

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 Acts repealed on January 1, 2016.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8 Acts are repealed on January 1, 2016: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 Act repealed on January 1, 2026.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1 Act is repealed on January 1, 2026: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, 8.5, 11, 16.1, 17, 23, 24, 25, 26, 29, 30,  
5 41, and 50 and by adding Section 17.5 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7 (Section scheduled to be repealed on January 1, 2016)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 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 25/8.5)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 8.5. Unlicensed practice; violation; civil penalty.

14 (a) Any person who practices, offers to practice, attempts  
15 to practice, or holds oneself out to practice dentistry or  
16 dental hygiene without being licensed under this Act shall, in  
17 addition to any other penalty provided by law, pay a civil  
18 penalty to the Department in an amount not to exceed \$10,000  
19 for each offense as determined by the Department. The civil  
20 penalty shall be assessed by the Department after a hearing is  
21 held in accordance with the provisions set forth in this Act  
22 regarding the provision of a hearing for the discipline of a  
23 licensee.

24 (b) The Department has the authority and power to  
25 investigate any and all unlicensed activity.

1 (c) The civil penalty shall be paid within 60 days after  
2 the effective date of the order imposing the civil penalty. The  
3 order shall constitute a judgment and may be filed and  
4 execution had thereon in the same manner as any judgment from  
5 any court of record.

6 (Source: P.A. 88-223; 89-80, eff. 6-30-95.)

7 (225 ILCS 25/11) (from Ch. 111, par. 2311)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 11. Types of dental licenses; dental hygienist  
10 licenses; licensing applicants from other states; temporary  
11 authorizations; temporary permits for free dental care ~~Dental~~  
12 ~~licenses~~. The Department shall have the authority to issue the  
13 following types of licenses:

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

17 (b) Specialty licenses. The Department shall issue a  
18 license authorizing practice as a specialist in any particular  
19 branch of dentistry to any dentist who has complied with the  
20 requirements established for that particular branch of  
21 dentistry at the time of making application. The Department  
22 shall establish additional requirements of any dentist who  
23 announces or holds himself or herself out to the public as a  
24 specialist or as being specially qualified in any particular  
25 branch of dentistry.

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

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

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

21 (1) The applicant is at least 21 years of age and is of  
22 good moral character. In determining moral character under  
23 this Section, the Department may take into consideration  
24 any felony conviction of the applicant, but such a  
25 conviction shall not operate as bar to licensure;

26 (2) The applicant has been accepted or appointed for

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

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

19 Temporary training licenses issued under this Section  
20 shall be valid only for the duration of the period of residency  
21 or specialty training and may be extended or renewed as  
22 prescribed by rule. The holder of a valid temporary training  
23 license shall be entitled thereby to perform acts as may be  
24 prescribed by and incidental to his or her program of residency  
25 or specialty training; but he or she shall not be entitled to  
26 engage in the practice of dentistry in this State.

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

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

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

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

21           Restricted faculty licenses issued under this Section  
22 shall be valid for a period of 3 years and may be extended or  
23 renewed. The holder of a valid restricted faculty license may  
24 perform acts as may be required by his or her teaching of  
25 dentistry. In addition, the holder of a restricted faculty  
26 license may practice general dentistry or in his or her area of

1 specialty, but only in a clinic or office affiliated with the  
2 dental school. Any restricted faculty license issued to a  
3 faculty member under this Section shall terminate immediately  
4 and automatically, without any further action by the  
5 Department, if the holder ceases to be a faculty member at an  
6 approved dental school or hospital in this State.

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

12 (d-5) Necessity for licensure of dental hygienists. No  
13 person, unless a dentist, shall perform the operative  
14 procedures of dental hygiene without first applying for and  
15 obtaining a license for such purpose. The Department shall  
16 issue a license authorizing practice as a dental hygienist to  
17 any person who qualifies for such license pursuant to this Act.  
18 In addition to the license authorized by this subsection (d-5),  
19 the Department shall deliver to each dental hygienist a  
20 separate certificate of identification in a form specified by  
21 the Department.

