



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0058

Introduced 1/15/2015, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

225 ILCS 25/47	from Ch. 111, par. 2347
225 ILCS 25/47.5 new	
225 ILCS 25/48	from Ch. 111, par. 2348

Amends the Illinois Dental Practice Act. Provides that dental laboratories shall annually register with the Department. Sets the annual registration fee at \$150. Requires dentists to only use the services of a registered dental laboratory. Requires dental laboratories to operate under the supervision of at least one dental technician or dentist. Requires dental laboratories to comply with certain federal regulations concerning infectious disease control. Requires dental laboratories to provide material disclosure of certain information to the prescribing dentist. Provides for both administrative and criminal penalties for violation of the requirements. Authorizes the Department to adopt rules necessary for implementation.

LRB099 03717 HAF 23729 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Dental Practice Act is amended by
5 changing Sections 47 and 48 and by adding Section 47.5 as
6 follows:

7 (225 ILCS 25/47) (from Ch. 111, par. 2347)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 47. Dental Laboratories. Dentists may employ or engage
10 the services of any registered dental laboratory to construct
11 or repair, extraorally, prosthetic dentures, bridges, or other
12 replacements for a part of a tooth, a tooth, or teeth. A dental
13 laboratory so employed may, with the knowledge of the dentist,
14 subcontract with another dental laboratory for all or a portion
15 of such construction or repair. A dental laboratory so employed
16 or engaged, when constructing or repairing such dentures,
17 bridges or replacements, exclusively, directly and solely for
18 dentists, and not for the public or any part thereof, shall not
19 be deemed or considered to be practicing dentistry as defined
20 in this Act.

21 Dental laboratories may advertise, but such advertisements
22 may be directed only toward dentists. Each advertisement shall
23 contain the following language: "Available only to licensed

1 dentists". Advertisements in trade journals or professional
2 publications for dentists, or direct mail solicitations
3 addressed to dentists, need not contain such language.

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

5 (225 ILCS 25/47.5 new)

6 Sec. 47.5. Registration of dental laboratories.

7 (a) Any dental laboratory operating, doing business, or
8 intending to operate or do business within the State shall be
9 registered with the Department. A dental laboratory shall be
10 considered operating or doing business within the State if its
11 work product is prepared pursuant to a written authorization
12 originating within this State.

13 (b) The Department shall not issue a dental laboratory
14 registration unless the applying dental laboratory is operated
15 under the supervision of at least one dental technician or
16 dentist.

17 (c) If the dental laboratory violates any provision of this
18 Section, it shall be subject to disciplinary action, in
19 addition to the penalties provided for under subsection (e) of
20 Section 48.

21 (d) Each dental laboratory shall pay a non-refundable \$150
22 fee when applying to register with the Department.

23 (e) Upon registration, the Department shall assign to the
24 laboratory a registration number. That number shall appear on
25 all invoices or other correspondence of the laboratory.

1 (f) A dentist shall use only those services of a dental
2 laboratory that is duly registered under this Section. A
3 dentist shall include the registration number of the dental
4 laboratory on the dentist's work order.

5 (g) In addition to the requirements of subsection (c-5) of
6 Section 48, a dental laboratory applying for registration shall
7 provide the Department with:

8 (1) its name, mailing address, phone number, and e-mail
9 address;

10 (2) its physical address, if different from its mailing
11 address;

12 (3) the name of the supervising dental technician or
13 the name and license number of the supervising dentist;

14 (4) a statement that the laboratory meets the
15 infectious disease control requirements of the
16 Occupational Safety and Health Administration and the
17 Centers for Disease Control and Prevention of the United
18 States Public Health Service;

19 (5) an acknowledgement by the supervising dental
20 technician or dentist that the laboratory will provide
21 material disclosure to the prescribing dentist that
22 contains the United States Food and Drug Administration
23 registration number of all patient contact materials
24 contained in the prescribed restoration in order that the
25 dentist may include those numbers in the patient's record;
26 and

1 (6) an acknowledgement by the supervising dental
2 technician or dentist that he or she will disclose to the
3 prescribing dentist the point of origin of the manufacture
4 of the prescribed restoration. If the restoration was
5 partially or entirely manufactured by a third-party
6 provider, the point of origin disclosure shall identify the
7 portion manufactured by a third-party provider and the
8 city, state, and country of the provider.

