



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4157

Introduced 1/21/2004, by Angelo Saviano

SYNOPSIS AS INTRODUCED:

| | |
|----------------|-------------------------|
| 225 ILCS 25/4 | from Ch. 111, par. 2304 |
| 225 ILCS 25/6 | from Ch. 111, par. 2306 |
| 225 ILCS 25/18 | from Ch. 111, par. 2318 |

Amends the Illinois Dental Practice Act. Makes changes in the definition of "general supervision" and defines "patient of record". Provides that none of the members of the Board of Dentistry shall be an officer, dean, assistant dean, or associate dean of a dental college or dental department of an institute of learning, nor shall any member be the program director of any dental hygiene program. Also provides that a board member who holds a faculty position in a dental school or dental hygiene program shall not participate in the examination of applicants for licenses from that school or program. Makes changes concerning acts that constitute the practice of dental hygiene. Effective immediately.

LRB093 14619 AMC 42676 b

1 AN ACT concerning professional 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 Sections 4, 6, and 18 as follows:

6 (225 ILCS 25/4) (from Ch. 111, par. 2304)

7 (Section scheduled to be repealed on January 1, 2006)

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 and
17 who may perform any intraoral and extraoral procedure required
18 in the practice of dentistry and to whom is reserved the
19 responsibilities specified in Section 17.

20 (e) "Dental hygienist" means a person who holds a license
21 under this Act to perform dental services as authorized by
22 Section 18.

23 (f) "Dental assistant" means an appropriately trained
24 person who, under the supervision of a dentist, provides dental
25 services as authorized by Section 17.

26 (g) "Dental laboratory" means a person, firm or corporation
27 which:

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

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

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

5 (h) "Supervision" means supervision of a dental hygienist
6 or a dental assistant requiring that a dentist authorize the
7 procedure, remain in the dental facility while the procedure is
8 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 (i) "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 Section
15 18 prior to treatment by the dental hygienist, and that the a
16 dentist authorize the procedures which are being carried out by
17 a notation in the patient's record, but not requiring that a
18 dentist be present when the authorized procedures are being
19 performed. ~~The authorized procedures may also be performed at a~~
20 ~~place other than the dentist's usual place of practice.~~ The
21 issuance of a prescription to a dental laboratory by a dentist
22 does not constitute general supervision.

23 (j) "Public member" means a person who is not a health
24 professional. For purposes of board membership, any person with
25 a significant financial interest in a health service or
26 profession is not a public member.

27 (k) "Dentistry" means the healing art which is concerned
28 with the examination, diagnosis, treatment planning and care of
29 conditions within the human oral cavity and its adjacent
30 tissues and structures, as further specified in Section 17.

31 (l) "Branches of dentistry" means the various specialties
32 of dentistry which, for purposes of this Act, shall be limited
33 to the following: endodontics, oral and maxillofacial surgery,
34 orthodontics and dentofacial orthopedics, pediatric dentistry,
35 periodontics, prosthodontics, and oral and maxillofacial
36 radiology.

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

3 (n) "Dental technician" means a person who owns, operates
4 or is employed by a dental laboratory and engages in making,
5 providing, repairing or altering dental prosthetic appliances
6 and other artificial materials and devices which are returned
7 to a dentist for insertion into the human oral cavity or which
8 come in contact with its adjacent structures and tissues.

9 (o) "Impaired dentist" or "impaired dental hygienist"
10 means a dentist or dental hygienist who is unable to practice
11 with reasonable skill and safety because of a physical or
12 mental disability as evidenced by a written determination or
13 written consent based on clinical evidence, including
14 deterioration through the aging process, loss of motor skills,
15 abuse of drugs or alcohol, or a psychiatric disorder, of
16 sufficient degree to diminish the person's ability to deliver
17 competent patient care.

18 (p) "Nurse" means a registered professional nurse, a
19 certified registered nurse anesthetist licensed as an advanced
20 practice nurse, or a licensed practical nurse licensed under
21 the Nursing and Advanced Practice Nursing Act.

22 (q) "Patient of record" means a patient for whom the
23 patient's most recent dentist has obtained a relevant medical
24 and dental history and on whom the dentist has performed an
25 examination and evaluated the condition to be treated.

