

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 Sections 23 and 24 as follows:

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

(Section scheduled to be repealed on January 1, 2016)

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

1. Fraud in procuring the license.
2. Habitual intoxication or addiction to the use of drugs.
3. Willful or repeated violations of the rules of the Department of Public Health or Department of Nuclear Safety.
4. Acceptance of a fee for service as a witness, without the knowledge of the court, in addition to the fee allowed by the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. Willfully failing to report an instance of

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

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

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

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

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

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

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

paragraph 25, "irregularities in billing" shall include:

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

(b) Reporting charges for services not rendered.

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

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

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

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

29. Abandonment of a patient.

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

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

All proceedings to suspend, revoke, place on probationary

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

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

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

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

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

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

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

1. Fraud in procuring license.
2. Performing any operation not authorized by this Act.
3. Practicing dental hygiene other than under the supervision of a licensed dentist as provided by this Act.
4. The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of, any Act which is now or which hereafter may be in force in this State relating to the use of habit-forming drugs.
5. The obtaining of, or an attempt to obtain a license, or practice in the profession, or money, or any other thing of value by fraudulent representation.
6. Gross negligence in performing the operative procedure of dental hygiene.
7. Active practice of dental hygiene while knowingly having any infectious, communicable, or contagious disease proscribed by rule or regulation of the Department.
8. Habitual intoxication or addiction to the use of habit-forming drugs.
9. Conviction in this or another state of any crime which is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such

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

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

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

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

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

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

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

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

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

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