



Rep. Michael J. Zalewski

Filed: 4/9/2015

09900HB0500ham001

LRB099 05874 MLM 33740 a

1 AMENDMENT TO HOUSE BILL 500

2 AMENDMENT NO. _____. Amend House Bill 500 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.26 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 Acts repealed on January 1, 2016.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8 Acts are repealed on January 1, 2016: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.

1 The Illinois Physical Therapy Act.

2 The Professional Geologist Licensing Act.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
4 96-1246, eff. 1-1-11.)

5 (5 ILCS 80/4.36 new)

6 Sec. 4.36. Act repealed on January 1, 2026. The following
7 Act is repealed on January 1, 2026:

8 The Illinois Dental Practice Act.

9 Section 10. The Illinois Dental Practice Act is amended by
10 changing Sections 6, 8.5, 11, 16.1, 17, 23, 24, 25, 26, 29, 30,
11 41, and 50 and by adding Section 17.5 as follows:

12 (225 ILCS 25/6) (from Ch. 111, par. 2306)

13 (Section scheduled to be repealed on January 1, 2016)

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

15 There is created a Board of Dentistry, to be composed of
16 persons designated from time to time by the Secretary, as
17 follows:

18 Eleven persons, 8 of whom have been dentists for a period
19 of 5 years or more; 2 of whom have been dental hygienists for a
20 period of 5 years or more, and one public member. None of the
21 members shall be an officer, dean, assistant dean, or associate
22 dean of a dental college or dental department of an institute
23 of learning, nor shall any member be the program director of

1 any dental hygiene program. A board member who holds a faculty
2 position in a dental school or dental hygiene program shall not
3 participate in the examination of applicants for licenses from
4 that school or program. The dental hygienists shall not
5 participate in the examination of applicants for licenses to
6 practice dentistry. The public member shall not participate in
7 the examination of applicants for licenses to practice
8 dentistry or dental hygiene. The board shall annually elect a
9 chairman and vice-chairman who shall be a dentist.

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

14 The membership of the Board shall include only residents
15 from various geographic areas of this State and shall include
16 at least some graduates from various institutions of dental
17 education in this State.

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

1 A vacancy in the membership of the Board shall not impair
2 the right of a quorum to exercise all the rights and perform
3 all the duties of the Board. Any action to be taken by the
4 Board under this Act may be authorized by resolution at any
5 regular or special meeting, and each such resolution shall take
6 effect immediately. The Board shall meet at least quarterly.
7 ~~The Board may adopt all rules and regulations necessary and~~
8 ~~incident to its powers and duties under this Act.~~

9 The members of the Board shall each receive as compensation
10 a reasonable sum as determined by the Secretary for each day
11 actually engaged in the duties of the office, and all
12 legitimate and necessary expense incurred in attending the
13 meetings of the Board.

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

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

18 (225 ILCS 25/8.5)

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

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

21 (a) Any person who practices, offers to practice, attempts
22 to practice, or holds oneself out to practice dentistry or
23 dental hygiene without being licensed under this Act shall, in
24 addition to any other penalty provided by law, pay a civil
25 penalty to the Department in an amount not to exceed \$10,000

1 for each offense as determined by the Department. The civil
2 penalty shall be assessed by the Department after a hearing is
3 held in accordance with the provisions set forth in this Act
4 regarding the provision of a hearing for the discipline of a
5 licensee.

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

8 (c) The civil penalty shall be paid within 60 days after
9 the effective date of the order imposing the civil penalty. The
10 order shall constitute a judgment and may be filed and
11 execution had thereon in the same manner as any judgment from
12 any court of record.

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

14 (225 ILCS 25/11) (from Ch. 111, par. 2311)

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

16 Sec. 11. Types of dental licenses; dental hygienist
17 licenses; licensing applicants from other states; temporary
18 authorizations; temporary permits for free dental care ~~Dental~~
19 ~~licenses~~. The Department shall have the authority to issue the
20 following types of licenses:

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

24 (b) Specialty licenses. The Department shall issue a
25 license authorizing practice as a specialist in any particular

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

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

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

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

1 shall furnish satisfactory proof to the Department that:

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

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

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

26 Temporary training licenses issued under this Section

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

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

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

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

25 (2) The applicant has a full-time appointment to teach
26 dentistry at an approved dental school or hospital situated

1 in this State.

