



Rep. Michael J. Zalewski

Filed: 11/3/2015

09900HB0853ham002

LRB099 04677 MLM 39329 a

1 AMENDMENT TO HOUSE BILL 853

2 AMENDMENT NO. _____. Amend House Bill 853 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.36 as follows:

6 (5 ILCS 80/4.36)

7 Sec. 4.36. Acts ~~Act~~ repealed on January 1, 2026. The
8 following Acts are ~~Act is~~ repealed on January 1, 2026:

9 The Barber, Cosmetology, Esthetics, Hair Braiding, and
10 Nail Technology Act of 1985.

11 The Collection Agency Act.

12 The Hearing Instrument Consumer Protection Act.

13 The Illinois Athletic Trainers Practice Act.

14 The Illinois Dental Practice Act.

15 The Illinois Roofing Industry Licensing Act.

16 The Illinois Physical Therapy Act.

1 The Professional Geologist Licensing Act.

2 The Respiratory Care Practice Act.

3 (Source: P.A. 99-26, eff. 7-10-15; 99-204, eff. 7-30-15;
4 99-227, eff. 8-3-15; 99-229, eff. 8-3-15; 99-230, eff. 8-3-15;
5 99-427, eff. 8-21-15; 99-469, eff. 8-26-15; revised 9-4-15.)

6 (5 ILCS 80/4.26 rep.)

7 Section 10. The Regulatory Sunset Act is amended by
8 repealing Section 4.26.

9 Section 15. The Illinois Dental Practice Act is amended by
10 changing Sections 4, 6, 8.5, 16.1, 17, 18, 23, 24, 25, 26, 29,
11 30, 41, and 50 and by adding Section 18.1 as follows:

12 (225 ILCS 25/4) (from Ch. 111, par. 2304)

13 (Text of Section before amendment by P.A. 99-25)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 4. Definitions. As used in this Act:

16 "Address of record" means the designated address recorded
17 by the Department in the applicant's or licensee's application
18 file or license file as maintained by the Department's
19 licensure maintenance unit. It is the duty of the applicant or
20 licensee to inform the Department of any change of address and
21 those changes must be made either through the Department's
22 website or by contacting the Department.

23 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Secretary" means the Secretary of Financial and
3 Professional Regulation.

4 "Board" means the Board of Dentistry.

5 "Dentist" means a person who has received a general license
6 pursuant to paragraph (a) of Section 11 of this Act and who may
7 perform any intraoral and extraoral procedure required in the
8 practice of dentistry and to whom is reserved the
9 responsibilities specified in Section 17.

10 "Dental hygienist" means a person who holds a license under
11 this Act to perform dental services as authorized by Section
12 18.

13 "Dental assistant" means an appropriately trained person
14 who, under the supervision of a dentist, provides dental
15 services as authorized by Section 17.

16 "Dental laboratory" means a person, firm or corporation
17 which:

18 (i) engages in making, providing, repairing or
19 altering dental prosthetic appliances and other artificial
20 materials and devices which are returned to a dentist for
21 insertion into the human oral cavity or which come in
22 contact with its adjacent structures and tissues; and

23 (ii) utilizes or employs a dental technician to provide
24 such services; and

25 (iii) performs such functions only for a dentist or
26 dentists.

1 "Supervision" means supervision of a dental hygienist or a
2 dental assistant requiring that a dentist authorize the
3 procedure, remain in the dental facility while the procedure is
4 performed, and approve the work performed by the dental
5 hygienist or dental assistant before dismissal of the patient,
6 but does not mean that the dentist must be present at all times
7 in the treatment room.

8 "General supervision" means supervision of a dental
9 hygienist requiring that the patient be a patient of record,
10 that the dentist examine the patient in accordance with Section
11 18 prior to treatment by the dental hygienist, and that the
12 dentist authorize the procedures which are being carried out by
13 a notation in the patient's record, but not requiring that a
14 dentist be present when the authorized procedures are being
15 performed. The issuance of a prescription to a dental
16 laboratory by a dentist does not constitute general
17 supervision.

18 "Public member" means a person who is not a health
19 professional. For purposes of board membership, any person with
20 a significant financial interest in a health service or
21 profession is not a public member.

22 "Dentistry" means the healing art which is concerned with
23 the examination, diagnosis, treatment planning and care of
24 conditions within the human oral cavity and its adjacent
25 tissues and structures, as further specified in Section 17.

26 "Branches of dentistry" means the various specialties of

1 dentistry which, for purposes of this Act, shall be limited to
2 the following: endodontics, oral and maxillofacial surgery,
3 orthodontics and dentofacial orthopedics, pediatric dentistry,
4 periodontics, prosthodontics, and oral and maxillofacial
5 radiology.

6 "Specialist" means a dentist who has received a specialty
7 license pursuant to Section 11(b).

8 "Dental technician" means a person who owns, operates or is
9 employed by a dental laboratory and engages in making,
10 providing, repairing or altering dental prosthetic appliances
11 and other artificial materials and devices which are returned
12 to a dentist for insertion into the human oral cavity or which
13 come in contact with its adjacent structures and tissues.

14 "Impaired dentist" or "impaired dental hygienist" means a
15 dentist or dental hygienist who is unable to practice with
16 reasonable skill and safety because of a physical or mental
17 disability as evidenced by a written determination or written
18 consent based on clinical evidence, including deterioration
19 through the aging process, loss of motor skills, abuse of drugs
20 or alcohol, or a psychiatric disorder, of sufficient degree to
21 diminish the person's ability to deliver competent patient
22 care.

