



Sen. Bill Cunningham

Filed: 2/21/2024

10300SB2586sam001

LRB103 32717 RTM 69865 a

1 AMENDMENT TO SENATE BILL 2586

2 AMENDMENT NO. _____. Amend Senate Bill 2586 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 4, 18.1, and 23 and by adding Section 17.2 as
6 follows:

7 (225 ILCS 25/4)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 4. Definitions. As used in this Act:

10 "Address of record" means the designated address recorded
11 by the Department in the applicant's or licensee's application
12 file or license file as maintained by the Department's
13 licensure maintenance unit. It is the duty of the applicant or
14 licensee to inform the Department of any change of address and
15 those changes must be made either through the Department's
16 website or by contacting the Department.

1 "Department" means the Department of Financial and
2 Professional Regulation.

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation.

5 "Board" means the Board of Dentistry.

6 "Dentist" means a person who has received a general
7 license pursuant to paragraph (a) of Section 11 of this Act and
8 who may perform any intraoral and extraoral procedure required
9 in the practice of dentistry and to whom is reserved the
10 responsibilities specified in Section 17.

11 "Dental hygienist" means a person who holds a license
12 under this Act to perform dental services as authorized by
13 Section 18.

14 "Dental assistant" means an appropriately trained person
15 who, under the supervision of a dentist, provides dental
16 services as authorized by Section 17.

17 "Expanded function dental assistant" means a dental
18 assistant who has completed the training required by Section
19 17.1 of this Act.

20 "Dental laboratory" means a person, firm, or corporation
21 which:

22 (i) engages in making, providing, repairing, or
23 altering dental prosthetic appliances and other artificial
24 materials and devices which are returned to a dentist for
25 insertion into the human oral cavity or which come in
26 contact with its adjacent structures and tissues; and

1 (ii) utilizes or employs a dental technician to
2 provide such services; and

3 (iii) performs such functions only for a dentist or
4 dentists.

5 "Supervision" means supervision of a dental hygienist or a
6 dental assistant requiring that a dentist authorize the
7 procedure, remain in the dental facility while the procedure
8 is performed, and approve the work performed by the dental
9 hygienist or dental assistant before dismissal of the patient,
10 but does not mean that the dentist must be present at all times
11 in the treatment room.

12 "General supervision" means supervision of a dental
13 hygienist requiring that the patient be a patient of record,
14 that the dentist examine the patient in accordance with
15 Section 18 prior to treatment by the dental hygienist, and
16 that the dentist authorize the procedures which are being
17 carried out by a notation in the patient's record, but not
18 requiring that a dentist be present when the authorized
19 procedures are being performed. The issuance of a prescription
20 to a dental laboratory by a dentist does not constitute
21 general supervision.

22 "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 "Dentistry" means the healing art which is concerned with

1 the examination, diagnosis, treatment planning, and care of
2 conditions within the human oral cavity and its adjacent
3 tissues and structures, as further specified in Section 17.

4 "Branches of dentistry" means the various specialties of
5 dentistry which, for purposes of this Act, shall be limited to
6 the following: endodontics, oral and maxillofacial surgery,
7 orthodontics and dentofacial orthopedics, pediatric dentistry,
8 periodontics, prosthodontics, oral and maxillofacial
9 radiology, and dental anesthesiology.

10 "Specialist" means a dentist who has received a specialty
11 license pursuant to Section 11(b).

12 "Dental technician" means a person who owns, operates, or
13 is employed by a dental laboratory and engages in making,
14 providing, repairing, or altering dental prosthetic appliances
15 and other artificial materials and devices which are returned
16 to a dentist for insertion into the human oral cavity or which
17 come in contact with its adjacent structures and tissues.

18 "Informed consent" means legally valid consent that is
19 given by a patient or legal guardian, that is recorded in
20 writing or digitally, that authorizes intervention or
21 treatment services from the treating dentist, and that
22 documents agreement to participate in those services and
23 knowledge of the risks, benefits, and alternatives, including
24 the decision to withdraw from or decline treatment.

