



Health Care Availability and Access Committee

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LRB095 06272 RAS 35881 a

1 AMENDMENT TO SENATE BILL 214

2 AMENDMENT NO. _____. Amend Senate Bill 214 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 8.1 and 45 as follows:

6 (225 ILCS 25/8.1) (from Ch. 111, par. 2308.1)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 8.1. Permit for the administration of anesthesia and
9 sedation.

10 (a) No licensed dentist shall administer general
11 anesthesia, deep sedation, or conscious sedation without first
12 applying for and obtaining a permit for such purpose from the
13 Department. The Department shall issue such permit only after
14 ascertaining that the applicant possesses the minimum
15 qualifications necessary to protect public safety. A person
16 with a dental degree who administers anesthesia, deep sedation,

1 or conscious sedation in an approved hospital training program
2 under the supervision of either a licensed dentist holding such
3 permit or a physician licensed to practice medicine in all its
4 branches shall not be required to obtain such permit.

5 (b) In determining the minimum permit qualifications that
6 are necessary to protect public safety, the Department, by
7 rule, shall:

8 (1) establish the minimum educational and training
9 requirements necessary for a dentist to be issued an
10 appropriate permit;

11 (2) establish the standards for properly equipped
12 dental facilities (other than licensed hospitals and
13 ambulatory surgical treatment centers) in which general
14 anesthesia, deep sedation, or conscious sedation is
15 administered, as necessary to protect public safety;

16 (3) establish minimum requirements for all persons who
17 assist the dentist in the administration of general
18 anesthesia, deep sedation, or conscious sedation,
19 including minimum training requirements for each member of
20 the dental team, monitoring requirements, recordkeeping
21 requirements, and emergency procedures; and

22 (4) ensure that the dentist and all persons assisting
23 the dentist or monitoring the administration of general
24 anesthesia, deep sedation, or conscious sedation maintain
25 current certification in Basic Life Support (BLS).

26 (5) establish continuing education requirements in

1 sedation techniques for dentists who possess a permit under
2 this Section.

3 When establishing requirements under this Section, the
4 Department shall consider the current American Dental
5 Association guidelines on sedation and general anesthesia, the
6 current "Guidelines for Monitoring and Management of Pediatric
7 Patients During and After Sedation for Diagnostic and
8 Therapeutic Procedures" established by the American Academy of
9 Pediatrics and the American Academy of Pediatric Dentistry, and
10 the current parameters of care and Office Anesthesia Evaluation
11 (OAE) Manual established by the American Association of Oral
12 and Maxillofacial Surgeons.

13 (c) A licensed dentist must hold an appropriate permit
14 issued under this Section in order to perform dentistry while a
15 nurse anesthetist administers conscious sedation, and a valid
16 written collaborative agreement must exist between the dentist
17 and the nurse anesthetist, in accordance with the Nursing and
18 Advanced Practice Nursing Act.

19 A licensed dentist must hold an appropriate permit issued
20 under this Section in order to perform dentistry while a nurse
21 anesthetist administers deep sedation or general anesthesia,
22 and a valid written collaborative agreement must exist between
23 the dentist and the nurse anesthetist, in accordance with the
24 Nursing and Advanced Practice Nursing Act.

25 For the purposes of this subsection (c), "nurse
26 anesthetist" means a licensed certified registered nurse

1 anesthetist who holds a license as an advanced practice nurse.

2 (Source: P.A. 92-280, eff. 1-1-02.)

3 (225 ILCS 25/45) (from Ch. 111, par. 2345)

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

5 Sec. 45. Advertising. The purpose of this Section is to
6 authorize and regulate the advertisement by dentists of
7 information which is intended to provide the public with a
8 sufficient basis upon which to make an informed selection of
9 dentists while protecting the public from false or misleading
10 advertisements which would detract from the fair and rational
11 selection process.

12 Any dentist may advertise the availability of dental
13 services in the public media or on the premises where such
14 dental services are rendered. Such advertising shall be limited
15 to the following information:

16 (a) The dental services available;

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

19 (c) Information pertaining to his or her area of
20 specialization, including appropriate board certification or
21 limitation of professional practice;

22 (d) Information on usual and customary fees for routine
23 dental services offered, which information shall include
24 notification that fees may be adjusted due to complications or
25 unforeseen circumstances;

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

3 (f) Announcement of additions to or deletions from
4 professional dental staff;

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

6 (h) Other information about the dentist, dentist's
7 practice or the types of dental services which the dentist
8 offers to perform which a reasonable person might regard as
9 relevant in determining whether to seek the dentist's services.
10 However, any advertisement which announces the availability of
11 endodontics, pediatric dentistry, periodontics,
12 prosthodontics, orthodontics and dentofacial orthopedics, oral
13 and maxillofacial surgery, or oral and maxillofacial radiology
14 by a general dentist or by a licensed specialist who is not
15 licensed in that specialty shall include a disclaimer stating
16 that the dentist does not hold a license in that specialty.

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

19 (1) Use ~~To use~~ testimonials or claims of superior
20 quality of care to entice the public. +

21 (2) Advertise ~~To advertise~~ in any way to practice
22 dentistry without causing pain. +

23 (3) Pay ~~To pay~~ a fee to any dental referral service or
24 other third party who advertises a dental referral service,
25 unless all advertising of the dental referral service makes
26 it clear that dentists are paying a fee for that referral

1 service. ~~for~~

2 (4) Advertise ~~To advertise~~ or offer gifts as an
3 inducement to secure dental patronage. Dentists may
4 advertise or offer free examinations or free dental
5 services; it shall be unlawful, however, for any dentist to
6 charge a fee to any new patient for any dental service
7 provided at the time that such free examination or free
8 dental services are provided.

9 (5) Use the term "sedation dentistry" or similar terms
10 in advertising unless the advertising dentist holds a valid
11 and current permit issued by the Department to administer
12 either general anesthesia, deep sedation, or conscious
13 sedation as required under Section 8.1 of this Act.

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

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

25 The Department shall adopt rules to carry out the intent of
26 this Section.

1 (Source: P.A. 92-280, eff. 1-1-02.)".