



Sen. A. J. Wilhelmi

**Filed: 3/1/2010**

09600SB3025sam002

LRB096 19810 ASK 37930 a

1 AMENDMENT TO SENATE BILL 3025

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3025 by replacing  
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on January 1, 2016)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

1 medical, or dental records in mandatory report cases alleging  
2 death or permanent bodily injury when consent to obtain the  
3 records has not been provided by a patient or a patient's legal  
4 representative. All records and other information received  
5 pursuant to a subpoena shall be confidential and shall be  
6 afforded the same status as information concerning medical  
7 studies under Part 21 of Article VIII of the Code of Civil  
8 Procedure. The use of these records shall be restricted to  
9 members of the Board, the dental coordinator, and appropriate  
10 Department staff designated by the Secretary for the purpose of  
11 determining the existence of one or more grounds for discipline  
12 of the dentist or dental hygienist as provided for in Section  
13 23 or Section 24 of this Act.

14 (c) Any review of an individual patient's records shall be  
15 conducted by the Department in strict confidentiality,  
16 provided that the patient records shall be admissible in a  
17 disciplinary hearing before the Secretary, the Board, or a  
18 hearing officer designated by the Department when necessary to  
19 substantiate the grounds for discipline alleged against the  
20 dentist or dental hygienist licensed under this Act.

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

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

1       (f) All information gathered by the Department during any  
2 investigation, including information subpoenaed under this Act  
3 and the investigative file, shall be kept for the confidential  
4 use of the Secretary, the dental coordinator, the Board's  
5 attorneys, the dental investigative staff, authorized clerical  
6 staff, and persons employed by contract to advise the dental  
7 coordinator or the Department as provided in this Act, except  
8 that the Department may disclose information and documents to  
9 (i) a federal, State, or local law enforcement agency pursuant  
10 to a subpoena in an ongoing criminal investigation or (ii) a  
11 dental licensing authority of another state or jurisdiction  
12 pursuant to an official request made by that authority. Any  
13 information or documents disclosed by the Department to a  
14 federal, State, or local law enforcement agency may only be  
15 used by that agency for the investigation and prosecution of a  
16 criminal offense. Any information or documents disclosed by the  
17 Department to a dental licensing authority of another state or  
18 jurisdiction may only be used by that authority for  
19 investigations and disciplinary proceedings with regards to a  
20 license.

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

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

25       Section 99. Effective date. This Act takes effect upon

1 becoming law.".