22 (e) Inactive status. Any person who holds one of the  
23 licenses under subsection (a) or (b) of Section 11 or under  
24 Section 12 of this Act may elect, upon payment of the required  
25 fee, to place his or her license on an inactive status and  
26 shall, subject to the rules of the Department, be excused from

1 the payment of renewal fees until he or she notifies the  
2 Department in writing of his or her desire to resume active  
3 status.

4 Any licensee requesting restoration from inactive status  
5 shall be required to pay the current renewal fee and upon  
6 payment the Department shall be required to restore his or her  
7 license, as provided in Section 16 of this Act.

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

10 (f) Certificates of Identification. In addition to the  
11 licenses authorized by this Section, the Department shall  
12 deliver to each dentist a certificate of identification in a  
13 form specified by the Department.

14 (g) Licensing applicants from other states. Any person who  
15 has been lawfully licensed to practice dentistry, including the  
16 practice of a licensed dental specialty, or dental hygiene in  
17 another state or territory which has and maintains a standard  
18 for the practice of dentistry, a dental specialty, or dental  
19 hygiene at least equal to that now maintained in this State, or  
20 if the requirements for licensure in such state or territory in  
21 which the applicant was licensed were, at the date of his or  
22 her licensure, substantially equivalent to the requirements  
23 then in force in this State, and who has been lawfully engaged  
24 in the practice of dentistry or dental hygiene for at least 3  
25 of the 5 years immediately preceding the filing of his or her  
26 application to practice in this State and who shall deposit

1 with the Department a duly attested certificate from the Board  
2 of the state or territory in which he or she is licensed,  
3 certifying to the fact of his or her licensing and of his or  
4 her being a person of good moral character may, upon payment of  
5 the required fee, be granted a license to practice dentistry, a  
6 dental specialty, or dental hygiene in this State, as the case  
7 may be.

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

21 Applicants have 3 years from the date of application to  
22 complete the application process. If the process has not been  
23 completed in 3 years, the application shall be denied, the fee  
24 forfeited, and the applicant must reapply and meet the  
25 requirements in effect at the time of reapplication.

26 (h) Temporary authorization of applicants from other

1 jurisdictions. A person holding an active, unencumbered  
2 license in good standing in another jurisdiction who applies  
3 for a license pursuant to subsection (g) of this Section due to  
4 a natural disaster or catastrophic event in another  
5 jurisdiction may be temporarily authorized by the Secretary to  
6 practice dentistry or dental hygiene under the supervision of a  
7 dentist licensed under this Act, pending the issuance of the  
8 license. This temporary authorization shall expire upon  
9 issuance of the license or upon notification that the  
10 Department has denied licensure. The Department may adopt all  
11 rules necessary for the administration of this Section.

12 (i) Temporary permit for free dental care.

13 (1) The Department may issue a temporary permit  
14 authorizing the practice in this State, without  
15 compensation, of dentistry or dental hygiene to an  
16 applicant who is licensed to practice dentistry or dental  
17 hygiene in another state, if all of the following apply:

18 (A) The Department determines that the applicant's  
19 services will improve the welfare of Illinois  
20 residents.

21 (B) The Department determines that the applicant  
22 is qualified and satisfies the criteria specified  
23 under Sections 9 and 13 of this Act, except for the  
24 examination requirement.

25 (2) The Department may not require the applicant to  
26 pass an examination as provided in subsection (e) of

1       Section 9 of this Act in order to receive a temporary  
2       permit under this subsection (i).

3       (3) A temporary permit under this Section shall  
4       authorize the practice of dentistry or dental hygiene in a  
5       specified area of the State for a period of time not to  
6       exceed 10 consecutive days in a year and may be renewed by  
7       the Department. The Department may require an applicant to  
8       pay a fee for the issuance or renewal of a permit under  
9       this subsection (i).

10       (4) The Secretary may summarily terminate any permit  
11       issued pursuant to this subsection (i), without a hearing,  
12       if the Secretary finds that evidence in his or her  
13       possession indicates that an individual permit holder's  
14       continuation in practice would constitute an imminent  
15       danger to the public. In the event that the Secretary  
16       summarily suspends a permit issued pursuant to this  
17       subsection (i), the permit holder may petition the  
18       Department for a hearing in accordance with the provisions  
19       of this Act to reinstate his or her permit. In addition to  
20       terminating any permit issued pursuant to this subsection  
21       (i), the Department may issue a monetary penalty not to  
22       exceed \$1,000 upon the permit holder and may notify any  
23       state in which the permit holder has been issued a license  
24       that his or her Illinois permit has been terminated and the  
25       reasons for the termination. The monetary penalty shall be  
26       paid within 60 days after the effective date of the order

1 imposing the penalty. The order shall constitute a judgment  
2 and may be filed and execution had thereon in the same  
3 manner as any judgment from any court of record. It is the  
4 intent of the General Assembly that a permit issued  
5 pursuant to this subsection (i) shall be considered a  
6 privilege and not a property right.

