



Sen. Bill Cunningham

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10300SB2586sam003

LRB103 32717 RTM 71964 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8 (Section scheduled to be repealed on January 1, 2026)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", except as provided in Section 17.2,
13 means a patient for whom the patient's most recent dentist has
14 obtained a relevant medical and dental history and on whom the
15 dentist has performed a physical an examination within the
16 last year and evaluated the condition to be treated, including
17 a review of the patient's most recent 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.

11 (a) As used in this Section, "patient of record" means a
12 patient for whom the patient's most recent Illinois-licensed
13 dentist has obtained a relevant medical and dental history and
14 on whom the dentist has (i) performed a physical examination
15 within the last year or (ii) obtained records from an
16 in-person examination within the previous 12 months which
17 evaluated the condition to be treated, including a review of
18 the patient's most recent x-rays.

19 (b) A dentist may only practice or utilize teledentistry
20 on a patient of record. A dentist practicing dentistry through
21 teledentistry is subject to the same standard of care and
22 practice standards that are applicable to dental services
23 provided in a clinic or office setting. A dentist may provide
24 and delegate dental services using teledentistry only under
25 the supervision requirements as specified in this Act for

1 in-person care. Prior to providing teledentistry services to a
2 patient, a dentist must obtain informed consent from the
3 patient as to the treatment proposed to be offered through
4 teledentistry by the dentist. A dentist providing
5 teledentistry under this Section shall provide the patient
6 with the his or her name, direct telephone number, and
7 physical practice address. It is a violation of this Act for a
8 provider of dental services rendering care through
9 teledentistry to require a patient to sign an agreement that
10 limits in any way the patient's ability to write a review of
11 services received or file a complaint with the Department or
12 other regulatory agency. A dentist may treat a patient through
13 teledentistry in the absence of a provider-patient
14 relationship when, in the professional judgment of the
15 dentist, dental or medical emergency care is required. The
16 Department shall adopt rules to provide for the use of
17 teledentistry in the State of Illinois.

18 (225 ILCS 25/18.1)

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

20 Sec. 18.1. Public health dental supervision
21 responsibilities.

22 (a) When working together in a public health supervision
23 relationship, dentists and public health dental hygienists
24 shall enter into a public health supervision agreement. The
25 dentist providing public health supervision must:

1 (1) be available to provide an appropriate level of
2 contact, communication, collaboration, and consultation
3 with the public health dental hygienist and must meet
4 in-person with the public health dental hygienist at least
5 quarterly for review and consultation;

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

10 (3) provide for the patient's additional necessary
11 care in consultation with the public health dental
12 hygienist;

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

14 (5) include procedures for creating and maintaining
15 dental records, including protocols for transmission of
16 all records between the public health dental hygienist and
17 the dentist following each treatment, which shall include
18 a notation regarding procedures authorized by the dentist
19 and performed by the public health dental hygienist and
20 the location where those records are to be kept.

21 Each dentist and hygienist who enters into a public health
22 supervision agreement must document and maintain a copy of any
23 change or termination of that agreement.

24 Dental records shall be owned and maintained by the
25 supervising dentist for all patients treated under public
26 health supervision, unless the supervising dentist is an

1 employee of a public health clinic or federally qualified
2 health center, in which case the public health clinic or
3 federally qualified health center shall maintain the records.

4 If a dentist ceases to be employed or contracted by the
5 facility, the dentist shall notify the facility administrator
6 that the public health supervision agreement is no longer in
7 effect. A new public health supervision agreement is required
8 for the public health dental hygienist to continue treating
9 patients under public health supervision.

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

15 (b) A public health dental hygienist providing services
16 under public health supervision may perform only those duties
17 within the accepted scope of practice of dental hygiene, as
18 follows:

19 (1) the operative procedures of dental hygiene,
20 consisting of oral prophylactic procedures, including
21 prophylactic cleanings, application of fluoride, and
22 placement of sealants;

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

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

1 Any patient treated under this subsection (b) must be
2 examined by a dentist before additional services can be
3 provided by a public health dental hygienist. However, if the
4 supervising dentist, after consultation with the public health
5 hygienist, determines that time is needed to complete an
6 approved treatment plan on a patient eligible under this
7 Section, then the dentist may instruct the hygienist to
8 complete the remaining services prior to an oral examination
9 by the dentist. Such instruction by the dentist to the
10 hygienist shall be noted in the patient's records. Any
11 services performed under this exception must be scheduled in a
12 timely manner and shall not occur more than 30 days after the
13 first appointment date.

14 (c) A public health dental hygienist providing services
15 under public health supervision must:

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

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

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

1 (4) maintain an appropriate level of contact and
2 communication with the dentist providing public health
3 supervision; and

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

7 (d) Each public health dental hygienist who has rendered
8 services under subsections (c), (d), and (e) of this Section
9 must complete a summary report at the completion of a program
10 or, in the case of an ongoing program, at least annually. The
11 report must be completed in the manner specified by the
12 Department of Public Health Oral Health Section including
13 information about each location where the public health dental
14 hygienist has rendered these services. The public health
15 dental hygienist must submit the form to the dentist providing
16 supervision for his or her signature before sending it to the
17 Division. The Department of Public Health Oral Health Section
18 shall compile and publicize public health dental hygienist
19 service data annually.