23 "Nurse" means a registered professional nurse, a certified
24 registered nurse anesthetist licensed as an advanced practice
25 nurse, or a licensed practical nurse licensed under the Nurse
26 Practice Act.

1 "Patient of record" means a patient for whom the patient's
2 most recent dentist has obtained a relevant medical and dental
3 history and on whom the dentist has performed an examination
4 and evaluated the condition to be treated.

5 "Dental emergency responder" means a dentist or dental
6 hygienist who is appropriately certified in emergency medical
7 response, as defined by the Department of Public Health.

8 "Mobile dental van or portable dental unit" means any
9 self-contained or portable dental unit in which dentistry is
10 practiced that can be moved, towed, or transported from one
11 location to another in order to establish a location where
12 dental services can be provided.

13 "Public health dental hygienist" means a hygienist who
14 holds a valid license to practice in the State, has 2 years of
15 full-time clinical experience or an equivalent of 3,000 hours
16 of clinical experience and has completed 12 hours of additional
17 course work in areas specific to public health dentistry,
18 including, but not limited to, emergency procedures for
19 medically compromised patients, pharmacology, medical
20 recordkeeping procedures, geriatric dentistry, pediatric
21 dentistry, and pathology, and works in a public health setting
22 pursuant to a written public health supervision agreement as
23 defined by rule by the Department with a dentist working in or
24 contracted with a local or State government agency or
25 institution or who is providing services as part of a certified
26 school-based program or school-based oral health program or a

1 facility providing services to individuals (1) who are eligible
2 for Medicaid or (2) who are uninsured and whose household
3 income is not greater than 200% of the federal poverty level.

4 "Public health setting" means a federally qualified health
5 center; a federal, State, or local public health facility; Head
6 Start; a special supplemental nutrition program for Women,
7 Infants, and Children (WIC) facility; a certified school-based
8 health center or school-based oral health program; or a
9 facility providing services to individuals (1) who are eligible
10 for Medicaid or (2) who are uninsured and whose household
11 income is not greater than 200% of the federal poverty level.

12 "Public health supervision" means the supervision of a
13 public health dental hygienist by a licensed dentist who has a
14 written public health supervision agreement with that public
15 health dental hygienist while working in an approved facility
16 or program that allows the public health dental hygienist to
17 treat patients, without a dentist first examining the patient
18 and being present in the facility during treatment, (1) who are
19 eligible for Medicaid or (2) who are uninsured and whose
20 household income is not greater than 200% of the federal
21 poverty level.

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

23 (Text of Section after amendment by P.A. 99-25)

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

25 Sec. 4. Definitions. As used in this Act:

1 "Address of record" means the designated address recorded
2 by the Department in the applicant's or licensee's application
3 file or license file as maintained by the Department's
4 licensure maintenance unit. It is the duty of the applicant or
5 licensee to inform the Department of any change of address and
6 those changes must be made either through the Department's
7 website or by contacting the Department.

8 "Department" means the Department of Financial and
9 Professional Regulation.

10 "Secretary" means the Secretary of Financial and
11 Professional Regulation.

12 "Board" means the Board of Dentistry.

13 "Dentist" means a person who has received a general license
14 pursuant to paragraph (a) of Section 11 of this Act and who may
15 perform any intraoral and extraoral procedure required in the
16 practice of dentistry and to whom is reserved the
17 responsibilities specified in Section 17.

18 "Dental hygienist" means a person who holds a license under
19 this Act to perform dental services as authorized by Section
20 18.

21 "Dental assistant" means an appropriately trained person
22 who, under the supervision of a dentist, provides dental
23 services as authorized by Section 17.

24 "Dental laboratory" means a person, firm or corporation
25 which:

26 (i) engages in making, providing, repairing or

1 altering dental prosthetic appliances and other artificial
2 materials and devices which are returned to a dentist for
3 insertion into the human oral cavity or which come in
4 contact with its adjacent structures and tissues; and

5 (ii) utilizes or employs a dental technician to provide
6 such services; and

7 (iii) performs such functions only for a dentist or
8 dentists.

9 "Supervision" means supervision of a dental hygienist or a
10 dental assistant requiring that a dentist authorize the
11 procedure, remain in the dental facility while the procedure is
12 performed, and approve the work performed by the dental
13 hygienist or dental assistant before dismissal of the patient,
14 but does not mean that the dentist must be present at all times
15 in the treatment room.

16 "General supervision" means supervision of a dental
17 hygienist requiring that the patient be a patient of record,
18 that the dentist examine the patient in accordance with Section
19 18 prior to treatment by the dental hygienist, and that the
20 dentist authorize the procedures which are being carried out by
21 a notation in the patient's record, but not requiring that a
22 dentist be present when the authorized procedures are being
23 performed. The issuance of a prescription to a dental
24 laboratory by a dentist does not constitute general
25 supervision.

26 "Public member" means a person who is not a health

1 professional. For purposes of board membership, any person with
2 a significant financial interest in a health service or
3 profession is not a public member.

4 "Dentistry" means the healing art which is concerned with
5 the examination, diagnosis, treatment planning and care of
6 conditions within the human oral cavity and its adjacent
7 tissues and structures, as further specified in Section 17.

