



Sen. William R. Haine

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LRB094 06602 RAS 46239 a

1 AMENDMENT TO HOUSE BILL 875

2 AMENDMENT NO. _____. Amend House Bill 875, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (5 ILCS 80/4.16)

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 Acts repealed January 1, 2006.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9 Acts are repealed January 1, 2006:

10 The Respiratory Care Practice Act.

11 The Hearing Instrument Consumer Protection Act.

12 ~~The Illinois Dental Practice Act.~~

13 The Professional Geologist Licensing Act.

14 The Illinois Athletic Trainers Practice Act.

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

17 The Collection Agency Act.

18 The Illinois Roofing Industry Licensing Act.

19 The Illinois Physical Therapy Act.

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

23 (5 ILCS 80/4.26 new)

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 Act repealed on January 1, 2016.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2 Act is repealed on January 1, 2016:

3 The Illinois Dental Practice Act.

4 Section 10. The Illinois Dental Practice Act is amended by
5 changing Sections 4, 7, 9, 11, 16, 16.1, 19, 24, 25, and 50 and
6 by adding Sections 25.1 and 54.2 as follows:

7 (225 ILCS 25/4) (from Ch. 111, par. 2304)

8 (Section scheduled to be repealed on January 1, 2006)

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

10 (a) "Department" means the Illinois Department of
11 Professional Regulation.

12 (b) "Director" means the Director of Professional
13 Regulation.

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

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

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

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

27 (g) "Dental laboratory" means a person, firm or corporation
28 which:

29 (i) engages in making, providing, repairing or
30 altering dental prosthetic appliances and other artificial
31 materials and devices which are returned to a dentist for
32 insertion into the human oral cavity or which come in

1 contact with its adjacent structures and tissues; and

2 (ii) utilizes or employs a dental technician to provide
3 such services; and

4 (iii) performs such functions only for a dentist or
5 dentists.

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

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

23 (j) "Public member" means a person who is not a health
24 professional. For purposes of board membership, any person with
25 a significant financial interest in a health service or
26 profession is not a public member.

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

31 (l) "Branches of dentistry" means the various specialties
32 of dentistry which, for purposes of this Act, shall be limited
33 to the following: endodontics, oral and maxillofacial surgery,
34 orthodontics and dentofacial orthopedics, pediatric dentistry,

1 periodontics, prosthodontics, and oral and maxillofacial
2 radiology.

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

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

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

20 (p) "Nurse" means a registered professional nurse, a
21 certified registered nurse anesthetist licensed as an advanced
22 practice nurse, or a licensed practical nurse licensed under
23 the Nursing and Advanced Practice Nursing Act.

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

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

31 (Source: P.A. 92-280, eff. 1-1-02; 92-651, eff. 7-11-02;
32 93-821, eff. 7-28-04.)

33 (225 ILCS 25/7) (from Ch. 111, par. 2307)

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

2 Sec. 7. Recommendations by Board of Dentistry. The Director
3 shall consider the recommendations of the Board in establishing
4 guidelines for professional conduct, for the conduct of formal
5 disciplinary proceedings brought under this Act, and for
6 establishing guidelines for qualifications of applicants.
7 Notice of proposed rulemaking shall be transmitted to the Board
8 and the Department shall review the response of the Board and
9 any recommendations made therein. ~~Upon the vote of at least~~
10 ~~7/10 of the members of the Board, the Department shall adopt~~
11 ~~the recommendations of the Board in any rulemaking under this~~
12 ~~Act.~~ The Department may, at any time, seek the expert advice
13 and knowledge of the Board on any matter relating to the
14 administration or enforcement of this Act. The action or report
15 in writing of a majority of the Board shall be sufficient
16 authority upon which the Director may act.

17 Whenever the Director is satisfied that substantial
18 justice has not been done either in an examination or in the
19 revocation, suspension or refusal to issue a license, the
20 Director may order a reexamination or rehearing.

21 (Source: P.A. 84-1308.)

22 (225 ILCS 25/9) (from Ch. 111, par. 2309)

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

24 Sec. 9. Qualifications of Applicants for Dental Licenses.
25 The Department shall require that each applicant for a license
26 to practice dentistry shall:

27 (a) (Blank).

28 (b) Be at least 21 years of age and of good moral
29 character.

