

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 5, 23, and 48 and by adding Section 19.1 as
6 follows:

7 (225 ILCS 25/5) (from Ch. 111, par. 2305)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 5. Powers and duties of Department. Subject to the
10 provisions of this Act, the Department shall exercise the
11 following functions, powers and duties:

12 (a) Conduct or authorize examinations to ascertain the
13 fitness and qualifications of applicants for dental licenses or
14 dental hygienist licenses, pass upon the qualifications of
15 applicants for licenses, and issue licenses to such as are
16 found to be fit and qualified.

17 (b) Prescribe rules and regulations for a method of
18 examination of candidates.

19 (c) Prescribe rules and regulations defining what shall
20 constitute an approved program, school, college or department
21 of a university except that no program, school, college or
22 department of a university that refuses admittance to
23 applicants solely on account of race, color, creed, sex or
24 national origin shall be approved.

25 (d) Conduct hearings on proceedings to revoke, suspend, or
26 on objection to the issuance of licenses and to revoke, suspend
27 or refuse to issue such licenses.

28 (e) Promulgate rules and regulations required for the
29 administration of this Act.

30 (f) The Department may require completion of a census by
31 all licensed dentists in order to obtain relevant information
32 regarding the availability of dental services within the State.

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

2 (225 ILCS 25/19.1 new)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 19.1. Temporary authorization of applicants from
5 other jurisdictions. A person holding an active, unencumbered
6 license in good standing in another jurisdiction who applies
7 for a license pursuant to Section 19 of this Act due to a
8 natural disaster or catastrophic event in another
9 jurisdiction, may be temporarily authorized by the Secretary to
10 practice dentistry or dental hygiene under the supervision of a
11 dentist licensed under this Act, pending the issuance of the
12 license. This temporary authorization shall expire upon
13 issuance of the license or upon notification that the
14 Department has denied licensure.

15 The Department may adopt all rules necessary for the
16 administration of this Section.

17 (225 ILCS 25/23) (from Ch. 111, par. 2323)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 23. Refusal, revocation or suspension of dental
20 licenses. The Department may refuse to issue or renew, or may
21 revoke, suspend, place on probation, reprimand or take other
22 disciplinary action as the Department may deem proper,
23 including fines not to exceed \$10,000 per violation, with
24 regard to any license for any one or any combination of the
25 following causes:

26 1. Fraud in procuring the license.

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

28 3. Willful ~~Wilful~~ or repeated violations of the rules of
29 the Department of Public Health or Department of Nuclear
30 Safety.

31 4. Acceptance of a fee for service as a witness, without
32 the knowledge of the court, in addition to the fee allowed by
33 the court.

34 5. Division of fees or agreeing to split or divide the fees

1 received for dental services with any person for bringing or
2 referring a patient, except in regard to referral services as
3 provided for under Section 45, or assisting in the care or
4 treatment of a patient, without the knowledge of the patient or
5 his legal representative.

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

11 7. Making any misrepresentations or false promises,
12 directly or indirectly, to influence, persuade or induce dental
13 patronage.

14 8. Professional connection or association with or lending
15 his name to another for the illegal practice of dentistry by
16 another, or professional connection or association with any
17 person, firm or corporation holding himself, herself,
18 themselves, or itself out in any manner contrary to this Act.

19 9. Obtaining or seeking to obtain practice, money, or any
20 other things of value by false or fraudulent representations,
21 but not limited to, engaging in such fraudulent practice to
22 defraud the medical assistance program of the Department of
23 Healthcare and Family Services (formerly Department of Public
24 Aid).

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

26 11. Engaging in dishonorable, unethical, or unprofessional
27 conduct of a character likely to deceive, defraud, or harm the
28 public.

29 12. Conviction in this or another State of any crime which
30 is a felony under the laws of this State or conviction of a
31 felony in a federal court, conviction of a misdemeanor, an
32 essential element of which is dishonesty, or conviction of any
33 crime which is directly related to the practice of dentistry or
34 dental hygiene.

35 13. Permitting a dental hygienist, dental assistant or
36 other person under his or her supervision to perform any

1 operation not authorized by this Act.

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

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

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

8 17. Violating any provision of Section 45 relating to
9 advertising.

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

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

17 20. Gross or repeated malpractice resulting in injury or
18 death of a patient.

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

23 22. Willfully making or filing false records or reports in
24 his practice as a dentist, including, but not limited to, false
25 records to support claims against the dental assistance program
26 of the Department of Healthcare and Family Services (formerly
27 Illinois Department of Public Aid).

28 23. Professional incompetence as manifested by poor
29 standards of care.