8 "Branches of dentistry" means the various specialties of
9 dentistry which, for purposes of this Act, shall be limited to
10 the following: endodontics, oral and maxillofacial surgery,
11 orthodontics and dentofacial orthopedics, pediatric dentistry,
12 periodontics, prosthodontics, and oral and maxillofacial
13 radiology.

14 "Specialist" means a dentist who has received a specialty
15 license pursuant to Section 11(b).

16 "Dental technician" means a person who owns, operates or is
17 employed by a dental laboratory and engages in making,
18 providing, repairing or altering dental prosthetic appliances
19 and other artificial materials and devices which are returned
20 to a dentist for insertion into the human oral cavity or which
21 come in contact with its adjacent structures and tissues.

22 "Impaired dentist" or "impaired dental hygienist" means a
23 dentist or dental hygienist who is unable to practice with
24 reasonable skill and safety because of a physical or mental
25 disability as evidenced by a written determination or written
26 consent based on clinical evidence, including deterioration

1 through the aging process, loss of motor skills, abuse of drugs
2 or alcohol, or a psychiatric disorder, of sufficient degree to
3 diminish the person's ability to deliver competent patient
4 care.

5 "Nurse" means a registered professional nurse, a certified
6 registered nurse anesthetist licensed as an advanced practice
7 nurse, or a licensed practical nurse licensed under the Nurse
8 Practice Act.

9 "Patient of record" means a patient for whom the patient's
10 most recent dentist has obtained a relevant medical and dental
11 history and on whom the dentist has performed an examination
12 and evaluated the condition to be treated.

13 "Dental responder" means a dentist or dental hygienist who
14 is appropriately certified in disaster preparedness,
15 immunizations, and dental humanitarian medical response
16 consistent with the Society of Disaster Medicine and Public
17 Health and training certified by the National Incident
18 Management System or the National Disaster Life Support
19 Foundation.

20 "Mobile dental van or portable dental unit" means any
21 self-contained or portable dental unit in which dentistry is
22 practiced that can be moved, towed, or transported from one
23 location to another in order to establish a location where
24 dental services can be provided.

25 "Public health dental hygienist" means a hygienist who
26 holds a valid license to practice in the State, has 2 years of

1 full-time clinical experience or an equivalent of 3,000 hours
2 of clinical experience and has completed 12 hours of additional
3 course work in areas specific to public health dentistry,
4 including, but not limited to, emergency procedures for
5 medically compromised patients, pharmacology, medical
6 recordkeeping procedures, geriatric dentistry, pediatric
7 dentistry, and pathology, and works in a public health setting
8 pursuant to a written public health supervision agreement as
9 defined by rule by the Department with a dentist working in or
10 contracted with a local or State government agency or
11 institution or who is providing services as part of a certified
12 school-based program or school-based oral health program or a
13 facility providing services to individuals (1) who are eligible
14 for Medicaid or (2) who are uninsured and whose household
15 income is not greater than 200% of the federal poverty level.

16 "Public health setting" means a federally qualified health
17 center; a federal, State, or local public health facility; Head
18 Start; a special supplemental nutrition program for Women,
19 Infants, and Children (WIC) facility; a certified school-based
20 health center or school-based oral health program; or a
21 facility providing services to individuals (1) who are eligible
22 for Medicaid or (2) who are uninsured and whose household
23 income is not greater than 200% of the federal poverty level.

24 "Public health supervision" means the supervision of a
25 public health dental hygienist by a licensed dentist who has a
26 written public health supervision agreement with that public

1 health dental hygienist while working in an approved facility
2 or program that allows the public health dental hygienist to
3 treat patients, without a dentist first examining the patient
4 and being present in the facility during treatment, (1) who are
5 eligible for Medicaid or (2) who are uninsured and whose
6 household income is not greater than 200% of the federal
7 poverty level.

8 (Source: P.A. 99-25, eff. 1-1-16.)

9 (225 ILCS 25/6) (from Ch. 111, par. 2306)

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

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

12 There is created a Board of Dentistry, to be composed of
13 persons designated from time to time by the Secretary, as
14 follows:

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

1 practice dentistry. The public member shall not participate in
2 the examination of applicants for licenses to practice
3 dentistry or dental hygiene. The board shall annually elect a
4 chairman and vice-chairman who shall be dentists ~~a dentist~~.

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

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

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

22 A vacancy in the membership of the Board shall not impair
23 the right of a quorum to exercise all the rights and perform
24 all the duties of the Board. Any action to be taken by the
25 Board under this Act may be authorized by resolution at any
26 regular or special meeting, and each such resolution shall take

1 effect immediately. The Board shall meet at least quarterly.
2 ~~The Board may adopt all rules and regulations necessary and~~
3 ~~incident to its powers and duties under this Act.~~

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

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

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

13 (225 ILCS 25/8.5)

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

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

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

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

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

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

9 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

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

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

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

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

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

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

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

19 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

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

23 (1) Who represents himself or herself as being able to
24 diagnose or diagnoses, treats, prescribes, or operates for
25 any disease, pain, deformity, deficiency, injury, or

1 physical condition of the human tooth, teeth, alveolar
2 process, gums or jaw; or

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

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

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

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

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

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

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

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

1 or prospective user thereof; or

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

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

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

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

26 (a) The rendering of dental relief in emergency cases

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

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

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

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

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

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

26 (e) The practice of dentistry by licensed dentists of

1 other states or countries at meetings of the Illinois State
2 Dental Society or component parts thereof, alumni meetings
3 of dental colleges, or any other like dental organizations,
4 while appearing as clinicians; or

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

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

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

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

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

1 and finishing of amalgam restorations.

