



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0875

Introduced 2/2/2005, by Rep. Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.16	
5 ILCS 80/4.26 new	
225 ILCS 25/4	from Ch. 111, par. 2304
225 ILCS 25/8.2 new	
225 ILCS 25/11	from Ch. 111, par. 2311
225 ILCS 25/16	from Ch. 111, par. 2316
225 ILCS 25/16.1	from Ch. 111, par. 2316.1
225 ILCS 25/16.2 new	
225 ILCS 25/19	from Ch. 111, par. 2319
225 ILCS 25/23	from Ch. 111, par. 2323
225 ILCS 25/50	from Ch. 111, par. 2350
225 ILCS 25/54.2 new	

Amends the Regulatory Sunset Act. Extends the repeal of the Illinois Dental Practice Act to January 1, 2016. Amends the Illinois Dental Practice Act. Defines "titration" and "dental emergency responder". Prohibits the titration of orally administered sedative agents that exceeds the maximum recommended dose. Provides that a dentist shall not be required to maintain a general license in addition to a specialty license. Provides that restricted faculty licenses shall be valid for a period of 3 years, rather than 2 years. Provides that each license issued under the Act shall be valid for 3 years, rather than being set by rule of the Department of Financial and Professional Regulation. Changes continuing education requirements for hours of study. Provides that a surviving spouse or certain other interested parties in an estate may employ, contract with, or otherwise make arrangements for a dentist or dentists to temporarily continue to operate a dental practice under the name of a deceased or incapacitated dentist under certain specified circumstances. Provides that dentists shall be entitled to reasonable reimbursement for the costs of reproducing patient dental records. Provides that a dentist or dental hygienist who is a dental emergency responder acts within the bounds of his or her license when he or she provides care during a declared local, State, or national emergency. Makes other changes. Effective immediately.

LRB094 06602 RAS 36694 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.16 and by adding Section 4.26 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following  
8 Acts are repealed January 1, 2006:

9 The Respiratory Care Practice Act.

10 The Hearing Instrument Consumer Protection Act.

11 ~~The Illinois Dental Practice Act.~~

12 The Professional Geologist Licensing Act.

13 The Illinois Athletic Trainers Practice Act.

14 The Barber, Cosmetology, Esthetics, and Nail Technology  
15 Act of 1985.

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 The Illinois Physical Therapy Act.

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80,  
20 eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387,  
21 eff. 8-20-95; 89-626, eff. 8-9-96.)

22 (5 ILCS 80/4.26 new)

23 Sec. 4.26. Act repealed on January 1, 2016. The following  
24 Act is repealed on January 1, 2016:

25 The Illinois Dental Practice Act.

26 Section 10. The Illinois Dental Practice Act is amended by  
27 changing Sections 4, 11, 16, 16.1, 19, 23, 24, and 50 and by  
28 adding Sections 8.2, 16.2, and 54.2 as follows:

29 (225 ILCS 25/4) (from Ch. 111, par. 2304)

1 (Section scheduled to be repealed on January 1, 2006)

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

3 (a) "Department" means the Illinois Department of  
4 Professional Regulation.

5 (b) "Director" means the Director of Professional  
6 Regulation.

7 (c) "Board" means the Board of Dentistry established by  
8 Section 6 of this Act.

9 (d) "Dentist" means a person who has received a general  
10 license pursuant to paragraph (a) of Section 11 of this Act or  
11 a specialty license under subsection (b) of Section 11 of this  
12 Act and who may perform any intraoral and extraoral procedure  
13 required in the practice of dentistry and to whom is reserved  
14 the responsibilities specified in Section 17.

15 (e) "Dental hygienist" means a person who holds a license  
16 under this Act to perform dental services as authorized by  
17 Section 18.

18 (f) "Dental assistant" means an appropriately trained  
19 person who, under the supervision of a dentist, provides dental  
20 services as authorized by Section 17.

21 (g) "Dental laboratory" means a person, firm or corporation  
22 which:

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

28 (ii) utilizes or employs a dental technician to provide  
29 such services; and

30 (iii) performs such functions only for a dentist or  
31 dentists.

