafter may be in force in this State
8 relating to the use of habit-forming drugs.

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

12 6. Gross negligence in performing the operative
13 procedure of dental hygiene.

14 7. Active practice of dental hygiene while knowingly
15 having any infectious, communicable, or contagious disease
16 proscribed by rule or regulation of the Department.

17 8. Inability to practice with reasonable judgment,
18 skill, or safety as a result of habitual or excessive use
19 or addiction to alcohol, narcotics, stimulants, or any
20 other chemical agent or drug.

21 9. Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or by
23 sentencing of any crime, including, but not limited to,
24 convictions, preceding sentences of supervision,
25 conditional discharge, or first offender probation, under
26 the laws of any jurisdiction of the United States that (i)

1 is a felony or (ii) is a misdemeanor, an essential element
2 of which is dishonesty, or that is directly related to the
3 practice of dental hygiene.

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

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

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

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

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

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

20 16. Material misstatement in furnishing information to
21 the Department.

22 17. Failing, within 60 days, to provide information in
23 response to a written request by the Department in the
24 course of an investigation.

25 18. Immoral conduct in the commission of any act,
26 including, but not limited to, commission of an act of

1 sexual misconduct related to the licensee's practice.

2 19. Cheating on or attempting to subvert the licensing
3 examination administered under this Act.

4 20. Violations of this Act or of the rules promulgated
5 under this Act.

6 21. Practicing under a false or, except as provided by
7 law, an assumed name.

8 The provisions of this Act relating to proceedings for the
9 suspension and revocation of a license to practice dentistry
10 shall apply to proceedings for the suspension or revocation of
11 a license as a dental hygienist. All fines imposed under this
12 Section shall be paid within 60 days after the effective date
13 of the order imposing the fine or in accordance with the terms
14 set forth in the order imposing the fine.

15 (Source: P.A. 97-102, eff. 7-14-11; 97-1013, eff. 8-17-12.)

16 (225 ILCS 25/25) (from Ch. 111, par. 2325)

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

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

20 (a) Upon the motion of either the Department or the Board
21 or upon the verified complaint in writing of any person setting
22 forth facts which if proven would constitute grounds for
23 refusal, suspension or revocation of license under this Act,
24 the Board shall investigate the actions of any person,
25 hereinafter called the respondent, who holds or represents that

1 he or she holds a license. All such motions or complaints shall
2 be brought to the Board.

3 (b) Prior to taking an in-person statement from a dentist
4 or dental hygienist who is the subject of a complaint, the
5 investigator shall inform the dentist or the dental hygienist
6 in writing:

7 (1) that the dentist or dental hygienist is the subject
8 of a complaint;

9 (2) that the dentist or dental hygienist need not
10 immediately proceed with the interview and may seek
11 appropriate consultation prior to consenting to the
12 interview; and

13 (3) that failure of the dentist or dental hygienist to
14 proceed with the interview shall not prohibit the
15 Department from conducting a visual inspection of the
16 facility.

17 A Department investigator's failure to comply with this
18 subsection may not be the sole ground for dismissal of any
19 order of the Department filed upon a finding of a violation or
20 for dismissal of a pending investigation.

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

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

25 (2) request in writing that the dentist or dental
26 hygienist being investigated attend an informal conference

1 with representatives of the Department.

2 The request for an informal conference shall contain the
3 nature of the alleged actions or inactions that constitute the
4 possible violations.

5 A dentist or dental hygienist shall be allowed to have
6 legal counsel at the informal conference. If the informal
7 conference results in a consent order between the accused
8 dentist or dental hygienist and the Department, the consent
9 order must be approved by the Secretary. ~~However, if the~~
10 ~~consent order would result in a fine exceeding \$10,000 or the~~
11 ~~suspension or revocation of the dentist or dental hygienist~~
12 ~~license, the consent order must be approved by the Board and~~
13 ~~the Secretary.~~ Participation in the informal conference by a
14 dentist, a dental hygienist, or the Department and any
15 admissions or stipulations made by a dentist, a dental
16 hygienist, or the Department at the informal conference,
17 including any agreements in a consent order that is
18 subsequently disapproved by ~~either the Board or~~ the Secretary,
19 shall not be used against the dentist, dental hygienist, or
20 Department at any subsequent hearing and shall not become a
21 part of the record of the hearing.