30 (c) (1) Present satisfactory evidence of completion of
31 dental education by graduation from a dental college or school
32 in the United States or Canada approved by the Department. The
33 Department shall not approve any dental college or school which

1 does not require at least (A) 60 semester hours of collegiate
2 credit or the equivalent in acceptable subjects from a college
3 or university before admission, and (B) completion of at least
4 4 academic years of instruction or the equivalent in an
5 approved dental college or school before graduation; or

6 (2) Present satisfactory evidence of completion of dental
7 education by graduation from a dental college or school outside
8 the United States or Canada and provide satisfactory evidence
9 that:

10 (A) (blank) ~~the completion of a dental education~~
11 ~~outside the United States or Canada authorized the~~
12 ~~applicant to practice dentistry in the country in which he~~
13 ~~or she completed the dental education;~~

14 (B) the applicant has completed a minimum of 2 academic
15 years of general dental clinical training at a dental
16 college or school in the United States or Canada approved
17 by the Department, however, an accredited advanced dental
18 education program approved by the Department of no less
19 than 2 years may be substituted for the 2 academic years of
20 general dental clinical training and ~~except that~~ an
21 applicant who was enrolled for not less than one year in an
22 approved clinical program prior to January 1, 1993 at an
23 Illinois dental college or school shall be required to
24 complete only that program; and

25 (C) the applicant has received certification from the
26 dean of an approved dental college or school in the United
27 States or Canada or the program director of an approved
28 advanced dental education program stating that the
29 applicant has achieved the same level of scientific
30 knowledge and clinical competence as required of all
31 graduates of the college, ~~or~~ school, or advanced dental
32 education program.

33 Nothing in this Act shall be construed to prevent either
34 the Department or any dental college or school from

1 establishing higher standards than specified in this Act.

2 (d) In determining professional capacity under this
3 Section, any individual who has not been actively engaged in
4 the practice of dentistry, has not been a dental student, or
5 has not been engaged in a formal program of dental education
6 during the 5 years immediately preceding the filing of an
7 application may be required to complete such additional
8 testing, training, or remedial education as the Board may deem
9 necessary in order to establish the applicant's present
10 capacity to practice dentistry with reasonable judgment,
11 skill, and safety.

12 (e) Pass an examination authorized or given by the
13 Department in the theory and practice of the science of
14 dentistry; provided, that the Department (1) may recognize a
15 certificate granted by the National Board of Dental Examiners
16 in lieu of, or subject to, such examination as may be required
17 and (2) may recognize successful completion of the ~~preclinical~~
18 ~~and clinical examination examinations~~ conducted by approved
19 regional testing services in lieu of such examinations as may
20 be required. For purposes of this Section, successful
21 completion shall mean that the applicant has achieved a minimum
22 passing score on the regional examinations as determined by
23 each approved regional testing service.

24 (Source: P.A. 88-45; 88-635, eff. 1-1-95; 89-80, eff. 6-30-95;
25 89-116, eff. 7-7-95; 89-387, eff. 8-20-95; 89-626, eff.
26 8-9-96.)

27 (225 ILCS 25/11) (from Ch. 111, par. 2311)

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

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

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

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

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

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

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

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

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

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

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

28 A temporary training license may be revoked by the
29 Department upon proof that the holder has engaged in the
30 practice of dentistry in this State outside of his or her
31 program of residency or specialty training, or if the holder
32 shall fail to supply the Department, within 10 days of its
33 request, with information as to his or her current status and
34 activities in his or her specialty training program.

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

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

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

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

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

31 (e) Inactive status. Any person who holds one of the
32 licenses under subsection (a) or (b) of Section 11 or under
33 Section 12 of this Act may elect, upon payment of the required
34 fee, to place his or her license on an inactive status and

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

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

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

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

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

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

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

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

27 Any dentist or dental hygienist whose license has expired
28 or whose license is on inactive status may have his license
29 restored at any time within 5 years after the expiration
30 thereof, upon payment of the required fee and a showing of
31 proof of compliance with current continuing education
32 requirements, as provided by rule.

33 Any person whose license has been expired for more than 5

1 years or who has had his license on inactive status for more
2 than 5 years may have his license restored by making
3 application to the Department and filing proof acceptable to
4 the Department of taking continuing education and of his
5 fitness to have the license restored, including sworn evidence
6 certifying to active practice in another jurisdiction, and by
7 paying the required restoration fee. A person practicing on an
8 expired license is deemed to be practicing without a license.
9 However, a holder of a license may renew the license within 90
10 days after its expiration by complying with the requirements
11 for renewal and payment of an additional fee. A license renewal
12 within 90 days after expiration shall be effective
13 retroactively to the expiration date.