9 (h) Each commercial dental laboratory registered with the
10 Department shall be required to renew its registration annually
11 and pay a non-refundable registration fee of \$150.

12 (i) The Department shall adopt all rules necessary to carry
13 out the provisions of this Section.

14 (225 ILCS 25/48) (from Ch. 111, par. 2348)

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

16 Sec. 48. Manufacture of dentures, bridges or replacements
17 for dentists; prescriptions; order; penalties.

18 (a) Any dentist who employs or engages the services of any
19 dental laboratory to construct or repair, extraorally,
20 prosthetic dentures, bridges, or other replacements for a part
21 of a tooth, a tooth, or teeth, or who directs a dental
22 laboratory to participate in shade selection for a prosthetic
23 appliance, shall furnish such dental laboratory with a written
24 prescription on forms prescribed by the Department which shall
25 contain:

1 (1) The name and address of the dental laboratory to
2 which the prescription is directed.

3 (2) The patient's name or identification number. If a
4 number is used, the patient's name shall be written upon
5 the duplicate copy of the prescription retained by the
6 dentist.

7 (3) The date on which the prescription was written.

8 (4) A description of the work to be done, including
9 diagrams if necessary.

10 (5) A specification of the type and quality of
11 materials to be used.

12 (6) The signature of the dentist and the number of his
13 or her license to practice dentistry.

14 (b) The dental laboratory receiving a prescription from a
15 dentist shall retain the original prescription and the dentist
16 shall retain a duplicate copy thereof for inspection at any
17 reasonable time by the Department or its duly authorized
18 agents, for a period of 3 years in both cases.

19 (c) If the dental laboratory receiving a written
20 prescription from a dentist engages another dental laboratory
21 (hereinafter referred to as "subcontractor") to perform some of
22 the services relative to such prescription, it shall furnish a
23 written order with respect thereto on forms prescribed by the
24 Department which shall contain:

25 (1) The name and address of the subcontractor.

26 (2) A number identifying the order with the original

1 prescription, which number shall be endorsed on the
2 prescription received from the dentist.

3 (3) The date on which the order was written.

4 (4) A description of the work to be done by the
5 subcontractor, including diagrams if necessary.

6 (5) A specification of the type and quality of
7 materials to be used.

8 (6) The signature of an agent of the dental laboratory
9 issuing the order. The subcontractor shall retain the order
10 and the issuer thereof shall retain a duplicate copy,
11 attached to the prescription received from the dentist, for
12 inspection by the Department or its duly authorized agents,
13 for a period of 3 years in both cases.

14 (7) A copy of the order to the subcontractor shall be
15 furnished to the dentist.

16 (c-5) Regardless of whether the dental laboratory
17 manufactures the dental appliance or has it manufactured by a
18 subcontractor, the laboratory shall provide to the prescribing
19 dentist the (i) location where the work was done and (ii)
20 source and original location where the materials were obtained.

21 (d) Any dentist who:

22 (1) employs or engages the services of any dental
23 laboratory to construct or repair, extraorally, prosthetic
24 dentures, bridges, or other dental appliances without
25 first providing such dental laboratory with a written
26 prescription;

1 (2) fails to retain a duplicate copy of the
2 prescription for 3 years; or

3 (3) refuses to allow the Department or its duly
4 authorized agents to inspect his or her files of
5 prescriptions;

6 is guilty of a Class A misdemeanor and the Department may
7 revoke or suspend his or her license therefor.

8 (e) In addition to the provisions of Section 47.5, any ~~Any~~
9 dental laboratory which:

10 (1) furnishes such services to any dentist without
11 first obtaining a written prescription therefor from such
12 dentist;

13 (2) acting as a subcontractor as described in (c)
14 above, furnishes such services to any dental laboratory
15 without first obtaining a written order from such dental
16 laboratory;

17 (3) fails to retain the original prescription or order,
18 as the case may be, for 3 years;

19 (4) refuses to allow the Department or its duly
20 authorized agents to inspect its files of prescriptions or
21 orders; or

22 (5) fails to provide any information required under
23 this Section to the prescribing dentist;

24 is guilty of a Class A misdemeanor.

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