



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3025

Introduced 2/4/2010, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

225 ILCS 25/25.1

Amends the Illinois Dental Practice Act. Provides that all information gathered by the Department during any investigation, including information subpoenaed under the Act and the investigative file, shall be kept for the confidential use of the Secretary, the dental coordinator, the Board's attorneys, the dental investigative staff, authorized clerical staff, and persons employed by contract to advise the dental coordinator or the Department as provided in the Act and shall be afforded the same status as is provided information concerning medical studies in specified provisions of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation. Provides that any information or documents disclosed by the Department to a federal, State, or local law enforcement agency may only be used by that agency for the investigation and prosecution of a criminal offense. Provides that the provision applies only to causes of action accruing on or after the effective date of the amendatory Act. Effective immediately.

LRB096 19810 ASK 35257 b

1 AN ACT concerning professional 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 Section 25.1 as follows:

6 (225 ILCS 25/25.1)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 25.1. Subpoena powers.

9 (a) The Department, upon a determination by the chairperson
10 of the Board that reasonable cause exists that a violation of
11 one or more of the grounds for discipline set forth in Section
12 23 or Section 24 of this Act has occurred or is occurring, may
13 subpoena the dental records of individual patients of dentists
14 and dental hygienists licensed under this Act.

15 (b) Notwithstanding subsection (a) of this Section, the
16 Board and the Department may subpoena copies of hospital,
17 medical, or dental records in mandatory report cases alleging
18 death or permanent bodily injury when consent to obtain the
19 records has not been provided by a patient or a patient's legal
20 representative. All records and other information received
21 pursuant to a subpoena shall be confidential and shall be
22 afforded the same status as information concerning medical
23 studies under Part 21 of Article VIII of the Code of Civil

1 Procedure. The use of these records shall be restricted to
2 members of the Board, the dental coordinator, and appropriate
3 Department staff designated by the Secretary for the purpose of
4 determining the existence of one or more grounds for discipline
5 of the dentist or dental hygienist as provided for in Section
6 23 or Section 24 of this Act.

7 (c) Any review of an individual patient's records shall be
8 conducted by the Department in strict confidentiality,
9 provided that the patient records shall be admissible in a
10 disciplinary hearing before the Secretary, the Board, or a
11 hearing officer designated by the Department when necessary to
12 substantiate the grounds for discipline alleged against the
13 dentist or dental hygienist licensed under this Act.

14 (d) The Department may provide reimbursement for fees and
15 mileage associated with its subpoena power in the same manner
16 prescribed by law for judicial procedure in a civil case.

17 (e) Nothing in this Section shall be deemed to supersede
18 the provisions of Part 21 of Article VIII of the Code of Civil
19 Procedure, now or hereafter amended, to the extent applicable.

20 (f) All information gathered by the Department during any
21 investigation, including information subpoenaed under this Act
22 and the investigative file, shall be kept for the confidential
23 use of the Secretary, the dental coordinator, the Board's
24 attorneys, the dental investigative staff, authorized clerical
25 staff, and persons employed by contract to advise the dental
26 coordinator or the Department as provided in this Act and shall

1 be afforded the same status as is provided information
2 concerning medical studies in Part 21 of Article VIII of the
3 Code of Civil Procedure, except that the Department may
4 disclose information and documents to a federal, State, or
5 local law enforcement agency pursuant to a subpoena in an
6 ongoing criminal investigation. Any information or documents
7 disclosed by the Department to a federal, State, or local law
8 enforcement agency may only be used by that agency for the
9 investigation and prosecution of a criminal offense.

10 This subsection (f) applies only to causes of action
11 accruing on or after the effective date of this amendatory Act
12 of the 96th General Assembly.

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

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