



Sen. Bill Cunningham

**Filed: 4/5/2024**

10300SB2586sam002

LRB103 32717 RTM 71820 a

1 AMENDMENT TO SENATE BILL 2586

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2586 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Dental Practice Act is amended by  
5 changing Sections 4, 18.1, and 23 and by adding Section 17.2 as  
6 follows:

7 (225 ILCS 25/4)

8 (Section scheduled to be repealed on January 1, 2026)

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

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

1 "Department" means the Department of Financial and  
2 Professional Regulation.

3 "Secretary" means the Secretary of Financial and  
4 Professional Regulation.

5 "Board" means the Board of Dentistry.

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

11 "Dental hygienist" means a person who holds a license  
12 under this Act to perform dental services as authorized by  
13 Section 18.

14 "Dental assistant" means an appropriately trained person  
15 who, under the supervision of a dentist, provides dental  
16 services as authorized by Section 17.

17 "Expanded function dental assistant" means a dental  
18 assistant who has completed the training required by Section  
19 17.1 of this Act.

20 "Dental laboratory" means a person, firm, or corporation  
21 which:

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

1           (ii) utilizes or employs a dental technician to  
2 provide such services; and

3           (iii) performs such functions only for a dentist or  
4 dentists.

5           "Supervision" means supervision of a dental hygienist or a  
6 dental assistant requiring that a dentist authorize the  
7 procedure, remain in the dental facility while the procedure  
8 is performed, and approve the work performed by the dental  
9 hygienist or dental assistant before dismissal of the patient,  
10 but does not mean that the dentist must be present at all times  
11 in the treatment room.

12           "General supervision" means supervision of a dental  
13 hygienist requiring that the patient be a patient of record,  
14 that the dentist examine the patient in accordance with  
15 Section 18 prior to treatment by the dental hygienist, and  
16 that the dentist authorize the procedures which are being  
17 carried out by a notation in the patient's record, but not  
18 requiring that a dentist be present when the authorized  
19 procedures are being performed. The issuance of a prescription  
20 to a dental laboratory by a dentist does not constitute  
21 general supervision.

22           "Public member" means a person who is not a health  
23 professional. For purposes of board membership, any person  
24 with a significant financial interest in a health service or  
25 profession is not a public member.

26           "Dentistry" means the healing art which is concerned with

1 the examination, diagnosis, treatment planning, and care of  
2 conditions within the human oral cavity and its adjacent  
3 tissues and structures, as further specified in Section 17.

4 "Branches of dentistry" means the various specialties of  
5 dentistry which, for purposes of this Act, shall be limited to  
6 the following: endodontics, oral and maxillofacial surgery,  
7 orthodontics and dentofacial orthopedics, pediatric dentistry,  
8 periodontics, prosthodontics, oral and maxillofacial  
9 radiology, and dental anesthesiology.

10 "Specialist" means a dentist who has received a specialty  
11 license pursuant to Section 11(b).

12 "Dental technician" means a person who owns, operates, or  
13 is employed by a dental laboratory and engages in making,  
14 providing, repairing, or altering dental prosthetic appliances  
15 and other artificial materials and devices which are returned  
16 to a dentist for insertion into the human oral cavity or which  
17 come in contact with its adjacent structures and tissues.

18 "Informed consent" means legally valid consent that is  
19 given by a patient or legal guardian, that is recorded in  
20 writing or digitally, that authorizes intervention or  
21 treatment services from the treating dentist, and that  
22 documents agreement to participate in those services and  
23 knowledge of the risks, benefits, and alternatives, including  
24 the decision to withdraw from or decline treatment.

25 "Impaired dentist" or "impaired dental hygienist" means a  
26 dentist or dental hygienist who is unable to practice with

1 reasonable skill and safety because of a physical or mental  
2 disability as evidenced by a written determination or written  
3 consent based on clinical evidence, including deterioration  
4 through the aging process, loss of motor skills, abuse of  
5 drugs or alcohol, or a psychiatric disorder, of sufficient  
6 degree to diminish the person's ability to deliver competent  
7 patient care.