30 24. Physical or mental illness, including, but not limited
31 to, deterioration through the aging process, or loss of motor
32 skills which results in a dentist's inability to practice
33 dentistry with reasonable judgment, skill or safety. In
34 enforcing this paragraph, the Department may compel a person
35 licensed to practice under this Act to submit to a mental or
36 physical examination pursuant to the terms and conditions of

1 Section 23b.

2 25. Repeated irregularities in billing a third party for
3 services rendered to a patient. For purposes of this paragraph
4 25, "irregularities in billing" shall include:

5 (a) Reporting excessive charges for the purpose of
6 obtaining a total payment in excess of that usually
7 received by the dentist for the services rendered.

8 (b) Reporting charges for services not rendered.

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

11 26. Continuing the active practice of dentistry while
12 knowingly having any infectious, communicable, or contagious
13 disease proscribed by rule or regulation of the Department.

14 27. Being named as a perpetrator in an indicated report by
15 the Department of Children and Family Services pursuant to the
16 Abused and Neglected Child Reporting Act, and upon proof by
17 clear and convincing evidence that the licensee has caused a
18 child to be an abused child or neglected child as defined in
19 the Abused and Neglected Child Reporting Act.

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

21 29. Abandonment of a patient.

22 30. Mental incompetency as declared by a court of competent
23 jurisdiction.

24 All proceedings to suspend, revoke, place on probationary
25 status, or take any other disciplinary action as the Department
26 may deem proper, with regard to a license on any of the
27 foregoing grounds, must be commenced within 3 years after
28 receipt by the Department of a complaint alleging the
29 commission of or notice of the conviction order for any of the
30 acts described herein. Except for fraud in procuring a license,
31 no action shall be commenced more than 5 years after the date
32 of the incident or act alleged to have violated this Section.
33 The time during which the holder of the license was outside the
34 State of Illinois shall not be included within any period of
35 time limiting the commencement of disciplinary action by the
36 Department.

1 The Department may refuse to issue or may suspend the
2 license of any person who fails to file a return, or to pay the
3 tax, penalty or interest shown in a filed return, or to pay any
4 final assessment of tax, penalty or interest, as required by
5 any tax Act administered by the Illinois Department of Revenue,
6 until such time as the requirements of any such tax Act are
7 satisfied.

8 (Source: P.A. 91-357, eff. 7-29-99; 91-689, eff. 1-1-01;
9 revised 12-15-05.)

10 (225 ILCS 25/48) (from Ch. 111, par. 2348)

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

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

14 (a) Any dentist who employs or engages the services of any
15 dental laboratory to construct or repair, extraorally,
16 prosthetic dentures, bridges, or other replacements for a part
17 of a tooth, a tooth, or teeth, or who directs a dental
18 laboratory to participate in shade selection for a prosthetic
19 appliance, shall furnish such dental laboratory with a written
20 prescription on forms prescribed by the Department which shall
21 contain:

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

24 (2) The patient's name or identification number. If a
25 number is used, the patient's name shall be written upon
26 the duplicate copy of the prescription retained by the
27 dentist.

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

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

31 (5) A specification of the type and quality of
32 materials to be used.

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

35 (b) The dental laboratory receiving a prescription from a

1 dentist shall retain the original prescription and the dentist
2 shall retain a duplicate copy thereof for inspection at any
3 reasonable time by the Department or its duly authorized
4 agents, for a period of 3 years in both cases.

5 (c) If the dental laboratory receiving a written
6 prescription from a dentist engages another dental laboratory
7 (hereinafter referred to as "subcontractor") to perform some of
8 the services relative to such prescription, it shall furnish a
9 written order with respect thereto on forms prescribed by the
10 Department which shall contain:

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

12 (2) A number identifying the order with the original
13 prescription, which number shall be endorsed on the
14 prescription received from the dentist.

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

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

18 (5) A specification of the type and quality of
19 materials to be used.

20 (6) The signature of an agent of the dental laboratory
21 issuing the order. The subcontractor shall retain the order
22 and the issuer thereof shall retain a duplicate copy,
23 attached to the prescription received from the dentist, for
24 inspection by the Department or its duly authorized agents,
25 for a period of 3 years in both cases.

26 (7) A copy of the order to the subcontractor shall be
27 furnished to the dentist.

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

33 (d) Any dentist who:

34 (1) employs or engages the services of any dental
35 laboratory to construct or repair, extraorally, prosthetic
36 dentures, bridges, or other dental appliances without

1 first providing such dental laboratory with a written
2 prescription;

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

5 (3) refuses to allow the Department or its duly
6 authorized agents to inspect his or her files of
7 prescriptions;

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

10 (e) Any dental laboratory which:

11 (1) furnishes such services to any dentist without
12 first obtaining a written prescription therefor from such
13 dentist;

14 (2) acting as a subcontractor as described in (c)
15 above, furnishes such services to any dental laboratory
16 without first obtaining a written order from such dental
17 laboratory;

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

20 (4) refuses to allow the Department or its duly
21 authorized agents to inspect its files of prescriptions or
22 orders; or

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

25 is guilty of a Class A misdemeanor.

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

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.