

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 adding Section 45.5 as follows:

6 (225 ILCS 25/45.5 new)

7 Sec. 45.5. Third-party financing for dental services.

8 (a) As used in this Section:

9 "Arrange for, broker, or establish" means submitting an
10 application to a third-party creditor, lender, or creditor's
11 intermediary for approval or rejection on behalf of a patient.
12 Submitting an application to a third-party creditor, lender,
13 or creditor's intermediary for approval or rejection includes
14 patient or a patient's guardian's use of a third-party
15 creditor's, lender's, or a creditor's intermediary's
16 patient-facing software, weblink, URL, or QR code that is
17 customized for with the branding of the dental practice.
18 "Arrange for, broker, or establish" does not mean the use of
19 third-party marketing or advertising materials that are not
20 customized for the dental practice.

21 "Financing extended by a third party" includes, but is not
22 limited to, an open end credit plan as defined under the
23 federal Truth-in-Lending Act (15 U.S.C. 1602), a line of

1 credit, or a loan offered or extended by a third party.

2 (b) A dentist, employee of a dentist, or agent of a dentist
3 may not arrange for, broker, or establish financing extended
4 by a third party for a patient.

5 (c) A dentist, employee of a dentist, or agent of a dentist
6 may not complete for a patient or patient's guardian any
7 portion of an application for financing extended by a third
8 party. A dentist, employee of a dentist, or agent of a dentist
9 may not provide the patient or patient's guardian with an
10 electronic device to apply for financing extended by a third
11 party.

12 (d) A dentist, employee of a dentist, or agent of a dentist
13 may not promote, advertise, or provide marketing or
14 application materials for financing extended by a third party
15 to a patient who:

16 (1) has been administered or is under the influence of
17 general anesthesia, conscious sedation, moderate sedation,
18 nitrous oxide;

19 (2) is being administered treatment; or

20 (3) is in a treatment area, including, but not limited
21 to, an exam room, surgical room, or other area when
22 medical treatment is administered, unless an area
23 separated from the treatment area does not exist.

24 (e) A dentist, employee of a dentist, or agent of a dentist
25 must provide the following written notice to a patient or
26 patient's guardian in at least 14-point font when discussing

1 (except to state accepted forms of payment) or providing
2 applications for financing extended by a third party:

3 "DENTAL SERVICES THIRD-PARTY FINANCING DISCLOSURE

4 This is an application for a CREDIT CARD, LINE OF CREDIT,
5 OR LOAN to help you finance or pay for your dental treatment.
6 This credit card, line of credit, or loan IS NOT A PAYMENT PLAN
7 WITH THE DENTIST'S OFFICE. It is a credit card, line of credit,
8 or loan from a third-party financing company. Your dentist
9 does not work for this company. Your dentist may not complete
10 or submit an application for third-party financing on your
11 behalf.

12 You do not have to apply for a credit card, line of credit,
13 or loan. You may pay your dentist for treatment in another
14 manner. Your dentist's office may offer its own payment plan.
15 You are encouraged to explore any public or private insurance
16 options that may cover your dental treatment.

17 The lender or creditor may offer a "promotional period" to
18 pay back the credit or loan without interest. After any
19 promotional period ends, you may be charged interest on
20 portions of the balance that have already been paid. If you
21 miss a payment or do not pay on time, you may have to pay a
22 penalty and a higher interest rate. If you do not pay the money
23 that you owe the creditor or lender, then your missed payments
24 can appear on your credit report and could hurt your credit
25 score. You could also be sued by the creditor or lender.

26 If your dentist's office has completed or submitted an

1 application for third-party financing on your behalf, you may
2 file a complaint by contacting the Illinois Department of
3 Financial and Professional Regulation at [Department website]
4 or by calling [telephone number for Department]."

5 The Department shall make the disclosure required under
6 this subsection available on the Department's website in
7 English and any other languages deemed necessary by the
8 Department.

9 (f) The Department may adopt rules to implement this
10 Section.

11 (g) A violation of this Section is punishable by a fine of
12 up to \$500 for the first violation and a fine of up to \$1,000
13 for each subsequent violation. However, the Department may
14 take other disciplinary action if the licensee's conduct also
15 violates Section 23.

16 Section 99. Effective date. This Act takes effect January
17 1, 2025.