8 "Nurse" means a registered professional nurse, a certified  
9 registered nurse anesthetist licensed as an advanced practice  
10 registered nurse, or a licensed practical nurse licensed under  
11 the Nurse Practice Act.

12 "Patient of record", except as provided in Section 17.2,  
13 means a patient for whom the patient's most recent dentist has  
14 obtained a relevant medical and dental history and on whom the  
15 dentist has performed a physical an examination within the  
16 last year and evaluated the condition to be treated, including  
17 a review of the patient's most recent x-rays.

18 "Dental responder" means a dentist or dental hygienist who  
19 is appropriately certified in disaster preparedness,  
20 immunizations, and dental humanitarian medical response  
21 consistent with the Society of Disaster Medicine and Public  
22 Health and training certified by the National Incident  
23 Management System or the National Disaster Life Support  
24 Foundation.

25 "Mobile dental van or portable dental unit" means any  
26 self-contained or portable dental unit in which dentistry is

1 practiced that can be moved, towed, or transported from one  
2 location to another in order to establish a location where  
3 dental services can be provided.

4 "Public health dental hygienist" means a hygienist who  
5 holds a valid license to practice in the State, has 2 years of  
6 full-time clinical experience or an equivalent of 4,000 hours  
7 of clinical experience, and has completed at least 42 clock  
8 hours of additional structured courses in dental education in  
9 advanced areas specific to public health dentistry.

10 "Public health setting" means a federally qualified health  
11 center; a federal, State, or local public health facility;  
12 Head Start; a special supplemental nutrition program for  
13 Women, Infants, and Children (WIC) facility; a certified  
14 school-based health center or school-based oral health  
15 program; a prison; or a long-term care facility.

16 "Public health supervision" means the supervision of a  
17 public health dental hygienist by a licensed dentist who has a  
18 written public health supervision agreement with that public  
19 health dental hygienist while working in an approved facility  
20 or program that allows the public health dental hygienist to  
21 treat patients, without a dentist first examining the patient  
22 and being present in the facility during treatment, (1) who  
23 are eligible for Medicaid or (2) who are uninsured or whose  
24 household income is not greater than 300% of the federal  
25 poverty level.

26 "Teledentistry" means the use of telehealth systems and

1 methodologies in dentistry and includes patient diagnosis,  
2 treatment planning, care, and education delivery for a patient  
3 of record using synchronous and asynchronous communications  
4 under an Illinois licensed a dentist's authority as provided  
5 under this Act.

6 (Source: P.A. 102-93, eff. 1-1-22; 102-588, eff. 8-20-21;  
7 102-936, eff. 1-1-23; 103-425, eff. 1-1-24; 103-431, eff.  
8 1-1-24; revised 12-15-23.)

9 (225 ILCS 25/17.2 new)

10 Sec. 17.2. Teledentistry.

11 (a) As used in this Section, "patient of record" means a  
12 patient for whom the patient's most recent dentist has  
13 obtained a relevant medical and dental history and on whom the  
14 dentist has (i) performed a physical examination within the  
15 last year or (ii) obtained records from an in-person  
16 examination within the previous 12 months which evaluated the  
17 condition to be treated, including a review of the patient's  
18 most recent x-rays.