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

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

19 (d-5) Necessity for licensure of dental hygienists. No
20 person, unless a dentist, shall perform the operative
21 procedures of dental hygiene without first applying for and
22 obtaining a license for such purpose. The Department shall
23 issue a license authorizing practice as a dental hygienist to
24 any person who qualifies for such license pursuant to this Act.
25 In addition to the license authorized by this subsection (d-5),
26 the Department shall deliver to each dental hygienist a

1 separate certificate of identification in a form specified by
2 the Department.

3 (e) Inactive status. Any person who holds one of the
4 licenses under subsection (a) or (b) of Section 11 or under
5 Section 12 of this Act may elect, upon payment of the required
6 fee, to place his or her license on an inactive status and
7 shall, subject to the rules of the Department, be excused from
8 the payment of renewal fees until he or she notifies the
9 Department in writing of his or her desire to resume active
10 status.

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

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

17 (f) Certificates of Identification. In addition to the
18 licenses authorized by this Section, the Department shall
19 deliver to each dentist a certificate of identification in a
20 form specified by the Department.

21 (g) Licensing applicants from other states. Any person who
22 has been lawfully licensed to practice dentistry, including the
23 practice of a licensed dental specialty, or dental hygiene in
24 another state or territory which has and maintains a standard
25 for the practice of dentistry, a dental specialty, or dental
26 hygiene at least equal to that now maintained in this State, or

1 if the requirements for licensure in such state or territory in
2 which the applicant was licensed were, at the date of his or
3 her licensure, substantially equivalent to the requirements
4 then in force in this State, and who has been lawfully engaged
5 in the practice of dentistry or dental hygiene for at least 3
6 of the 5 years immediately preceding the filing of his or her
7 application to practice in this State and who shall deposit
8 with the Department a duly attested certificate from the Board
9 of the state or territory in which he or she is licensed,
10 certifying to the fact of his or her licensing and of his or
11 her being a person of good moral character may, upon payment of
12 the required fee, be granted a license to practice dentistry, a
13 dental specialty, or dental hygiene in this State, as the case
14 may be.

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

1 such service.

2 Applicants have 3 years from the date of application to
3 complete the application process. If the process has not been
4 completed in 3 years, the application shall be denied, the fee
5 forfeited, and the applicant must reapply and meet the
6 requirements in effect at the time of reapplication.

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

19 (i) Temporary permit for free dental care.

20 (1) The Department may issue a temporary permit
21 authorizing the practice in this State, without
22 compensation, of dentistry or dental hygiene to an
23 applicant who is licensed to practice dentistry or dental
24 hygiene in another state, if all of the following apply:

25 (A) The Department determines that the applicant's
26 services will improve the welfare of Illinois

1 residents.

2 (B) The Department determines that the applicant
3 is qualified and satisfies the criteria specified
4 under Sections 9 and 13 of this Act, except for the
5 examination requirement.

6 (2) The Department may not require the applicant to
7 pass an examination as provided in subsection (e) of
8 Section 9 of this Act in order to receive a temporary
9 permit under this subsection (i).

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

17 (4) The Secretary may summarily terminate any permit
18 issued pursuant to this subsection (i), without a hearing,
19 if the Secretary finds that evidence in his or her
20 possession indicates that an individual permit holder's
21 continuation in practice would constitute an imminent
22 danger to the public. In the event that the Secretary
23 summarily suspends a permit issued pursuant to this
24 subsection (i), the permit holder may petition the
25 Department for a hearing in accordance with the provisions
26 of this Act to reinstate his or her permit. In addition to

1 terminating any permit issued pursuant to this subsection
2 (i), the Department may issue a monetary penalty not to
3 exceed \$1,000 upon the permit holder and may notify any
4 state in which the permit holder has been issued a license
5 that his or her Illinois permit has been terminated and the
6 reasons for the termination. The monetary penalty shall be
7 paid within 60 days after the effective date of the order
8 imposing the penalty. The order shall constitute a judgment
9 and may be filed and execution had thereon in the same
10 manner as any judgment from any court of record. It is the
11 intent of the General Assembly that a permit issued
12 pursuant to this subsection (i) shall be considered a
13 privilege and not a property right.