26 (Source: P.A. 91-138, eff. 1-1-00; 91-689, eff. 1-1-01; 92-280,
27 eff. 1-1-02; 92-651, eff. 7-11-02.)

28 (225 ILCS 25/6) (from Ch. 111, par. 2306)

29 (Section scheduled to be repealed on January 1, 2006)

30 Sec. 6. Board of Dentistry - Report By Majority Required.
31 There is created a Board of Dentistry, to be composed of
32 persons designated from time to time by the Director, as
33 follows:

34 Eleven persons, 8 of whom have been dentists for a period
35 of 5 years or more; 2 of whom have been dental hygienists for a

1 period of 5 years or more, and one public member. None of the
2 members shall be an officer, dean, assistant dean, or associate
3 dean of a dental college or dental department of an institute
4 of learning, nor shall any member be the program director of
5 any dental hygiene program. A board member who holds a faculty
6 position in a dental school or dental hygiene program shall not
7 participate in the examination of applicants for licenses from
8 that school or program. ~~None of the members shall be employed~~
9 ~~by or be an officer of any dental college, or dental or dental~~
10 ~~hygiene department of any institution of learning.~~ The dental
11 hygienists shall not participate in the examination of
12 applicants for licenses to practice dentistry. The public
13 member shall not participate in the examination of applicants
14 for licenses to practice dentistry or dental hygiene. The board
15 shall annually elect a chairman who shall be a dentist.

16 Terms for all members shall be for 4 years. Partial terms
17 over 2 years in length shall be considered as full terms. A
18 member may be reappointed for a successive term, but no member
19 shall serve more than 2 full terms in his or her lifetime.

20 The membership of the Board shall include only residents
21 from various geographic areas of this State and shall include
22 at least some graduates from various institutions of dental
23 education in this State.

24 In making appointments to the Board the Director shall give
25 due consideration to recommendations by organizations of the
26 dental profession in Illinois, including the Illinois State
27 Dental Society and Illinois Dental Hygienists Association, and
28 shall promptly give due notice to such organizations of any
29 vacancy in the membership of the Board. The Director may
30 terminate the appointment of any member for cause which in the
31 opinion of the Director reasonably justifies such termination.

32 A vacancy in the membership of the Board shall not impair
33 the right of a quorum to exercise all the rights and perform
34 all the duties of the Board. Any action to be taken by the
35 Board under this Act may be authorized by resolution at any
36 regular or special meeting, and each such resolution shall take

1 effect immediately. The Board shall meet at least quarterly.
 2 The Board may adopt all rules and regulations necessary and
 3 incident to its powers and duties under this Act.

4 The members of the Board shall each receive as compensation
 5 a reasonable sum as determined by the Director for each day
 6 actually engaged in the duties of the office, and all
 7 legitimate and necessary expense incurred in attending the
 8 meetings of the Board.

9 Members of the Board shall be immune from suit in any
 10 action based upon any disciplinary proceedings or other
 11 activities performed in good faith as members of the Board.
 12 (Source: P.A. 91-594, eff. 1-1-00.)

13 (225 ILCS 25/18) (from Ch. 111, par. 2318)
 14 (Section scheduled to be repealed on January 1, 2006)
 15 Sec. 18. Acts constituting the practice of dental hygiene:
 16 limitations.

17 (a) A person practices dental hygiene within the meaning of
 18 this Act when he or she performs the following acts under the
 19 supervision of a dentist: ~~A dental hygienist may be employed or~~
 20 engaged only:

- 21 ~~(a) Under the supervision of a dentist:~~
- 22 ~~(1) In the office of a dentist;~~
- 23 ~~(2) By a federal, State, county or municipal agency~~
 24 ~~or institution;~~
- 25 ~~(3) By a public or private school; or~~
- 26 ~~(4) By a public clinic operating under the~~
 27 ~~direction of a hospital or federal, State, county,~~
 28 ~~municipal or other public agency or institution.~~

29 ~~When employed or engaged pursuant to this paragraph (a) a~~
 30 ~~dental hygienist may perform the following procedures and acts:~~