19 (b) A dentist may only practice or utilize teledentistry  
20 on a patient of record. A dentist practicing dentistry through  
21 teledentistry is subject to the same standard of care and  
22 practice standards that are applicable to dental services  
23 provided in a clinic or office setting. A dentist may provide  
24 and delegate dental services using teledentistry only under  
25 the supervision requirements as specified in this Act for

1 in-person care. Prior to providing teledentistry services to a  
2 patient, a dentist must obtain informed consent from the  
3 patient as to the treatment proposed to be offered through  
4 teledentistry by the dentist. A dentist providing  
5 teledentistry under this Section shall provide the patient  
6 with the his or her name, direct telephone number, and  
7 physical practice address. It is a violation of this Act for a  
8 provider of dental services rendering care through  
9 teledentistry to require a patient to sign an agreement that  
10 limits in any way the patient's ability to write a review of  
11 services received or file a complaint with the Department or  
12 other regulatory agency. A dentist may treat a patient through  
13 telehealth in the absence of a provider-patient relationship  
14 when, in the professional judgment of the dentist, emergency  
15 care is required. The Department shall adopt rules to provide  
16 for the use of teledentistry in the State of Illinois.

17 (225 ILCS 25/18.1)

18 (Section scheduled to be repealed on January 1, 2026)

19 Sec. 18.1. Public health dental supervision  
20 responsibilities.

21 (a) When working together in a public health supervision  
22 relationship, dentists and public health dental hygienists  
23 shall enter into a public health supervision agreement. The  
24 dentist providing public health supervision must:

25 (1) be available to provide an appropriate level of



1 contact, communication, collaboration, and consultation  
2 with the public health dental hygienist and must meet  
3 in-person with the public health dental hygienist at least  
4 quarterly for review and consultation;

5 (2) have specific standing orders or policy guidelines  
6 for procedures that are to be carried out for each  
7 location or program, although the dentist need not be  
8 present when the procedures are being performed;

9 (3) provide for the patient's additional necessary  
10 care in consultation with the public health dental  
11 hygienist;

12 (4) file agreements and notifications as required; and

13 (5) include procedures for creating and maintaining  
14 dental records, including protocols for transmission of  
15 all records between the public health dental hygienist and  
16 the dentist following each treatment, which shall include  
17 a notation regarding procedures authorized by the dentist  
18 and performed by the public health dental hygienist and  
19 the location where those records are to be kept.

20 Each dentist and hygienist who enters into a public health  
21 supervision agreement must document and maintain a copy of any  
22 change or termination of that agreement.

23 Dental records shall be owned and maintained by the  
24 supervising dentist for all patients treated under public  
25 health supervision, unless the supervising dentist is an  
26 employee of a public health clinic or federally qualified

1 health center, in which case the public health clinic or  
2 federally qualified health center shall maintain the records.

3 If a dentist ceases to be employed or contracted by the  
4 facility, the dentist shall notify the facility administrator  
5 that the public health supervision agreement is no longer in  
6 effect. A new public health supervision agreement is required  
7 for the public health dental hygienist to continue treating  
8 patients under public health supervision.

9 A dentist entering into an agreement under this Section  
10 may supervise and enter into agreements for public health  
11 supervision with 4 public health dental hygienists. This shall  
12 be in addition to the limit of 4 dental hygienists per dentist  
13 set forth in subsection (g) of Section 18 of this Act.

14 (b) A public health dental hygienist providing services  
15 under public health supervision may perform only those duties  
16 within the accepted scope of practice of dental hygiene, as  
17 follows:

18 (1) the operative procedures of dental hygiene,  
19 consisting of oral prophylactic procedures, including  
20 prophylactic cleanings, application of fluoride, and  
21 placement of sealants;

22 (2) the exposure and processing of x-ray films of the  
23 teeth and surrounding structures; and

24 (3) such other procedures and acts as shall be  
25 prescribed by rule of the Department.

26 Any patient treated under this subsection (b) must be

1 examined by a dentist before additional services can be  
2 provided by a public health dental hygienist. However, if the  
3 supervising dentist, after consultation with the public health  
4 hygienist, determines that time is needed to complete an  
5 approved treatment plan on a patient eligible under this  
6 Section, then the dentist may instruct the hygienist to  
7 complete the remaining services prior to an oral examination  
8 by the dentist. Such instruction by the dentist to the  
9 hygienist shall be noted in the patient's records. Any  
10 services performed under this exception must be scheduled in a  
11 timely manner and shall not occur more than 30 days after the  
12 first appointment date.