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

8 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

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

10 Sec. 16.1. Continuing education. The Department shall  
11 promulgate rules of continuing education for persons licensed  
12 under this Act. In establishing rules, the Department shall  
13 require a minimum of 48 hours of study in approved courses for  
14 dentists during each 3-year licensing period and a minimum of  
15 36 hours of study in approved courses for dental hygienists  
16 during each 3-year licensing period.

17 The Department shall approve only courses that are relevant  
18 to the treatment and care of patients, including, but not  
19 limited to, clinical courses in dentistry and dental hygiene  
20 and nonclinical courses such as patient management, legal and  
21 ethical responsibilities, and stress management. The  
22 Department shall allow up to 4 hours of continuing education  
23 credit hours per license renewal period for volunteer hours  
24 spent providing clinical services at, or sponsored by, a  
25 nonprofit community clinic, local or state health department,

1 or a charity event. Courses shall not be approved in such  
2 subjects as estate and financial planning, investments, or  
3 personal health. Approved courses may include, but shall not be  
4 limited to, courses that are offered or sponsored by approved  
5 colleges, universities, and hospitals and by recognized  
6 national, State, and local dental and dental hygiene  
7 organizations.

8 No license shall be renewed unless the renewal application  
9 is accompanied by an affidavit indicating that the applicant  
10 has completed the required minimum number of hours of  
11 continuing education in approved courses as required by this  
12 Section. The affidavit shall not require a listing of courses.  
13 The affidavit shall be a prima facie evidence that the  
14 applicant has obtained the minimum number of required  
15 continuing education hours in approved courses. The Department  
16 shall not be obligated to conduct random audits or otherwise  
17 independently verify that an applicant has met the continuing  
18 education requirement. The Department, however, may not  
19 conduct random audits of more than 10% of the licensed dentists  
20 and dental hygienists in any one licensing cycle to verify  
21 compliance with continuing education requirements. If the  
22 Department, however, receives a complaint that a licensee has  
23 not completed the required continuing education or if the  
24 Department is investigating another alleged violation of this  
25 Act by a licensee, the Department may demand and shall be  
26 entitled to receive evidence from any licensee of completion of

1 required continuing education courses for the most recently  
2 completed 3-year licensing period. Evidence of continuing  
3 education may include, but is not limited to, canceled checks,  
4 official verification forms of attendance, and continuing  
5 education recording forms, that demonstrate a reasonable  
6 record of attendance. The Board shall determine, in accordance  
7 with rules adopted by the Department, whether a licensee or  
8 applicant has met the continuing education requirements. Any  
9 dentist who holds more than one license under this Act shall be  
10 required to complete only the minimum number of hours of  
11 continuing education required for renewal of a single license.  
12 The Department may provide exemptions from continuing  
13 education requirements. ~~The exemptions shall include, but~~  
14 ~~shall not be limited to, dentists and dental hygienists who~~  
15 ~~agree not to practice within the State during the licensing~~  
16 ~~period because they are retired from practice.~~

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

18 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

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

22 (1) Who represents himself or herself as being able to  
23 diagnose or diagnoses, treats, prescribes, or operates for  
24 any disease, pain, deformity, deficiency, injury, or  
25 physical condition of the human tooth, teeth, alveolar

1 process, gums or jaw; or

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

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

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

7 (5) Who extracts a human tooth or teeth, or corrects or  
8 attempts to correct malpositions of the human teeth or  
9 jaws; or

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

13 (7) Who uses or administers local or general  
14 anesthetics in the treatment of dental or oral diseases or  
15 in any preparation incident to a dental operation of any  
16 kind or character; or