25 "Impaired dentist" or "impaired dental hygienist" means a
26 dentist or dental hygienist who is unable to practice with

1 reasonable skill and safety because of a physical or mental
2 disability as evidenced by a written determination or written
3 consent based on clinical evidence, including deterioration
4 through the aging process, loss of motor skills, abuse of
5 drugs or alcohol, or a psychiatric disorder, of sufficient
6 degree to diminish the person's ability to deliver competent
7 patient care.

8 "Nurse" means a registered professional nurse, a certified
9 registered nurse anesthetist licensed as an advanced practice
10 registered nurse, or a licensed practical nurse licensed under
11 the Nurse Practice Act.

12 "Patient of record" means a patient for whom the patient's
13 most recent dentist has obtained a relevant medical and dental
14 history and on whom the dentist has performed a physical an
15 examination within the last year and evaluated the condition
16 to be treated, including a review of the patient's most recent
17 x-rays.

18 "Dental responder" means a dentist or dental hygienist who
19 is appropriately certified in disaster preparedness,
20 immunizations, and dental humanitarian medical response
21 consistent with the Society of Disaster Medicine and Public
22 Health and training certified by the National Incident
23 Management System or the National Disaster Life Support
24 Foundation.

25 "Mobile dental van or portable dental unit" means any
26 self-contained or portable dental unit in which dentistry is

1 practiced that can be moved, towed, or transported from one
2 location to another in order to establish a location where
3 dental services can be provided.

4 "Public health dental hygienist" means a hygienist who
5 holds a valid license to practice in the State, has 2 years of
6 full-time clinical experience or an equivalent of 4,000 hours
7 of clinical experience, and has completed at least 42 clock
8 hours of additional structured courses in dental education in
9 advanced areas specific to public health dentistry.

10 "Public health setting" means a federally qualified health
11 center; a federal, State, or local public health facility;
12 Head Start; a special supplemental nutrition program for
13 Women, Infants, and Children (WIC) facility; a certified
14 school-based health center or school-based oral health
15 program; a prison; or a long-term care facility.

16 "Public health supervision" means the supervision of a
17 public health dental hygienist by a licensed dentist who has a
18 written public health supervision agreement with that public
19 health dental hygienist while working in an approved facility
20 or program that allows the public health dental hygienist to
21 treat patients, without a dentist first examining the patient
22 and being present in the facility during treatment, (1) who
23 are eligible for Medicaid or (2) who are uninsured or whose
24 household income is not greater than 300% of the federal
25 poverty level.

26 "Teledentistry" means the use of telehealth systems and

1 methodologies in dentistry and includes patient diagnosis,
2 treatment planning, care, and education delivery for a patient
3 of record using synchronous and asynchronous communications
4 under an Illinois licensed a dentist's authority as provided
5 under this Act.

6 (Source: P.A. 102-93, eff. 1-1-22; 102-588, eff. 8-20-21;
7 102-936, eff. 1-1-23; 103-425, eff. 1-1-24; 103-431, eff.
8 1-1-24; revised 12-15-23.)

9 (225 ILCS 25/17.2 new)

10 Sec. 17.2. Teledentistry. A dentist may only practice or
11 utilize teledentistry on a patient of record. A dentist
12 practicing dentistry through teledentistry is subject to the
13 same standard of care and practice standards that are
14 applicable to dental services provided in a clinic or office
15 setting. A dentist may provide and delegate dental services
16 using teledentistry only under the supervision requirements as
17 specified in this Act for in-person care. Prior to providing
18 teledentistry services to a patient, a dentist must obtain
19 informed consent from the patient as to the treatment proposed
20 to be offered through teledentistry by the dentist. It is a
21 violation of this Act for a provider of dental services
22 rendering care through teledentistry to require a patient to
23 sign an agreement that limits in any way the patient's ability
24 to write a review of services received or file a complaint with
25 the Department or other regulatory agency. The Department

1 shall adopt rules to provide for the use of teledentistry in
2 the State of Illinois.

