



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0279

Introduced 2/3/2005, by Sen. William R. Haine

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 07052 RAS 37196 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Acts repealed January 1, 2006.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8 Acts are repealed January 1, 2006: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.