

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Dental Practice Act is amended by changing Section 19.2 as follows:

(225 ILCS 25/19.2)

(Section scheduled to be repealed on January 1, 2026)

Sec. 19.2. Temporary permit for free dental care.

(a) Upon Board recommendation, the ~~The~~ Department may issue a temporary permit authorizing the practice in this State, without compensation, of dentistry ~~or dental hygiene~~ to an applicant who is licensed to practice dentistry ~~or dental hygiene~~ in another state, if all of the following apply:

(1) the ~~The~~ Department determines that the applicant's services will improve the welfare of Illinois residents who are eligible for Medicaid or who are uninsured and whose household income is not greater than 200% of the federal poverty level;

(2) the applicant has graduated from a dental program approved by the American Dental Association's Commission on Dental Accreditation and maintains an equivalent authorization to practice dentistry in good standing in his or her native licensing jurisdiction during the period

of the temporary visiting dentist permit and can furnish the Department a certified letter upon request from that jurisdiction attesting to the fact that the applicant has no pending action or violations against his or her license; ~~The Department determines that the applicant is qualified and satisfies the criteria specified under Sections 9 and 13 of this Act, except for the examination requirement.~~

(3) the applicant has received an invitation to perform dental care by a charitable organization or has received an invitation to study or receive training on specific dental or clinical subjects or techniques by a licensed continuing education sponsor who is approved by the Department to provide clinical training in the State of Illinois on patients for the welfare of Illinois residents pursuant to subsection (a-5) and is in compliance with the provisions of this Act;

(4) the applicant will be working pursuant to a collaborative agreement with and under the direct supervision of an Illinois licensed dentist, who is in good standing, during the duration of the program. The supervising dentist must be physically present during all clinical training courses; and

(5) payment of a fee established by rule.

The Department may adopt rules to implement this subsection.

(a-5) Upon Board recommendation, after the filing of an application, the Department may allow approved continuing education sponsors to be licensed to provide live patient continuing education clinical training courses if the following requirements are met:

(1) the continuing education course provides services, without compensation, that will improve the welfare of Illinois residents as described in paragraph (1) of subsection (a). The application to the Board must include the following information for review and approval by the Department:

(i) a plan of follow-up care and training models;

(ii) any and all documentation to be signed by the patients, including, but not limited to, waivers, consent forms, and releases;

(iii) information related to the facilities being utilized, staffing plans, and emergency plans;

(iv) the process by which patients will be contacted before, during, and after treatment;

(v) the intended population that will be receiving treatment; and

(vi) proof of valid malpractice insurance for the approved continuing education sponsor that extends coverage to clinical staff, trainees, and out-of-state permit holders that meet the requirements of subsection (a);

(2) a valid written collaborative agreement must exist between the temporary visiting dentist and the Illinois licensed dentist co-treating patients under this Section. The collaborative agreement must include a description of the care to be provided and procedures to be performed by the temporary visiting dentist. There shall be no more than 5 trainees per supervising dentist. A copy of this agreement shall become part of the patient's dental record and shall be made available upon request to the Department; and

(3) payment of a fee established by rule.

A continuing education sponsor license issued under this Section shall be valid for a period of time as provided by rule.

The Department shall adopt rules to implement this subsection.

~~(b) (Blank). The Department may not require the applicant to pass an examination as provided in subsection (e) of Section 9 of this Act in order to receive a temporary permit under this Section.~~

(c) A temporary permit shall be valid for no longer than 5 consecutive clinical days within 6 months from the date of issuance. The temporary permit may be issued once per year to a visiting dentist. Temporary permits under subsection (a) may be restored no more than one time within 5 years of the initial permits issuance. A temporary permit under this Section shall

~~authorize the practice of dentistry or dental hygiene in a specified area of the State for a period of time not to exceed 10 consecutive days in a year and may be renewed by the Department.~~ The Department may require an applicant to pay a fee for the issuance or restoration ~~renewal~~ of a permit under this Section.

(d) (Blank). ~~The Secretary may summarily terminate any permit issued pursuant to this Section, without a hearing, if the Secretary finds that evidence in his or her possession indicates that an individual permit holder's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily suspends a permit issued pursuant to this Section, the permit holder may petition the Department for a hearing in accordance with the provisions of this Act to reinstate his or her permit.~~

~~In addition to terminating any permit issued pursuant to this Section, the Department may issue a monetary penalty not to exceed \$1,000 upon the permit holder and may notify any state in which the permit holder has been issued a license that his or her Illinois permit has been terminated and the reasons for the termination. The monetary penalty shall be paid within 60 days after the effective date of the order imposing the penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. It is the intent of the General Assembly that a permit issued pursuant to this Section~~

~~shall be considered a privilege and not a property right.~~

(e) The temporary permit shall only permit the holder to practice dentistry within the scope of the dental studies and in conjunction with one of the following:

(1) the charitable organization; or

(2) a continuing education program provided by a continuing education sponsor approved by the Department pursuant to this Section that the permit holder is attending.

