



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5752

Introduced 2/16/2012, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Dental Practice Act. Makes changes in provisions concerning definitions; the Board of Dentistry; recommendations by the Board of Dentistry; qualifications of applicants for dental licenses; qualifications of applicants for dental hygienist licenses; expiration, renewal and restoration of licenses; continuing education; acts constituting the practice of dentistry; licensing applicants from other States; returned checks and penalties; refusal, revocation or suspension of dental licenses; suspension of a license if person licensed constitutes an immediate danger to the public; requirement for mental and physical examinations under certain conditions; refusal, suspension, or revocation of dental hygienist licenses; notice of hearing, investigations, and informal conferences; disciplinary actions; hearings; appointment of a hearing officer; restoration; Administrative Review Law; revocation orders; unlicensed practice, injunctions; penalty of unlawful practice; and advertising. Effective immediately.

LRB097 20548 CEL 66134 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 4, 6, 7, 9, 13, 16, 16.1, 17, 19, 22, 23,
6 23a, 23b, 24, 25, 26, 27, 29, 30, 31, 32, 33, 37, 38, and 45 as
7 follows:

8 (225 ILCS 25/4) (from Ch. 111, par. 2304)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 4. Definitions. As used in this Act:

11 "Address of record" means the designated address recorded
12 by the Department in the applicant's or licensee's application
13 file or license file as maintained by the Department's
14 licensure maintenance unit. It is the duty of the applicant or
15 licensee to inform the Department of any change of address and
16 those changes must be made either through the Department's
17 website or by contacting the Department.

18 ~~(a)~~ "Department" means the ~~Illinois~~ Department of
19 Financial and Professional Regulation.

20 "Secretary" means the Secretary of Financial and
21 Professional Regulation. ~~(b) "Director" means the Director of~~
22 ~~Professional Regulation.~~

23 ~~(c)~~ "Board" means the Board of Dentistry ~~established by~~

1 ~~Section 6 of this Act.~~

2 ~~(d)~~ "Dentist" means a person who has received a general
3 license pursuant to paragraph (a) of Section 11 of this Act and
4 who may perform any intraoral and extraoral procedure required
5 in the practice of dentistry and to whom is reserved the
6 responsibilities specified in Section 17.

7 ~~(e)~~ "Dental hygienist" means a person who holds a license
8 under this Act to perform dental services as authorized by
9 Section 18.

10 ~~(f)~~ "Dental assistant" means an appropriately trained
11 person who, under the supervision of a dentist, provides dental
12 services as authorized by Section 17.

13 ~~(g)~~ "Dental laboratory" means a person, firm or corporation
14 which:

15 (i) engages in making, providing, repairing or
16 altering dental prosthetic appliances and other artificial
17 materials and devices which are returned to a dentist for
18 insertion into the human oral cavity or which come in
19 contact with its adjacent structures and tissues; and

20 (ii) utilizes or employs a dental technician to provide
21 such services; and

22 (iii) performs such functions only for a dentist or
23 dentists.

24 ~~(h)~~ "Supervision" means supervision of a dental hygienist
25 or a dental assistant requiring that a dentist authorize the
26 procedure, remain in the dental facility while the procedure is

1 performed, and approve the work performed by the dental
2 hygienist or dental assistant before dismissal of the patient,
3 but does not mean that the dentist must be present at all times
4 in the treatment room.

5 ~~(i)~~ "General supervision" means supervision of a dental
6 hygienist requiring that the patient be a patient of record,
7 that the dentist examine the patient in accordance with Section
8 18 prior to treatment by the dental hygienist, and that the
9 dentist authorize the procedures which are being carried out by
10 a notation in the patient's record, but not requiring that a
11 dentist be present when the authorized procedures are being
12 performed. The issuance of a prescription to a dental
13 laboratory by a dentist does not constitute general
14 supervision.

15 ~~(j)~~ "Public member" means a person who is not a health
16 professional. For purposes of board membership, any person with
17 a significant financial interest in a health service or
18 profession is not a public member.

19 ~~(k)~~ "Dentistry" means the healing art which is concerned
20 with the examination, diagnosis, treatment planning and care of
21 conditions within the human oral cavity and its adjacent
22 tissues and structures, as further specified in Section 17.

23 ~~(l)~~ "Branches of dentistry" means the various specialties
24 of dentistry which, for purposes of this Act, shall be limited
25 to the following: endodontics, oral and maxillofacial surgery,
26 orthodontics and dentofacial orthopedics, pediatric dentistry,

1 periodontics, prosthodontics, and oral and maxillofacial
2 radiology.

3 ~~(m)~~ "Specialist" means a dentist who has received a
4 specialty license pursuant to Section 11(b).

5 ~~(n)~~ "Dental technician" means a person who owns, operates
6 or is employed by a dental laboratory and engages in making,
7 providing, repairing or altering dental prosthetic appliances
8 and other artificial materials and devices which are returned
9 to a dentist for insertion into the human oral cavity or which
10 come in contact with its adjacent structures and tissues.

11 ~~(o)~~ "Impaired dentist" or "impaired dental hygienist"
12 means a dentist or dental hygienist who is unable to practice
13 with reasonable skill and safety because of a physical or
14 mental disability as evidenced by a written determination or
15 written consent based on clinical evidence, including
16 deterioration through the aging process, loss of motor skills,
17 abuse of drugs or alcohol, or a psychiatric disorder, of
18 sufficient degree to diminish the person's ability to deliver
19 competent patient care.

20 ~~(p)~~ "Nurse" means a registered professional nurse, a
21 certified registered nurse anesthetist licensed as an advanced
22 practice nurse, or a licensed practical nurse licensed under
23 the Nurse Practice Act.

24 ~~(q)~~ "Patient of record" means a patient for whom the
25 patient's most recent dentist has obtained a relevant medical
26 and dental history and on whom the dentist has performed an

1 examination and evaluated the condition to be treated.

2 ~~(r)~~ "Dental emergency responder" means a dentist or dental
3 hygienist who is appropriately certified in emergency medical
4 response, as defined by the Department of Public Health.

5 ~~(s)~~ "Mobile dental van or portable dental unit" means any
6 self-contained or portable dental unit in which dentistry is
7 practiced that can be moved, towed, or transported from one
8 location to another in order to establish a location where
9 dental services can be provided.

10 (Source: P.A. 97-526, eff. 1-1-12.)

11 (225 ILCS 25/6) (from Ch. 111, par. 2306)

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

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

14 There is created a Board of Dentistry, to be composed of
15 persons designated from time to time by the Secretary ~~Director~~,
16 as follows:

17 Eleven persons, 8 of whom have been dentists for a period
18 of 5 years or more; 2 of whom have been dental hygienists for a
19 period of 5 years or more, and one public member. None of the
20 members shall be an officer, dean, assistant dean, or associate
21 dean of a dental college or dental department of an institute
22 of learning, nor shall any member be the program director of
23 any dental hygiene program. A board member who holds a faculty
24 position in a dental school or dental hygiene program shall not
25 participate in the examination of applicants for licenses from

1 that school or program. The dental hygienists shall not
2 participate in the examination of applicants for licenses to
3 practice dentistry. The public member shall not participate in
4 the examination of applicants for licenses to practice
5 dentistry or dental hygiene. The board shall annually elect a
6 chairman who shall be a dentist.

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

11 The membership of the Board shall include only residents
12 from various geographic areas of this State and shall include
13 at least some graduates from various institutions of dental
14 education in this State.

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

24 A vacancy in the membership of the Board shall not impair
25 the right of a quorum to exercise all the rights and perform
26 all the duties of the Board. Any action to be taken by the

1 Board under this Act may be authorized by resolution at any
2 regular or special meeting, and each such resolution shall take
3 effect immediately. The Board shall meet at least quarterly.
4 The Board may adopt all rules and regulations necessary and
5 incident to its powers and duties under this Act.

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

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

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

15 (225 ILCS 25/7) (from Ch. 111, par. 2307)

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

17 Sec. 7. Recommendations by the Board ~~of Dentistry~~. The
18 Secretary may ~~Director shall~~ consider the recommendations of
19 the Board in establishing guidelines for professional conduct,
20 for the conduct of formal disciplinary proceedings brought
21 under this Act, and for establishing guidelines for
22 qualifications of applicants. Notice of proposed rulemaking
23 shall be transmitted to the Board and the Department shall
24 review the response of the Board and any recommendations made
25 therein. The Department may, at any time, seek the expert

1 advice and knowledge of the Board on any matter relating to the
2 administration or enforcement of this Act. The action or report
3 in writing of a majority of the Board shall be sufficient
4 authority upon which the Secretary ~~Director~~ may act.