32 (h) "Supervision" means supervision of a dental hygienist  
33 or a dental assistant requiring that a dentist authorize the  
34 procedure, remain in the dental facility while the procedure is  
35 performed, and approve the work performed by the dental  
36 hygienist or dental assistant before dismissal of the patient,

1 but does not mean that the dentist must be present at all times  
2 in the treatment room.

3 (i) "General supervision" means supervision of a dental  
4 hygienist requiring that the patient be a patient of record,  
5 that the dentist examine the patient in accordance with Section  
6 18 prior to treatment by the dental hygienist, and that the  
7 dentist authorize the procedures which are being carried out by  
8 a notation in the patient's record, but not requiring that a  
9 dentist be present when the authorized procedures are being  
10 performed. The issuance of a prescription to a dental  
11 laboratory by a dentist does not constitute general  
12 supervision.

13 (j) "Public member" means a person who is not a health  
14 professional. For purposes of board membership, any person with  
15 a significant financial interest in a health service or  
16 profession is not a public member.

17 (k) "Dentistry" means the healing art which is concerned  
18 with the examination, diagnosis, treatment planning and care of  
19 conditions within the human oral cavity and its adjacent  
20 tissues and structures, as further specified in Section 17.

21 (l) "Branches of dentistry" means the various specialties  
22 of dentistry which, for purposes of this Act, shall be limited  
23 to the following: endodontics, oral and maxillofacial surgery,  
24 orthodontics and dentofacial orthopedics, pediatric dentistry,  
25 periodontics, prosthodontics, and oral and maxillofacial  
26 radiology.

27 (m) "Specialist" means a dentist who has received a  
28 specialty license pursuant to Section 11(b).

29 (n) "Dental technician" means a person who owns, operates  
30 or is employed by a dental laboratory and engages in making,  
31 providing, repairing or altering dental prosthetic appliances  
32 and other artificial materials and devices which are returned  
33 to a dentist for insertion into the human oral cavity or which  
34 come in contact with its adjacent structures and tissues.

35 (o) "Impaired dentist" or "impaired dental hygienist"  
36 means a dentist or dental hygienist who is unable to practice

1 with reasonable skill and safety because of a physical or  
2 mental disability as evidenced by a written determination or  
3 written consent based on clinical evidence, including  
4 deterioration through the aging process, loss of motor skills,  
5 abuse of drugs or alcohol, or a psychiatric disorder, of  
6 sufficient degree to diminish the person's ability to deliver  
7 competent patient care.

8 (p) "Nurse" means a registered professional nurse, a  
9 certified registered nurse anesthetist licensed as an advanced  
10 practice nurse, or a licensed practical nurse licensed under  
11 the Nursing and Advanced Practice Nursing Act.

12 (q) "Patient of record" means a patient for whom the  
13 patient's most recent dentist has obtained a relevant medical  
14 and dental history and on whom the dentist has performed an  
15 examination and evaluated the condition to be treated.

16 (r) "Titration" means the administration of a drug in small  
17 incremental doses until a desired clinical effect is observed.

18 (s) "Dental emergency responder" means a dentist or dental  
19 hygienist who is appropriately certified in emergency medical  
20 response, as defined by the Department of Public Health.

21 (Source: P.A. 92-280, eff. 1-1-02; 92-651, eff. 7-11-02;  
22 93-821, eff. 7-28-04.)

23 (225 ILCS 25/8.2 new)

24 Sec. 8.2. Titration of oral sedative agents. Titration of  
25 an orally-administered sedative agent that exceeds the maximum  
26 recommended dose of that agent is a violation of this Act and  
27 may result in disciplinary action by the Department under  
28 Section 23 of this Act.

29 (225 ILCS 25/11) (from Ch. 111, par. 2311)

30 (Section scheduled to be repealed on January 1, 2006)

31 Sec. 11. Types of Dental Licenses. The Department shall  
32 have the authority to issue the following types of licenses:

33 (a) General licenses. The Department shall issue a license  
34 authorizing practice as a dentist to any person who qualifies

1 for a license under this Act.

