

1 AN ACT concerning regulation.

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 by
5 changing Section 19.2 as follows:

6 (225 ILCS 25/19.2)

7 (Section scheduled to be repealed on January 1, 2026)

8 Sec. 19.2. Temporary permit for free dental care.

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

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

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

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

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

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

24 (5) payment of a fee established by rule.

25 The Department may adopt rules to implement this
26 subsection.

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

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

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

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

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

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

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

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

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

11 (3) payment of a fee established by rule.

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

15 The Department shall adopt rules to implement this
16 subsection.

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

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

1 ~~authorize the practice of dentistry or dental hygiene in a~~
2 ~~specified area of the State for a period of time not to exceed~~
3 ~~10 consecutive days in a year and may be renewed by the~~
4 ~~Department.~~ The Department may require an applicant to pay a
5 fee for the issuance or restoration ~~renewal~~ of a permit under
6 this Section.

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

16 ~~In addition to terminating any permit issued pursuant to~~
17 ~~this Section, the Department may issue a monetary penalty not~~
18 ~~to exceed \$1,000 upon the permit holder and may notify any~~
19 ~~state in which the permit holder has been issued a license that~~
20 ~~his or her Illinois permit has been terminated and the reasons~~
21 ~~for the termination. The monetary penalty shall be paid within~~
22 ~~60 days after the effective date of the order imposing the~~
23 ~~penalty. The order shall constitute a judgment and may be~~
24 ~~filed and execution had thereon in the same manner as any~~
25 ~~judgment from any court of record. It is the intent of the~~
26 ~~General Assembly that a permit issued pursuant to this Section~~

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

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

5 (1) the charitable organization; or

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

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

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

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

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

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

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

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

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

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

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

6 (745 ILCS 49/20)

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

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

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

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

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

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

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

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

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