5 Whenever the Secretary ~~Director~~ is satisfied that
6 substantial justice has not been done either in an examination
7 or in the revocation, suspension or refusal to issue a license,
8 the Secretary ~~Director~~ may order a reexamination or rehearing.
9 (Source: P.A. 94-409, eff. 12-31-05.)

10 (225 ILCS 25/9) (from Ch. 111, par. 2309)

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

12 Sec. 9. Qualifications of Applicants for Dental Licenses.
13 The Department shall require that each applicant for a license
14 to practice dentistry shall:

15 (a) (Blank).

16 (b) Be at least 21 years of age and of good moral
17 character.

18 (c) (1) Present satisfactory evidence of completion of
19 dental education by graduation from a dental college or
20 school in the United States or Canada approved by the
21 Department. The Department shall not approve any dental
22 college or school which does not require at least (A) 60
23 semester hours of collegiate credit or the equivalent in
24 acceptable subjects from a college or university before
25 admission, and (B) completion of at least 4 academic years

1 of instruction or the equivalent in an approved dental
2 college or school that is accredited by the Commission on
3 Dental Accreditation of the American Dental Association;
4 or

5 (2) Present satisfactory evidence of completion of
6 dental education by graduation from a dental college or
7 school outside the United States or Canada and provide
8 satisfactory evidence that:

9 (A) (blank);

10 (B) the applicant has completed a minimum of 2
11 academic years of general dental clinical training at a
12 dental college or school in the United States or Canada
13 approved by the Department, however, an accredited
14 advanced dental education program approved by the
15 Department of no less than 2 years may be substituted
16 for the 2 academic years of general dental clinical
17 training and an applicant who was enrolled for not less
18 than one year in an approved clinical program prior to
19 January 1, 1993 at an Illinois dental college or school
20 shall be required to complete only that program; and

21 (C) the applicant has received certification from
22 the dean of an approved dental college or school in the
23 United States or Canada or the program director of an
24 approved advanced dental education program stating
25 that the applicant has achieved the same level of
26 scientific knowledge and clinical competence as

1 required of all graduates of the college, school, or
2 advanced dental education program.

3 Nothing in this Act shall be construed to prevent
4 either the Department or any dental college or school from
5 establishing higher standards than specified in this Act.

6 (d) (Blank).

7 (e) Present satisfactory evidence that the applicant
8 has passed both parts of the National Board Dental
9 Examination administered by the Joint Commission on
10 National Dental Examinations and has successfully
11 completed an examination conducted by one of the following
12 regional testing services: the Central Regional Dental
13 Testing Service, Inc. (CRDTS), the Southern Regional
14 Testing Agency, Inc. (SRTA), the Western Regional
15 Examining Board (WREB), the North East Regional Board
16 (NERB), or the Council of Interstate Testing Agencies
17 (CITA). For purposes of this Section, successful
18 completion shall mean that the applicant has achieved a
19 minimum passing score as determined by the applicable
20 regional testing service. The Secretary ~~of the Department~~
21 may suspend a regional testing service under this
22 subsection (e) if, after proper notice and hearing, it is
23 established that (i) the integrity of the examination has
24 been breached so as to make future test results unreliable
25 or (ii) the test is fundamentally deficient in testing
26 clinical competency.

1 In determining professional capacity under this Section,
2 any individual who has not been actively engaged in the
3 practice of dentistry, has not been a dental student, or has
4 not been engaged in a formal program of dental education during
5 the 5 years immediately preceding the filing of an application
6 may be required to complete such additional testing, training,
7 or remedial education as the Board may deem necessary in order
8 to establish the applicant's present capacity to practice
9 dentistry with reasonable judgment, skill, and safety.

10 (Source: P.A. 96-14, eff. 6-19-09; 96-1000, eff. 7-2-10;
11 96-1222, eff. 7-23-10; 97-526, eff. 1-1-12.)

12 (225 ILCS 25/13) (from Ch. 111, par. 2313)

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

14 Sec. 13. Qualifications of Applicants for Dental
15 Hygienists. Every person who desires to obtain a license as a
16 dental hygienist shall apply to the Department in writing, upon
17 forms prepared and furnished by the Department. Each
18 application shall contain proof of the particular
19 qualifications required of the applicant, shall be verified by
20 the applicant, under oath, and shall be accompanied by the
21 required examination fee.

22 The Department shall require that every applicant for a
23 license as a dental hygienist shall:

24 (1) (Blank).

25 (2) Be a graduate of high school or its equivalent.

1 (3) Present satisfactory evidence of having successfully
2 completed 2 academic years of credit at a dental hygiene
3 program accredited by the Commission on Dental Accreditation of
4 the American Dental Association.

5 (4) Submit evidence that he or she holds a currently valid
6 certification to perform cardiopulmonary resuscitation. The
7 Department shall adopt rules establishing criteria for
8 certification in cardiopulmonary resuscitation. The rules of
9 the Department shall provide for variances only in instances
10 where the applicant is physically disabled and therefore unable
11 to secure such certification.

12 (5) (Blank).

13 (6) Present satisfactory evidence that the applicant has
14 passed the National Board Dental Hygiene Examination
15 administered by the Joint Commission on National Dental
16 Examinations and has successfully completed an examination
17 conducted by one of the following regional testing services:
18 the Central Regional Dental Testing Service, Inc. (CRDTS), the
19 Southern Regional Testing Agency, Inc. (SRTA), the Western
20 Regional Examining Board (WREB), or the North East Regional
21 Board (NERB). For the purposes of this Section, successful
22 completion shall mean that the applicant has achieved a minimum
23 passing score as determined by the applicable regional testing
24 service. The Secretary ~~of the Department~~ may suspend a regional
25 testing service under this item (6) if, after proper notice and
26 hearing, it is established that (i) the integrity of the

1 examination has been breached so as to make future test results
2 unreliable or (ii) the examination is fundamentally deficient
3 in testing clinical competency.

4 (Source: P.A. 96-14, eff. 6-19-09.)

5 (225 ILCS 25/16) (from Ch. 111, par. 2316)

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

7 Sec. 16. Expiration, renewal and restoration of licenses.

8 The expiration date and renewal date for each license issued
9 under this Act shall be set by rule. The renewal period for
10 each license issued under this Act shall be 3 years. A dentist
11 or dental hygienist may renew a license during the month
12 preceding its expiration date by paying the required fee. A
13 dentist or dental hygienist shall provide proof of current
14 Basic Life Support (BLS) certification by an organization that
15 has adopted the American Heart Association's guidelines on BLS
16 intended for health care providers at the time of renewal.
17 Basic Life Support certification training taken as a
18 requirement of this Section shall be counted for no more than 4
19 hours during each licensure period towards the continuing
20 education hours under Section 16.1 of this Act. The Department
21 shall provide by rule for exemptions from this requirement for
22 a dentist or dental hygienist with a physical disability that
23 would preclude him or her from performing BLS.

24 Any dentist or dental hygienist whose license has expired
25 or whose license is on inactive status may have his license

1 restored at any time within 5 years after the expiration
2 thereof, upon payment of the required fee and a showing of
3 proof of compliance with current continuing education
4 requirements, as provided by rule.

5 Any person whose license has been expired for more than 5
6 years or who has had his license on inactive status for more
7 than 5 years may have his license restored by making
8 application to the Department and filing proof acceptable to
9 the Department of taking continuing education and of his
10 fitness to have the license restored, including sworn evidence
11 certifying to active practice in another jurisdiction, and by
12 paying the required restoration fee. A person practicing on an
13 expired license is deemed to be practicing without a license.
14 However, a holder of a license may renew the license within 90
15 days after its expiration by complying with the requirements
16 for renewal and payment of an additional fee. A license renewal
17 within 90 days after expiration shall be effective
18 retroactively to the expiration date.

19 If a person whose license has expired or who has had his
20 license on inactive status for more than 5 years has not
21 maintained an active practice satisfactory to the department,
22 the Department shall determine, by an evaluation process
23 established by rule, his or her fitness to resume active status
24 and may require the person to complete a period of evaluated
25 clinical experience and may require successful completion of a
26 practical examination.