2 (b) Specialty licenses. The Department shall issue a  
3 license authorizing practice as a specialist in any particular  
4 branch of dentistry to any dentist who has complied with the  
5 requirements established for that particular branch of  
6 dentistry at the time of making application. The Department  
7 shall establish additional requirements of any dentist who  
8 announces or holds himself or herself out to the public as a  
9 specialist or as being specially qualified in any particular  
10 branch of dentistry.

11 The specialty license shall permit the holder of the  
12 license to perform all phases of general dental procedures. The  
13 Department shall require a person seeking licensure under this  
14 subsection to show proof that they have passed either a State  
15 or regional dental board exam required for a general license  
16 under this Act.

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

21 The fact that any dentist shall announce by card,  
22 letterhead or any other form of communication using terms as  
23 "Specialist," "Practice Limited To" or "Limited to Specialty  
24 of" with the name of the branch of dentistry practiced as a  
25 specialty, or shall use equivalent words or phrases to announce  
26 the same, shall be prima facie evidence that the dentist is  
27 holding himself or herself out to the public as a specialist.

28 (c) Temporary training licenses. Persons who wish to pursue  
29 specialty or other advanced clinical educational programs in an  
30 approved dental school or a hospital situated in this State, or  
31 persons who wish to pursue programs of specialty training in  
32 dental public health in public agencies in this State, may  
33 receive without examination, in the discretion of the  
34 Department, a temporary training license. In order to receive a  
35 temporary training license under this subsection, an applicant  
36 shall furnish satisfactory proof to the Department that:

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

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

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

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

33          A temporary training license may be revoked by the  
34          Department upon proof that the holder has engaged in the  
35          practice of dentistry in this State outside of his or her  
36          program of residency or specialty training, or if the holder

1 shall fail to supply the Department, within 10 days of its  
2 request, with information as to his or her current status and  
3 activities in his or her specialty training program.

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

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

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

17 Restricted faculty licenses issued under this Section  
18 shall be valid for a period of 3 ~~2~~ years and may be extended or  
19 renewed. The holder of a valid restricted faculty license may  
20 perform acts as may be required by his or her teaching of  
21 dentistry. In addition, the holder of a restricted faculty  
22 license may practice general dentistry or in his or her area of  
23 specialty, but only in a clinic or office affiliated with the  
24 dental school. Any restricted faculty license issued to a  
25 faculty member under this Section shall terminate immediately  
26 and automatically, without any further action by the  
27 Department, if the holder ceases to be a faculty member at an  
28 approved dental school or hospital in this State.

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

34 (e) Inactive status. Any person who holds one of the  
35 licenses under subsection (a) or (b) of Section 11 or under  
36 Section 12 of this Act may elect, upon payment of the required



1 fee, to place his or her license on an inactive status and  
2 shall, subject to the rules of the Department, be excused from  
3 the payment of renewal fees until he or she notifies the  
4 Department in writing of his or her desire to resume active  
5 status.

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

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

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

16 (Source: P.A. 92-280, eff. 1-1-02.)

17 (225 ILCS 25/16) (from Ch. 111, par. 2316)

18 (Section scheduled to be repealed on January 1, 2006)

19 Sec. 16. Expiration, renewal and restoration of licenses. A  
20 ~~The expiration date and renewal period for each~~ license issued  
21 under this Act shall be valid for a period of 3 years and may be  
22 renewed for additional 3-year periods ~~be set by rule~~. A dentist  
23 or dental hygienist may renew a license during the month  
24 preceding its expiration date by paying the required fee. A  
25 dental hygienist shall provide proof of current  
26 cardiopulmonary resuscitation certification at the time of  
27 renewal.

28 Any dentist or dental hygienist whose license has expired  
29 or whose license is on inactive status may have his license  
30 restored at any time within 5 years after the expiration  
31 thereof, upon payment of the required fee.

32 Any person whose license has been expired for more than 5  
33 years or who has had his license on inactive status for more  
34 than 5 years may have his license restored by making  
35 application to the Department and filing proof acceptable to

1 the Department of his fitness to have license restored,  
2 including sworn evidence certifying to active practice in  
3 another jurisdiction, and by paying the required restoration  
4 fee. A person practicing on an expired license is deemed to be  
5 practicing without a license. However, a holder of a license  
6 may also renew the license within 90 days after its expiration  
7 by complying with the requirements for renewal and payment of  
8 an additional fee. A license renewal within 90 days after  
9 expiration shall be effective retroactively to the expiration  
10 date.