(f) The temporary visiting dentist may not administer conscious sedation, deep sedation, or general anesthesia.

(g) A patient who seeks treatment from a temporary visiting dentist must sign a consent form acknowledging that the care the patient will receive will be provided by a dentist not licensed in the State of Illinois and that the Illinois licensed dentist who has the collaborative agreement with the temporary visiting dentist will be responsible for all the follow-up care associated with the treatment rendered to the patient.

(h) An application for the temporary permit shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by a nonrefundable fee established by rule.

(i) An applicant for a temporary permit may be requested to appear before the Board to respond to questions concerning the applicant's qualifications to receive the permit. An

applicant's refusal to appear before the Board may be grounds for denial of the application by the Department.

(j) The Secretary may summarily cancel any permit or license issued pursuant to this Section without a hearing if the Secretary finds that evidence in his or her possession indicates that a continuing education sponsor licensed under this Section or a temporary permit holder's continuation in practice would constitute an imminent danger to the public or violate any provision of this Act or its rules. If the Secretary summarily cancels a permit or license issued pursuant to this Section, the permit holder or licensee may petition the Department for a hearing in accordance with the provisions of subsection (b) of Section 26 of this Act to reinstate his or her permit or license.

(k) In addition to terminating any permit or license issued pursuant to this Section, the Department may impose a monetary penalty not to exceed \$10,000 upon the temporary permit holder or licensee and may notify any state in which the temporary permit holder or licensee has been issued a license that his or her Illinois permit or license has been terminated and the reasons for the termination. The monetary penalty shall be paid within 60 days after the effective date of the order imposing the penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record. It is the intent of the General Assembly that a permit or license issued

pursuant to this Section shall be considered a privilege and not a property right.

(Source: P.A. 96-1222, eff. 7-23-10.)

Section 10. The Good Samaritan Act is amended by changing Section 20 as follows:

(745 ILCS 49/20)

Sec. 20. Free dental clinic; exemption from civil liability for services performed without compensation.

(a) Any person licensed under the Illinois Dental Practice Act to practice dentistry or to practice as a dental hygienist who, in good faith, provides dental treatment, dental services, diagnoses, or advice as part of the services of an established free dental clinic providing care to medically indigent patients which is limited to care which does not require the services of a licensed hospital or ambulatory surgical treatment center, and who receives no fee or compensation from that source shall not, as a result of any acts or omissions, except for willful or wanton misconduct on the part of the licensee, in providing dental treatment, dental services, diagnoses or advice, be liable for civil damages. For purposes of this Section, a "free dental clinic" is an organized program providing, without charge, dental care to individuals unable to pay for their care. For purposes of this Section, an "organized program" is a program sponsored by

a community, public health, charitable, voluntary, or organized dental organization. Free dental services provided under this Section may be provided at a clinic or private dental office. A free dental clinic may receive reimbursement from the Department of Healthcare and Family Services or may receive partial reimbursement from a patient based upon ability to pay, provided any such reimbursements shall be used only to pay overhead expenses of operating the free dental clinic and may not be used, in whole or in part, to provide a fee, reimbursement, or other compensation to any person licensed under the Illinois Dental Practice Act who is receiving an exemption under this Section or to any entity that the person owns or controls or in which the person has an ownership interest or from which the person receives a fee, reimbursement, or compensation of any kind. Dental care shall not include the use of general anesthesia or require an overnight stay in a health care facility.

(b) A dentist who administers vaccinations as provided in Section 54.3 of the Illinois Dental Practice Act at a public health clinic operated pursuant to the Public Health District Act, without charge to the patient or the receipt of a fee or compensation from that clinic or for that service in any way, shall not be liable for civil damages as a result of his or her acts or omissions in providing vaccinations, except for willful or wanton misconduct.

(c) The provisions of this Section shall not apply in any

case unless the free dental clinic or public health clinic has posted in a conspicuous place on its premises an explanation of the immunity from civil liability provided in this Section.

(c-5) This Section does not apply to a dentist issued a temporary visiting dentist permit pursuant to Section 19.2 of the Illinois Dental Practice Act.

(d) The changes to this Section made by this amendatory Act of the 99th General Assembly apply only to causes of action accruing on or after the effective date of this amendatory Act of the 99th General Assembly.

(Source: P.A. 99-92, eff. 1-1-16.)