1 However, any person whose license ~~has~~ expired while he or
2 she was (i) on active duty with the Armed Forces of the United
3 States or called into service or training by the State militia
4 or (ii) has been engaged (1) in federal or state service active
5 ~~duty, or (2)~~ in training or education under the supervision of
6 the United States preliminary to induction into the military
7 service, may have his or her license renewed, reinstated, or
8 restored without paying any lapsed renewal or restoration fee,
9 if within 2 years after termination of such service, training,
10 or education other than by dishonorable discharge, he or she
11 furnishes the Department with satisfactory proof that he or she
12 has been so engaged and that his or her service, training, or
13 education has been so terminated.

14 (Source: P.A. 96-617, eff. 8-24-09; 97-526, eff. 1-1-12.)

15 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

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

17 Sec. 16.1. Continuing education. The Department shall
18 promulgate rules of continuing education for persons licensed
19 under this Act. In establishing rules, the Department shall
20 require a minimum of 48 hours of study in approved courses for
21 dentists during each 3-year licensing period and a minimum of
22 36 hours of study in approved courses for dental hygienists
23 during each 3-year licensing period.

24 The Department shall approve only courses that are relevant
25 to the treatment and care of patients, including, but not

1 limited to, clinical courses in dentistry and dental hygiene
2 and nonclinical courses such as patient management, legal and
3 ethical responsibilities, and stress management. The
4 Department shall allow up to 4 hours of continuing education
5 credit hours per license renewal period for volunteer hours
6 spent providing clinical services at, or sponsored by, a
7 nonprofit community clinic, local or state health department,
8 or a charity event. Courses shall not be approved in such
9 subjects as estate and financial planning, investments, or
10 personal health. Approved courses may include, but shall not be
11 limited to, courses that are offered or sponsored by approved
12 colleges, universities, and hospitals and by recognized
13 national, State, and local dental and dental hygiene
14 organizations.

15 No license shall be renewed unless the renewal application
16 is accompanied by an affidavit indicating that the applicant
17 has completed the required minimum number of hours of
18 continuing education in approved courses as required by this
19 Section. The affidavit shall not require a listing of courses.
20 The affidavit shall be a prima facie evidence that the
21 applicant has obtained the minimum number of required
22 continuing education hours in approved courses. The Department
23 shall not be obligated to conduct random audits or otherwise
24 independently verify that an applicant has met the continuing
25 education requirement. The Department, however, may not
26 conduct random audits of more than 10% of the licensed dentists

1 and dental hygienists in any one licensing cycle to verify
2 compliance with continuing education requirements. If the
3 Department, however, receives a complaint that a licensee has
4 not completed the required continuing education or if the
5 Department is investigating another alleged violation of this
6 Act by a licensee, the Department may demand and shall be
7 entitled to receive evidence from any licensee of completion of
8 required continuing education courses for the most recently
9 completed 3-year licensing period. Evidence of continuing
10 education may include, but is not limited to, canceled checks,
11 official verification forms of attendance, and continuing
12 education recording forms, that demonstrate a reasonable
13 record of attendance. The ~~Illinois State Board of Dentistry~~
14 shall determine, in accordance with rules adopted by the
15 Department, whether a licensee or applicant has met the
16 continuing education requirements. Any dentist who holds more
17 than one license under this Act shall be required to complete
18 only the minimum number of hours of continuing education
19 required for renewal of a single license. The Department may
20 provide exemptions from continuing education requirements. The
21 exemptions shall include, but shall not be limited to, dentists
22 and dental hygienists who agree not to practice within the
23 State during the licensing period because they are retired from
24 practice.

25 (Source: P.A. 97-526, eff. 1-1-12.)

1 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

3 Sec. 17. Acts Constituting the Practice of Dentistry. A
4 person practices dentistry, within the meaning of this Act:

5 (1) Who represents himself or herself as being able to
6 diagnose or diagnoses, treats, prescribes, or operates for
7 any disease, pain, deformity, deficiency, injury, or
8 physical condition of the human tooth, teeth, alveolar
9 process, gums or jaw; or

10 (2) Who is a manager, proprietor, operator or conductor
11 of a business where dental operations are performed; or

12 (3) Who performs dental operations of any kind; or

13 (4) Who uses an X-Ray machine or X-Ray films for dental
14 diagnostic purposes; or

15 (5) Who extracts a human tooth or teeth, or corrects or
16 attempts to correct malpositions of the human teeth or
17 jaws; or

18 (6) Who offers or undertakes, by any means or method,
19 to diagnose, treat or remove stains, calculus, and bonding
20 materials from human teeth or jaws; or

21 (7) Who uses or administers local or general
22 anesthetics in the treatment of dental or oral diseases or
23 in any preparation incident to a dental operation of any
24 kind or character; or

25 (8) Who takes impressions of the human tooth, teeth, or
26 jaws or performs any phase of any operation incident to the

1 replacement of a part of a tooth, a tooth, teeth or
2 associated tissues by means of a filling, crown, a bridge,
3 a denture or other appliance; or

4 (9) Who offers to furnish, supply, construct,
5 reproduce or repair, or who furnishes, supplies,
6 constructs, reproduces or repairs, prosthetic dentures,
7 bridges or other substitutes for natural teeth, to the user
8 or prospective user thereof; or

9 (10) Who instructs students on clinical matters or
10 performs any clinical operation included in the curricula
11 of recognized dental schools and colleges; or

12 (11) Who takes impressions of human teeth or places his
13 or her hands in the mouth of any person for the purpose of
14 applying teeth whitening materials, or who takes
15 impressions of human teeth or places his or her hands in
16 the mouth of any person for the purpose of assisting in the
17 application of teeth whitening materials. A person does not
18 practice dentistry when he or she discloses to the consumer
19 that he or she is not licensed as a dentist under this Act
20 and (i) discusses the use of teeth whitening materials with
21 a consumer purchasing these materials; (ii) provides
22 instruction on the use of teeth whitening materials with a
23 consumer purchasing these materials; or (iii) provides
24 appropriate equipment on-site to the consumer for the
25 consumer to self-apply teeth whitening materials.

26 The fact that any person engages in or performs, or offers

1 to engage in or perform, any of the practices, acts, or
2 operations set forth in this Section, shall be prima facie
3 evidence that such person is engaged in the practice of
4 dentistry.

5 The following practices, acts, and operations, however,
6 are exempt from the operation of this Act:

7 (a) The rendering of dental relief in emergency cases
8 in the practice of his or her profession by a physician or
9 surgeon, licensed as such under the laws of this State,
10 unless he or she undertakes to reproduce or reproduces lost
11 parts of the human teeth in the mouth or to restore or
12 replace lost or missing teeth in the mouth; or

13 (b) The practice of dentistry in the discharge of their
14 official duties by dentists in any branch of the Armed
15 Services of the United States, the United States Public
16 Health Service, or the United States Veterans
17 Administration; or

18 (c) The practice of dentistry by students in their
19 course of study in dental schools or colleges approved by
20 the Department, when acting under the direction and
21 supervision of dentists acting as instructors; or

22 (d) The practice of dentistry by clinical instructors
23 in the course of their teaching duties in dental schools or
24 colleges approved by the Department:

25 (i) when acting under the direction and
26 supervision of dentists, provided that such clinical

1 instructors have instructed continuously in this State
2 since January 1, 1986; or

3 (ii) when holding the rank of full professor at
4 such approved dental school or college and possessing a
5 current valid license or authorization to practice
6 dentistry in another country; or

7 (e) The practice of dentistry by licensed dentists of
8 other states or countries at meetings of the Illinois State
9 Dental Society or component parts thereof, alumni meetings
10 of dental colleges, or any other like dental organizations,
11 while appearing as clinicians; or

12 (f) The use of X-Ray machines for exposing X-Ray films
13 of dental or oral tissues by dental hygienists or dental
14 assistants; or

15 (g) The performance of any dental service by a dental
16 assistant, if such service is performed under the
17 supervision and full responsibility of a dentist.

18 For purposes of this paragraph (g), "dental service" is
19 defined to mean any intraoral procedure or act which shall
20 be prescribed by rule or regulation of the Department.
21 Dental service, however, shall not include:

22 (1) Any and all diagnosis of or prescription for
23 treatment of disease, pain, deformity, deficiency,
24 injury or physical condition of the human teeth or
25 jaws, or adjacent structures.