17 (8) Who takes impressions of the human tooth, teeth, or  
18 jaws or performs any phase of any operation incident to the  
19 replacement of a part of a tooth, a tooth, teeth or  
20 associated tissues by means of a filling, crown, a bridge,  
21 a denture or other appliance; or

22 (9) Who offers to furnish, supply, construct,  
23 reproduce or repair, or who furnishes, supplies,  
24 constructs, reproduces or repairs, prosthetic dentures,  
25 bridges or other substitutes for natural teeth, to the user  
26 or prospective user thereof; or

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

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

18           The fact that any person engages in or performs, or offers  
19 to engage in or perform, any of the practices, acts, or  
20 operations set forth in this Section, shall be prima facie  
21 evidence that such person is engaged in the practice of  
22 dentistry.

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

25           (a) The rendering of dental relief in emergency cases  
26 in the practice of his or her profession by a physician or

1 surgeon, licensed as such under the laws of this State,  
2 unless he or she undertakes to reproduce or reproduces lost  
3 parts of the human teeth in the mouth or to restore or  
4 replace lost or missing teeth in the mouth; or

5 (b) The practice of dentistry in the discharge of their  
6 official duties by dentists in any branch of the Armed  
7 Services of the United States, the United States Public  
8 Health Service, or the United States Veterans  
9 Administration; or

10 (c) The practice of dentistry by students in their  
11 course of study in dental schools or colleges approved by  
12 the Department, when acting under the direction and  
13 supervision of dentists acting as instructors; or

14 (d) The practice of dentistry by clinical instructors  
15 in the course of their teaching duties in dental schools or  
16 colleges approved by the Department:

17 (i) when acting under the direction and  
18 supervision of dentists, provided that such clinical  
19 instructors have instructed continuously in this State  
20 since January 1, 1986; or

21 (ii) when holding the rank of full professor at  
22 such approved dental school or college and possessing a  
23 current valid license or authorization to practice  
24 dentistry in another country; or

25 (e) The practice of dentistry by licensed dentists of  
26 other states or countries at meetings of the Illinois State

1 Dental Society or component parts thereof, alumni meetings  
2 of dental colleges, or any other like dental organizations,  
3 while appearing as clinicians; or

4 (f) The use of X-Ray machines for exposing X-Ray films  
5 of dental or oral tissues by dental hygienists or dental  
6 assistants; or

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

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

14 (1) Any and all diagnosis of or prescription for  
15 treatment of disease, pain, deformity, deficiency,  
16 injury or physical condition of the human teeth or  
17 jaws, or adjacent structures.

18 (2) Removal of, or restoration of, or addition to  
19 the hard or soft tissues of the oral cavity, ~~except for~~  
20 ~~the placing, carving, and finishing of amalgam~~  
21 ~~restorations by dental assistants who have had~~  
22 ~~additional formal education and certification as~~  
23 ~~determined by the Department. A dentist utilizing~~  
24 ~~dental assistants shall not supervise more than 4~~  
25 ~~dental assistants at any one time for placing, carving,~~  
26 ~~and finishing of amalgam restorations.~~

1           (3) Any and all correction of malformation of teeth  
2 or of the jaws.

3           (4) Administration of anesthetics, ~~except for~~  
4 ~~monitoring of nitrous oxide, conscious sedation, deep~~  
5 ~~sedation, and general anesthetic as provided in~~  
6 ~~Section 8.1 of this Act, that may be performed only~~  
7 ~~after successful completion of a training program~~  
8 ~~approved by the Department. A dentist utilizing dental~~  
9 ~~assistants shall not supervise more than 4 dental~~  
10 ~~assistants at any one time for the monitoring of~~  
11 ~~nitrous oxide.~~

12           (5) Removal of calculus from human teeth.

13           (6) Taking of impressions for the fabrication of  
14 prosthetic appliances, crowns, bridges, inlays,  
15 onlays, or other restorative or replacement dentistry.