11 If a person whose license has expired or who has had his  
12 license on inactive status for more than 5 years has not  
13 maintained an active practice satisfactory to the department,  
14 the Department shall determine, by an evaluation process  
15 established by rule, his or her fitness to resume active status  
16 and may require the person to complete a period of evaluated  
17 clinical experience and may require successful completion of a  
18 practical examination.

19 However, any person whose license has expired while he has  
20 been engaged (1) in federal or state service active duty, or  
21 (2) in training or education under the supervision of the  
22 United States preliminary to induction into the military  
23 service, may have his license restored without paying any  
24 lapsed renewal or restoration fee, if within 2 years after  
25 termination of such service, training or education other than  
26 by dishonorable discharge, he furnishes the Department with  
27 satisfactory proof that he has been so engaged and that his  
28 service, training or education has been so terminated.

29 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

30 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

31 (Section scheduled to be repealed on January 1, 2006)

32 Sec. 16.1. Continuing education. The Department shall  
33 promulgate rules of continuing education for persons licensed  
34 under this Act. In establishing rules, the Department shall  
35 require a minimum of 48 ~~32~~ hours of study in approved courses

1 for dentists during each 3-year ~~2-year~~ licensing period and a  
2 minimum of 36 ~~24~~ hours of study in approved courses for dental  
3 hygienists during each 3-year ~~2-year~~ licensing period. These  
4 continuing education rules shall only apply to licenses renewed  
5 after November 1, 1992.

6 The Department shall approve only courses that are relevant  
7 to the treatment and care of patients, including, but not  
8 limited to, clinical courses in dentistry and dental hygiene  
9 and nonclinical courses such as patient management, legal and  
10 ethical responsibilities, and stress management. Courses shall  
11 not be approved in such subjects as estate and financial  
12 planning, investments, or personal health. Approved courses  
13 may include, but shall not be limited to, courses that are  
14 offered or sponsored by approved colleges, universities, and  
15 hospitals and by recognized national, State, and local dental  
16 and dental hygiene organizations.

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

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

17 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 90-544,  
18 eff. 1-1-98.)

19 (225 ILCS 25/16.2 new)

20 Sec. 16.2. Continued operation of dental practice upon  
21 death or incapacitation of dentist. A surviving spouse,  
22 personal representative of an estate, heir, legatee, guardian,  
23 trustee, or person operating under a durable power-of-attorney  
24 may employ, contract with, or otherwise make arrangements for a  
25 dentist or dentists licensed under this Act to continue to  
26 operate a dental practice under the name of a deceased or  
27 incapacitated dentist for a period of one year and, upon a  
28 showing of exceptional hardship or extenuating circumstance,  
29 may seek an additional extension from the Board.

30 (225 ILCS 25/19) (from Ch. 111, par. 2319)

31 (Section scheduled to be repealed on January 1, 2006)

32 Sec. 19. Licensing Applicants from other States. Any person  
33 who has been lawfully licensed to practice dentistry, including  
34 the practice of a licensed dental specialty, or dental hygiene

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

18 For the purposes of this Section, in computing 3 of the  
19 immediately preceding 5 years of practice in another state or  
20 territory, any person who left the practice of dentistry to  
21 enter the military service and who practiced dentistry while in  
22 the military service may count as a part of such period the  
23 time spent by him in such service.

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

29 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

30 (225 ILCS 25/23) (from Ch. 111, par. 2323)

31 (Section scheduled to be repealed on January 1, 2006)

32 Sec. 23. Refusal, revocation or suspension of dental  
33 licenses. The Department may refuse to issue or renew, or may  
34 revoke, suspend, place on probation, reprimand or take other  
35 disciplinary action as the Department may deem proper,

1 including fines not to exceed \$10,000 per violation, with  
2 regard to any license for any one or any combination of the  
3 following causes:

4 1. Fraud in procuring the license.