26 (2) Removal of, or restoration of, or addition to

1 the hard or soft tissues of the oral cavity, except for
2 the placing, carving, and finishing of amalgam
3 restorations by dental assistants who have had
4 additional formal education and certification as
5 determined by the Department.

6 (3) Any and all correction of malformation of teeth
7 or of the jaws.

8 (4) Administration of anesthetics, except for
9 application of topical anesthetics and monitoring of
10 nitrous oxide. Monitoring of nitrous oxide may be
11 performed after successful completion of a training
12 program approved by the Department.

13 (5) Removal of calculus from human teeth.

14 (6) Taking of impressions for the fabrication of
15 prosthetic appliances, crowns, bridges, inlays,
16 onlays, or other restorative or replacement dentistry.

17 (7) The operative procedure of dental hygiene
18 consisting of oral prophylactic procedures, except for
19 coronal polishing, which may be performed by a dental
20 assistant who has successfully completed a training
21 program approved by the Department. Dental assistants
22 may perform coronal polishing under the following
23 circumstances: (i) the coronal polishing shall be
24 limited to polishing the clinical crown of the tooth
25 and existing restorations, supragingivally; (ii) the
26 dental assistant performing the coronal polishing

1 shall be limited to the use of rotary instruments using
2 a rubber cup or brush polishing method (air polishing
3 is not permitted); and (iii) the supervising dentist
4 shall not supervise more than 4 dental assistants at
5 any one time for the task of coronal polishing.

6 (h) The practice of dentistry by an individual who:

7 (i) has applied in writing to the Department, in
8 form and substance satisfactory to the Department, for
9 a general dental license and has complied with all
10 provisions of Section 9 of this Act, except for the
11 passage of the examination specified in subsection
12 (e), of Section 9, of this Act; or

13 (ii) has applied in writing to the Department, in
14 form and substance satisfactory to the Department, for
15 a temporary dental license and has complied with all
16 provisions of subsection (c), of Section 11, of this
17 Act; and

18 (iii) has been accepted or appointed for specialty
19 or residency training by a hospital situated in this
20 State; or

21 (iv) has been accepted or appointed for specialty
22 training in an approved dental program situated in this
23 State; or

24 (v) has been accepted or appointed for specialty
25 training in a dental public health agency situated in
26 this State.

1 The applicant shall be permitted to practice dentistry
2 for a period of 3 months from the starting date of the
3 program, unless authorized in writing by the Department to
4 continue such practice for a period specified in writing by
5 the Department.

6 The applicant shall only be entitled to perform such
7 acts as may be prescribed by and incidental to his or her
8 ~~their~~ program of residency or specialty training and shall
9 not otherwise engage in the practice of dentistry in this
10 State.

11 The authority to practice shall terminate immediately
12 upon:

13 (1) the decision of the Department that the
14 applicant has failed the examination; or

15 (2) denial of licensure by the Department; or

16 (3) withdrawal of the application.

17 (Source: P.A. 96-617, eff. 8-24-09; 97-526, eff. 1-1-12.)

18 (225 ILCS 25/19) (from Ch. 111, par. 2319)

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

20 Sec. 19. Licensing Applicants from other States. Any person
21 who has been lawfully licensed to practice dentistry, including
22 the practice of a licensed dental specialty, or dental hygiene
23 in another state or territory which has and maintains a
24 standard for the practice of dentistry, a dental specialty, or
25 dental hygiene at least equal to that now maintained in this

1 State, or if the requirements for licensure in such state or
2 territory in which the applicant was licensed were, at the date
3 of his or her licensure, substantially equivalent to the
4 requirements then in force in this State, and who has been
5 lawfully engaged in the practice of dentistry or dental hygiene
6 for at least 3 of the 5 years immediately preceding the filing
7 of his or her application to practice in this State and who
8 shall deposit with the Department a duly attested certificate
9 from the Board of the state or territory in which he or she is
10 licensed, certifying to the fact of his or her licensing and of
11 his or her being a person of good moral character may, upon
12 payment of the required fee, be granted a license to practice
13 dentistry, a dental specialty, or dental hygiene in this State,
14 as the case may be.

15 For the purposes of this Section, "substantially
16 equivalent" means that the applicant has presented evidence of
17 completion and graduation from an American Dental Association
18 accredited dental college or school in the United States or
19 Canada, presented evidence that the applicant has passed both
20 parts of the National Board Dental Examination, and
21 successfully completed an examination conducted by a regional
22 testing service. In computing 3 of the immediately preceding 5
23 years of practice in another state or territory, any person who
24 left the practice of dentistry to enter the military service
25 and who practiced dentistry while in the military service may
26 count as a part of such period the time spent by him or her in

1 such service.

2 Applicants have 3 years from the date of application to
3 complete the application process. If the process has not been
4 completed in 3 years, the application shall be denied, the fee
5 forfeited and the applicant must reapply and meet the
6 requirements in effect at the time of reapplication.

7 (Source: P.A. 97-526, eff. 1-1-12.)

8 (225 ILCS 25/22) (from Ch. 111, par. 2322)

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

10 Sec. 22. Returned checks; penalties. Any person who
11 delivers a check or other payment to the Department that is
12 returned to the Department unpaid by the financial institution
13 upon which it is drawn shall pay to the Department, in addition
14 to the amount already owed to the Department, a fine of \$50.
15 The fines imposed by this Section are in addition to any other
16 discipline provided under this Act for unlicensed practice or
17 practice on a nonrenewed license. The Department shall notify
18 the person that payment of fees and fines shall be paid to the
19 Department by certified check or money order within 30 calendar
20 days of the notification. If, after the expiration of 30 days
21 from the date of the notification, the person has failed to
22 submit the necessary remittance, the Department shall
23 automatically terminate the license or deny the application,
24 without hearing. If, after termination or denial, the person
25 seeks a license, he or she shall apply to the Department for

1 restoration or issuance of the license and pay all fees and
2 fines due to the Department. The Department may establish a fee
3 for the processing of an application for restoration of a
4 license to pay all expenses of processing this application. The
5 Secretary ~~Director~~ may waive the fines due under this Section
6 in individual cases where the Secretary ~~Director~~ finds that the
7 fines would be unreasonable or unnecessarily burdensome.

8 (Source: P.A. 92-146, eff. 1-1-02.)

9 (225 ILCS 25/23) (from Ch. 111, par. 2323)

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

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

18 1. Fraud or misrepresentation in applying for or in
19 procuring a ~~the~~ license under this Act, or in connection
20 with applying for renewal of a license under this Act.

21 2. Inability to practice with reasonable judgment,
22 skill, or safety as a result of habitual or excessive use
23 Habitual intoxication or addiction to alcohol, narcotics,
24 stimulants, or any other chemical agent or drug ~~the use of~~
25 ~~drugs.~~

1 3. Willful or repeated violations of the rules of the
2 Department of Public Health or Department of Nuclear
3 Safety.

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

7 5. Division of fees or agreeing to split or divide the
8 fees received for dental services with any person for
9 bringing or referring a patient, except in regard to
10 referral services as provided for under Section 45, or
11 assisting in the care or treatment of a patient, without
12 the knowledge of the patient or his or her legal
13 representative. Nothing in this item 5 affects any bona
14 fide independent contractor or employment arrangements
15 among health care professionals, health facilities, health
16 care providers, or other entities, except as otherwise
17 prohibited by law. Any employment arrangements may include
18 provisions for compensation, health insurance, pension, or
19 other employment benefits for the provision of services
20 within the scope of the licensee's practice under this Act.
21 Nothing in this item 5 shall be construed to require an
22 employment arrangement to receive professional fees for
23 services rendered.

24 6. Employing, procuring, inducing, aiding or abetting
25 a person not licensed or registered as a dentist to engage
26 in the practice of dentistry. The person practiced upon is

1 not an accomplice, employer, procurer, inducer, aider, or
2 abetter within the meaning of this Act.

3 7. Making any misrepresentations or false promises,
4 directly or indirectly, to influence, persuade or induce
5 dental patronage.

6 8. Professional connection or association with or
7 lending his or her name to another for the illegal practice
8 of dentistry by another, or professional connection or
9 association with any person, firm or corporation holding
10 himself, herself, themselves, or itself out in any manner
11 contrary to this Act.

12 9. Obtaining or seeking to obtain practice, money, or
13 any other things of value by false or fraudulent
14 representations, but not limited to, engaging in such
15 fraudulent practice to defraud the medical assistance
16 program of the Department of Healthcare and Family Services
17 (formerly Department of Public Aid) under the Illinois
18 Public Aid Code.