3 (225 ILCS 25/18.1)

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

5 Sec. 18.1. Public health dental supervision
6 responsibilities.

7 (a) When working together in a public health supervision
8 relationship, dentists and public health dental hygienists
9 shall enter into a public health supervision agreement. The
10 dentist providing public health supervision must:

11 (1) be available to provide an appropriate level of
12 contact, communication, collaboration, and consultation
13 with the public health dental hygienist and must meet
14 in-person with the public health dental hygienist at least
15 quarterly for review and consultation;

16 (2) have specific standing orders or policy guidelines
17 for procedures that are to be carried out for each
18 location or program, although the dentist need not be
19 present when the procedures are being performed;

20 (3) provide for the patient's additional necessary
21 care in consultation with the public health dental
22 hygienist;

23 (4) file agreements and notifications as required; and

24 (5) include procedures for creating and maintaining
25 dental records, including protocols for transmission of

1 all records between the public health dental hygienist and
2 the dentist following each treatment, which shall include
3 a notation regarding procedures authorized by the dentist
4 and performed by the public health dental hygienist and
5 the location where those records are to be kept.

6 Each dentist and hygienist who enters into a public health
7 supervision agreement must document and maintain a copy of any
8 change or termination of that agreement.

9 Dental records shall be owned and maintained by the
10 supervising dentist for all patients treated under public
11 health supervision, unless the supervising dentist is an
12 employee of a public health clinic or federally qualified
13 health center, in which case the public health clinic or
14 federally qualified health center shall maintain the records.

15 If a dentist ceases to be employed or contracted by the
16 facility, the dentist shall notify the facility administrator
17 that the public health supervision agreement is no longer in
18 effect. A new public health supervision agreement is required
19 for the public health dental hygienist to continue treating
20 patients under public health supervision.

21 A dentist entering into an agreement under this Section
22 may supervise and enter into agreements for public health
23 supervision with 4 public health dental hygienists. This shall
24 be in addition to the limit of 4 dental hygienists per dentist
25 set forth in subsection (g) of Section 18 of this Act.

26 (b) A public health dental hygienist providing services

1 under public health supervision may perform only those duties
2 within the accepted scope of practice of dental hygiene, as
3 follows:

4 (1) the operative procedures of dental hygiene,
5 consisting of oral prophylactic procedures, including
6 prophylactic cleanings, application of fluoride, and
7 placement of sealants;

8 (2) the exposure and processing of x-ray films of the
9 teeth and surrounding structures; and

10 (3) such other procedures and acts as shall be
11 prescribed by rule of the Department.

12 Any patient treated under this subsection (b) must be
13 examined by a dentist before additional services can be
14 provided by a public health dental hygienist. However, if the
15 supervising dentist, after consultation with the public health
16 hygienist, determines that time is needed to complete an
17 approved treatment plan on a patient eligible under this
18 Section, then the dentist may instruct the hygienist to
19 complete the remaining services prior to an oral examination
20 by the dentist. Such instruction by the dentist to the
21 hygienist shall be noted in the patient's records. Any
22 services performed under this exception must be scheduled in a
23 timely manner and shall not occur more than 30 days after the
24 first appointment date.

25 (c) A public health dental hygienist providing services
26 under public health supervision must:

1 (1) provide to the patient, parent, or guardian a
2 written plan for referral or an agreement for follow-up
3 that records all conditions observed that should be called
4 to the attention of a dentist for proper diagnosis;

5 (2) have each patient sign a permission slip or
6 consent form that informs them that the service to be
7 received does not take the place of regular dental
8 checkups at a dental office and is meant for people who
9 otherwise would not have access to the service;

10 (3) inform each patient who may require further dental
11 services of that need;

12 (4) maintain an appropriate level of contact and
13 communication with the dentist providing public health
14 supervision; and

15 (5) complete an additional 4 hours of continuing
16 education in areas specific to public health dentistry
17 yearly.