16           (7) The operative procedure of dental hygiene  
17 consisting of oral prophylactic procedures, ~~except for~~  
18 ~~coronal polishing and pit and fissure sealants, which~~  
19 ~~may be performed by a dental assistant who has~~  
20 ~~successfully completed a training program approved by~~  
21 ~~the Department. Dental assistants may perform coronal~~  
22 ~~polishing under the following circumstances: (i) the~~  
23 ~~coronal polishing shall be limited to polishing the~~  
24 ~~clinical crown of the tooth and existing restorations,~~  
25 ~~supragingivally; (ii) the dental assistant performing~~  
26 ~~the coronal polishing shall be limited to the use of~~

1           ~~rotary instruments using a rubber cup or brush~~  
2           ~~polishing method (air polishing is not permitted); and~~  
3           ~~(iii) the supervising dentist shall not supervise more~~  
4           ~~than 4 dental assistants at any one time for the task~~  
5           ~~of coronal polishing or pit and fissure sealants.~~

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

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

12                 (i) has applied in writing to the Department, in  
13                 form and substance satisfactory to the Department, for  
14                 a general dental license and has complied with all  
15                 provisions of Section 9 of this Act, except for the  
16                 passage of the examination specified in subsection (e)  
17                 of Section 9 of this Act; or

18                 (ii) has applied in writing to the Department, in  
19                 form and substance satisfactory to the Department, for  
20                 a temporary dental license and has complied with all  
21                 provisions of subsection (c) of Section 11 of this Act;  
22                 and

23                 (iii) has been accepted or appointed for specialty  
24                 or residency training by a hospital situated in this  
25                 State; or

26                 (iv) has been accepted or appointed for specialty

1 training in an approved dental program situated in this  
2 State; or

3 (v) has been accepted or appointed for specialty  
4 training in a dental public health agency situated in  
5 this State.

6 The applicant shall be permitted to practice dentistry  
7 for a period of 3 months from the starting date of the  
8 program, unless authorized in writing by the Department to  
9 continue such practice for a period specified in writing by  
10 the Department.

11 The applicant shall only be entitled to perform such  
12 acts as may be prescribed by and incidental to his or her  
13 program of residency or specialty training and shall not  
14 otherwise engage in the practice of dentistry in this  
15 State.

16 The authority to practice shall terminate immediately  
17 upon:

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

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

21 (3) withdrawal of the application.

22 (Source: P.A. 97-526, eff. 1-1-12; 97-886, eff. 8-2-12;  
23 97-1013, eff. 8-17-12; 98-147, eff. 1-1-14; 98-463, eff.  
24 8-16-13; 98-756, eff. 7-16-14.)

25 (225 ILCS 25/17.5 new)

1       Sec. 17.5. Expanded functions for dental assistant. A  
2       dental assistant operating under the supervision and full  
3       responsibility of a dentist may perform the following services  
4       upon completion of appropriate training:

5           (1) placing, carving, and finishing of amalgam  
6           restorations by dental assistants who have had additional  
7           formal education and certification as determined by the  
8           Department; a dentist utilizing dental assistants shall  
9           not supervise more than 4 dental assistants at any one time  
10          for placing, carving, and finishing of amalgam  
11          restorations;

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

20          (3) coronal polishing and pit and fissure sealants,  
21          which may be performed by a dental assistant who has  
22          successfully completed a training program approved by the  
23          Department; dental assistants may perform coronal  
24          polishing under the following circumstances: (1) the  
25          coronal polishing shall be limited to polishing the  
26          clinical crown of the tooth and existing restorations,

1 supragingivally; (2) the dental assistant performing the  
2 coronal polishing shall be limited to the use of rotary  
3 instruments using a rubber cup or brush polishing method  
4 (air polishing is not permitted); and (3) the supervising  
5 dentist shall not supervise more than 4 dental assistants  
6 at any one time for the task of coronal polishing or pit  
7 and fissure sealants.

8 The limitations on the number of dental assistants a  
9 dentist may supervise contained in this Section mean a limit of  
10 4 total dental assistants or dental hygienists doing expanded  
11 functions covered by this Section being supervised by one  
12 dentist.

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 or dental  
3           hygienist to engage in the practice of dentistry or dental  
4           hygiene. The person practiced upon is not an accomplice,  
5           employer, procurer, inducer, aider, or abetter within the  
6           meaning of this Act.

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

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

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

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

25          11. Engaging in dishonorable, unethical, or  
26          unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

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

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 or her 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 negligence in practice under this Act.

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

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

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

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

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

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

4           (b) Reporting charges for services not rendered.

