



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5511

by Rep. David E. Miller

SYNOPSIS AS INTRODUCED:

225 ILCS 25/5	from Ch. 111, par. 2305
225 ILCS 25/6	from Ch. 111, par. 2306
225 ILCS 25/49	from Ch. 111, par. 2349

Amends the Illinois Dental Practice Act. Provides that the Department of Financial and Professional Regulation, by rule, shall prescribe the circumstances under which a dental hygienist is prohibited from using emerging scientific techniques or technology or, alternatively, may prescribe the training, experience, and supervision required in order for a dental hygienist to use such techniques or technology. Provides that the dental hygienist members of the Board of Dentistry shall not participate in rulemaking or disciplinary cases that involve clinical standards or clinical judgments by dentists. Requires every complete upper and lower denture and removable dental prosthesis fabricated by a dentist or pursuant to a dentist's prescription to be marked with the name (instead of the name or social security number or both) of the patient for whom the prosthesis is intended. Effective immediately.

LRB095 19144 RAS 45360 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 5, 6, and 49 as follows:

6 (225 ILCS 25/5) (from Ch. 111, par. 2305)

7 (Section scheduled to be repealed on January 1, 2016)

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

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

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

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

1 (d) Conduct hearings on proceedings to revoke, suspend, or
2 on objection to the issuance of licenses and to revoke, suspend
3 or refuse to issue such licenses.

4 (e) Promulgate rules and regulations required for the
5 administration of this Act.

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

9 (g) The Department, by rule, shall prescribe the
10 circumstances under which a dental hygienist is prohibited from
11 using emerging scientific techniques or technology or,
12 alternatively, may prescribe the training, experience, and
13 supervision required in order for a dental hygienist to use
14 such techniques or technology.

15 (Source: P.A. 94-1014, eff. 7-7-06.)

16 (225 ILCS 25/6) (from Ch. 111, par. 2306)

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

18 Sec. 6. Board of Dentistry - Report By Majority Required.

19 There is created a Board of Dentistry, to be composed of
20 persons designated from time to time by the Director, as
21 follows:

22 Eleven persons, 8 of whom have been dentists for a period
23 of 5 years or more; 2 of whom have been dental hygienists for a
24 period of 5 years or more, and one public member. None of the
25 members shall be an officer, dean, assistant dean, or associate

1 dean of a dental college or dental department of an institute
2 of learning, nor shall any member be the program director of
3 any dental hygiene program. A board member who holds a faculty
4 position in a dental school or dental hygiene program shall not
5 participate in the examination of applicants for licenses from
6 that school or program. The dental hygienists shall not
7 participate in the examination of applicants for licenses to
8 practice dentistry or in rulemaking or disciplinary cases that
9 involve clinical standards or clinical judgments by dentists.

10 The public member shall not participate in the examination of
11 applicants for licenses to practice dentistry or dental
12 hygiene. The board shall annually elect a chairman who shall be
13 a dentist.

14 Terms for all members shall be for 4 years. Partial terms
15 over 2 years in length shall be considered as full terms. A
16 member may be reappointed for a successive term, but no member
17 shall serve more than 2 full terms in his or her lifetime.

18 The membership of the Board shall include only residents
19 from various geographic areas of this State and shall include
20 at least some graduates from various institutions of dental
21 education in this State.

22 In making appointments to the Board the Director shall give
23 due consideration to recommendations by organizations of the
24 dental profession in Illinois, including the Illinois State
25 Dental Society and Illinois Dental Hygienists Association, and
26 shall promptly give due notice to such organizations of any

1 vacancy in the membership of the Board. The Director may
2 terminate the appointment of any member for cause which in the
3 opinion of the Director reasonably justifies such termination.

4 A vacancy in the membership of the Board shall not impair
5 the right of a quorum to exercise all the rights and perform
6 all the duties of the Board. Any action to be taken by the
7 Board under this Act may be authorized by resolution at any
8 regular or special meeting, and each such resolution shall take
9 effect immediately. The Board shall meet at least quarterly.
10 The Board may adopt all rules and regulations necessary and
11 incident to its powers and duties under this Act.

12 The members of the Board shall each receive as compensation
13 a reasonable sum as determined by the Director for each day
14 actually engaged in the duties of the office, and all
15 legitimate and necessary expense incurred in attending the
16 meetings of the Board.

17 Members of the Board shall be immune from suit in any
18 action based upon any disciplinary proceedings or other
19 activities performed in good faith as members of the Board.

20 (Source: P.A. 93-821, eff. 7-28-04.)

21 (225 ILCS 25/49) (from Ch. 111, par. 2349)

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

23 Sec. 49. Identification of dentures.

24 (a) Every complete upper and lower denture and removable
25 dental prosthesis fabricated by a dentist, or fabricated

1 pursuant to his or her prescription, shall be marked with the
2 name ~~or social security number, or both,~~ of the patient for
3 whom the prosthesis is intended. The markings shall be done
4 during fabrication and shall be permanent, legible and
5 cosmetically acceptable. The exact location of the markings and
6 the methods used to apply or implant them shall be determined
7 by the dentist or dental laboratory fabricating the prosthesis.
8 If in the professional judgment of the dentist, this full
9 identification is not possible, the name ~~or social security~~
10 ~~number~~ may be omitted.

11 (b) Any removable dental prosthesis in existence which was
12 not marked in accordance with paragraph (a) of this Section at
13 the time of fabrication, shall be so marked at the time of any
14 subsequent rebasing or duplication.

15 (Source: P.A. 84-365.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.