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

15 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

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

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

24 The Department shall approve only courses that are relevant
25 to the treatment and care of patients, including, but not

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

15 No license shall be renewed unless the renewal application
16 is accompanied by an affidavit indicating that the applicant
17 has completed the required minimum number of hours of
18 continuing education in approved courses as required by this
19 Section. The affidavit shall not require a listing of courses.
20 The affidavit shall be a prima facie evidence that the
21 applicant has obtained the minimum number of required
22 continuing education hours in approved courses. The Department
23 shall not be obligated to conduct random audits or otherwise
24 independently verify that an applicant has met the continuing
25 education requirement. The Department, however, may not
26 conduct random audits of more than 10% of the licensed dentists

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

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

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

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

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

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

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

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

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

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

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

24 (8) Who takes impressions of the human tooth, teeth, or
25 jaws or performs any phase of any operation incident to the
26 replacement of a part of a tooth, a tooth, teeth or

1 associated tissues by means of a filling, crown, a bridge,
2 a denture or other appliance; or

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

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

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

25 The fact that any person engages in or performs, or offers
26 to engage in or perform, any of the practices, acts, or

1 operations set forth in this Section, shall be prima facie
2 evidence that such person is engaged in the practice of
3 dentistry.

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

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

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

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

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

24 (i) when acting under the direction and
25 supervision of dentists, provided that such clinical
26 instructors have instructed continuously in this State

1 since January 1, 1986; or

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

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

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

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

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

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

25 (2) Removal of, or restoration of, or addition to
26 the hard or soft tissues of the oral cavity, ~~except for~~

1 ~~the placing, carving, and finishing of amalgam~~
2 ~~restorations by dental assistants who have had~~
3 ~~additional formal education and certification as~~
4 ~~determined by the Department. A dentist utilizing~~
5 ~~dental assistants shall not supervise more than 4~~
6 ~~dental assistants at any one time for placing, carving,~~
7 ~~and finishing of amalgam restorations.~~

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

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

19 (5) Removal of calculus from human teeth.

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

23 (7) The operative procedure of dental hygiene
24 consisting of oral prophylactic procedures, ~~except for~~
25 ~~coronal polishing and pit and fissure sealants, which~~
26 ~~may be performed by a dental assistant who has~~

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

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

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

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

25 (ii) has applied in writing to the Department, in
26 form and substance satisfactory to the Department, for

1 a temporary dental license and has complied with all
2 provisions of subsection (c) of Section 11 of this Act;
3 and

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

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

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

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

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

23 The authority to practice shall terminate immediately
24 upon:

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

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

2 (3) withdrawal of the application.

3 (Source: P.A. 97-526, eff. 1-1-12; 97-886, eff. 8-2-12;
4 97-1013, eff. 8-17-12; 98-147, eff. 1-1-14; 98-463, eff.
5 8-16-13; 98-756, eff. 7-16-14.)

6 (225 ILCS 25/17.5 new)

7 Sec. 17.5. Expanded functions for dental assistant. A
8 dental assistant operating under the supervision and full
9 responsibility of a dentist may perform the following services
10 upon completion of appropriate training:

11 (1) placing, carving, and finishing of amalgam
12 restorations by dental assistants who have had additional
13 formal education and certification as determined by the
14 Department; a dentist utilizing dental assistants shall
15 not supervise more than 4 dental assistants at any one time
16 for placing, carving, and finishing of amalgam
17 restorations;

18 (2) monitoring of nitrous oxide, conscious sedation,
19 deep sedation, and general anesthetic as provided in
20 Section 8.1 of this Act, that may be performed only after
21 successful completion of a training program approved by the
22 Department; a dentist utilizing dental assistants shall
23 not supervise more than 4 dental assistants at any one time
24 for the monitoring of nitrous oxide; and

25 (3) coronal polishing and pit and fissure sealants,

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

14 The limitations on the number of dental assistants a
15 dentist may supervise contained in this Section mean a limit of
16 4 total dental assistants or dental hygienists doing expanded
17 functions covered by this Section being supervised by one
18 dentist.

19 (225 ILCS 25/23) (from Ch. 111, par. 2323)

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

21 Sec. 23. Refusal, revocation or suspension of dental
22 licenses. The Department may refuse to issue or renew, or may
23 revoke, suspend, place on probation, reprimand or take other
24 disciplinary or non-disciplinary action as the Department may
25 deem proper, including imposing fines not to exceed \$10,000 per

1 violation, with regard to any license for any one or any
2 combination of the following causes:

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

6 2. Inability to practice with reasonable judgment,
7 skill, or safety as a result of habitual or excessive use
8 or addiction to alcohol, narcotics, stimulants, or any
9 other chemical agent or drug.

10 3. Willful or repeated violations of the rules of the
11 Department of Public Health or Department of Nuclear
12 Safety.

13 4. Acceptance of a fee for service as a witness,
14 without the knowledge of the court, in addition to the fee
15 allowed by the court.