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

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

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

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

19          29. Abandonment of a patient.

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

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

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

1           33. Failing, within 60 days, to provide information in  
2 response to a written request by the Department in the  
3 course of an investigation.

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

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

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

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

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

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

1 time limiting the commencement of disciplinary action by the  
2 Department.

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

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

14 Any dentist who has had his or her license suspended or  
15 revoked for more than 5 years must comply with the requirements  
16 for restoration set forth in Section 16 prior to being eligible  
17 for reinstatement from the suspension or revocation.

18 (Source: P.A. 96-1482, eff. 11-29-10; 97-102, eff. 7-14-11;  
19 97-813, eff. 7-13-12; 97-1013, eff. 8-17-12.)

20 (225 ILCS 25/24) (from Ch. 111, par. 2324)

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

22 Sec. 24. Refusal, Suspension or Revocation of Dental  
23 Hygienist License. The Department may refuse to issue or renew  
24 or may revoke, suspend, place on probation, reprimand or take  
25 other disciplinary or non-disciplinary action as the

1 Department may deem proper, including imposing fines not to  
2 exceed \$10,000 per violation, with regard to any dental  
3 hygienist license for any one or any combination of the  
4 following causes:

5 1. Fraud or misrepresentation in applying for or  
6 procuring a license under this Act, or in connection with  
7 applying for renewal of a license under this Act.

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

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

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

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

18 6. Gross negligence in performing the operative  
19 procedure of dental hygiene.

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

23 8. Inability to practice with reasonable judgment,  
24 skill, or safety as a result of habitual or excessive use  
25 or addiction to alcohol, narcotics, stimulants, or any  
26 other chemical agent or drug.

1           9. Conviction by plea of guilty or nolo contendere,  
2           finding of guilt, jury verdict, or entry of judgment or by  
3           sentencing of 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 or (ii) is a misdemeanor, an essential element  
8           of which is dishonesty, or that is directly related to the  
9           practice of dental hygiene.

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

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

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

18          13. Violating the prohibitions of Section 38.1 of this  
19          Act.

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

23          15. 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          16. Material misstatement in furnishing information to

1 the Department.

2 17. Failing, within 60 days, to provide information in  
3 response to a written request by the Department in the  
4 course of an investigation.

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

8 19. Cheating on or attempting to subvert the licensing  
9 examination administered under this Act.

10 20. Violations of this Act or of the rules promulgated  
11 under this Act.

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

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

18 All proceedings to suspend, revoke, place on probationary  
19 status, or take any other disciplinary action as the Department  
20 may deem proper with regard to a license on any of the grounds  
21 contained in this Section, must be commenced within 5 years  
22 after receipt by the Department of a complaint alleging the  
23 commission of or notice of the conviction order for any of the  
24 acts described in this Section. Except for fraud in procuring a  
25 license, no action shall be commenced more than 7 years after  
26 the date of the incident or act alleged to have violated this

1 Section. The time during which the holder of the license was  
2 outside the State of Illinois shall not be included within any  
3 period of time limiting the commencement of disciplinary action  
4 by the Department.

5 All fines imposed under this Section shall be paid within  
6 60 days after the effective date of the order imposing the fine  
7 or in accordance with the terms set forth in the order imposing  
8 the fine.

9 Any dental hygienist who has had his or her license  
10 suspended or revoked for more than 5 years must comply with the  
11 requirements for restoration set forth in Section 16 prior to  
12 being eligible for reinstatement from the suspension or  
13 revocation.

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

15 (225 ILCS 25/25) (from Ch. 111, par. 2325)

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

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

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

1 be brought to the Board.

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

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

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

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

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

20 (b-5) The duly authorized dental investigators of the  
21 Department shall have the right to enter and inspect, during  
22 business hours, the business premises of a dentist licensed  
23 under this Act or of a person who holds himself or herself out  
24 as practicing dentistry, with due consideration for patient  
25 care of the subject of the investigation, so as to inspect the  
26 physical premises and equipment and furnishings therein. This

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

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

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

13 (2) request in writing that the dentist or dental  
14 hygienist being investigated attend an informal conference  
15 with representatives of the Department.

16 The request for an informal conference shall contain the  
17 nature of the alleged actions or inactions that constitute the  
18 possible violations.