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

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

13 (5) Removal of calculus from human teeth.

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

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

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

7 In addition to coronal polishing and pit and
8 fissure sealants as described in this item (7), a
9 dental assistant who has successfully completed a
10 training program approved by rule by the Department may
11 perform intracoronal temporization of a tooth. The
12 training program approved by the Department must: (I)
13 include a minimum of 6 hours of instruction in both
14 didactic and clinical manikin or human subject
15 instruction; (II) include an outcome assessment
16 examination that demonstrates competency; and (III)
17 issue a certificate of completion of the training
18 program, which must be kept on file at the dental
19 office. A dental assistant performing these functions
20 shall be limited to the use of hand instruments only.
21 In addition, intracoronal temporization as described
22 in this paragraph shall only be utilized on patients
23 who are eligible for Medicaid or who are uninsured and
24 whose household income is not greater than 200% of the
25 federal poverty level. A dentist may not supervise more
26 than 2 dental assistants at any one time. This

1 paragraph is inoperative on and after January 1, 2021.

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

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

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

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

19 (iii) has been accepted or appointed for specialty
20 or residency training by a hospital situated in this
21 State; or

22 (iv) has been accepted or appointed for specialty
23 training in an approved dental program situated in this
24 State; or

25 (v) has been accepted or appointed for specialty
26 training in a dental public health agency situated in

1 this State.

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

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

12 The authority to practice shall terminate immediately
13 upon:

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

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

17 (3) withdrawal of the application.

18 (Source: P.A. 97-526, eff. 1-1-12; 97-886, eff. 8-2-12;
19 97-1013, eff. 8-17-12; 98-147, eff. 1-1-14; 98-463, eff.
20 8-16-13; 98-756, eff. 7-16-14.)

21 (225 ILCS 25/18) (from Ch. 111, par. 2318)

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

23 Sec. 18. Acts constituting the practice of dental hygiene;
24 limitations.

25 (a) A person practices dental hygiene within the meaning of

1 this Act when he or she performs the following acts under the
2 supervision of a dentist:

3 (i) the operative procedure of dental hygiene,
4 consisting of oral prophylactic procedures;

5 (ii) the exposure and processing of X-Ray films of
6 the teeth and surrounding structures;

7 (iii) the application to the surfaces of the teeth
8 or gums of chemical compounds designed to be
9 desensitizing agents or effective agents in the
10 prevention of dental caries or periodontal disease;

11 (iv) all services which may be performed by a
12 dental assistant as specified by rule pursuant to
13 Section 17, and a dental hygienist may engage in the
14 placing, carving, and finishing of amalgam
15 restorations only after obtaining formal education and
16 certification as determined by the Department;

17 (v) administration and monitoring of nitrous oxide
18 upon successful completion of a training program
19 approved by the Department;

20 (vi) administration of local anesthetics upon
21 successful completion of a training program approved
22 by the Department; and

23 (vii) such other procedures and acts as shall be
24 prescribed by rule or regulation of the Department.

25 (b) A dental hygienist may be employed or engaged only:

26 (1) by a dentist;

1 (2) by a federal, State, county, or municipal agency or
2 institution;

3 (3) by a public or private school; or

4 (4) by a public clinic operating under the direction of
5 a hospital or federal, State, county, municipal, or other
6 public agency or institution.

7 (c) When employed or engaged in the office of a dentist, a
8 dental hygienist may perform, under general supervision, those
9 procedures found in items (i) through (iv) of subsection (a) of
10 this Section, provided the patient has been examined by the
11 dentist within one year of the provision of dental hygiene
12 services, the dentist has approved the dental hygiene services
13 by a notation in the patient's record and the patient has been
14 notified that the dentist may be out of the office during the
15 provision of dental hygiene services.

16 (d) If a patient of record is unable to travel to a dental
17 office because of illness, infirmity, or imprisonment, a dental
18 hygienist may perform, under the general supervision of a
19 dentist, those procedures found in items (i) through (iv) of
20 subsection (a) of this Section, provided the patient is located
21 in a long-term care facility licensed by the State of Illinois,
22 a mental health or developmental disability facility, or a
23 State or federal prison. The dentist shall personally examine
24 and diagnose the patient and determine which services are
25 necessary to be performed, which shall be contained in an order
26 to the hygienist and a notation in the patient's record. Such

1 order must be implemented within 120 days of its issuance, and
2 an updated medical history and observation of oral conditions
3 must be performed by the hygienist immediately prior to
4 beginning the procedures to ensure that the patient's health
5 has not changed in any manner to warrant a reexamination by the
6 dentist.

7 (e) School-based oral health care, consisting of and
8 limited to oral prophylactic procedures, sealants, and
9 fluoride treatments, may be provided by a dental hygienist
10 under the general supervision of a dentist. A dental hygienist
11 may not provide other dental hygiene treatment in a
12 school-based setting, including but not limited to
13 administration or monitoring of nitrous oxide or
14 administration of local anesthetics. The school-based
15 procedures may be performed provided the patient is located at
16 a public or private school and the program is being conducted
17 by a State, county or local public health department initiative
18 or in conjunction with a dental school or dental hygiene
19 program. The dentist shall personally examine and diagnose the
20 patient and determine which services are necessary to be
21 performed, which shall be contained in an order to the
22 hygienist and a notation in the patient's record. Any such
23 order for sealants must be implemented within 120 days after
24 its issuance. Any such order for oral prophylactic procedures
25 or fluoride treatments must be implemented within 180 days
26 after its issuance. An updated medical history and observation

1 of oral conditions must be performed by the hygienist
2 immediately prior to beginning the procedures to ensure that
3 the patient's health has not changed in any manner to warrant a
4 reexamination by the dentist.