13 (c) A public health dental hygienist providing services  
14 under public health supervision must:

15 (1) provide to the patient, parent, or guardian a  
16 written plan for referral or an agreement for follow-up  
17 that records all conditions observed that should be called  
18 to the attention of a dentist for proper diagnosis;

19 (2) have each patient sign a permission slip or  
20 consent form that informs them that the service to be  
21 received does not take the place of regular dental  
22 checkups at a dental office and is meant for people who  
23 otherwise would not have access to the service;

24 (3) inform each patient who may require further dental  
25 services of that need;

26 (4) maintain an appropriate level of contact and

1 communication with the dentist providing public health  
2 supervision; and

3 (5) complete an additional 4 hours of continuing  
4 education in areas specific to public health dentistry  
5 yearly.

6 (d) Each public health dental hygienist who has rendered  
7 services under subsections (c), (d), and (e) of this Section  
8 must complete a summary report at the completion of a program  
9 or, in the case of an ongoing program, at least annually. The  
10 report must be completed in the manner specified by the  
11 Department of Public Health Oral Health Section including  
12 information about each location where the public health dental  
13 hygienist has rendered these services. The public health  
14 dental hygienist must submit the form to the dentist providing  
15 supervision for his or her signature before sending it to the  
16 Division. The Department of Public Health Oral Health Section  
17 shall compile and publicize public health dental hygienist  
18 service data annually.

19 (e) Public health dental hygienists providing services  
20 under public health supervision may be compensated for their  
21 work by salary, honoraria, and other mechanisms by the  
22 employing or sponsoring entity. Nothing in this Act shall  
23 preclude the entity that employs or sponsors a public health  
24 dental hygienist from seeking payment, reimbursement, or other  
25 source of funding for the services provided.

26 (e-5) A patient who is provided services under a

1 supervision agreement by a public health dental hygienist as  
2 described in this Section does not need to receive a physical  
3 examination from a dentist prior to treatment if the public  
4 health dental hygienist consults with the supervising dentist  
5 prior to performing the teledentistry service.

6 (f) This Section is repealed on January 1, 2026.

7 (Source: P.A. 103-431, eff. 1-1-24.)

8 (225 ILCS 25/23) (from Ch. 111, par. 2323)

9 (Section scheduled to be repealed on January 1, 2026)

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

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

20 2. Inability to practice with reasonable judgment,  
21 skill, or safety as a result of habitual or excessive use  
22 or addiction to alcohol, narcotics, stimulants, or any  
23 other chemical agent or drug.

24 3. Willful or repeated violations of the rules of the  
25 Department of Public Health or Department of Nuclear

1 Safety.

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

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

22 6. Employing, procuring, inducing, aiding or abetting  
23 a person not licensed or registered as a dentist or dental  
24 hygienist to engage in the practice of dentistry or dental  
25 hygiene. The person practiced upon is not an accomplice,  
26 employer, procurer, inducer, aider, or abetter within the

1 meaning of this Act.

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

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

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

18 10. Practicing under a false or, except as provided by  
19 law, an assumed name.

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

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

1 conditional discharge, or first offender probation, under  
2 the laws of any jurisdiction of the United States that (i)  
3 is a felony under the laws of this State or (ii) is a  
4 misdemeanor, an essential element of which is dishonesty,  
5 or that is directly related to the practice of dentistry.

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

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

11 15. A violation of any provision of this Act or any  
12 rules promulgated under this Act.

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

15 17. Violating any provision of Section 45 relating to  
16 advertising.

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

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

24 20. Gross negligence in practice under this Act.

25 21. The use or prescription for use of narcotics or  
26 controlled substances or designated products as listed in



1 the Illinois Controlled Substances Act, in any way other  
2 than for therapeutic purposes.