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

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

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

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

2 Sec. 16.1. Continuing education. The Department shall
3 promulgate rules of continuing education for persons licensed
4 under this Act. In establishing rules, the Department shall
5 require a minimum of 48 ~~32~~ hours of study in approved courses
6 for dentists during each 3-year ~~2-year~~ licensing period and a
7 minimum of 36 ~~24~~ hours of study in approved courses for dental
8 hygienists during each 3-year ~~2-year~~ licensing period. ~~These~~
9 ~~continuing education rules shall only apply to licenses renewed~~
10 ~~after November 1, 1992.~~

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

22 No license shall be renewed unless the renewal application
23 is accompanied by an affidavit indicating that the applicant
24 has completed the required minimum number of hours of
25 continuing education in approved courses as required by this
26 Section. The affidavit shall not require a listing of courses.
27 The affidavit shall be a prima facie evidence that the
28 applicant has obtained the minimum number of required
29 continuing education hours in approved courses. The Department
30 shall not be obligated to conduct random audits or otherwise
31 independently verify that an applicant has met the continuing
32 education requirement. The Department, however, may not
33 conduct random audits of more than 10% of the licensed dentists
34 and dental hygienists in any one licensing cycle to verify

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

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

26 (225 ILCS 25/19) (from Ch. 111, par. 2319)

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

28 Sec. 19. Licensing Applicants from other States. Any person
29 who has been lawfully licensed to practice dentistry, including
30 the practice of a licensed dental specialty, or dental hygiene
31 in another state or territory which has and maintains a
32 standard for the practice of dentistry, a dental specialty, or
33 dental hygiene at least equal to that now maintained in this

1 State, or if the requirements for licensure in such state or
2 territory in which the applicant was licensed were, at the date
3 of his 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, in computing 3 of the
16 immediately preceding 5 years of practice in another state or
17 territory, any person who left the practice of dentistry to
18 enter the military service and who practiced dentistry while in
19 the military service may count as a part of such period the
20 time spent by him in such service.

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

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

27 (225 ILCS 25/24) (from Ch. 111, par. 2324)

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

29 Sec. 24. Refusal, Suspension or Revocation of Dental
30 Hygienist License. The Department may refuse to issue or renew
31 or may revoke, suspend, place on probation, reprimand or take
32 other disciplinary action as the Department may deem proper,
33 including fines not to exceed \$2,500 per violation, with regard

1 to any dental hygienist license for any one or any combination
2 of the following causes:

3 1. Fraud in procuring license.

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

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

7 4. The wilful violation of, or the wilful procuring of, or
8 knowingly assisting in the violation of, any Act which is now
9 or which hereafter may be in force in this State relating to
10 the use of habit-forming drugs.

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

14 6. Gross negligence in performing the operative procedure
15 of dental hygiene.

16 7. Active practice of dental hygiene while knowingly having
17 any infectious, communicable, or contagious disease proscribed
18 by rule or regulation of the Department.

19 8. Habitual intoxication or addiction to the use of
20 habit-forming drugs.

21 9. Conviction in this or another state of any crime which
22 is a felony under the laws of this State or conviction of a
23 felony in a federal court, if the Department determines, after
24 investigation, that such person has not been sufficiently
25 rehabilitated to warrant the public trust.

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

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

32 12. Violating the Health Care Worker Self-Referral Act.

33 13. Violating the prohibitions of Section 38.1 of this Act.

34 14. Engaging in dishonorable, unethical, or unprofessional

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

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

7 (Source: P.A. 91-520, eff. 1-1-00.)

8 (225 ILCS 25/25) (from Ch. 111, par. 2325)

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

10 Sec. 25. Notice of hearing; investigations and informal
11 conferences.

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

20 (b) Prior to taking an in-person statement from a dentist
21 or dental hygienist who is the subject of a complaint, the
22 investigator shall inform the dentist or the dental hygienist
23 in writing:

24 (1) that the dentist or dental hygienist is the subject
25 of a complaint; ~~and~~

26 (2) that the dentist or dental hygienist need not
27 immediately proceed with the interview and may seek
28 appropriate consultation prior to consenting to the
29 interview; ~~and-~~

30 (3) that failure of the dentist or dental hygienist to
31 proceed with the interview shall not prohibit the
32 Department from conducting a visual inspection of the
33 facility.