22 (d) The Secretary shall, before suspending, revoking,
23 placing on probationary status, or taking any other
24 disciplinary action as the Secretary may deem proper with
25 regard to any license, at least 30 days prior to the date set
26 for the hearing, notify the respondent in writing of any

1 charges made and the time and place for a hearing of the
2 charges before the Board, direct him or her to file his or her
3 written answer thereto to the Board under oath within 20 days
4 after the service on him or her of such notice and inform him
5 or her that if he or she fails to file such answer default will
6 be taken against him or her and his or her license may be
7 suspended, revoked, placed on probationary status, or other
8 disciplinary action may be taken with regard thereto, including
9 limiting the scope, nature or extent of his or her practice, as
10 the Secretary may deem proper.

11 (e) Such written notice and any notice in such proceedings
12 thereafter may be served by delivery personally to the
13 respondent, or by registered or certified mail to the address
14 last theretofore specified by the respondent in his or her last
15 notification to the Secretary.

16 (Source: P.A. 97-1013, eff. 8-17-12.)

17 (225 ILCS 25/26) (from Ch. 111, par. 2326)

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

19 Sec. 26. Disciplinary actions.

20 (a) In case the respondent, after receiving notice, fails
21 to file an answer, his or her license may, in the discretion of
22 the Secretary, having first received the recommendation of the
23 Board, be suspended, revoked, placed on probationary status, or
24 the Secretary may take whatever disciplinary or
25 non-disciplinary action he or she may deem proper, including

1 limiting the scope, nature, or extent of the person's practice
2 or the imposition of a fine, without a hearing, if the act or
3 acts charged constitute sufficient grounds for such action
4 under this Act.

5 (b) The Secretary may temporarily suspend the license of a
6 dentist or dental hygienist without a hearing, simultaneous to
7 the institution of proceedings for a hearing under this Act, if
8 the Secretary finds that evidence in his or her possession
9 indicates that a dentist's or dental hygienist's continuation
10 in practice would constitute an immediate danger to the public.
11 In the event that the Secretary temporarily suspends the
12 license of a dentist or a dental hygienist without a hearing, a
13 hearing by the Board must be held within 15 days after such
14 suspension has occurred.

15 (c) The entry of a judgment by any circuit court
16 establishing that any person holding a license under this Act
17 is a person subject to involuntary admission under the Mental
18 Health and Developmental Disabilities Code shall operate as a
19 suspension of that license. That person may resume his or her
20 practice only upon a finding by the Board that he or she has
21 been determined to be no longer subject to involuntary
22 admission by the court and upon the Board's recommendation to
23 the Secretary that he or she be permitted to resume his or her
24 practice.

25 (Source: P.A. 97-1013, eff. 8-17-12.)

1 (225 ILCS 25/30) (from Ch. 111, par. 2330)

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

3 Sec. 30. Appointment of a Hearing Officer. The Secretary
4 shall have the authority to appoint any attorney duly licensed
5 to practice law in the State of Illinois to serve as the
6 hearing officer if any action for refusal to issue, renew or
7 discipline of a license. The hearing officer shall have full
8 authority to conduct the hearing. The hearing officer shall
9 report his or her findings and recommendations to the Board and
10 the Secretary. The Board shall have 60 days from receipt of the
11 report to review the report of the hearing officer and present
12 its findings of fact, conclusions of law and recommendations to
13 the Secretary. If the Board fails to present its report within
14 the 60 day period, the Secretary shall issue an order based on
15 the report of the hearing officer. Whenever the Secretary is
16 satisfied that substantial justice has not been done in an
17 examination, a formal disciplinary action, or refusing to
18 restore a license, he or she may order a reexamination or
19 rehearing by the same or other examiners. ~~If the Secretary~~
20 ~~determines that the Board's report is contrary to the manifest~~
21 ~~weight of the evidence, he or she may issue an order in~~
22 ~~contravention of the Board's report.~~

23 (Source: P.A. 97-1013, eff. 8-17-12.)