16 5. Division of fees or agreeing to split or divide the
17 fees received for dental services with any person for
18 bringing or referring a patient, except in regard to
19 referral services as provided for under Section 45, or
20 assisting in the care or treatment of a patient, without
21 the knowledge of the patient or his or her legal
22 representative. Nothing in this item 5 affects any bona
23 fide independent contractor or employment arrangements
24 among health care professionals, health facilities, health
25 care providers, or other entities, except as otherwise
26 prohibited by law. Any employment arrangements may include

1 provisions for compensation, health insurance, pension, or
2 other employment benefits for the provision of services
3 within the scope of the licensee's practice under this Act.
4 Nothing in this item 5 shall be construed to require an
5 employment arrangement to receive professional fees for
6 services rendered.

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

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

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

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

1 (formerly Department of Public Aid) under the Illinois
2 Public Aid Code.

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

5 11. Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public.

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

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

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

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

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

26 17. Violating any provision of Section 45 relating to

1 advertising.

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

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

9 20. Gross negligence in practice under this Act.

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

14 22. Willfully making or filing false records or reports
15 in his or her practice as a dentist, including, but not
16 limited to, false records to support claims against the
17 dental assistance program of the Department of Healthcare
18 and Family Services (formerly Illinois Department of
19 Public Aid).

20 23. Professional incompetence as manifested by poor
21 standards of care.

22 24. Physical or mental illness, including, but not
23 limited to, deterioration through the aging process, or
24 loss of motor skills which results in a dentist's inability
25 to practice dentistry with reasonable judgment, skill or
26 safety. In enforcing this paragraph, the Department may

1 compel a person licensed to practice under this Act to
2 submit to a mental or physical examination pursuant to the
3 terms and conditions of Section 23b.

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

7 (a) Reporting excessive charges for the purpose of
8 obtaining a total payment in excess of that usually
9 received by the dentist for the services rendered.

10 (b) Reporting charges for services not rendered.

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

13 26. Continuing the active practice of dentistry while
14 knowingly having any infectious, communicable, or
15 contagious disease proscribed by rule or regulation of the
16 Department.

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

23 28. Violating the Health Care Worker Self-Referral
24 Act.

25 29. Abandonment of a patient.

26 30. Mental incompetency as declared by a court of

1 competent jurisdiction.

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

5 32. Material misstatement in furnishing information to
6 the Department.

7 33. Failing, within 60 days, to provide information in
8 response to a written request by the Department in the
9 course of an investigation.

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

13 35. Cheating on or attempting to subvert the licensing
14 examination administered under this Act.

15 36. A pattern of practice or other behavior that
16 demonstrates incapacity or incompetence to practice under
17 this Act.

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

20 38. Failure to provide copies of dental records as
21 required by law.

22 All proceedings to suspend, revoke, place on probationary
23 status, or take any other disciplinary action as the Department
24 may deem proper, with regard to a license on any of the
25 foregoing grounds, must be commenced within 5 ~~3~~ years after
26 receipt by the Department of a complaint alleging the

1 commission of or notice of the conviction order for any of the
2 acts described herein. Except for fraud in procuring a license,
3 no action shall be commenced more than 7 ~~5~~ years after the date
4 of the incident or act alleged to have violated this Section.
5 The time during which the holder of the license was outside the
6 State of Illinois shall not be included within any period of
7 time limiting the commencement of disciplinary action by the
8 Department.

9 All fines imposed under this Section shall be paid within
10 60 days after the effective date of the order imposing the fine
11 or in accordance with the terms set forth in the order imposing
12 the fine.

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

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

24 (Source: P.A. 96-1482, eff. 11-29-10; 97-102, eff. 7-14-11;
25 97-813, eff. 7-13-12; 97-1013, eff. 8-17-12.)

1 (225 ILCS 25/24) (from Ch. 111, par. 2324)

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

3 Sec. 24. Refusal, Suspension or Revocation of Dental
4 Hygienist License. The Department may refuse to issue or renew
5 or may revoke, suspend, place on probation, reprimand or take
6 other disciplinary or non-disciplinary action as the
7 Department may deem proper, including imposing fines not to
8 exceed \$10,000 per violation, with regard to any dental
9 hygienist license for any one or any combination of the
10 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. Performing any operation not authorized by this Act.

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

17 4. The wilful violation of, or the wilful procuring of,
18 or knowingly assisting in the violation of, any Act which
19 is now or which hereafter may be in force in this State
20 relating to the use of habit-forming drugs.