18 (d) Each public health dental hygienist who has rendered
19 services under subsections (c), (d), and (e) of this Section
20 must complete a summary report at the completion of a program
21 or, in the case of an ongoing program, at least annually. The
22 report must be completed in the manner specified by the
23 Department of Public Health Oral Health Section including
24 information about each location where the public health dental
25 hygienist has rendered these services. The public health
26 dental hygienist must submit the form to the dentist providing

1 supervision for his or her signature before sending it to the
2 Division. The Department of Public Health Oral Health Section
3 shall compile and publicize public health dental hygienist
4 service data annually.

5 (e) Public health dental hygienists providing services
6 under public health supervision may be compensated for their
7 work by salary, honoraria, and other mechanisms by the
8 employing or sponsoring entity. Nothing in this Act shall
9 preclude the entity that employs or sponsors a public health
10 dental hygienist from seeking payment, reimbursement, or other
11 source of funding for the services provided.

12 (e-5) A patient who is provided services under a
13 supervision agreement by a public health dental hygienist as
14 described in this Section does not need to receive a physical
15 examination from a dentist prior to treatment if the public
16 health dental hygienist consults with the supervising dentist
17 prior to performing the teledentistry service.

18 (f) This Section is repealed on January 1, 2026.

19 (Source: P.A. 103-431, eff. 1-1-24.)

20 (225 ILCS 25/23) (from Ch. 111, par. 2323)

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

22 Sec. 23. Refusal, revocation or suspension of dental
23 licenses. The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand or take other
25 disciplinary or non-disciplinary action as the Department may

1 deem proper, including imposing fines not to exceed \$10,000
2 per violation, with regard to any license for any one or any
3 combination of the following causes:

4 1. Fraud or misrepresentation in applying for or
5 procuring a license under this Act, or in connection with
6 applying for renewal of a license under this Act.

7 2. Inability to practice with reasonable judgment,
8 skill, or safety as a result of habitual or excessive use
9 or addiction to alcohol, narcotics, stimulants, or any
10 other chemical agent or drug.

11 3. Willful or repeated violations of the rules of the
12 Department of Public Health or Department of Nuclear
13 Safety.

14 4. Acceptance of a fee for service as a witness,
15 without the knowledge of the court, in addition to the fee
16 allowed by the court.

17 5. Division of fees or agreeing to split or divide the
18 fees received for dental services with any person for
19 bringing or referring a patient, except in regard to
20 referral services as provided for under Section 45, or
21 assisting in the care or treatment of a patient, without
22 the knowledge of the patient or his or her legal
23 representative. Nothing in this item 5 affects any bona
24 fide independent contractor or employment arrangements
25 among health care professionals, health facilities, health
26 care providers, or other entities, except as otherwise

1 prohibited by law. Any employment arrangements may include
2 provisions for compensation, health insurance, pension, or
3 other employment benefits for the provision of services
4 within the scope of the licensee's practice under this
5 Act. Nothing in this item 5 shall be construed to require
6 an employment arrangement to receive professional fees for
7 services rendered.

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

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

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

23 9. Obtaining or seeking to obtain practice, money, or
24 any other things of value by false or fraudulent
25 representations, but not limited to, engaging in such
26 fraudulent practice to defraud the medical assistance

1 program of the Department of Healthcare and Family
2 Services (formerly Department of Public Aid) under the
3 Illinois Public Aid Code.

4 10. Practicing under a false or, except as provided by
5 law, an assumed name.

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

9 12. Conviction by plea of guilty or nolo contendere,
10 finding of guilt, jury verdict, or entry of judgment or by
11 sentencing for any crime, including, but not limited to,
12 convictions, preceding sentences of supervision,
13 conditional discharge, or first offender probation, under
14 the laws of any jurisdiction of the United States that (i)
15 is a felony under the laws of this State or (ii) is a
16 misdemeanor, an essential element of which is dishonesty,
17 or that is directly related to the practice of dentistry.