3 22. Willfully making or filing false records or  
4 reports in his or her practice as a dentist, including,  
5 but not limited to, false records to support claims  
6 against the dental assistance program of the Department of  
7 Healthcare and Family Services (formerly Illinois  
8 Department of Public Aid).

9 23. Professional incompetence as manifested by poor  
10 standards of care.

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

19 25. Gross or repeated irregularities in billing for  
20 services rendered to a patient. For purposes of this  
21 paragraph 25, "irregularities in billing" shall include:

22 (a) Reporting excessive charges for the purpose of  
23 obtaining a total payment in excess of that usually  
24 received by the dentist for the services rendered.

25 (b) Reporting charges for services not rendered.

26 (c) Incorrectly reporting services rendered for

1 the purpose of obtaining payment not earned.

2 26. Continuing the active practice of dentistry while  
3 knowingly having any infectious, communicable, or  
4 contagious disease proscribed by rule or regulation of the  
5 Department.

6 27. Being named as a perpetrator in an indicated  
7 report by the Department of Children and Family Services  
8 pursuant to the Abused and Neglected Child Reporting Act,  
9 and upon proof by clear and convincing evidence that the  
10 licensee has caused a child to be an abused child or  
11 neglected child as defined in the Abused and Neglected  
12 Child Reporting Act.

13 28. Violating the Health Care Worker Self-Referral  
14 Act.

15 29. Abandonment of a patient.

16 30. Mental incompetency as declared by a court of  
17 competent jurisdiction.

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

21 32. Material misstatement in furnishing information to  
22 the Department.

23 33. Failing, within 60 days, to provide information in  
24 response to a written request by the Department in the  
25 course of an investigation.

26 34. Immoral conduct in the commission of any act,

1 including, but not limited to, commission of an act of  
2 sexual misconduct related to the licensee's practice.

3 35. Cheating on or attempting to subvert the licensing  
4 examination administered under this Act.

5 36. A pattern of practice or other behavior that  
6 demonstrates incapacity or incompetence to practice under  
7 this Act.

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

10 38. Failure to provide copies of dental records as  
11 required by law.

12 39. Failure of a licensed dentist who owns or is  
13 employed at a dental office to give notice of an office  
14 closure to his or her patients at least 30 days prior to  
15 the office closure pursuant to Section 50.1.

16 40. Failure to maintain a sanitary work environment.

17 41. Failure to comply with the provisions of Section  
18 17.2 of this Act.

19 All proceedings to suspend, revoke, place on probationary  
20 status, or take any other disciplinary action as the  
21 Department may deem proper, with regard to a license on any of  
22 the foregoing grounds, must be commenced within 5 years after  
23 receipt by the Department of a complaint alleging the  
24 commission of or notice of the conviction order for any of the  
25 acts described herein. Except for fraud in procuring a  
26 license, no action shall be commenced more than 7 years after

1 the date of the incident or act alleged to have violated this  
2 Section. The time during which the holder of the license was  
3 outside the State of Illinois shall not be included within any  
4 period of time limiting the commencement of disciplinary  
5 action by the Department.

6 All fines imposed under this Section shall be paid within  
7 60 days after the effective date of the order imposing the fine  
8 or in accordance with the terms set forth in the order imposing  
9 the fine.

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

17 Any dentist who has had his or her license suspended or  
18 revoked for more than 5 years must comply with the  
19 requirements for restoration set forth in Section 16 prior to  
20 being eligible for reinstatement from the suspension or  
21 revocation.

22 (Source: P.A. 103-425, eff. 1-1-24.)

23 Section 10. The Consumer Fraud and Deceptive Business  
24 Practices Act is amended by adding Section 2EEEE as follows:

1 (815 ILCS 505/2EEEE new)

2 Sec. 2EEEE. Violations concerning teledentistry under the  
3 Illinois Dental Practice Act. Any person who violates Section  
4 17.2 of the Illinois Dental Practice Act commits an unlawful  
5 practice within the meaning of this Act.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".