24 (225 ILCS 25/41) (from Ch. 111, par. 2341)

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

1 Sec. 41. Dental Coordinator. The Department shall select a
2 dental coordinator, who shall not be a member of the Board. The
3 dental coordinator shall be a dentist. The dental coordinator
4 shall be the chief enforcement officer of the disciplinary
5 provisions of this Act.

6 The Department shall employ, in conformity with the
7 "Personnel Code", such investigators as it deems necessary to
8 investigate violations of the Act ~~not less than one full time~~
9 ~~investigator for every 3,000 dentists and dental hygienists in~~
10 ~~the State~~. Each investigator shall be a college graduate with
11 at least 2 years' investigative experience or one year of
12 advanced dental or medical education. The Department shall
13 employ, in conformity with the "Personnel Code", such other
14 professional, technical, investigative and clerical assistance
15 on either a full or part-time basis, as the Department deems
16 necessary for the proper performance of its duties. The
17 Department shall retain and use such hearing officers as it
18 deems necessary. All employees of the Department shall be
19 directed by, and answerable to, the Department, with respect to
20 their duties and functions.

21 The duly authorized dental investigators of the Department
22 shall have the right to enter and inspect, during business
23 hours, the business premises of a dentist licensed under this
24 Act or of a person who holds himself or herself out as
25 practicing dentistry, with due consideration for patient care
26 of the subject of the investigation, so as to inspect the

1 physical premises and equipment and furnishings therein. This
2 right of inspection shall not include inspection of business,
3 medical, or personnel records located on the premises without a
4 Department subpoena issued in accordance with Section 25.1 of
5 this Act or Section 2105-105 of the Civil Administrative Code
6 of Illinois. For the purposes of this Section, "business
7 premises" means the office or offices where the dentist
8 conducts the practice of dentistry.

9 (Source: P.A. 84-365.)

10 (225 ILCS 25/50) (from Ch. 111, par. 2350)

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

12 Sec. 50. Patient Records. Every dentist shall make a record
13 of all dental work performed for each patient. The record shall
14 be made in a manner and in sufficient detail that it may be
15 used for identification purposes.

16 Dental records required by this Section shall be maintained
17 for 10 years. Dental records required to be maintained under
18 this Section, or copies of those dental records, shall be made
19 available upon request to the patient or the patient's
20 guardian. A dentist shall be entitled to reasonable
21 reimbursement for the cost of reproducing these records, which
22 shall not exceed the cost allowed under Section 8-2001 ~~8-2003~~
23 of the Code of Civil Procedure. A dentist providing services
24 through a mobile dental van or portable dental unit shall
25 provide to the patient or the patient's parent or guardian, in

1 writing, the dentist's name, license number, address, and
2 information on how the patient or the patient's parent or
3 guardian may obtain the patient's dental records, as provided
4 by law.

5 (Source: P.A. 97-526, eff. 1-1-12.)

6 (225 ILCS 25/19 rep.)

7 (225 ILCS 25/19.1 rep.)

8 (225 ILCS 25/19.2 rep.)

9 (225 ILCS 25/20 rep.)

10 (225 ILCS 25/21 rep.)

11 (225 ILCS 25/22 rep.)

12 Section 15. The Illinois Dental Practice Act is amended by
13 repealing Sections 19, 19.1, 19.2, 20, 21, and 22.

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

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