5 (f) Without the supervision of a dentist, a dental
6 hygienist may perform dental health education functions and may
7 record case histories and oral conditions observed.

8 (g) The number of dental hygienists practicing in a dental
9 office shall not exceed, at any one time, 4 times the number of
10 dentists practicing in the office at the time.

11 (h) A dental hygienist who is certified as a public health
12 dental hygienist may provide services to patients: (1) who are
13 eligible for Medicaid or (2) who are uninsured and whose
14 household income is not greater than 200% of the federal
15 poverty level. A public health dental hygienist may perform
16 oral assessments, perform screenings, and provide educational
17 and preventative services as provided in subsection (b) of
18 Section 18.1 of this Act. The public health dental hygienist
19 may not administer local anesthesia or nitrous oxide, or place,
20 carve, or finish amalgam restorations. Each patient must sign a
21 consent form that acknowledges that the care received does not
22 take the place of a regular dental examination. The public
23 health dental hygienist must provide the patient or guardian a
24 written referral to a dentist for assessment of the need for
25 further dental care at the time of treatment. Any indication or
26 observation of a condition that could warrant the need for

1 urgent attention must be reported immediately to the
2 supervising dentist for appropriate assessment and treatment.

3 This subsection (h) is inoperative on and after January 1,
4 2021.

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

6 (225 ILCS 25/18.1 new)

7 Sec. 18.1. Public health dental supervision
8 responsibilities.

9 (a) When working together in a public health supervision
10 relationship, dentists and public health dental hygienists
11 shall enter into a public health supervision agreement. The
12 dentist providing public health supervision must:

13 (1) be available to provide an appropriate level of
14 contact, communication, collaboration, and consultation
15 with the public health dental hygienist and must meet
16 in-person with the public health dental hygienist at least
17 quarterly for review and consultation;

18 (2) have specific standing orders or policy guidelines
19 for procedures that are to be carried out for each location
20 or program, although the dentist need not be present when
21 the procedures are being performed;

22 (3) provide for the patient's additional necessary
23 care in consultation with the public health dental
24 hygienist;

25 (4) file agreements and notifications as required; and

1 (5) include procedures for creating and maintaining
2 dental records, including protocols for transmission of
3 all records between the public health dental hygienist and
4 the dentist following each treatment, which shall include a
5 notation regarding procedures authorized by the dentist
6 and performed by the public health dental hygienist and the
7 location where those records are to be kept.

8 Each dentist and hygienist who enters into a public health
9 supervision agreement must document and maintain a copy of any
10 change or termination of that agreement.

11 Dental records shall be owned and maintained by the
12 supervising dentist for all patients treated under public
13 health supervision, unless the supervising dentist is an
14 employee of a public health clinic or federally qualified
15 health center, in which case the public health clinic or
16 federally qualified health center shall maintain the records.

17 If a dentist ceases to be employed or contracted by the
18 facility, the dentist shall notify the facility administrator
19 that the public health supervision agreement is no longer in
20 effect. A new public health supervision agreement is required
21 for the public health dental hygienist to continue treating
22 patients under public health supervision.

23 A dentist entering into an agreement under this Section may
24 supervise and enter into agreements for public health
25 supervision with 2 public health dental hygienists. This shall
26 be in addition to the limit of 4 dental hygienists per dentist

1 set forth in subsection (g) of Section 18 of this Act.

2 (b) A public health dental hygienist providing services
3 under public health supervision may perform only those duties
4 within the accepted scope of practice of dental hygiene, as
5 follows:

6 (1) the operative procedures of dental hygiene,
7 consisting of oral prophylactic procedures, including
8 prophylactic cleanings, application of fluoride, and
9 placement of sealants;

10 (2) the exposure and processing of x-ray films of the
11 teeth and surrounding structures; and

12 (3) such other procedures and acts as shall be
13 prescribed by rule of the Department.

14 Any patient treated under this subsection (b) must be
15 referred to and examined by a dentist.

16 (c) A public health dental hygienist providing services
17 under public health supervision must:

18 (1) provide to the patient, parent, or guardian a
19 written plan for referral or an agreement for follow-up
20 that records all conditions observed that should be called
21 to the attention of a dentist for proper diagnosis;

22 (2) have each patient sign a permission slip or consent
23 form that informs them that the service to be received does
24 not take the place of regular dental checkups at a dental
25 office and is meant for people who otherwise would not have
26 access to the service;

1 (3) inform each patient who may require further dental
2 services of that need;

3 (4) maintain an appropriate level of contact and
4 communication with the dentist providing public health
5 supervision; and

6 (5) complete an additional 4 hours of continuing
7 education in areas specific to public health dentistry
8 yearly.

9 (d) Each public health dental hygienist who has rendered
10 services under subsections (c), (d), and (e) of this Section
11 must complete a summary report at the completion of a program
12 or, in the case of an ongoing program, at least annually. The
13 report must be completed in the manner specified by the
14 Division of Oral Health in the Department of Public Health
15 including information about each location where the public
16 health dental hygienist has rendered these services. The public
17 health dental hygienist must submit the form to the dentist
18 providing supervision for his or her signature before sending
19 it to the Division.