19 10. Practicing under a false or, except as provided by
20 law, an assumed name ~~other than his or her own~~.

21 11. Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

24 12. Conviction by plea of guilty or nolo contendere,
25 finding of guilt, jury verdict, or entry of judgment or by
26 sentencing for any crime, including, but not limited to,

1 convictions, preceding sentences of supervision,
2 conditional discharge, or first offender probation, under
3 the laws of any jurisdiction of the United States that (i)
4 is a felony under the laws of this State or (ii) is a
5 misdemeanor, an essential element of which is dishonesty,
6 or that is directly related to the practice of dentistry in
7 ~~this or another State of any crime which is a felony under~~
8 ~~the laws of this State or conviction of a felony in a~~
9 ~~federal court, conviction of a misdemeanor, an essential~~
10 ~~element of which is dishonesty, or conviction of any crime~~
11 ~~which is directly related to the practice of dentistry or~~
12 ~~dental hygiene.~~

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

16 14. Permitting more than 4 dental hygienists to be
17 employed under his or her supervision at any one time.

18 15. A violation of any provision of this Act or any
19 rules promulgated under this Act.

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

22 17. Violating any provision of Section 45 relating to
23 advertising.

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

1 within this Act.

2 19. Willfully failing to report an instance of
3 suspected child abuse or neglect as required by the Abused
4 and Neglected Child Reporting Act.

5 20. Gross negligence in practice under this Act ~~or~~
6 ~~repeated malpractice resulting in injury or death of a~~
7 ~~patient.~~

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

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

18 23. Professional incompetence as manifested by poor
19 standards of care.

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

1 terms and conditions of Section 23b.

2 25. Gross or repeated irregularities ~~Repeated~~
3 ~~irregularities~~ in billing ~~a third party~~ for services
4 rendered to a patient. For purposes of this paragraph 25,
5 "irregularities in billing" shall include:

6 (a) Reporting excessive charges for the purpose of
7 obtaining a total payment in excess of that usually
8 received by the dentist for the services rendered.

9 (b) Reporting charges for services not rendered.

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

12 26. Continuing the active practice of dentistry while
13 knowingly having any infectious, communicable, or
14 contagious disease proscribed by rule or regulation of the
15 Department.

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

22 28. Violating the Health Care Worker Self-Referral
23 Act.

24 29. Abandonment of a patient.

25 30. Mental incompetency as declared by a court of
26 competent jurisdiction.

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

4 32. Material misstatement in furnishing information to
5 the Department.

6 33. Failing, within 60 days, to provide information in
7 response to a written request by the Department in the
8 course of an investigation.

9 34. Immoral conduct in the commission of any act,
10 including, but not limited to, commission of an act of
11 sexual misconduct related to the licensee's practice.

12 35. Cheating on or attempting to subvert the licensing
13 examination administered under this Act.

14 36. A pattern of practice or other behavior that
15 demonstrates incapacity or incompetence to practice under
16 this Act.

17 37. Failure to establish and maintain records of
18 patient care and treatment as required under this Act.

19 38. Failure to provide copies of dental records as
20 required by law.

21 All proceedings to suspend, revoke, place on probationary
22 status, or take any other disciplinary action as the Department
23 may deem proper, with regard to a license on any of the
24 foregoing grounds, must be commenced within 3 years after
25 receipt by the Department of a complaint alleging the
26 commission of or notice of the conviction order for any of the

1 acts described herein. Except for fraud in procuring a license,
2 no action shall be commenced more than 5 years after the date
3 of the incident or act alleged to have violated this Section.
4 The time during which the holder of the license was outside the
5 State of Illinois shall not be included within any period of
6 time limiting the commencement of disciplinary action by the
7 Department.

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

15 (Source: P.A. 96-1482, eff. 11-29-10; 97-102, eff. 7-14-11;
16 revised 9-15-11.)

17 (225 ILCS 25/23a) (from Ch. 111, par. 2323a)

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

19 Sec. 23a. The Secretary ~~Director of the Department~~ may,
20 upon receipt of a written communication from the Secretary of
21 Human Services or the Director of the Department of Healthcare
22 and Family Services (formerly Department of Public Aid) or
23 Department of Public Health, that continuation of practice of a
24 person licensed under this Act constitutes an immediate danger
25 to the public, immediately suspend the license of such person

1 without a hearing. In instances in which the Secretary ~~Director~~
2 immediately suspends a license under this Section, a hearing
3 upon such person's license must be convened by the Board within
4 15 days after such suspension and completed without appreciable
5 delay, such hearing held to determine whether to recommend to
6 the Secretary ~~Director~~ that the person's license be revoked,
7 suspended, placed on probationary status or reinstated, or such
8 person be subject to other disciplinary action. In such
9 hearing, the written communication and any other evidence
10 submitted therewith may be introduced as evidence against such
11 person; provided however, the person, or his or her counsel,
12 shall have the opportunity to discredit or impeach such
13 evidence and submit evidence rebutting same.

14 (Source: P.A. 95-331, eff. 8-21-07.)

15 (225 ILCS 25/23b)

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

17 Sec. 23b. Requirement for mental and physical examinations
18 under certain conditions.

19 (a) In enforcing paragraph 24 of Section 23 of this Act,
20 the Department may compel any individual who is a ~~person~~
21 licensed to practice under this Act or who has applied for
22 licensure under this Act, to submit to a mental or physical
23 examination and evaluation, or both, which may include a
24 substance abuse or sexual offender evaluation, as required by
25 and at the expense of the Department. The Department shall

1 specifically designate the examining physician licensed to
2 practice medicine in all of its branches or, if applicable, the
3 multidisciplinary team involved in providing the mental or
4 physical examination and evaluation, or both. The
5 multidisciplinary team shall be led by a physician licensed to
6 practice medicine in all of its branches and may consist of one
7 or more or a combination of physicians licensed to practice
8 medicine in all of its branches, licensed clinical
9 psychologists, licensed clinical social workers, licensed
10 clinical professional counselors, and other professional and
11 administrative staff. Any examining physician or member of the
12 multidisciplinary team may require any person ordered to submit
13 to an examination and evaluation pursuant to this Section to
14 submit to any additional supplemental testing deemed necessary
15 to complete any examination or evaluation process, including,
16 but not limited to, blood testing, urinalysis, psychological
17 testing, or neuropsychological testing. The Department may
18 order the examining physician or any member of the
19 multidisciplinary team to provide to the Department any and all
20 records, including business records, that relate to the
21 examination and evaluation, including any supplemental testing
22 performed. The Department may order the examining physician or
23 any member of the multidisciplinary team to present testimony
24 concerning the ~~mental or physical~~ examination and evaluation of
25 the licensee or applicant, including testimony concerning any
26 supplemental testing or documents relating to the examination

1 and evaluation. No information, report, record, or other
2 documents in any way related to the examination and evaluation
3 shall be excluded by reason of any common law or statutory
4 privilege relating to communications between the licensee or
5 applicant and the examining physician or any member of the
6 multidisciplinary team. No authorization is necessary from the
7 licensee or applicant ordered to undergo an examination and
8 evaluation for the examining physician or any member of the
9 multidisciplinary team to provide information, reports,
10 records, or other documents or to provide any testimony
11 regarding the examination and evaluation. ~~The examining~~
12 ~~physician shall be a physician licensed to practice medicine in~~
13 ~~all its branches specifically designated by the Department.~~ The
14 individual to be examined may have, at his or her own expense,
15 another physician of his or her choice present during all
16 aspects of this examination. Failure of an individual to submit
17 to a mental or physical examination and evaluation, or both,
18 when directed, shall result in the automatic ~~be grounds for~~
19 suspension of his or her license, without hearing, until the
20 individual submits to the examination if the Department finds,
21 after notice and hearing, that the refusal to submit to the
22 examination ~~was without reasonable cause.~~

23 (b) If the Department finds an individual unable to
24 practice because of the reasons set forth in paragraph 24 of
25 Section 23, the Department may require that individual to
26 submit to care, counseling, or treatment by physicians approved

1 or designated by the Department as a condition, term, or
2 restriction for continued, reinstated, or renewed licensure to
3 practice, or in lieu of care, counseling, or treatment, the
4 Department may file a complaint to immediately suspend, revoke,
5 or otherwise discipline the license of the individual. An
6 individual whose license was granted, continued, reinstated,
7 renewed, disciplined, or supervised subject to such terms,
8 conditions, or restrictions, and who fails to comply with such
9 terms, conditions, or restrictions, shall be referred to the
10 Secretary ~~Director~~ for a determination as to whether the
11 individual shall have his or her license suspended immediately,
12 pending a hearing by the Department.