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

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

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

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

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

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

7 19. Willfully failing to report an instance of
8 suspected child abuse or neglect as required by the Abused
9 and Neglected Child Reporting Act.

10 20. Gross negligence in practice under this Act.

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

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

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

23 24. Physical or mental illness, including, but not
24 limited to, deterioration through the aging process, or
25 loss of motor skills which results in a dentist's
26 inability to practice dentistry with reasonable judgment,

1 skill or safety. In enforcing this paragraph, the
2 Department may compel a person licensed to practice under
3 this Act to submit to a mental or physical examination
4 pursuant to the terms and conditions of Section 23b.

5 25. Gross or repeated irregularities in billing for
6 services rendered to a patient. For purposes of this
7 paragraph 25, "irregularities in billing" shall include:

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

11 (b) Reporting charges for services not rendered.

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

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

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

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

1 29. Abandonment of a patient.

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

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

7 32. Material misstatement in furnishing information to
8 the Department.

9 33. Failing, within 60 days, to provide information in
10 response to a written request by the Department in the
11 course of an investigation.

12 34. Immoral conduct in the commission of any act,
13 including, but not limited to, commission of an act of
14 sexual misconduct related to the licensee's practice.

15 35. Cheating on or attempting to subvert the licensing
16 examination administered under this Act.

17 36. A pattern of practice or other behavior that
18 demonstrates incapacity or incompetence to practice under
19 this Act.

20 37. Failure to establish and maintain records of
21 patient care and treatment as required under this Act.

22 38. Failure to provide copies of dental records as
23 required by law.

24 39. Failure of a licensed dentist who owns or is
25 employed at a dental office to give notice of an office
26 closure to his or her patients at least 30 days prior to

1 the office closure pursuant to Section 50.1.

2 40. Failure to maintain a sanitary work environment.

3 41. Failure to comply with the provisions of Section
4 17.2 of this Act.

5 All proceedings to suspend, revoke, place on probationary
6 status, or take any other disciplinary action as the
7 Department may deem proper, with regard to a license on any of
8 the foregoing grounds, must be commenced within 5 years after
9 receipt by the Department of a complaint alleging the
10 commission of or notice of the conviction order for any of the
11 acts described herein. Except for fraud in procuring a
12 license, no action shall be commenced more than 7 years after
13 the date of the incident or act alleged to have violated this
14 Section. The time during which the holder of the license was
15 outside the State of Illinois shall not be included within any
16 period of time limiting the commencement of disciplinary
17 action by the Department.

18 All fines imposed under this Section shall be paid within
19 60 days after the effective date of the order imposing the fine
20 or in accordance with the terms set forth in the order imposing
21 the fine.

22 The Department may refuse to issue or may suspend the
23 license of any person who fails to file a return, or to pay the
24 tax, penalty or interest shown in a filed return, or to pay any
25 final assessment of tax, penalty or interest, as required by
26 any tax Act administered by the Illinois Department of

1 Revenue, until such time as the requirements of any such tax
2 Act are satisfied.

3 Any dentist who has had his or her license suspended or
4 revoked for more than 5 years must comply with the
5 requirements for restoration set forth in Section 16 prior to
6 being eligible for reinstatement from the suspension or
7 revocation.

8 (Source: P.A. 103-425, eff. 1-1-24.)

9 Section 10. The Consumer Fraud and Deceptive Business
10 Practices Act is amended by adding Section 2EEEE as follows:

11 (815 ILCS 505/2EEEE new)

12 Sec. 2EEEE. Violations concerning teledentistry under the
13 Illinois Dental Practice Act. Any person who violates Section
14 17.2 of the Illinois Dental Practice Act commits an unlawful
15 practice within the meaning of this Act.

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