



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2395

Introduced 1/18/2006, by Sen. Arthur J. Wilhelmi

SYNOPSIS AS INTRODUCED:

225 ILCS 25/16	from Ch. 111, par. 2316
225 ILCS 25/19.1 new	
225 ILCS 25/38.2 new	
225 ILCS 25/48	from Ch. 111, par. 2348

Amends the Illinois Dental Practice Act. Provides that beginning with the renewal period of 2006 and in order to obtain relevant information regarding the availability of dental services within the State, the Department shall require completion of a census as part of the renewal process. Creates a temporary dentistry or dental hygiene license for applicants who are pending licensure under the Act and who (i) hold an active, unencumbered license in good standing in another jurisdiction and (ii) are applying due to a natural disaster or catastrophic event. Allows a surviving spouse, personal representative of an estate, or other authorized fiduciary to employ, contract with, or otherwise make arrangements for a licensed dentist or dentists to continue to operate a dental practice under the name of a deceased or incapacitated dentist for a maximum time period of one year or until the practice is sold, whichever occurs first. Provides that regardless of whether a dental laboratory manufactures a dental appliance or has it manufactured by a subcontractor, the laboratory must provide to the prescribing dentist the (i) location where the work was done and (ii) source and original location where the materials were obtained. Effective immediately.

LRB094 17537 RAS 52833 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 Illinois Dental Practice Act is amended by
5 changing Sections 16 and 48 and by adding Sections 19.1 and
6 38.2 as follows:

7 (225 ILCS 25/16) (from Ch. 111, par. 2316)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 16. Expiration, renewal and restoration of licenses.
10 The expiration date and renewal date for each license issued
11 under this Act shall be set by rule. The renewal period for
12 each license issued under this Act shall be 3 years. A dentist
13 or dental hygienist may renew a license during the month
14 preceding its expiration date by paying the required fee. A
15 dental hygienist shall provide proof of current
16 cardiopulmonary resuscitation certification at the time of
17 renewal. Beginning with the renewal period of 2006 and in order
18 to obtain relevant information regarding the availability of
19 dental services within the State of Illinois, the Department
20 shall require completion of a census as part of the renewal
21 process.

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

28 Any person whose license has been expired for more than 5
29 years or who has had his license on inactive status for more
30 than 5 years may have his license restored by making
31 application to the Department and filing proof acceptable to
32 the Department of taking continuing education and of his

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

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

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

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

29 (225 ILCS 25/19.1 new)

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

31 Sec. 19.1. Temporary licensure of applicants from other
32 jurisdictions.

33 (a) Pending the issuance of a license under Section 19 of
34 this Act, the Department may grant an applicant a temporary
35 license to practice dentistry or dental hygiene if the

1 Department is satisfied that the applicant (i) holds an active,
2 unencumbered license in good standing in another jurisdiction
3 and (ii) is applying due to a natural disaster or catastrophic
4 event. If the applicant holds more than one current active
5 license, or one or more active temporary licenses from other
6 jurisdictions, the Department shall not issue a temporary
7 license until it is satisfied that each current active license
8 held by the applicant is unencumbered. If the Department
9 chooses to issue a temporary license, the temporary license
10 shall be issued no later than 14 working days following receipt
11 by the Department of any application for temporary licensure
12 and shall be granted upon the submission of the following to
13 the Department:

14 (1) a signed and completed application for licensure;

15 (2) proof of a current, active license in at least one
16 other jurisdiction and proof that each current active
17 license or temporary license held by the applicant is
18 unencumbered;

19 (3) a signed and completed application for a temporary
20 license; and

21 (4) the required temporary license fee.

22 (b) The Department may refuse to issue an applicant a
23 temporary license authorized pursuant to this Section if,
24 within 14 days following its receipt of an application for a
25 temporary license, the Department determines that:

26 (1) the applicant has been convicted of a crime under
27 the laws of a jurisdiction of the United States which is
28 (i) a felony or (ii) a misdemeanor directly related to the
29 practice of the profession, within the last 5 years;

30 (2) within the last 5 years the applicant has had a
31 license or permit related to the practice of dentistry or
32 dental hygiene revoked, suspended, or placed on probation
33 by another jurisdiction of the United States, if at least
34 one of the grounds for revoking, suspending, or placing on
35 probation is the same or substantially equivalent to
36 grounds in Illinois; or

1 (3) it intends to deny licensure by endorsement.

2 (c) The Department may revoke a temporary license issued
3 pursuant to this Section if it determines that:

4 (1) the applicant has been convicted of a crime under
5 the law of any jurisdiction of the United States that is
6 (i) a felony or (ii) a misdemeanor directly related to the
7 practice of the profession, with in the last 5 years;

8 (2) within the last 5 years the applicant has had a
9 license or permit related to the practice of dentistry or
10 dental hygiene revoked, suspended, or placed on probation
11 by another jurisdiction of the United States, if at least
12 one of the grounds for revoking, suspending, or placing on
13 probation is the same or substantially equivalent to
14 grounds in Illinois; or

15 (3) it intends to deny licensure by endorsement.