19 A dentist or dental hygienist shall be allowed to have  
20 legal counsel at the informal conference. If the informal  
21 conference results in a consent order between the accused  
22 dentist or dental hygienist and the Department, the consent  
23 order must be approved by the Secretary. However, if the  
24 consent order would result in a fine exceeding \$10,000 or the  
25 suspension or revocation of the dentist or dental hygienist  
26 license, the consent order must be approved by the Board and

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

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

25 (e) Such written notice and any notice in such proceedings  
26 thereafter may be served by delivery personally to the

1 respondent, or by registered or certified mail to the address  
2 last theretofore specified by the respondent in his or her last  
3 notification to the Secretary.

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

5 (225 ILCS 25/26) (from Ch. 111, par. 2326)

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

7 Sec. 26. Disciplinary actions.

8 (a) In case the respondent, after receiving notice, fails  
9 to file an answer, his or her license may, in the discretion of  
10 the Secretary, having first received the recommendation of the  
11 Board, be suspended, revoked, placed on probationary status, or  
12 the Secretary may take whatever disciplinary or  
13 non-disciplinary action he or she may deem proper, including  
14 limiting the scope, nature, or extent of the person's practice  
15 or the imposition of a fine, without a hearing, if the act or  
16 acts charged constitute sufficient grounds for such action  
17 under this Act.

18 (b) The Secretary may temporarily suspend the license of a  
19 dentist or dental hygienist without a hearing, simultaneous to  
20 the institution of proceedings for a hearing under this Act, if  
21 the Secretary finds that evidence in his or her possession  
22 indicates that a dentist's or dental hygienist's continuation  
23 in practice would constitute an immediate danger to the public.  
24 In the event that the Secretary temporarily suspends the  
25 license of a dentist or a dental hygienist without a hearing, a

1 hearing by the Board must be held within 15 days after such  
2 suspension has occurred.

3 (c) The entry of a judgment by any circuit court  
4 establishing that any person holding a license under this Act  
5 is a person subject to involuntary admission under the Mental  
6 Health and Developmental Disabilities Code shall operate as a  
7 suspension of that license. That person may resume his or her  
8 practice only upon a finding by the Board that he or she has  
9 been determined to be no longer subject to involuntary  
10 admission by the court and upon the Board's recommendation to  
11 the Secretary that he or she be permitted to resume his or her  
12 practice.

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

14 (225 ILCS 25/29) (from Ch. 111, par. 2329)

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

16 Sec. 29. Recommendations for disciplinary action - Action  
17 by Secretary. The Board may advise the Secretary that probation  
18 be granted or that other disciplinary action, including the  
19 limitation of the scope, nature or extent of a person's  
20 practice, be taken, as it deems proper. If disciplinary action  
21 other than suspension or revocation is taken, the Board may  
22 advise that the Secretary impose reasonable limitations and  
23 requirements upon the respondent to insure compliance with the  
24 terms of the probation or other disciplinary action, including,  
25 but not limited to, regular reporting by the respondent to the

1 Secretary of his or her actions, or the respondent's placing  
2 himself or herself under the care of a qualified physician for  
3 treatment or limiting his or her practice in such manner as the  
4 Secretary may require.

5 The Board shall present to the Secretary a written report  
6 of its findings and recommendations. A copy of such report  
7 shall be served upon the respondent, either personally or by  
8 registered or certified mail. Within 20 days after such  
9 service, the respondent may present to the Department his or  
10 her motion in writing for a rehearing, specifying the  
11 particular ground therefor. If the respondent orders from the  
12 reporting service and pays for a transcript of the record, the  
13 time elapsing thereafter and before such transcript is ready  
14 for delivery to him or her shall not be counted as part of such  
15 20 days.

16 At the expiration of the time allowed for filing a motion  
17 for rehearing the Secretary may take the action recommended by  
18 the Board. Upon suspension, revocation, placement on  
19 probationary status, or the taking of any other disciplinary  
20 action, including the limiting of the scope, nature, or extent  
21 of one's practice, deemed proper by the Secretary, with regard  
22 to the license, the respondent shall surrender his or her  
23 license to the Department, if ordered to do so by the  
24 Department, and upon his or her failure or refusal to do so,  
25 the Department may seize the same.