13 (Source: P.A. 91-689, eff. 1-1-01.)

14 (225 ILCS 25/24) (from Ch. 111, par. 2324)

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

16 Sec. 24. Refusal, Suspension or Revocation of Dental
17 Hygienist License. The Department may refuse to issue or renew
18 or may revoke, suspend, place on probation, reprimand or take
19 other disciplinary or non-disciplinary action as the
20 Department may deem proper, including imposing fines not to
21 exceed \$10,000 ~~\$2,500~~ per violation, with regard to any dental
22 hygienist license for any one or any combination of the
23 following causes:

24 1. Fraud or misrepresentation in applying for or in
25 procuring a license under this Act, or in connection with

1 applying for renewal of a license under this Act.

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

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

5 4. The wilful violation of, or the wilful procuring of,
6 or knowingly assisting in the violation of, any Act which
7 is now or which hereafter may be in force in this State
8 relating to the use of habit-forming drugs.

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

12 6. Gross negligence in performing the operative
13 procedure of dental hygiene.

14 7. Active practice of dental hygiene while knowingly
15 having any infectious, communicable, or contagious disease
16 proscribed by rule or regulation of the Department.

17 8. Inability to practice with reasonable judgment,
18 skill, or safety as a result of habitual or excessive use
19 ~~Habitual intoxication~~ or addiction to alcohol, narcotics,
20 stimulants, or any other chemical agent or drug ~~the use of~~
21 ~~habit-forming drugs.~~

22 9. Conviction by plea of guilty or nolo contendere,
23 finding of guilt, jury verdict, or entry of judgment or by
24 sentencing of any crime, including, but not limited to,
25 convictions, preceding sentences of supervision,
26 conditional discharge, or first offender probation, under

1 the laws of any jurisdiction of the United States that (i)
2 is a felony or (ii) is a misdemeanor, an essential element
3 of which is dishonesty, or that is directly related to the
4 practice of dental hygiene. ~~in this or another state of any~~
5 ~~crime which is a felony under the laws of this State or~~
6 ~~conviction of a felony in a federal court, if the~~
7 ~~Department determines, after investigation, that such~~
8 ~~person has not been sufficiently rehabilitated to warrant~~
9 ~~the public trust.~~

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

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

16 12. Violating the Health Care Worker Self-Referral
17 Act.

18 13. Violating the prohibitions of Section 38.1 of this
19 Act.

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

23 15. 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 16. Material misstatement in furnishing information to

1 the Department.

2 17. Failing, within 60 days, to provide information in
3 response to a written request by the Department in the
4 course of an investigation.

5 18. Immoral conduct in the commission of any act,
6 including, but not limited to, commission of an act of
7 sexual misconduct related to the licensee's practice.

8 19. Cheating on or attempting to subvert the licensing
9 examination administered under this Act.

10 20. Violations of this Act or of the rules promulgated
11 under this Act.

12 21. Practicing under a false or, except as provided by
13 law, an assumed name.

14 The provisions of this Act relating to proceedings for the
15 suspension and revocation of a license to practice dentistry
16 shall apply to proceedings for the suspension or revocation of
17 a license as a dental hygienist.

18 (Source: P.A. 97-102, eff. 7-14-11.)

19 (225 ILCS 25/25) (from Ch. 111, par. 2325)

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

21 Sec. 25. Notice of hearing; investigations and informal
22 conferences.

23 (a) Upon the motion of either the Department or the Board
24 or upon the verified complaint in writing of any person setting
25 forth facts which if proven would constitute grounds for

1 refusal, suspension or revocation of license under this Act,
2 the Board shall investigate the actions of any person,
3 hereinafter called the respondent, who holds or represents that
4 he or she holds a license. All such motions or complaints shall
5 be brought to the Board.

6 (b) Prior to taking an in-person statement from a dentist
7 or dental hygienist who is the subject of a complaint, the
8 investigator shall inform the dentist or the dental hygienist
9 in writing:

10 (1) that the dentist or dental hygienist is the subject
11 of a complaint;

12 (2) that the dentist or dental hygienist need not
13 immediately proceed with the interview and may seek
14 appropriate consultation prior to consenting to the
15 interview; and

16 (3) that failure of the dentist or dental hygienist to
17 proceed with the interview shall not prohibit the
18 Department from conducting a visual inspection of the
19 facility.

20 A Department investigator's failure to comply with this
21 subsection may not be the sole ground for dismissal of any
22 order of the Department filed upon a finding of a violation or
23 for dismissal of a pending investigation.

24 (c) If the Department concludes on the basis of a complaint
25 or its initial investigation that there is a possible violation
26 of the Act, the Department may:

- 1 (1) schedule a hearing pursuant to this Act; or
2 (2) request in writing that the dentist or dental
3 hygienist being investigated attend an informal conference
4 with representatives of the Department.

5 The request for an informal conference shall contain the
6 nature of the alleged actions or inactions that constitute the
7 possible violations.

8 A dentist or dental hygienist shall be allowed to have
9 legal counsel at the informal conference. If the informal
10 conference results in a consent order between the accused
11 dentist or dental hygienist and the Department, the consent
12 order must be approved by the Secretary ~~Director~~. However, if
13 the consent order would result in a fine exceeding \$10,000
14 ~~\$5,000~~ or the suspension or revocation of the dentist or dental
15 hygienist license, the consent order must be approved by the
16 Board and the Secretary ~~Director~~. Participation in the informal
17 conference by a dentist, a dental hygienist, or the Department
18 and any admissions or stipulations made by a dentist, a dental
19 hygienist, or the Department at the informal conference,
20 including any agreements in a consent order that is
21 subsequently disapproved by either the Board or the Secretary
22 ~~Director~~, shall not be used against the dentist, dental
23 hygienist, or Department at any subsequent hearing and shall
24 not become a part of the record of the hearing.

25 (d) The Secretary ~~Director~~ shall, before suspending,
26 revoking, placing on probationary status, or taking any other

1 disciplinary action as the Secretary ~~Director~~ may deem proper
2 with regard to any license, at least 30 days prior to the date
3 set for the hearing, notify the respondent in writing of any
4 charges made and the time and place for a hearing of the
5 charges before the Board, direct him or her to file his or her
6 written answer thereto to the Board under oath within 20 days
7 after the service on him or her of such notice and inform him
8 or her that if he or she fails to file such answer default will
9 be taken against him or her and his or her license may be
10 suspended, revoked, placed on probationary status, or other
11 disciplinary action may be taken with regard thereto, including
12 limiting the scope, nature or extent of his or her practice, as
13 the Secretary ~~Director~~ may deem proper.

14 (e) Such written notice and any notice in such proceedings
15 thereafter may be served by delivery personally to the
16 respondent, or by registered or certified mail to the address
17 last theretofore specified by the respondent in his or her last
18 notification to the Secretary ~~Director~~.

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

20 (225 ILCS 25/26) (from Ch. 111, par. 2326)

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

22 Sec. 26. Disciplinary actions.

23 (a) In case the respondent, after receiving notice, fails
24 to file an answer, his or her license may, in the discretion of
25 the Secretary ~~Director~~, having first received the

1 recommendation of the Board, be suspended, revoked, placed on
2 probationary status, or the Secretary ~~Director~~ may take
3 whatever disciplinary action he or she may deem proper,
4 including limiting the scope, nature, or extent of the person's
5 practice or the imposition of a fine, without a hearing, if the
6 act or acts charged constitute sufficient grounds for such
7 action under this Act.

8 (b) The Secretary ~~Director~~ may temporarily suspend the
9 license of a dentist or dental hygienist without a hearing,
10 simultaneous to the institution of proceedings for a hearing
11 under this Act, if the Secretary ~~Director~~ finds that evidence
12 in his or her possession indicates that a dentist's or dental
13 hygienist's continuation in practice would constitute an
14 immediate danger to the public. In the event that the Secretary
15 ~~Director~~ temporarily suspends the license of a dentist or a
16 dental hygienist without a hearing, a hearing by the Board must
17 be held within 15 days after such suspension has occurred.

