

1 AN ACT to amend the Illinois Dental Practice Act.

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
5 by changing Sections 4, 11, and 45 and by adding Section 44.1
6 as follows:

7 (225 ILCS 25/4) (from Ch. 111, par. 2304)

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

9 (a) "Department" means the Illinois Department of
10 Professional Regulation.

11 (b) "Director" means the Director of Professional
12 Regulation.

13 (c) "Board" means the Board of Dentistry established by
14 Section 6 of this Act.

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

20 (e) "Dental hygienist" means a person who holds a
21 license under this Act to perform dental services as
22 authorized by Section 18.

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

26 (g) "Dental laboratory" means a person, firm or
27 corporation which:

28 (i) engages in making, providing, repairing or
29 altering dental prosthetic appliances and other
30 artificial materials and devices which are returned to a
31 dentist for insertion into the human oral cavity or which

1 come in contact with its adjacent structures and tissues;
2 and

3 (ii) utilizes or employs a dental technician to
4 provide such services; and

5 (iii) performs such functions only for a dentist or
6 dentists.

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

14 (i) "General supervision" means supervision of a dental
15 hygienist requiring that a dentist authorize the procedures
16 which are being carried out, but not requiring that a dentist
17 be present when the authorized procedures are being
18 performed. The authorized procedures may also be performed
19 at a place other than the dentist's usual place of practice.
20 The issuance of a prescription to a dental laboratory by a
21 dentist does not constitute general supervision.

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

30 (l) "Branches of dentistry" means the various
31 specialties of dentistry which, for purposes of this Act,
32 shall be limited to the following: endodontics, oral and
33 maxillofacial surgery, orthodontics and dentofacial
34 orthopedics, pediatric dentistry, periodontics, and

1 prosthodontics, and oral and maxillofacial radiology.

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

4 (n) "Dental technician" means a person who owns,
5 operates or is employed by a dental laboratory and engages in
6 making, providing, repairing or altering dental prosthetic
7 appliances and other artificial materials and devices which
8 are returned to a dentist for insertion into the human oral
9 cavity or which come in contact with its adjacent structures
10 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
17 skills, abuse of drugs or alcohol, or a psychiatric disorder,
18 of sufficient degree to diminish the person's ability to
19 deliver competent patient care.

20 (p) "Nurse" means a registered professional nurse, an
21 advanced practice nurse, or a licensed practical nurse
22 licensed under the Nursing and Advanced Practice Nursing Act.

23 (Source: P.A. 91-138, eff. 1-1-00; 91-689, eff. 1-1-01.)

24 (225 ILCS 25/11) (from Ch. 111, par. 2311)

25 Sec. 11. Types of Dental Licenses. The Department shall
26 have the authority to issue the following types of licenses:

27 (a) General licenses. The Department shall issue a
28 license authorizing practice as a dentist to any person who
29 qualifies for a license under this Act.

30 (b) Specialty licenses. The Department shall issue a
31 license authorizing practice as a specialist in any
32 particular branch of dentistry to any dentist who has
33 complied with the requirements established for that

1 particular branch of dentistry at the time of making
2 application. The Department shall establish additional
3 requirements of any dentist who announces or holds himself or
4 herself out to the public as a specialist or as being
5 specially qualified in any particular branch of dentistry.

6 No dentist shall announce or hold himself or herself out
7 to the public as a specialist or as being specially qualified
8 in any particular branch of dentistry unless he or she is
9 licensed to practice in that specialty of dentistry.

10 The fact that any dentist shall announce by card,
11 letterhead or any other form of communication using terms as
12 "Specialist," "Practice Limited To" or "Limited to Specialty
13 of" with the name of the branch of dentistry practiced as a
14 specialty, or shall use equivalent words or phrases to
15 announce the same, shall be prima facie evidence that the
16 dentist is holding himself or herself out to the public as a
17 specialist.

18 (c) Temporary training licenses. Persons who wish to
19 pursue specialty or other advanced clinical educational
20 programs in an approved dental school or a hospital situated
21 in this State, or persons who wish to pursue programs of
22 specialty training in dental public health in public agencies
23 in this State, may receive without examination, in the
24 discretion of the Department, a temporary training license.
25 In order to receive a temporary training license under this
26 subsection, an applicant shall furnish satisfactory proof to
27 the Department that:

28 (1) The applicant is at least 21 years of age and
29 is of good moral character. In determining moral
30 character under this Section, the Department may take
31 into consideration any felony conviction of the
32 applicant, but such a conviction shall not operate as bar
33 to licensure;

34 (2) The applicant has been accepted or appointed

1 for specialty or residency training by an approved
2 hospital situated in this State, by an approved dental
3 school situated in this State, or by a public health
4 agency in this State the training programs of which are
5 recognized and approved by the Department. The applicant
6 shall indicate the beginning and ending dates of the
7 period for which he or she has been accepted or
8 appointed;

9 (3) The applicant is a graduate of a dental school
10 or college approved and in good standing in the judgment
11 of the Department. The Department may consider diplomas
12 or certifications of education, or both, accompanied by
13 transcripts of course work and credits awarded to
14 determine if an applicant has graduated from a dental
15 school or college approved and in good standing. The
16 Department may also consider diplomas or certifications
17 of education, or both, accompanied by transcripts of
18 course work and credits awarded in determining whether a
19 dental school or college is approved and in good
20 standing.

21 Temporary training licenses issued under this Section
22 shall be valid only for the duration of the period of
23 residency or specialty training and may be extended or
24 renewed as prescribed by rule. The holder of a valid
25 temporary training license shall be entitled thereby to
26 perform acts as may be prescribed by and incidental to his or
27 her program of residency or specialty training; but he or she
28 shall not be entitled to engage in the practice of dentistry
29 in this State.