26 In all instances under this Act in which the Board has

1 rendered a recommendation to the Secretary with respect to a  
2 particular person, the Secretary shall, to the extent that he  
3 or she disagrees with or takes action contrary to the  
4 recommendation of the Board, file with the Board his or her  
5 specific written reasons of disagreement. Such reasons shall be  
6 filed within 30 days after the Secretary has taken the contrary  
7 position.

8 Each order of revocation, suspension, or other  
9 disciplinary action shall contain a brief, concise statement of  
10 the ground or grounds upon which the Department's action is  
11 based, as well as the specific terms and conditions of such  
12 action. The original of this document shall be retained as a  
13 permanent record by the Board and the Department. In those  
14 instances where an order of revocation, suspension, or other  
15 disciplinary action has been rendered by virtue of a dentist's  
16 or dental hygienist's physical illness, including, but not  
17 limited to, deterioration through the aging process, or loss of  
18 motor skill which results in an inability to practice with  
19 reasonable judgment, skill, or safety, the Department shall  
20 permit only this document and the record of the hearing  
21 incident thereto to be observed, inspected, viewed, or copied  
22 pursuant to court order.

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

24 (225 ILCS 25/30) (from Ch. 111, par. 2330)

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

1           Sec. 30. Appointment of a Hearing Officer. The Secretary  
2 shall have the authority to appoint any attorney duly licensed  
3 to practice law in the State of Illinois to serve as the  
4 hearing officer if any action for refusal to issue, renew or  
5 discipline of a license. The hearing officer shall have full  
6 authority to conduct the hearing. The hearing officer shall  
7 report his or her findings and recommendations to the Board and  
8 the Secretary. The Board shall have 60 days from receipt of the  
9 report to review the report of the hearing officer and present  
10 its findings of fact, conclusions of law and recommendations to  
11 the Secretary. If the Board fails to present its report within  
12 the 60 day period, the Secretary shall issue an order based on  
13 the report of the hearing officer. ~~If the Secretary determines~~  
14 ~~that the Board's report is contrary to the manifest weight of~~  
15 ~~the evidence, he or she may issue an order in contravention of~~  
16 ~~the Board's report.~~

17           Whenever the Secretary is satisfied that substantial  
18 justice has not been done in a formal disciplinary action or  
19 refusal to restore a license, he or she may order a  
20 reexamination or rehearing by the same or other hearing  
21 officer.

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

23           (225 ILCS 25/41) (from Ch. 111, par. 2341)

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

25           Sec. 41. Dental Coordinator. The Department shall select a

1 dental coordinator, who shall not be a member of the Board. The  
2 dental coordinator shall be a dentist. The dental coordinator  
3 shall be the chief enforcement officer of the disciplinary  
4 provisions of this Act.

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

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

21 (225 ILCS 25/50) (from Ch. 111, par. 2350)

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

23 Sec. 50. Patient Records. Every dentist shall make a record  
24 of all dental work performed for each patient. The record shall  
25 be made in a manner and in sufficient detail that it may be

1 used for identification purposes.

2 Dental records required by this Section shall be maintained  
3 for 10 years. Dental records required to be maintained under  
4 this Section, or copies of those dental records, shall be made  
5 available upon request to the patient or the patient's  
6 guardian. A dentist shall be entitled to reasonable  
7 reimbursement for the cost of reproducing these records, which  
8 shall not exceed the cost allowed under Section 8-2001 ~~8-2003~~  
9 of the Code of Civil Procedure. A dentist providing services  
10 through a mobile dental van or portable dental unit shall  
11 provide to the patient or the patient's parent or guardian, in  
12 writing, the dentist's name, license number, address, and  
13 information on how the patient or the patient's parent or  
14 guardian may obtain the patient's dental records, as provided  
15 by law.

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

17 (225 ILCS 25/12 rep.)

18 (225 ILCS 25/19 rep.)

19 (225 ILCS 25/19.1 rep.)

20 (225 ILCS 25/19.2 rep.)

21 (225 ILCS 25/35 rep.)

22 Section 15. The Illinois Dental Practice Act is amended by  
23 repealing Sections 12, 19, 19.1, 19.2, and 35.

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