

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, 8.1, 11, and 45 and by adding Section  
6 44.1 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 25/8.1) (from Ch. 111, par. 2308.1)

25 Sec. 8.1. No licensed dentist shall administer general  
26 anesthesia or ~~parenteral~~ conscious sedation without first  
27 applying for and obtaining a permit for such purpose from the  
28 Department. The Department shall issue such permit only  
29 after ascertaining that the applicant possesses the minimum  
30 qualifications necessary to protect public safety. A person  
31 with a dental degree who administers anesthesia or ~~parenteral~~  
32 conscious sedation in an approved hospital training program  
33 under the supervision of either a licensed dentist holding

1 such permit or a physician licensed to practice medicine in  
2 all its branches shall not be required to obtain such permit.  
3 (Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

4 (225 ILCS 25/11) (from Ch. 111, par. 2311)

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

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

10 (b) Specialty licenses. The Department shall issue a  
11 license authorizing practice as a specialist in any  
12 particular branch of dentistry to any dentist who has  
13 complied with the requirements established for that  
14 particular branch of dentistry at the time of making  
15 application. The Department shall establish additional  
16 requirements of any dentist who announces or holds himself or  
17 herself out to the public as a specialist or as being  
18 specially qualified in any particular branch of dentistry.

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

23 The fact that any dentist shall announce by card,  
24 letterhead or any other form of communication using terms as  
25 "Specialist," "Practice Limited To" or "Limited to Specialty  
26 of" with the name of the branch of dentistry practiced as a  
27 specialty, or shall use equivalent words or phrases to  
28 announce the same, shall be prima facie evidence that the  
29 dentist is holding himself or herself out to the public as a  
30 specialist.

31 (c) Temporary training licenses. Persons who wish to  
32 pursue specialty or other advanced clinical educational  
33 programs in an approved dental school or a hospital situated

1 in this State, or persons who wish to pursue programs of  
2 specialty training in dental public health in public agencies  
3 in this State, may receive without examination, in the  
4 discretion of the Department, a temporary training license.  
5 In order to receive a temporary training license under this  
6 subsection, an applicant shall furnish satisfactory proof to  
7 the Department that:

8 (1) The applicant is at least 21 years of age and  
9 is of good moral character. In determining moral  
10 character under this Section, the Department may take  
11 into consideration any felony conviction of the  
12 applicant, but such a conviction shall not operate as bar  
13 to licensure;

14 (2) The applicant has been accepted or appointed  
15 for specialty or residency training by an approved  
16 hospital situated in this State, by an approved dental  
17 school situated in this State, or by a public health  
18 agency in this State the training programs of which are  
19 recognized and approved by the Department. The applicant  
20 shall indicate the beginning and ending dates of the  
21 period for which he or she has been accepted or  
22 appointed;

23 (3) The applicant is a graduate of a dental school  
24 or college approved and in good standing in the judgment  
25 of the Department. The Department may consider diplomas  
26 or certifications of education, or both, accompanied by  
27 transcripts of course work and credits awarded to  
28 determine if an applicant has graduated from a dental  
29 school or college approved and in good standing. The  
30 Department may also consider diplomas or certifications  
31 of education, or both, accompanied by transcripts of  
32 course work and credits awarded in determining whether a  
33 dental school or college is approved and in good  
34 standing.

1 Temporary training licenses issued under this Section  
2 shall be valid only for the duration of the period of  
3 residency or specialty training and may be extended or  
4 renewed as prescribed by rule. The holder of a valid  
5 temporary training license shall be entitled thereby to  
6 perform acts as may be prescribed by and incidental to his or  
7 her program of residency or specialty training; but he or she  
8 shall not be entitled to engage in the practice of dentistry  
9 in this State.

10 A temporary training license may be revoked by the  
11 Department upon proof that the holder has engaged in the  
12 practice of dentistry in this State outside of his or her  
13 program of residency or specialty training, or if the holder  
14 shall fail to supply the Department, within 10 days of its  
15 request, with information as to his or her current status and  
16 activities in his or her specialty training program.