20 (e) Public health dental hygienists providing services
21 under public health supervision may be compensated for their
22 work by salary, honoraria, and other mechanisms by the
23 employing or sponsoring entity. Nothing in this Act shall
24 preclude the entity that employs or sponsors a public health
25 dental hygienist from seeking payment, reimbursement, or other
26 source of funding for the services provided.

1 (f) This Section is repealed on January 1, 2021.

2 (225 ILCS 25/23) (from Ch. 111, par. 2323)

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

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

11 1. Fraud or misrepresentation in applying for or
12 procuring a license under this Act, or in connection with
13 applying for renewal of a license under this Act.

14 2. Inability to practice with reasonable judgment,
15 skill, or safety as a result of habitual or excessive use
16 or addiction to alcohol, narcotics, stimulants, or any
17 other chemical agent or drug.

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

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

24 5. Division of fees or agreeing to split or divide the
25 fees received for dental services with any person for

1 bringing or referring a patient, except in regard to
2 referral services as provided for under Section 45, or
3 assisting in the care or treatment of a patient, without
4 the knowledge of the patient or his or her legal
5 representative. Nothing in this item 5 affects any bona
6 fide independent contractor or employment arrangements
7 among health care professionals, health facilities, health
8 care providers, or other entities, except as otherwise
9 prohibited by law. Any employment arrangements may include
10 provisions for compensation, health insurance, pension, or
11 other employment benefits for the provision of services
12 within the scope of the licensee's practice under this Act.
13 Nothing in this item 5 shall be construed to require an
14 employment arrangement to receive professional fees for
15 services rendered.

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

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

25 8. Professional connection or association with or
26 lending his or her name to another for the illegal practice

1 of dentistry by another, or professional connection or
2 association with any person, firm or corporation holding
3 himself, herself, themselves, or itself out in any manner
4 contrary to this Act.

5 9. Obtaining or seeking to obtain practice, money, or
6 any other things of value by false or fraudulent
7 representations, but not limited to, engaging in such
8 fraudulent practice to defraud the medical assistance
9 program of the Department of Healthcare and Family Services
10 (formerly Department of Public Aid) under the Illinois
11 Public Aid Code.

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

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

17 12. Conviction by plea of guilty or nolo contendere,
18 finding of guilt, jury verdict, or entry of judgment or by
19 sentencing for any crime, including, but not limited to,
20 convictions, preceding sentences of supervision,
21 conditional discharge, or first offender probation, under
22 the laws of any jurisdiction of the United States that (i)
23 is a felony under the laws of this State or (ii) is a
24 misdemeanor, an essential element of which is dishonesty,
25 or that is directly related to the practice of dentistry.

26 13. Permitting a dental hygienist, dental assistant or

1 other person under his or her supervision to perform any
2 operation not authorized by this Act.

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

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

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

9 17. Violating any provision of Section 45 relating to
10 advertising.

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

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

18 20. Gross negligence in practice under this Act.

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

23 22. Willfully making or filing false records or reports
24 in his or her practice as a dentist, including, but not
25 limited to, false records to support claims against the
26 dental assistance program of the Department of Healthcare

1 and Family Services (formerly Illinois Department of
2 Public Aid).

3 23. Professional incompetence as manifested by poor
4 standards of care.

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

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

16 (a) Reporting excessive charges for the purpose of
17 obtaining a total payment in excess of that usually
18 received by the dentist for the services rendered.

19 (b) Reporting charges for services not rendered.

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

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

26 27. Being named as a perpetrator in an indicated report

1 by the Department of Children and Family Services pursuant
2 to the Abused and Neglected Child Reporting Act, and upon
3 proof by clear and convincing evidence that the licensee
4 has caused a child to be an abused child or neglected child
5 as defined in the Abused and Neglected Child Reporting Act.

6 28. Violating the Health Care Worker Self-Referral
7 Act.

8 29. Abandonment of a patient.

9 30. Mental incompetency as declared by a court of
10 competent jurisdiction.

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

14 32. Material misstatement in furnishing information to
15 the Department.

16 33. Failing, within 60 days, to provide information in
17 response to a written request by the Department in the
18 course of an investigation.

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

22 35. Cheating on or attempting to subvert the licensing
23 examination administered under this Act.

24 36. A pattern of practice or other behavior that
25 demonstrates incapacity or incompetence to practice under
26 this Act.

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

3 38. Failure to provide copies of dental records as
4 required by law.

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

18 All fines imposed under this Section shall be paid within
19 60 days after the effective date of the order imposing the fine
20 or in accordance with the terms set forth in the order imposing
21 the fine.

22 The Department may refuse to issue or may suspend the
23 license of any person who fails to file a return, or to pay the
24 tax, penalty or interest shown in a filed return, or to pay any
25 final assessment of tax, penalty or interest, as required by
26 any tax Act administered by the Illinois Department of Revenue,

1 until such time as the requirements of any such tax Act are
2 satisfied.

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

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

9 (225 ILCS 25/24) (from Ch. 111, par. 2324)

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

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

19 1. Fraud or misrepresentation in applying for or
20 procuring a license under this Act, or in connection with
21 applying for renewal of a license under this Act.

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

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

25 4. The wilful violation of, or the wilful procuring of,

1 or knowingly assisting in the violation of, any Act which
2 is now or which hereafter may be in force in this State
3 relating to the use of habit-forming drugs.

