

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7 (Section scheduled to be repealed on January 1, 2016)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 shall recommend to the General Assembly
10 the circumstances under which a dental hygienist is prohibited
11 from using emerging scientific techniques or technology or,
12 alternatively, the training, experience, and supervision
13 required in order for a dental hygienist to use such techniques
14 or technology. Notwithstanding any other rulemaking authority
15 that may exist, neither the Governor nor any agency or agency
16 head under the jurisdiction of the Governor has any authority
17 to make or promulgate rules to implement or enforce the
18 provisions of this amendatory Act of the 95th General Assembly.
19 If, however, the Governor believes that rules are necessary to
20 implement or enforce the provisions of this amendatory Act of
21 the 95th General Assembly, the Governor may suggest rules to
22 the General Assembly by filing them with the Clerk of the House
23 and the Secretary of the Senate and by requesting that the
24 General Assembly authorize such rulemaking by law, enact those
25 suggested rules into law, or take any other appropriate action
26 in the General Assembly's discretion. Nothing contained in this

1 amendatory Act of the 95th General Assembly shall be
2 interpreted to grant rulemaking authority under any other
3 Illinois statute where such authority is not otherwise
4 explicitly given. For the purposes of this amendatory Act of
5 the 95th General Assembly, "rules" is given the meaning
6 contained in Section 1-70 of the Illinois Administrative
7 Procedure Act, and "agency" and "agency head" are given the
8 meanings contained in Sections 1-20 and 1-25 of the Illinois
9 Administrative Procedure Act to the extent that such
10 definitions apply to agencies or agency heads under the
11 jurisdiction of the Governor.

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

13 (225 ILCS 25/6) (from Ch. 111, par. 2306)

14 (Section scheduled to be repealed on January 1, 2016)

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

16 There is created a Board of Dentistry, to be composed of
17 persons designated from time to time by the Director, as
18 follows:

19 Eleven persons, 8 of whom have been dentists for a period
20 of 5 years or more; 2 of whom have been dental hygienists for a
21 period of 5 years or more, and one public member. None of the
22 members shall be an officer, dean, assistant dean, or associate
23 dean of a dental college or dental department of an institute
24 of learning, nor shall any member be the program director of
25 any dental hygiene program. A board member who holds a faculty

1 position in a dental school or dental hygiene program shall not
2 participate in the examination of applicants for licenses from
3 that school or program. The dental hygienists shall not
4 participate in the examination of applicants for licenses to
5 practice dentistry or in rulemaking or disciplinary cases that
6 involve clinical standards or clinical judgments by dentists.

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

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

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

19 In making appointments to the Board the Director shall give
20 due consideration to recommendations by organizations of the
21 dental profession in Illinois, including the Illinois State
22 Dental Society and Illinois Dental Hygienists Association, and
23 shall promptly give due notice to such organizations of any
24 vacancy in the membership of the Board. The Director may
25 terminate the appointment of any member for cause which in the
26 opinion of the Director reasonably justifies such termination.

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

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

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

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

18 (225 ILCS 25/49) (from Ch. 111, par. 2349)

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

20 Sec. 49. Identification of dentures.

21 (a) Every complete upper and lower denture and removable
22 dental prosthesis fabricated by a dentist, or fabricated
23 pursuant to his or her prescription, shall be marked with the
24 name ~~or social security number, or both,~~ of the patient for
25 whom the prosthesis is intended. The markings shall be done

1 during fabrication and shall be permanent, legible and
2 cosmetically acceptable. The exact location of the markings and
3 the methods used to apply or implant them shall be determined
4 by the dentist or dental laboratory fabricating the prosthesis.
5 If in the professional judgment of the dentist, this full
6 identification is not possible, the name ~~or social security~~
7 ~~number~~ may be omitted.

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

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.