

Immediate Actions After a Dentist's Death in Illinois

1. Notify the Illinois Department of Financial and Professional Regulation (IDFPR)

As the executor or administrator of the dentist's estate, you must:

- **File a notification of death** with the IDFPR using their official form.
- Include:
 - The deceased dentist's name and license number.
 - The dental practice's name and address.
 - The estate's name, address, and tax identification number.
 - The name and license number of any dentist(s) who will temporarily operate the practice.
 - A signed affidavit affirming the accuracy of the information and understanding of legal obligations.

Note: The practice can continue operations for up to one year from the date of death or until it's sold, whichever comes first. Extensions may be granted in 12-month increments, up to a total of three additional years, upon petition to the Illinois Department of Financial and Professional Regulation.

2. Hire a Licensed Dentist to Continue Operations

To maintain patient care and preserve the practice's value:

- Contract with a licensed dentist to manage and operate the practice during the transition period.
- Ensure that the interim dentist operates independently without interference from the estate representatives, as mandated by law.

3. Notify Patients

Within 30 days of the dentist's death:

- Send written notification to all patients seen in the past 12 months.
- The notice should:
 - Inform them of the dentist's passing.
 - Provide instructions on how to obtain their dental records.

- Offer information about the continuation of the practice, if applicable.

4. Notify Insurance Networks

- If the deceased dentist was in-network with any insurance company, each insurance company should be contacted to find out about their notification requirements.
- If a dentist has been employed to run the practice, the in-network insurance companies should be contacted to find out about the insurance carrier policies regarding proper billing procedures and in-network contracting.

5. Contact Insurance Carriers

- Professional Liability
- Building and Business Personal Property
- Workers' Compensation
- Health
- Life and Disability

Discussions regarding the continuation of coverage for each of these policies will be required to ensure employees are covered, if the practice is continuing.



Legal and Estate Considerations

6. Review Estate Planning Documents

Check if the deceased had:

- A **will** outlining the distribution of assets, including the dental practice.
- A **revocable living trust** that may hold the practice, facilitating smoother transitions.
- A **buy-sell agreement** if the practice was co-owned, detailing procedures for transferring ownership upon death.

These documents can significantly influence how the practice is managed or sold posthumously.

7. Assess Insurance Policies

Determine if there are:

- **Life insurance** policies that can provide financial support to the family or fund the practice's transition.
- **Business overhead insurance** to cover ongoing expenses during the interim period.
- **Key person insurance** that might offer additional financial stability.

Proper insurance can ease financial burdens and support the practice's continuity.

Practical Steps for Practice Transition

8. Engage Professional Advisors

- **Dental Practice Broker:** To evaluate and facilitate the sale of the practice.
- **Attorney:** Specializing in dental or small business law to navigate legal requirements.
- **Accountant:** To handle financial matters, including valuation and tax implications.

These professionals can provide invaluable assistance during this complex process.

9. Secure and Manage Patient Records

- Ensure all patient records are securely stored and maintained.
- Comply with HIPAA regulations regarding the handling and transfer of medical records.
- Provide patients with access to their records upon request.

Important Considerations

- **Timeliness:** Prompt action is crucial to maintain the practice's value and ensure patient care.
 - **Compliance:** Adhering to Illinois laws and regulations is essential to avoid legal complications.
 - **Communication:** Keep open lines of communication with staff, patients, and stakeholders throughout the transition.
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Helpful Links

Illinois Department of Financial and Professional Regulation:

- **Website:** <https://idfpr.illinois.gov/>
- **Professional Licensing Phone Number:** 1-800-560-6420

Local Dental Society Listing: <https://www.isds.org/about-us/local-components>

ADA - What to Do When Closing a Practice:

<https://www.ada.org/resources/practice/practice-management/what-to-do-when-closing-a-practice>

While Oftentimes Difficult to Do, Planning in Advance is Always Advantageous Where Possible and ISDS-vetted Third-party Companies May Oftentimes be Willing to Help a Little More In-Depth. As You Plan Ahead, Please Consider Reviewing these Companies on the ISDS website: <https://www.isds.org/member-center/member-discounts>

The ISDS Foundation Has a Dentists Relief Program That might be Able to Financially Assist the Family of a Deceased Dentist. Each request is reviewed on a case-by-case basis and is not guaranteed: <https://www.isds.org/foundation/programs/relief-fund>

Disclaimer

The loss of one who holds an Illinois license and may also own a business/practice may add additional complexities to navigate during a difficult time. The Illinois State Dental Society (ISDS) has made every effort to make these materials useful and informative. With that in mind, in making these materials available, the ISDS does not, nor does it intend to, provide either legal or professional advice. Nothing here represents ISDS' legal or professional advice as to any particular situation you may be facing. To get appropriate legal or professional advice, you need to consult directly with a properly qualified professional or with an attorney admitted to practice within your jurisdiction.

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