5 2. Habitual intoxication or addiction to the use of drugs.

6 3. Wilful or repeated violations of the rules of the  
7 Department of Public Health or Department of Nuclear Safety.

8 4. Acceptance of a fee for service as a witness, without  
9 the knowledge of the court, in addition to the fee allowed by  
10 the court.

11 5. Division of fees or agreeing to split or divide the fees  
12 received for dental services with any person for bringing or  
13 referring a patient, except in regard to referral services as  
14 provided for under Section 45, or assisting in the care or  
15 treatment of a patient, without the knowledge of the patient or  
16 his legal representative.

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

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

25 8. Professional connection or association with or lending  
26 his name to another for the illegal practice of dentistry by  
27 another, or professional connection or association with any  
28 person, firm or corporation holding himself, herself,  
29 themselves, or itself out in any manner contrary to this Act.

30 9. Obtaining or seeking to obtain practice, money, or any  
31 other things of value by false or fraudulent representations,  
32 but not limited to, engaging in such fraudulent practice to  
33 defraud the medical assistance program of the Department of  
34 Public Aid.

35 10. Practicing under a name other than his or her own.

36 11. Engaging in dishonorable, unethical, or unprofessional

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

3 12. Conviction in this or another State of any crime which  
4 is a felony under the laws of this State or conviction of a  
5 felony in a federal court, conviction of a misdemeanor, an  
6 essential element of which is dishonesty, or conviction of any  
7 crime which is directly related to the practice of dentistry or  
8 dental hygiene.

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

12 14. Permitting more than 4 dental hygienists to be employed  
13 under his supervision at any one time.

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

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

18 17. Violating any provision of Section 45 relating to  
19 advertising.

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

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

27 20. Gross or repeated malpractice resulting in injury or  
28 death of a patient.

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

33 22. Willfully making or filing false records or reports in  
34 his practice as a dentist, including, but not limited to, false  
35 records to support claims against the dental assistance program  
36 of the Illinois Department of Public Aid.

1           23. Professional incompetence as manifested by poor  
2 standards of care.

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

11           25. Repeated irregularities in billing a third party for  
12 services rendered to a patient. For purposes of this paragraph  
13 25, "irregularities in billing" shall include:

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

17                 (b) Reporting charges for services not rendered.

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

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

23           27. Being named as a perpetrator in an indicated report by  
24 the Department of Children and Family Services pursuant to the  
25 Abused and Neglected Child Reporting Act, and upon proof by  
26 clear and convincing evidence that the licensee has caused a  
27 child to be an abused child or neglected child as defined in  
28 the Abused and Neglected Child Reporting Act.

29           28. Violating the Health Care Worker Self-Referral Act.

30           29. Abandonment of a patient.

31           30. Mental incompetency as declared by a court of competent  
32 jurisdiction.

33           31. Violating Section 8.2 of this Act relating to titration  
34 of oral sedative agents.

35           All proceedings to suspend, revoke, place on probationary  
36 status, or take any other disciplinary action as the Department



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

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

19 (Source: P.A. 91-357, eff. 7-29-99; 91-689, eff. 1-1-01.)

20 (225 ILCS 25/50) (from Ch. 111, par. 2350)

21 (Section scheduled to be repealed on January 1, 2006)

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

26 Dental records required by this Section shall be maintained  
27 for 10 years. Dental records required to be maintained under  
28 this Section, or copies of those dental records, shall be made  
29 available upon request to the patient or the patient's  
30 guardian. A dentist shall be entitled to reasonable  
31 reimbursement for the cost of reproducing these records, which  
32 shall not exceed the cost allowed by the Code of Civil  
33 Procedure , ~~provided that the reasonable cost of reproducing~~  
34 ~~the records has been paid by the patient or the patient's~~  
35 ~~guardian.~~

1 (Source: P.A. 87-576.)

2 (225 ILCS 25/54.2 new)

3 Sec. 54.2. Dental emergency responders. A dentist or dental  
4 hygienist who is a dental emergency responder is deemed to be  
5 acting within the bounds of his or her license when providing  
6 care during a declared local, State, or national emergency.

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