18 (c) The entry of a judgment by any circuit court
19 establishing that any person holding a license under this Act
20 is a person subject to involuntary admission under the Mental
21 Health and Developmental Disabilities Code shall operate as a
22 suspension of that license. That person may resume his or her
23 practice only upon a finding by the Board that he or she has
24 been determined to be no longer subject to involuntary
25 admission by the court and upon the Board's recommendation to
26 the Secretary ~~Director~~ that he or she be permitted to resume

1 his or her practice.

2 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

3 (225 ILCS 25/27) (from Ch. 111, par. 2327)

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

5 Sec. 27. Hearings. At the time and place fixed in the
6 notice under Section 25, the Board shall proceed to hear the
7 charges and both the respondent and the complainant shall be
8 accorded ample opportunity to present in person, or by counsel,
9 such statements, testimony, evidence and argument as may be
10 pertinent to the charges or to any defense thereto. The Board
11 may continue such hearing from time to time. ~~If the Board is~~
12 ~~not sitting at the time and place fixed in the notice or at the~~
13 ~~time and place to which the hearing has been continued, the~~
14 ~~Department shall continue such hearing for a period not to~~
15 ~~exceed 30 days.~~

16 The Board and Department shall have power to subpoena and
17 bring before the Board any person in this State and to take
18 testimony either orally or by deposition, or both, with the
19 same fees and mileage and in the same manner as is prescribed
20 by law for judicial procedure in civil cases.

21 The Secretary, the designated hearing officer, ~~Director~~
22 and any member of the Board shall have power to administer
23 oaths at any hearing which the Department or Board is
24 authorized by law to conduct.

25 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

1 (225 ILCS 25/29) (from Ch. 111, par. 2329)

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

3 Sec. 29. Recommendations for disciplinary action - Action
4 by Secretary ~~Director~~. The Board may advise the Secretary
5 ~~Director~~ that probation be granted or that other disciplinary
6 action, including the limitation of the scope, nature or extent
7 of a person's practice, be taken, as it deems proper. If
8 disciplinary action other than suspension or revocation is
9 taken, the Board may advise that the Secretary ~~Director~~ impose
10 reasonable limitations and requirements upon the respondent to
11 insure compliance with the terms of the probation or other
12 disciplinary action, including, but not limited to, regular
13 reporting by the respondent to the Secretary ~~Director~~ of his or
14 her actions, or the respondent's placing himself or herself
15 under the care of a qualified physician for treatment or
16 limiting his or her practice in such manner as the Secretary
17 ~~Director~~ may require.

18 The Board shall present to the Secretary ~~Director~~ a written
19 report of its findings and recommendations. A copy of such
20 report shall be served upon the respondent, either personally
21 or by registered or certified mail. Within 20 days after such
22 service, the respondent may present to the Department his or
23 her motion in writing for a rehearing, specifying the
24 particular ground therefor. If the respondent orders and pays
25 for a transcript of the record, the time elapsing thereafter

1 and before such transcript is ready for delivery to him or her
2 shall not be counted as part of such 20 days.

3 At the expiration of the time allowed for filing a motion
4 for rehearing the Secretary ~~Director~~ may take the action
5 recommended by the Board. Upon suspension, revocation,
6 placement on probationary status, or the taking of any other
7 disciplinary action, including the limiting of the scope,
8 nature, or extent of one's practice, deemed proper by the
9 Secretary ~~Director~~, with regard to the license, the respondent
10 shall surrender his or her license to the Department, if
11 ordered to do so by the Department, and upon his or her failure
12 or refusal to do so, the Department may seize the same.

13 In all instances under this Act in which the Board has
14 rendered a recommendation to the Secretary ~~Director~~ with
15 respect to a particular person, the Secretary ~~Director~~ shall,
16 to the extent that he or she disagrees with or takes action
17 contrary to the recommendation of the Board, file with the
18 Board ~~and the Secretary of State~~ his or her specific written
19 reasons of disagreement. Such reasons shall be filed within 30
20 days after the Secretary ~~Director~~ has taken the contrary
21 position.

22 Each order of revocation, suspension, or other
23 disciplinary action shall contain a brief, concise statement of
24 the ground or grounds upon which the Department's action is
25 based, as well as the specific terms and conditions of such
26 action. The original of this document shall be retained as a

1 permanent record by the Board and the Department. In those
2 instances where an order of revocation, suspension, or other
3 disciplinary action has been rendered by virtue of a dentist's
4 or dental hygienist's physical illness, including, but not
5 limited to, deterioration through the aging process, or loss of
6 motor skill which results in an inability to practice with
7 reasonable judgment, skill, or safety, the Department shall
8 permit only this document and the record of the hearing
9 incident thereto to be observed, inspected, viewed, or copied
10 pursuant to court order.

11 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

12 (225 ILCS 25/30) (from Ch. 111, par. 2330)

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

14 Sec. 30. Appointment of a Hearing Officer. The Secretary
15 ~~Director~~ shall have the authority to appoint any attorney duly
16 licensed to practice law in the State of Illinois to serve as
17 the hearing officer if any action for refusal to issue, renew
18 or discipline of a license. The hearing officer shall have full
19 authority to conduct the hearing. The hearing officer shall
20 report his or her findings and recommendations to the Board and
21 the Secretary ~~Director~~. The Board shall have 60 days from
22 receipt of the report to review the report of the hearing
23 officer and present its findings of fact, conclusions of law
24 and recommendations to the Secretary ~~Director~~. If the Board
25 fails to present its report within the 60 day period, the

1 Secretary ~~Director~~ shall issue an order based on the report of
2 the hearing officer. If the Secretary ~~Director~~ determines that
3 the Board's report is contrary to the manifest weight of the
4 evidence, he or she may issue an order in contravention of the
5 Board's report.

6 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

7 (225 ILCS 25/31) (from Ch. 111, par. 2331)

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

9 Sec. 31. Restoration of license from discipline. At any
10 time after the successful completion of a term of indefinite
11 probation, suspension, or revocation of a license, placement on
12 probationary status, or the taking of any other disciplinary
13 action, with regard to any license, the Department may restore
14 the license to the licensee, unless after an investigation and
15 a hearing, the Secretary determines that restoration is not in
16 the public interest. No person or entity whose license,
17 certificate, or authority has been revoked as authorized in
18 this Act may apply for restoration of that license,
19 certification, or authority until such time as provided for in
20 the Civil Administrative Code of Illinois. it to the
21 respondent, or take any other action to reinstate the license
22 to good standing, without examination, upon the written
23 recommendation of the Board.

24 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

1 (225 ILCS 25/32) (from Ch. 111, par. 2332)

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

3 Sec. 32. Administrative Review Law; application. All final
4 administrative decisions of the Department are subject to
5 judicial review pursuant to the provisions of the
6 Administrative Review Law, and the rules adopted pursuant
7 thereto. The term "administrative decision" is defined as in
8 Section 3-101 of the Code of Civil Procedure.

9 Proceedings for judicial review shall be commenced in the
10 circuit court of the county in which the party applying for
11 review resides, but if the party is not a resident of this
12 State, the venue shall be in Sangamon County.

13 The Department shall not be required to certify any record
14 to the court or file any answer in court or otherwise appear in
15 any court in a judicial review proceeding, unless and until
16 ~~there is filed in the court with the complaint a receipt from~~
17 ~~the Department~~ has received from the plaintiff payment of the
18 costs of furnishing and certifying the record, which costs
19 shall be determined by the Department ~~acknowledging payment of~~
20 ~~the costs of furnishing and certifying the record, which costs~~
21 ~~shall be computed at the rate of 20 cents per page of the~~
22 ~~record~~. Exhibits shall be certified without cost. Failure on
23 the part of the plaintiff to file a receipt in court shall be
24 grounds for dismissal of the action. During the pendency and
25 hearing of any and all judicial proceedings incident to a
26 disciplinary action any sanctions imposed upon the respondent

1 by the Department because of acts or omissions related to the
2 delivery of direct patient care as specified in the
3 Department's final administrative decision, shall as a matter
4 of public policy remain in full force and effect in order to
5 protect the public pending final resolution of any of the
6 proceedings.

7 (Source: P.A. 88-184; 89-80, eff. 6-30-95; 89-116, eff.
8 7-7-95.)