17 (d) Restricted faculty licenses. Persons who have  
18 received full-time appointments to teach dentistry at an  
19 approved dental school or hospital situated in this State may  
20 receive without examination, in the discretion of the  
21 Department, a restricted faculty license. In order to  
22 receive a restricted faculty license an applicant shall  
23 furnish satisfactory proof to the Department that:

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

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

30 Restricted faculty licenses issued under this Section  
31 shall be valid ~~only~~ for a period of 2 5 years and may ~~not~~ be  
32 extended or renewed. The holder of a valid restricted  
33 faculty license may perform acts as may be required  
34 ~~prescribed~~ by his or her teaching of dentistry, ~~but may not~~

1 otherwise-engage-in-the-practice-of-dentistry-in-this--State.  
 2 In addition, the holder of a restricted faculty license may  
 3 practice general dentistry or in his or her area of  
 4 specialty, but only in a clinic or office affiliated with the  
 5 dental school. Any restricted faculty license issued to a  
 6 faculty member under this Section shall terminate immediately  
 7 and automatically, without any further action by the  
 8 Department, if the holder ceases to be a faculty member at an  
 9 approved dental school or hospital in this State.

10 The Department may revoke a restricted faculty license  
 11 for a violation of this Act or its rules A-restricted-faculty  
 12 license-may-be-revoked-by-the-Department-upon-proof-that--the  
 13 holder--thereof--has--engaged-in-the-practice-of-dentistry-in  
 14 this-State-outside-of-his-teaching-of-dentistry, or if the  
 15 holder fails to supply the Department, within 10 days of its  
 16 request, with information as to his current status and  
 17 activities in his teaching program.

18 (e) Inactive status. Any person who holds one of the  
 19 licenses under subsection (a) or (b) of Section 11 or under  
 20 Section 12 of this Act may elect, upon payment of the  
 21 required fee, to place his or her license on an inactive  
 22 status and shall, subject to the rules of the Department, be  
 23 excused from the payment of renewal fees until he or she  
 24 notifies the Department in writing of his or her desire to  
 25 resume active status.

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

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

32 (f) Certificates of Identification. In addition to the  
 33 licenses authorized by this Section, the Department shall  
 34 deliver to each dentist a certificate of identification in a

1 form specified by the Department.

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

3 (225 ILCS 25/44.1 new)

4 Sec. 44.1. Nurses; dental care. Nurses may be employed  
5 by a dentist and may perform those duties permitted by their  
6 licenses.

7 (225 ILCS 25/45) (from Ch. 111, par. 2345)

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

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

- 19 (a) The dental services available;
- 20 (b) Publication of the dentist's name, title, office  
21 hours, address and telephone;
- 22 (c) Information pertaining to his or her area of  
23 specialization, including appropriate board certification or  
24 limitation of professional practice;
- 25 (d) Information on usual and customary fees for routine  
26 dental services offered, which information shall include  
27 notification that fees may be adjusted due to complications  
28 or unforeseen circumstances;
- 29 (e) Announcement of the opening of, change of, absence  
30 from, or return to business;
- 31 (f) Announcement of additions to or deletions from  
32 professional dental staff;



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

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

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

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

17 (2) To advertise in any way to practice dentistry  
18 without causing pain;

19 (3) To pay a fee to any dental referral service or  
20 other third party who advertises a dental referral  
21 service, unless all advertising of the dental referral  
22 service makes it clear that dentists are paying a fee for  
23 that referral service; or

24 (4) To advertise or offer gifts as an inducement to  
25 secure dental patronage. Dentists may advertise or offer  
26 free examinations or free dental services; it shall be  
27 unlawful, however, for any dentist to charge a fee to any  
28 new patient for any dental service provided at the time  
29 that such free examination or free dental services are  
30 provided.

31 This Act does not authorize the advertising of dental  
32 services when the offeror of such services is not a dentist.  
33 Nor shall the dentist use statements which contain false,  
34 fraudulent, deceptive or misleading material or guarantees of

1 success, statements which play upon the vanity or fears of  
2 the public, or statements which promote or produce unfair  
3 competition.

4 A dentist shall be required to keep a copy of all  
5 advertisements for a period of 3 years. All advertisements  
6 in the dentist's possession shall indicate the accurate date  
7 and place of publication.

8 The Department shall adopt rules to carry out the intent  
9 of this Section.

10 (Source: P.A. 88-635, eff. 1-1-95; 89-80, eff. 6-30-95;  
11 89-116, eff. 7-7-95.)