30 A temporary training license may be revoked by the
31 Department upon proof that the holder has engaged in the
32 practice of dentistry in this State outside of his or her
33 program of residency or specialty training, or if the holder
34 shall fail to supply the Department, within 10 days of its

1 request, with information as to his or her current status and
2 activities in his or her specialty training program.

3 (d) Restricted faculty licenses. Persons who have
4 received full-time appointments to teach dentistry at an
5 approved dental school or hospital situated in this State may
6 receive without examination, in the discretion of the
7 Department, a restricted faculty license. In order to
8 receive a restricted faculty license an applicant shall
9 furnish satisfactory proof to the Department that:

10 (1) The applicant is at least 21 years of age, is
11 of good moral character and is licensed to practice
12 dentistry in another state or country; and

13 (2) The applicant has a full-time an appointment to
14 teach dentistry at an approved dental school or hospital
15 situated in this State.

16 Restricted faculty licenses issued under this Section
17 shall be valid ~~only~~ for a period of 2 5 years and may ~~not~~ be
18 extended or renewed. The holder of a valid restricted
19 faculty license may perform acts as may be required
20 ~~prescribed~~ by his or her teaching of dentistry, ~~but may not~~
21 ~~otherwise engage in the practice of dentistry in this State.~~
22 In addition, the holder of a restricted faculty license may
23 practice general dentistry or in his or her area of
24 specialty, but only in a clinic or office affiliated with the
25 dental school. Any restricted faculty license issued to a
26 faculty member under this Section shall terminate immediately
27 and automatically, without any further action by the
28 Department, if the holder ceases to be a faculty member at an
29 approved dental school or hospital in this State.

30 The Department may revoke a restricted faculty license
31 for a violation of this Act or its rules ~~A-restricted-faculty~~
32 ~~license-may-be-revoked-by-the-Department-upon-proof-that--the~~
33 ~~holder--thereof--has--engaged-in-the-practice-of-dentistry-in~~
34 ~~this-State-outside-of-his-teaching-of-dentistry,~~ or if the

1 holder fails to supply the Department, within 10 days of its
2 request, with information as to his current status and
3 activities in his teaching program.

4 (e) Inactive status. Any person who holds one of the
5 licenses under subsection (a) or (b) of Section 11 or under
6 Section 12 of this Act may elect, upon payment of the
7 required fee, to place his or her license on an inactive
8 status and shall, subject to the rules of the Department, be
9 excused from the payment of renewal fees until he or she
10 notifies the Department in writing of his or her desire to
11 resume active status.

12 Any licensee requesting restoration from inactive status
13 shall be required to pay the current renewal fee and upon
14 payment the Department shall be required to restore his or
15 her license, as provided in Section 16 of this Act.

16 Any licensee whose license is in an inactive status shall
17 not practice in the State of Illinois.

18 (f) Certificates of Identification. In addition to the
19 licenses authorized by this Section, the Department shall
20 deliver to each dentist a certificate of identification in a
21 form specified by the Department.

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

23 (225 ILCS 25/44.1 new)

24 Sec. 44.1. Nurses; dental care. Nurses may be employed
25 by a dentist and may perform those duties permitted by their
26 licenses.

27 (225 ILCS 25/45) (from Ch. 111, par. 2345)

28 Sec. 45. Advertising. The purpose of this Section is to
29 authorize and regulate the advertisement by dentists of
30 information which is intended to provide the public with a
31 sufficient basis upon which to make an informed selection of
32 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
6 limited to the following information:

7 (a) The dental services available;

8 (b) Publication of the dentist's name, title, office
9 hours, 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
16 or 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
26 services. However, any advertisement which announces the
27 availability of endodontics, pediatric dentistry,
28 periodontics, prosthodontics, orthodontics and dentofacial
29 orthopedics, ~~or~~ oral and maxillofacial surgery, or oral and
30 maxillofacial radiology by a general dentist or by a licensed
31 specialist who is not licensed in that specialty shall
32 include a disclaimer stating that the dentist does not hold a
33 license in that specialty.

34 It is unlawful for any dentist licensed under this Act:

1 (1) To use testimonials or claims of superior
2 quality of care to entice the public;

3 (2) To advertise in any way to practice dentistry
4 without causing pain;

5 (3) To pay a fee to any dental referral service or
6 other third party who advertises a dental referral
7 service, unless all advertising of the dental referral
8 service makes it clear that dentists are paying a fee for
9 that referral service; or

10 (4) To advertise or offer gifts as an inducement to
11 secure dental patronage. Dentists may advertise or offer
12 free examinations or free dental services; it shall be
13 unlawful, however, for any dentist to charge a fee to any
14 new patient for any dental service provided at the time
15 that such free examination or free dental services are
16 provided.

17 This Act does not authorize the advertising of dental
18 services when the offeror of such services is not a dentist.
19 Nor shall the dentist use statements which contain false,
20 fraudulent, deceptive or misleading material or guarantees of
21 success, statements which play upon the vanity or fears of
22 the public, or statements which promote or produce unfair
23 competition.

24 A dentist shall be required to keep a copy of all
25 advertisements for a period of 3 years. All advertisements
26 in the dentist's possession shall indicate the accurate date
27 and place of publication.

28 The Department shall adopt rules to carry out the intent
29 of this Section.

30 (Source: P.A. 88-635, eff. 1-1-95; 89-80, eff. 6-30-95;
31 89-116, eff. 7-7-95.)