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

7 6. Gross negligence in performing the operative
8 procedure of dental hygiene.

9 7. Active practice of dental hygiene while knowingly
10 having any infectious, communicable, or contagious disease
11 proscribed by rule or regulation of the Department.

12 8. Inability to practice with reasonable judgment,
13 skill, or safety as a result of habitual or excessive use
14 or addiction to alcohol, narcotics, stimulants, or any
15 other chemical agent or drug.

16 9. Conviction by plea of guilty or nolo contendere,
17 finding of guilt, jury verdict, or entry of judgment or by
18 sentencing of any crime, including, but not limited to,
19 convictions, preceding sentences of supervision,
20 conditional discharge, or first offender probation, under
21 the laws of any jurisdiction of the United States that (i)
22 is a felony or (ii) is a misdemeanor, an essential element
23 of which is dishonesty, or that is directly related to the
24 practice of dental hygiene.

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

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

5 12. Violating the Health Care Worker Self-Referral
6 Act.

7 13. Violating the prohibitions of Section 38.1 of this
8 Act.

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

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

15 16. Material misstatement in furnishing information to
16 the Department.

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

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

23 19. Cheating on or attempting to subvert the licensing
24 examination administered under this Act.

25 20. Violations of this Act or of the rules promulgated
26 under this Act.

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

3 The provisions of this Act relating to proceedings for the
4 suspension and revocation of a license to practice dentistry
5 shall apply to proceedings for the suspension or revocation of
6 a license as a dental hygienist.

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

20 All fines imposed under this Section shall be paid within
21 60 days after the effective date of the order imposing the fine
22 or in accordance with the terms set forth in the order imposing
23 the fine.

24 Any dental hygienist who has had his or her license
25 suspended or revoked for more than 5 years must comply with the
26 requirements for restoration set forth in Section 16 prior to

1 being eligible for reinstatement from the suspension or
2 revocation.

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

4 (225 ILCS 25/25) (from Ch. 111, par. 2325)

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

6 Sec. 25. Notice of hearing; investigations and informal
7 conferences.

8 (a) Upon the motion of either the Department or the Board
9 or upon the verified complaint in writing of any person setting
10 forth facts which if proven would constitute grounds for
11 refusal, suspension or revocation of license under this Act,
12 the Board shall investigate the actions of any person,
13 hereinafter called the respondent, who holds or represents that
14 he or she holds a license. All such motions or complaints shall
15 be brought to the Board.

16 (b) Prior to taking an in-person statement from a dentist
17 or dental hygienist who is the subject of a complaint, the
18 investigator shall inform the dentist or the dental hygienist
19 in writing:

20 (1) that the dentist or dental hygienist is the subject
21 of a complaint;

22 (2) that the dentist or dental hygienist need not
23 immediately proceed with the interview and may seek
24 appropriate consultation prior to consenting to the
25 interview; and

1 (3) that failure of the dentist or dental hygienist to
2 proceed with the interview shall not prohibit the
3 Department from conducting a visual inspection of the
4 facility.

5 A Department investigator's failure to comply with this
6 subsection may not be the sole ground for dismissal of any
7 order of the Department filed upon a finding of a violation or
8 for dismissal of a pending investigation.

9 (b-5) The duly authorized dental investigators of the
10 Department shall have the right to enter and inspect, during
11 business hours, the business premises of a dentist licensed
12 under this Act or of a person who holds himself or herself out
13 as practicing dentistry, with due consideration for patient
14 care of the subject of the investigation, so as to inspect the
15 physical premises and equipment and furnishings therein. This
16 right of inspection shall not include inspection of business,
17 medical, or personnel records located on the premises without a
18 Department subpoena issued in accordance with Section 25.1 of
19 this Act or Section 2105-105 of the Department of Professional
20 Regulation Law of the Civil Administrative Code of Illinois.
21 For the purposes of this Section, "business premises" means the
22 office or offices where the dentist conducts the practice of
23 dentistry.

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

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

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

5 The request for an informal conference shall contain the
6 nature of the alleged actions or inactions that constitute the
7 possible violations.

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

25 (d) The Secretary shall, before suspending, revoking,
26 placing on probationary status, or taking any other

1 disciplinary action as the Secretary may deem proper with
2 regard to any license, at least 30 days prior to the date set
3 for the hearing, notify the respondent in writing of any
4 charges made and the time and place for a hearing of the
5 charges before the Board, direct him or her to file his or her
6 written answer thereto to the Board under oath within 20 days
7 after the service on him or her of such notice and inform him
8 or her that if he or she fails to file such answer default will
9 be taken against him or her and his or her license may be
10 suspended, revoked, placed on probationary status, or other
11 disciplinary action may be taken with regard thereto, including
12 limiting the scope, nature or extent of his or her practice, as
13 the Secretary may deem proper.

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

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

20 (225 ILCS 25/26) (from Ch. 111, par. 2326)

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

22 Sec. 26. Disciplinary actions.

23 (a) In case the respondent, after receiving notice, fails
24 to file an answer, his or her license may, in the discretion of
25 the Secretary, having first received the recommendation of the

1 Board, be suspended, revoked, placed on probationary status, or
2 the Secretary may take whatever disciplinary or
3 non-disciplinary action he or she may deem proper, including
4 limiting the scope, nature, or extent of the person's practice
5 or the imposition of a fine, without a hearing, if the act or
6 acts charged constitute sufficient grounds for such action
7 under this Act.

