

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 23 and 24 as follows:

6 (225 ILCS 25/23) (from Ch. 111, par. 2323)

7 (Section scheduled to be repealed on January 1, 2016)

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

15 1. Fraud in procuring the license.

16 2. Habitual intoxication or addiction to the use of  
17 drugs.

18 3. Willful or repeated violations of the rules of the  
19 Department of Public Health or Department of Nuclear  
20 Safety.

21 4. Acceptance of a fee for service as a witness,  
22 without the knowledge of the court, in addition to the fee  
23 allowed by the court.

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

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

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

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

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

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

2           11. Engaging in dishonorable, unethical, or  
3 unprofessional conduct of a character likely to deceive,  
4 defraud, or harm the public.

5           12. Conviction in this or another State of any crime  
6 which is a felony under the laws of this State or  
7 conviction of a felony in a federal court, conviction of a  
8 misdemeanor, an essential element of which is dishonesty,  
9 or conviction of any crime which is directly related to the  
10 practice of dentistry or dental hygiene.

11           13. Permitting a dental hygienist, dental assistant or  
12 other person under his or her supervision to perform any  
13 operation not authorized by this Act.

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

16           15. A violation of any provision of this Act or any  
17 rules promulgated under this Act.

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

20           17. Violating any provision of Section 45 relating to  
21 advertising.

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

26           19. Willfully failing to report an instance of

1           suspected child abuse or neglect as required by the Abused  
2           and Neglected Child Reporting Act.

3           20. Gross or repeated malpractice resulting in injury  
4           or death of a patient.

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

9           22. Willfully making or filing false records or reports  
10          in his practice as a dentist, including, but not limited  
11          to, false records to support claims against the dental  
12          assistance program of the Department of Healthcare and  
13          Family Services (formerly Illinois Department of Public  
14          Aid).

15          23. Professional incompetence as manifested by poor  
16          standards of care.

17          24. Physical or mental illness, including, but not  
18          limited to, deterioration through the aging process, or  
19          loss of motor skills which results in a dentist's inability  
20          to practice dentistry with reasonable judgment, skill or  
21          safety. In enforcing this paragraph, the Department may  
22          compel a person licensed to practice under this Act to  
23          submit to a mental or physical examination pursuant to the  
24          terms and conditions of Section 23b.

25          25. Repeated irregularities in billing a third party  
26          for services rendered to a patient. For purposes of this

1 paragraph 25, "irregularities in billing" shall include:

2 (a) Reporting excessive charges for the purpose of  
3 obtaining a total payment in excess of that usually  
4 received by the dentist for the services rendered.

5 (b) Reporting charges for services not rendered.

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

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

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

18 28. Violating the Health Care Worker Self-Referral  
19 Act.

20 29. Abandonment of a patient.

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

23 31. A finding by the Department that the licensee,  
24 after having his or her license placed on probationary  
25 status, has violated the terms of probation.

26 All proceedings to suspend, revoke, place on probationary

1 status, or take any other disciplinary action as the Department  
2 may deem proper, with regard to a license on any of the  
3 foregoing grounds, must be commenced within 3 years after  
4 receipt by the Department of a complaint alleging the  
5 commission of or notice of the conviction order for any of the  
6 acts described herein. Except for fraud in procuring a license,  
7 no action shall be commenced more than 5 years after the date  
8 of the incident or act alleged to have violated this Section.  
9 The time during which the holder of the license was outside the  
10 State of Illinois shall not be included within any period of  
11 time limiting the commencement of disciplinary action by the  
12 Department.

13 The Department may refuse to issue or may suspend the  
14 license of any person who fails to file a return, or to pay the  
15 tax, penalty or interest shown in a filed return, or to pay any  
16 final assessment of tax, penalty or interest, as required by  
17 any tax Act administered by the Illinois Department of Revenue,  
18 until such time as the requirements of any such tax Act are  
19 satisfied.

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

21 (225 ILCS 25/24) (from Ch. 111, par. 2324)

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

23 Sec. 24. Refusal, Suspension or Revocation of Dental  
24 Hygienist License. The Department may refuse to issue or renew  
25 or may revoke, suspend, place on probation, reprimand or take

1 other disciplinary action as the Department may deem proper,  
2 including fines not to exceed \$2,500 per violation, with regard  
3 to any dental hygienist license for any one or any combination  
4 of the following causes:

5 1. Fraud in procuring license.

6 2. Performing any operation not authorized by this Act.

7 3. Practicing dental hygiene other than under the  
8 supervision of a licensed dentist as provided by this Act.

9 4. The wilful violation of, or the wilful procuring of,  
10 or knowingly assisting in the violation of, any Act which  
11 is now or which hereafter may be in force in this State  
12 relating to the use of habit-forming drugs.

13 5. The obtaining of, or an attempt to obtain a license,  
14 or practice in the profession, or money, or any other thing  
15 of value by fraudulent representation.

16 6. Gross negligence in performing the operative  
17 procedure of dental hygiene.

18 7. Active practice of dental hygiene while knowingly  
19 having any infectious, communicable, or contagious disease  
20 proscribed by rule or regulation of the Department.

21 8. Habitual intoxication or addiction to the use of  
22 habit-forming drugs.

23 9. Conviction in this or another state of any crime  
24 which is a felony under the laws of this State or  
25 conviction of a felony in a federal court, if the  
26 Department determines, after investigation, that such

1 person has not been sufficiently rehabilitated to warrant  
2 the public trust.

3 10. Aiding or abetting the unlicensed practice of  
4 dentistry or dental hygiene.

5 11. Discipline by another U.S. jurisdiction or a  
6 foreign nation, if at least one of the grounds for the  
7 discipline is the same or substantially equivalent to those  
8 set forth in this Act.

9 12. Violating the Health Care Worker Self-Referral  
10 Act.

11 13. Violating the prohibitions of Section 38.1 of this  
12 Act.

13 14. Engaging in dishonorable, unethical, or  
14 unprofessional conduct of a character likely to deceive,  
15 defraud, or harm the public.

16 15. A finding by the Department that the licensee,  
17 after having his or her license placed on probationary  
18 status, has violated the terms of probation.

19 The provisions of this Act relating to proceedings for the  
20 suspension and revocation of a license to practice dentistry  
21 shall apply to proceedings for the suspension or revocation of  
22 a license as a dental hygienist.

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.