1 A Department investigator's failure to comply with this
2 subsection may not be the sole ground for dismissal of any
3 order of the Department filed upon a finding of a violation or
4 for dismissal of a pending investigation.

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

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

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

12 The request for an informal conference shall contain the
13 nature of the alleged actions or inactions that constitute the
14 possible violations.

15 A dentist or dental hygienist shall be allowed to have
16 legal counsel at the informal conference. If the informal
17 conference results in a consent order between the accused
18 dentist or dental hygienist and the Department, the consent
19 order must be approved by ~~the Board and~~ the Director. However,
20 if the consent order would result in a fine exceeding \$5,000 or
21 the suspension or revocation of the dentist or dental hygienist
22 license, the consent order must be approved by the Board and
23 the Director. Participation in the informal conference by a
24 dentist, a dental hygienist, or the Department and any
25 admissions or stipulations made by a dentist, a dental
26 hygienist, or the Department at the informal conference,
27 including any agreements in a consent order that is
28 subsequently disapproved by either the Board or the Director,
29 shall not be used against the dentist, dental hygienist, or
30 Department at any subsequent hearing and shall not become a
31 part of the record of the hearing.

32 (d) The Director shall, before suspending, revoking,
33 placing on probationary status, or taking any other
34 disciplinary action as the Director may deem proper with regard

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

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

18 (Source: P.A. 91-689, eff. 1-1-01.)

19 (225 ILCS 25/25.1 new)

20 Sec. 25.1. Subpoena powers.

21 (a) The Department, upon a determination by the chairperson
22 of the Board that reasonable cause exists that a violation of
23 one or more of the grounds for discipline set forth in Section
24 23 or Section 24 of this Act has occurred or is occurring, may
25 subpoena the dental records of individual patients of dentists
26 and dental hygienists licensed under this Act.

27 (b) Notwithstanding subsection (a) of this Section, the
28 Board and the Department may subpoena copies of hospital,
29 medical, or dental records in mandatory report cases alleging
30 death or permanent bodily injury when consent to obtain the
31 records has not been provided by a patient or a patient's legal
32 representative. All records and other information received
33 pursuant to a subpoena shall be confidential and shall be

1 afforded the same status as information concerning medical
2 studies under Part 21 of Article VIII of the Code of Civil
3 Procedure. The use of these records shall be restricted to
4 members of the Board, the dental coordinator, and appropriate
5 Department staff designated by the Secretary for the purpose of
6 determining the existence of one or more grounds for discipline
7 of the dentist of dental hygienist as provided for in Section
8 23 or Section 24 of this Act.

9 (c) Any review of an individual patient's records shall be
10 conducted by the Department in strict confidentiality,
11 provided that the patient records shall be admissible in a
12 disciplinary hearing before the Secretary, the Board, or a
13 hearing officer designated by the Department when necessary to
14 substantiate the grounds for discipline alleged against the
15 dentist or dental hygienist licensed under this Act.

16 (d) The Department may provide reimbursement for fees and
17 mileage associated with its subpoena power in the same manner
18 prescribed by law for judicial procedure in a civil cases.

19 (e) Nothing in this Section shall be deemed to supersede
20 the provisions of Part 21 of Article VIII of the Code of Civil
21 Procedure, now or hereafter amended, to the extent applicable.

22 (225 ILCS 25/50) (from Ch. 111, par. 2350)

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

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

28 Dental records required by this Section shall be maintained
29 for 10 years. Dental records required to be maintained under
30 this Section, or copies of those dental records, shall be made
31 available upon request to the patient or the patient's
32 guardian. A dentist shall be entitled to reasonable
33 reimbursement for the cost of reproducing these records, which

1 shall not exceed the cost allowed under Section 8-2003 of the
2 Code of Civil Procedure, ~~provided that the reasonable cost of~~
3 ~~reproducing the records has been paid by the patient or the~~
4 ~~patient's guardian.~~

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

6 (225 ILCS 25/54.2 new)

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

11 Section 99. Effective date. This Act takes effect December
12 31, 2005.".