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

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

1 practice.

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

3 (225 ILCS 25/29) (from Ch. 111, par. 2329)

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

5 Sec. 29. Recommendations for disciplinary action - Action
6 by Secretary. The Board may advise the Secretary that probation
7 be granted or that other disciplinary action, including the
8 limitation of the scope, nature or extent of a person's
9 practice, be taken, as it deems proper. If disciplinary action
10 other than suspension or revocation is taken, the Board may
11 advise that the Secretary impose reasonable limitations and
12 requirements upon the respondent to insure compliance with the
13 terms of the probation or other disciplinary action, including,
14 but not limited to, regular reporting by the respondent to the
15 Secretary of his or her actions, or the respondent's placing
16 himself or herself under the care of a qualified physician for
17 treatment or limiting his or her practice in such manner as the
18 Secretary may require.

19 The Board shall present to the Secretary a written report
20 of its findings and recommendations. A copy of such report
21 shall be served upon the respondent, either personally or by
22 registered or certified mail. Within 20 days after such
23 service, the respondent may present to the Department his or
24 her motion in writing for a rehearing, specifying the
25 particular ground therefor. If the respondent orders from the

1 reporting service and pays for a transcript of the record, the
2 time elapsing thereafter and before such transcript is ready
3 for delivery to him or her shall not be counted as part of such
4 20 days.

5 At the expiration of the time allowed for filing a motion
6 for rehearing the Secretary may take the action recommended by
7 the Board. Upon suspension, revocation, placement on
8 probationary status, or the taking of any other disciplinary
9 action, including the limiting of the scope, nature, or extent
10 of one's practice, deemed proper by the Secretary, with regard
11 to the license, the respondent shall surrender his or her
12 license to the Department, if ordered to do so by the
13 Department, and upon his or her failure or refusal to do so,
14 the Department may seize the same.

15 In all instances under this Act in which the Board has
16 rendered a recommendation to the Secretary with respect to a
17 particular person, the Secretary shall, to the extent that he
18 or she disagrees with or takes action contrary to the
19 recommendation of the Board, file with the Board his or her
20 specific written reasons of disagreement. Such reasons shall be
21 filed within 30 days after the Secretary has taken the contrary
22 position.

23 Each order of revocation, suspension, or other
24 disciplinary action shall contain a brief, concise statement of
25 the ground or grounds upon which the Department's action is
26 based, as well as the specific terms and conditions of such

1 action. The original of this document shall be retained as a
2 permanent record by the Board and the Department. In those
3 instances where an order of revocation, suspension, or other
4 disciplinary action has been rendered by virtue of a dentist's
5 or dental hygienist's physical illness, including, but not
6 limited to, deterioration through the aging process, or loss of
7 motor skill which results in an inability to practice with
8 reasonable judgment, skill, or safety, the Department shall
9 permit only this document and the record of the hearing
10 incident thereto to be observed, inspected, viewed, or copied
11 pursuant to court order.

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

13 (225 ILCS 25/30) (from Ch. 111, par. 2330)

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

15 Sec. 30. Appointment of a Hearing Officer. The Secretary
16 shall have the authority to appoint any attorney duly licensed
17 to practice law in the State of Illinois to serve as the
18 hearing officer if any action for refusal to issue, renew or
19 discipline of a license. The hearing officer shall have full
20 authority to conduct the hearing. The hearing officer shall
21 report his or her findings and recommendations to the Board and
22 the Secretary. The Board shall have 60 days from receipt of the
23 report to review the report of the hearing officer and present
24 its findings of fact, conclusions of law and recommendations to
25 the Secretary. If the Board fails to present its report within

1 the 60 day period, the Secretary shall issue an order based on
2 the report of the hearing officer. ~~If the Secretary determines~~
3 ~~that the Board's report is contrary to the manifest weight of~~
4 ~~the evidence, he or she may issue an order in contravention of~~
5 ~~the Board's report.~~

6 Whenever the Secretary is satisfied that substantial
7 justice has not been done in a formal disciplinary action or
8 refusal to restore a license, he or she may order a
9 reexamination or rehearing by the same or other hearing
10 officer.

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

12 (225 ILCS 25/41) (from Ch. 111, par. 2341)

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

14 Sec. 41. Dental Coordinator. The Department shall select a
15 dental coordinator, who shall not be a member of the Board. The
16 dental coordinator shall be a dentist. The dental coordinator
17 shall be the chief enforcement officer of the disciplinary
18 provisions of this Act.

19 The Department shall employ, in conformity with the
20 "Personnel Code", such investigators as it deems necessary to
21 investigate violations of this Act ~~not less than one full-time~~
22 ~~investigator for every 3,000 dentists and dental hygienists in~~
23 ~~the State.~~ Each investigator shall be a college graduate with
24 at least 2 years' investigative experience or one year of
25 advanced dental or medical education. The Department shall

1 employ, in conformity with the "Personnel Code", such other
2 professional, technical, investigative and clerical assistance
3 on either a full or part-time basis, as the Department deems
4 necessary for the proper performance of its duties. The
5 Department shall retain and use such hearing officers as it
6 deems necessary. All employees of the Department shall be
7 directed by, and answerable to, the Department, with respect to
8 their duties and functions.

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 25/35 rep.)

7 Section 20. The Illinois Dental Practice Act is amended by
8 repealing Section 35.

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.

16 Section 99. Effective date. This Act takes effect December
17 31, 2015."