20 (e) Public health dental hygienists providing services
21 under public health supervision may be compensated for their
22 work by salary, honoraria, and other mechanisms by the
23 employing or sponsoring entity. Nothing in this Act shall
24 preclude the entity that employs or sponsors a public health
25 dental hygienist from seeking payment, reimbursement, or other
26 source of funding for the services provided.

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

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

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

9 (225 ILCS 25/23) (from Ch. 111, par. 2323)

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

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

18 1. Fraud or misrepresentation in applying for or
19 procuring a license under this Act, or in connection with
20 applying for renewal of a license under this Act.

21 2. Inability to practice with reasonable judgment,
22 skill, or safety as a result of habitual or excessive use
23 or addiction to alcohol, narcotics, stimulants, or any
24 other chemical agent or drug.

25 3. Willful or repeated violations of the rules of the

1 Department of Public Health or Department of Nuclear
2 Safety.

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

6 5. Division of fees or agreeing to split or divide the
7 fees received for dental services with any person for
8 bringing or referring a patient, except in regard to
9 referral services as provided for under Section 45, or
10 assisting in the care or treatment of a patient, without
11 the knowledge of the patient or his or her legal
12 representative. Nothing in this item 5 affects any bona
13 fide independent contractor or employment arrangements
14 among health care professionals, health facilities, health
15 care providers, or other entities, except as otherwise
16 prohibited by law. Any employment arrangements may include
17 provisions for compensation, health insurance, pension, or
18 other employment benefits for the provision of services
19 within the scope of the licensee's practice under this
20 Act. Nothing in this item 5 shall be construed to require
21 an employment arrangement to receive professional fees for
22 services rendered.

23 6. Employing, procuring, inducing, aiding or abetting
24 a person not licensed or registered as a dentist or dental
25 hygienist to engage in the practice of dentistry or dental
26 hygiene. The person practiced upon is not an accomplice,

1 employer, procurer, inducer, aider, or abetter within the
2 meaning of this Act.

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

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

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

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

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

24 12. Conviction by plea of guilty or nolo contendere,
25 finding of guilt, jury verdict, or entry of judgment or by
26 sentencing for any crime, including, but not limited to,

1 convictions, preceding sentences of supervision,
2 conditional discharge, or first offender probation, under
3 the laws of any jurisdiction of the United States that (i)
4 is a felony under the laws of this State or (ii) is a
5 misdemeanor, an essential element of which is dishonesty,
6 or that is directly related to the practice of dentistry.

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

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

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

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

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

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

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

25 20. Gross negligence in practice under this Act.

26 21. The use or prescription for use of narcotics or

1 controlled substances or designated products as listed in
2 the Illinois Controlled Substances Act, in any way other
3 than for therapeutic purposes.

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

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

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

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

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

26 (b) Reporting charges for services not rendered.

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

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

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

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

16 29. Abandonment of a patient.

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

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

22 32. Material misstatement in furnishing information to
23 the Department.

24 33. Failing, within 60 days, to provide information in
25 response to a written request by the Department in the
26 course of an investigation.

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

4 35. Cheating on or attempting to subvert the licensing
5 examination administered under this Act.

6 36. A pattern of practice or other behavior that
7 demonstrates incapacity or incompetence to practice under
8 this Act.

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

11 38. Failure to provide copies of dental records as
12 required by law.

13 39. Failure of a licensed dentist who owns or is
14 employed at a dental office to give notice of an office
15 closure to his or her patients at least 30 days prior to
16 the office closure pursuant to Section 50.1.

17 40. Failure to maintain a sanitary work environment.

18 41. Failure to comply with the provisions of Section
19 17.2 of this Act.

20 All proceedings to suspend, revoke, place on probationary
21 status, or take any other disciplinary action as the
22 Department may deem proper, with regard to a license on any of
23 the foregoing grounds, must be commenced within 5 years after
24 receipt by the Department of a complaint alleging the
25 commission of or notice of the conviction order for any of the
26 acts described herein. Except for fraud in procuring a

1 license, no action shall be commenced more than 7 years after
2 the date of the incident or act alleged to have violated this
3 Section. The time during which the holder of the license was
4 outside the State of Illinois shall not be included within any
5 period of time limiting the commencement of disciplinary
6 action by the Department.

7 All fines imposed under this Section shall be paid within
8 60 days after the effective date of the order imposing the fine
9 or in accordance with the terms set forth in the order imposing
10 the fine.

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

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

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

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

1 (815 ILCS 505/2EEEE new)

2 Sec. 2EEEE. Violations concerning teledentistry under the
3 Illinois Dental Practice Act. Any person who violates Section
4 17.2 of the Illinois Dental Practice Act commits an unlawful
5 practice within the meaning of this Act.

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