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

24 6. Gross negligence in performing the operative
25 procedure of dental hygiene.

26 7. Active practice of dental hygiene while knowingly

1 having any infectious, communicable, or contagious disease
2 proscribed by rule or regulation of the Department.

3 8. Inability to practice with reasonable judgment,
4 skill, or safety as a result of habitual or excessive use
5 or addiction to alcohol, narcotics, stimulants, or any
6 other chemical agent or drug.

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

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

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

22 12. Violating the Health Care Worker Self-Referral
23 Act.

24 13. Violating the prohibitions of Section 38.1 of this
25 Act.

26 14. Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud, or harm the public.

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

6 16. Material misstatement in furnishing information to
7 the Department.

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

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

14 19. Cheating on or attempting to subvert the licensing
15 examination administered under this Act.

16 20. Violations of this Act or of the rules promulgated
17 under this Act.

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

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

24 All proceedings to suspend, revoke, place on probationary
25 status, or take any other disciplinary action as the Department
26 may deem proper with regard to a license on any of the grounds

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

11 All fines imposed under this Section shall be paid within
12 60 days after the effective date of the order imposing the fine
13 or in accordance with the terms set forth in the order imposing
14 the fine.

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

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

21 (225 ILCS 25/25) (from Ch. 111, par. 2325)

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

23 Sec. 25. Notice of hearing; investigations and informal
24 conferences.

25 (a) Upon the motion of either the Department or the Board

1 or upon the verified complaint in writing of any person setting
2 forth facts which if proven would constitute grounds for
3 refusal, suspension or revocation of license under this Act,
4 the Board shall investigate the actions of any person,
5 hereinafter called the respondent, who holds or represents that
6 he or she holds a license. All such motions or complaints shall
7 be brought to the Board.

8 (b) Prior to taking an in-person statement from a dentist
9 or dental hygienist who is the subject of a complaint, the
10 investigator shall inform the dentist or the dental hygienist
11 in writing:

12 (1) that the dentist or dental hygienist is the subject
13 of a complaint;

14 (2) that the dentist or dental hygienist need not
15 immediately proceed with the interview and may seek
16 appropriate consultation prior to consenting to the
17 interview; and

18 (3) that failure of the dentist or dental hygienist to
19 proceed with the interview shall not prohibit the
20 Department from conducting a visual inspection of the
21 facility.

22 A Department investigator's failure to comply with this
23 subsection may not be the sole ground for dismissal of any
24 order of the Department filed upon a finding of a violation or
25 for dismissal of a pending investigation.

26 (b-5) The duly authorized dental investigators of the

1 Department shall have the right to enter and inspect, during
2 business hours, the business premises of a dentist licensed
3 under this Act or of a person who holds himself or herself out
4 as practicing dentistry, with due consideration for patient
5 care of the subject of the investigation, so as to inspect the
6 physical premises and equipment and furnishings therein. This
7 right of inspection shall not include inspection of business,
8 medical, or personnel records located on the premises without a
9 Department subpoena issued in accordance with Section 25.1 of
10 this Act or Section 2105-105 of the Department of Professional
11 Regulation Law of the Civil Administrative Code of Illinois.
12 For the purposes of this Section, "business premises" means the
13 office or offices where the dentist conducts the practice of
14 dentistry.

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

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

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

22 The request for an informal conference shall contain the
23 nature of the alleged actions or inactions that constitute the
24 possible violations.

25 A dentist or dental hygienist shall be allowed to have
26 legal counsel at the informal conference. If the informal

1 conference results in a consent order between the accused
2 dentist or dental hygienist and the Department, the consent
3 order must be approved by the Secretary. All consent orders
4 must be signed by a member of the Board prior to approval by
5 the Secretary. ~~However, if the consent order would result in a~~
6 ~~fine exceeding \$10,000 or the suspension or revocation of the~~
7 ~~dentist or dental hygienist license, the consent order must be~~
8 ~~approved by the Board and the Secretary.~~ Participation in the
9 informal conference by a dentist, a dental hygienist, or the
10 Department and any admissions or stipulations made by a
11 dentist, a dental hygienist, or the Department at the informal
12 conference, including any agreements in a consent order that is
13 subsequently disapproved by ~~either the Board or~~ the Secretary,
14 shall not be used against the dentist, dental hygienist, or
15 Department at any subsequent hearing and shall not become a
16 part of the record of the hearing.