16 (d) A temporary license shall expire 6 months from the date
17 of issuance. Further renewal may be granted by the Department
18 in hardship cases, as defined by rule and upon approval of the
19 Secretary. However, a temporary license shall automatically
20 expire upon issuance of the Illinois license or upon
21 notification that the Department intends to deny licensure,
22 whichever occurs first.

23 (e) For purposes of this Section, an "unencumbered license"
24 means a license against which no disciplinary action has been
25 taken or is pending and for which all fees and charges are paid
26 and current.

27 (225 ILCS 25/38.2 new)

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

29 Sec. 38.2. Death or incapacitation of dentist. A surviving
30 spouse, personal representative of an estate, or other
31 authorized fiduciary may employ, contract with, or otherwise
32 make arrangements for a dentist or dentists licensed under this
33 Act to continue to operate a dental practice under the name of
34 a deceased or incapacitated dentist for a maximum time period
35 of one year or until the practice is sold, whichever occurs

1 first. Fees charged patients shall not be increased during this
2 time period of continued operation.

3 (225 ILCS 25/48) (from Ch. 111, par. 2348)

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

5 Sec. 48. Manufacture of dentures, bridges or replacements
6 for dentists; prescriptions; order; penalties.

7 (a) Any dentist who employs or engages the services of any
8 dental laboratory to construct or repair, extraorally,
9 prosthetic dentures, bridges, or other replacements for a part
10 of a tooth, a tooth, or teeth, or who directs a dental
11 laboratory to participate in shade selection for a prosthetic
12 appliance, shall furnish such dental laboratory with a written
13 prescription on forms prescribed by the Department which shall
14 contain:

15 (1) The name and address of the dental laboratory to
16 which the prescription is directed.

17 (2) The patient's name or identification number. If a
18 number is used, the patient's name shall be written upon
19 the duplicate copy of the prescription retained by the
20 dentist.

21 (3) The date on which the prescription was written.

22 (4) A description of the work to be done, including
23 diagrams if necessary.

24 (5) A specification of the type and quality of
25 materials to be used.

26 (6) The signature of the dentist and the number of his
27 or her license to practice dentistry.

28 (b) The dental laboratory receiving a prescription from a
29 dentist shall retain the original prescription and the dentist
30 shall retain a duplicate copy thereof for inspection at any
31 reasonable time by the Department or its duly authorized
32 agents, for a period of 3 years in both cases.

33 (c) If the dental laboratory receiving a written
34 prescription from a dentist engages another dental laboratory
35 (hereinafter referred to as "subcontractor") to perform some of

1 the services relative to such prescription, it shall furnish a
2 written order with respect thereto on forms prescribed by the
3 Department which shall contain:

4 (1) The name and address of the subcontractor.

5 (2) A number identifying the order with the original
6 prescription, which number shall be endorsed on the
7 prescription received from the dentist.

8 (3) The date on which the order was written.

9 (4) A description of the work to be done by the
10 subcontractor, including diagrams if necessary.

11 (5) A specification of the type and quality of
12 materials to be used.

13 (6) The signature of an agent of the dental laboratory
14 issuing the order. The subcontractor shall retain the order
15 and the issuer thereof shall retain a duplicate copy,
16 attached to the prescription received from the dentist, for
17 inspection by the Department or its duly authorized agents,
18 for a period of 3 years in both cases.

19 (7) A copy of the order to the subcontractor shall be
20 furnished to the dentist.

21 (c-5) Regardless of whether the dental laboratory
22 manufactures the dental appliance or has it manufactured by a
23 subcontractor, the laboratory shall provide to the prescribing
24 dentist the (i) location where the work was done and (ii)
25 source and original location where the materials were obtained.

26 (d) Any dentist who:

27 (1) employs or engages the services of any dental
28 laboratory to construct or repair, extraorally, prosthetic
29 dentures, bridges, or other dental appliances without
30 first providing such dental laboratory with a written
31 prescription;

32 (2) fails to retain a duplicate copy of the
33 prescription for 3 years; or

34 (3) refuses to allow the Department or its duly
35 authorized agents to inspect his or her files of
36 prescriptions;

1 is guilty of a Class A misdemeanor and the Department may
2 revoke or suspend his or her license therefor.

3 (e) Any dental laboratory which:

4 (1) furnishes such services to any dentist without
5 first obtaining a written prescription therefor from such
6 dentist;

7 (2) acting as a subcontractor as described in (c)
8 above, furnishes such services to any dental laboratory
9 without first obtaining a written order from such dental
10 laboratory;

11 (3) fails to retain the original prescription or order,
12 as the case may be, for 3 years; ~~or~~

13 (4) refuses to allow the Department or its duly
14 authorized agents to inspect its files of prescriptions or
15 orders; or

16 (5) fails to provide any information required under
17 this Section to the prescribing dentist;

18 is guilty of a Class A misdemeanor.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.