- 31 (i) the operative procedure of dental hygiene,
 32 consisting of oral prophylactic procedures;
- 33 (ii) the exposure and processing of X-Ray films of
 34 the teeth and surrounding structures;
- 35 (iii) the application to the surfaces of the teeth

1 or gums of chemical compounds designed to be
2 desensitizing agents or effective agents in the
3 prevention of dental caries or periodontal disease;

4 (iv) all services which may be performed by a
5 dental assistant as specified by rule pursuant to
6 Section 17;

7 (v) administration and monitoring of nitrous oxide
8 upon successful completion of a training program
9 approved by the Department;

10 (vi) administration of local anesthetics upon
11 successful completion of a training program approved
12 by the Department; and

13 (vii) such other procedures and acts as shall be
14 prescribed by rule or regulation of the Department.

15 (b) A dental hygienist may be employed or engaged only:

16 (1) by a dentist;

17 (2) by a federal, State, county, or municipal agency or
18 institution;

19 (3) by a public or private school; or

20 (4) by a public clinic operating under the direction of
21 a hospital or federal, State, county, municipal, or other
22 public agency or institution.

23 (c) When employed or engaged in the office of a dentist, a
24 dental hygienist may perform, under general supervision, those
25 procedures found in items (i) through (iv) of subsection (a) of
26 this Section, provided the patient has been examined by the
27 dentist within one year of the provision of dental hygiene
28 services, the dentist has approved the dental hygiene services
29 by a notation in the patient's record and the patient has been
30 notified that the dentist may be out of the office during the
31 provision of dental hygiene services.

32 (d) If a patient of record is unable to travel to a dental
33 office because of illness, infirmity, or imprisonment, a dental
34 hygienist may perform, under the general supervision of a
35 dentist, those procedures found in items (i) through (iv) of
36 subsection (a) of this Section, provided the patient is located

1 in a long-term care facility licensed by the State of Illinois,
2 a mental health or developmental disability facility, or a
3 State or federal prison. ~~(b) Under the general supervision of a~~
4 ~~dentist in a long-term care facility licensed by the State of~~
5 ~~Illinois, or a mental health or developmental disability~~
6 ~~facility operated by the Department of Human Services, if the~~
7 ~~patient is unable to travel to a dental office because of~~
8 ~~illness or infirmity.~~ The dentist shall personally examine and
9 diagnose the patient and determine which services are necessary
10 to be performed, which shall be contained in an ~~a written~~ order
11 to the hygienist and a notation in the patient's record. Such
12 order must be implemented within 120 days of its issuance, and
13 an updated medical history and observation of oral conditions
14 ~~oral inspection~~ must be performed by the hygienist immediately
15 prior to beginning the procedures to ensure that the patient's
16 health has not changed in any manner to warrant a reexamination
17 by the dentist.

18 (e) School-based oral health care, consisting of and
19 limited to oral prophylactic procedures, sealants, and
20 fluoride treatments, may be provided by a dental hygienist
21 under the general supervision of a dentist. A dental hygienist
22 may not provide other dental hygiene treatment in a
23 school-based setting, including but not limited to
24 administration or monitoring of nitrous oxide or
25 administration of local anesthetics. The school-based
26 procedures may be performed provided the patient is located at
27 a public or private school and the program is being conducted
28 by a State, county or local public health department initiative
29 or in conjunction with a dental school or dental hygiene
30 program. The dentist shall personally examine and diagnose the
31 patient and determine which services are necessary to be
32 performed, which shall be contained in an order to the
33 hygienist and a notation in the patient's record. Any such
34 order for sealants must be implemented within 120 days after
35 its issuance. Any such order for oral prophylactic procedures
36 or fluoride treatments must be implemented within 180 days

1 after its issuance. An updated medical history and observation
2 of oral conditions must be performed by the hygienist
3 immediately prior to beginning the procedures to ensure that
4 the patient's health has not changed in any manner to warrant a
5 reexamination by the dentist.

6 (f) ~~(e)~~ Without the supervision of a dentist, a dental
7 hygienist may perform dental health education functions and may
8 record case histories and oral conditions observed.

9 (g) The number of dental hygienists practicing in a dental
10 office shall not exceed, at any one time, 4 times the number of
11 dentists practicing in the office at the time.

12 (Source: P.A. 93-113, eff. 1-1-04.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.