17 (d) The Secretary shall, before suspending, revoking,
18 placing on probationary status, or taking any other
19 disciplinary action as the Secretary may deem proper with
20 regard to any license, at least 30 days prior to the date set
21 for the hearing, notify the respondent in writing of any
22 charges made and the time and place for a hearing of the
23 charges before the Board, direct him or her to file his or her
24 written answer thereto to the Board under oath within 20 days
25 after the service on him or her of such notice and inform him
26 or her that if he or she fails to file such answer default will

1 be taken against him or her and his or her license may be
2 suspended, revoked, placed on probationary status, or other
3 disciplinary action may be taken with regard thereto, including
4 limiting the scope, nature or extent of his or her practice, as
5 the Secretary may deem proper.

6 (e) Such written notice and any notice in such proceedings
7 thereafter may be served by delivery personally to the
8 respondent, or by registered or certified mail to the address
9 last theretofore specified by the respondent in his or her last
10 notification to the Secretary.

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

12 (225 ILCS 25/26) (from Ch. 111, par. 2326)

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

14 Sec. 26. Disciplinary actions.

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

25 (b) The Secretary may temporarily suspend the license of a

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

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

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

21 (225 ILCS 25/29) (from Ch. 111, par. 2329)

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

23 Sec. 29. Recommendations for disciplinary action - Action
24 by Secretary. The Board may advise the Secretary that probation
25 be granted or that other disciplinary action, including the

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

12 The Board shall present to the Secretary a written report
13 of its findings and recommendations. A copy of such report
14 shall be served upon the respondent, either personally or by
15 registered or certified mail. Within 20 days after such
16 service, the respondent may present to the Department his or
17 her motion in writing for a rehearing, specifying the
18 particular ground therefor. If the respondent orders from the
19 reporting service and pays for a transcript of the record, the
20 time elapsing thereafter and before such transcript is ready
21 for delivery to him or her shall not be counted as part of such
22 20 days.

23 At the expiration of the time allowed for filing a motion
24 for rehearing the Secretary may take the action recommended by
25 the Board. Upon suspension, revocation, placement on
26 probationary status, or the taking of any other disciplinary

1 action, including the limiting of the scope, nature, or extent
2 of one's practice, deemed proper by the Secretary, with regard
3 to the license, the respondent shall surrender his or her
4 license to the Department, if ordered to do so by the
5 Department, and upon his or her failure or refusal to do so,
6 the Department may seize the same.

7 In all instances under this Act in which the Board has
8 rendered a recommendation to the Secretary with respect to a
9 particular person, the Secretary shall, to the extent that he
10 or she disagrees with or takes action contrary to the
11 recommendation of the Board, file with the Board his or her
12 specific written reasons of disagreement. Such reasons shall be
13 filed within 30 days after the Secretary has taken the contrary
14 position.

15 Each order of revocation, suspension, or other
16 disciplinary action shall contain a brief, concise statement of
17 the ground or grounds upon which the Department's action is
18 based, as well as the specific terms and conditions of such
19 action. The original of this document shall be retained as a
20 permanent record by the Board and the Department. In those
21 instances where an order of revocation, suspension, or other
22 disciplinary action has been rendered by virtue of a dentist's
23 or dental hygienist's physical illness, including, but not
24 limited to, deterioration through the aging process, or loss of
25 motor skill which results in an inability to practice with
26 reasonable judgment, skill, or safety, the Department shall

1 permit only this document and the record of the hearing
2 incident thereto to be observed, inspected, viewed, or copied
3 pursuant to court order.

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

5 (225 ILCS 25/30) (from Ch. 111, par. 2330)

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

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

23 Whenever the Secretary is satisfied that substantial
24 justice has not been done in a formal disciplinary action or
25 refusal to restore a license, he or she may order a

1 reexamination or rehearing by the same or other hearing
2 officer.

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

4 (225 ILCS 25/41) (from Ch. 111, par. 2341)

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

6 Sec. 41. Dental Coordinator. The Department shall select a
7 dental coordinator, who shall not be a member of the Board. The
8 dental coordinator shall be a dentist. The dental coordinator
9 shall be the chief enforcement officer of the disciplinary
10 provisions of this Act.

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

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

2 (225 ILCS 25/50) (from Ch. 111, par. 2350)

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

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

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

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

23 (225 ILCS 25/12 rep.)

24 (225 ILCS 25/19 rep.)

1 (225 ILCS 25/19.1 rep.)

2 (225 ILCS 25/19.2 rep.)

3 (225 ILCS 25/35 rep.)

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".