9 (225 ILCS 25/33) (from Ch. 111, par. 2333)

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

11 Sec. 33. Revocation orders. An order of revocation,
12 suspension, placement on probationary status, or other formal
13 disciplinary action as the Department may deem proper, or a
14 certified copy thereof, over the seal of the Department and
15 purporting to be signed by the Secretary ~~Director of the~~
16 ~~Department~~, is prima facie proof that:

17 (1) such signature is the genuine signature of the
18 Secretary ~~Director~~;

19 (2) the Secretary ~~Director~~ is duly appointed and qualified;
20 and

21 (3) the Board and the members thereof are qualified.

22 Such proof may be rebutted.

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

24 (225 ILCS 25/37) (from Ch. 111, par. 2337)

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

2 Sec. 37. Unlicensed practice; injunctions. The practice of
3 dentistry by any person not holding a valid and current license
4 under this Act is declared to be inimical to the public
5 welfare, to constitute a public nuisance, and to cause
6 irreparable harm to the public welfare.

7 A person is considered to practice dentistry who:

8 (1) employs a dentist, dental hygienist, or other
9 entity which can provide dental services under this Act;

10 (2) directs or controls the use of any dental equipment
11 or material while such equipment or material is being used
12 for the provision of dental services, provided that this
13 provision shall not be construed to prohibit a person from
14 obtaining professional advice or assistance in obtaining
15 or from leasing the equipment or material, provided the
16 advice, assistance, or lease does not restrict or interfere
17 with the custody, control, or use of the equipment or
18 material by the person;

19 (3) directs, controls or interferes with a dentist's or
20 dental hygienist's clinical judgment; or

21 (4) exercises direction or control, by written
22 contract, license, or otherwise, over a dentist, dental
23 hygienist, or other entity which can provide dental
24 services under this Act in the selection of a course of
25 treatment; limitation of patient referrals; content of
26 patient records; policies and decisions relating to

1 refunds (if the refund payment would be reportable under
2 federal law to the National Practitioner Data Bank) and
3 warranties and the clinical content of advertising; and
4 final decisions relating to employment of dental
5 assistants and dental hygienists. Nothing in this Act
6 shall, however, be construed as prohibiting the seeking or
7 giving of advice or assistance with respect to these
8 matters.

9 The purpose of this Section is to prevent a non-dentist
10 from influencing or otherwise interfering with the exercise of
11 independent professional judgment by a dentist, dental
12 hygienist, or other entity which can provide dental services
13 under this Act. Nothing in this Section shall be construed to
14 prohibit insurers and managed care plans from operating
15 pursuant to the applicable provisions of the Illinois Insurance
16 Code under which the entities are licensed.

17 The Secretary ~~Director~~, the Attorney General, the State's
18 attorney of any county in the State, or any person may maintain
19 an action in the name of the People of the State of Illinois,
20 and may apply for injunctive relief in any circuit court to
21 enjoin such person from engaging in such practice; and upon the
22 filing of a verified petition in such court, the court if
23 satisfied by affidavit, or otherwise, that such person has been
24 engaged in such practice without a valid and current license so
25 to do, may enter a temporary restraining order without notice
26 or bond, enjoining the defendant from such further practice.

1 Only the showing of non-licensure, by affidavit or otherwise,
2 is necessary in order for a temporary injunction to issue. A
3 copy of the verified complaint shall be served upon the
4 defendant and the proceedings shall thereafter be conducted as
5 in other civil cases except as modified by this Section. If it
6 is established that the defendant has been, or is engaged in
7 such unlawful practice, the court may enter an order or
8 judgment perpetually enjoining the defendant from further such
9 practice. In all proceedings hereunder the court, in its
10 discretion, may apportion the costs among the parties
11 interested in the action, including cost of filing the
12 complaint, service of process, witness fees and expenses, court
13 reporter charges and reasonable attorneys' fees. In case of
14 violation of any injunctive order entered under the provisions
15 of this Section, the court may summarily try and punish the
16 offender for contempt of court. Such injunction proceedings
17 shall be in addition to, and not in lieu of, all penalties and
18 other remedies provided in this Act.

19 This Section does not apply to an executor, administrator,
20 guardian, or authorized representative contracting with
21 another dentist or dentists to continue the operations of a
22 deceased or incapacitated dentist's practice under Section
23 38.2 of this Act.

24 (Source: P.A. 94-1028, eff. 1-1-07.)

25 (225 ILCS 25/38) (from Ch. 111, par. 2338)

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

2 Sec. 38. Penalty of Unlawful Practice - Second and
3 Subsequent Offenses. Any person who practices or offers to
4 practice dentistry in this State without being licensed for
5 that purpose, or whose license has been suspended or revoked or
6 is inactive or non-renewed, or who violates any of the
7 provisions of this Act, for which no specific penalty has been
8 provided herein, is guilty of a Class A misdemeanor.

9 Any person who has been previously convicted under any of
10 the provisions of this Act and who subsequently violates any of
11 the provisions of this Act is guilty of a Class 4 felony. In
12 addition, whenever any person is punished as a subsequent
13 offender under this Section, the Secretary ~~Director~~ shall
14 proceed to obtain a permanent injunction against such person
15 under Section 37 of this Act. All fines collected under this
16 Section shall be deposited in the Professional Regulation
17 Evidence Fund.

18 (Source: P.A. 86-685.)

19 (225 ILCS 25/45) (from Ch. 111, par. 2345)

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

21 Sec. 45. Advertising. The purpose of this Section is to
22 authorize and regulate the advertisement by dentists of
23 information which is intended to provide the public with a
24 sufficient basis upon which to make an informed selection of
25 dentists while protecting the public from false or misleading

1 advertisements which would detract from the fair and rational
2 selection process.

3 Any dentist may advertise the availability of dental
4 services in the public media or on the premises where such
5 dental services are rendered. Such advertising shall be limited
6 to the following information:

7 (a) The dental services available;

8 (b) Publication of the dentist's name, title, office hours,
9 address and telephone;

10 (c) Information pertaining to his or her area of
11 specialization, including appropriate board certification or
12 limitation of professional practice;

13 (d) Information on usual and customary fees for routine
14 dental services offered, which information shall include
15 notification that fees may be adjusted due to complications or
16 unforeseen circumstances;

17 (e) Announcement of the opening of, change of, absence
18 from, or return to business;

19 (f) Announcement of additions to or deletions from
20 professional dental staff;

21 (g) The issuance of business or appointment cards;

22 (h) Other information about the dentist, dentist's
23 practice or the types of dental services which the dentist
24 offers to perform which a reasonable person might regard as
25 relevant in determining whether to seek the dentist's services.
26 However, any advertisement which announces the availability of

1 endodontics, pediatric dentistry, periodontics,
2 prosthodontics, orthodontics and dentofacial orthopedics, oral
3 and maxillofacial surgery, or oral and maxillofacial radiology
4 by a general dentist or by a licensed specialist who is not
5 licensed in that specialty shall include a disclaimer stating
6 that the dentist does not hold a license in that specialty.

7 It is unlawful for any dentist licensed under this Act to
8 do any of the following:

9 (1) Use ~~testimonials or~~ claims of superior quality of
10 care to entice the public.

11 (2) Advertise in any way to practice dentistry without
12 causing pain.

13 (3) Pay a fee to any dental referral service or other
14 third party who advertises a dental referral service,
15 unless all advertising of the dental referral service makes
16 it clear that dentists are paying a fee for that referral
17 service.

18 (4) Advertise or offer gifts as an inducement to secure
19 dental patronage. Dentists may advertise or offer free
20 examinations or free dental services; it shall be unlawful,
21 however, for any dentist to charge a fee to any new patient
22 for any dental service provided at the time that such free
23 examination or free dental services are provided.

24 (5) Use the term "sedation dentistry" or similar terms
25 in advertising unless the advertising dentist holds a valid
26 and current permit issued by the Department to administer

1 either general anesthesia, deep sedation, or conscious
2 sedation as required under Section 8.1 of this Act.

3 This Act does not authorize the advertising of dental
4 services when the offeror of such services is not a dentist.
5 Nor shall the dentist use statements which contain false,
6 fraudulent, deceptive or misleading material or guarantees of
7 success, statements which play upon the vanity or fears of the
8 public, or statements which promote or produce unfair
9 competition.

10 A dentist shall be required to keep a copy of all
11 advertisements for a period of 3 years. All advertisements in
12 the dentist's possession shall indicate the accurate date and
13 place of publication.

14 The Department shall adopt rules to carry out the intent of
15 this Section.

16 (Source: P.A. 95-399, eff. 1-1-08.)

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

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