

SB2941



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2941

Introduced 2/1/2012, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

225 ILCS 25/17

from Ch. 111, par. 2317

Amends the Illinois Dental Practice Act. Provides that a dentist utilizing dental assistants shall not supervise more than 4 dental assistants at any one time for placing, carving, and finishing of amalgam restorations; the monitoring of nitrous oxide; and pit and fissure sealants. Effective immediately.

LRB097 15511 CEL 60634 b

A BILL FOR

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 17 as follows:

6 (225 ILCS 25/17) (from Ch. 111, par. 2317)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 17. Acts Constituting the Practice of Dentistry. A
9 person practices dentistry, within the meaning of this Act:

10 (1) Who represents himself as being able to diagnose or
11 diagnoses, treats, prescribes, or operates for any
12 disease, pain, deformity, deficiency, injury, or physical
13 condition of the human tooth, teeth, alveolar process, gums
14 or jaw; or

15 (2) Who is a manager, proprietor, operator or conductor
16 of a business where dental operations are performed; or

17 (3) Who performs dental operations of any kind; or

18 (4) Who uses an X-Ray machine or X-Ray films for dental
19 diagnostic purposes; or

20 (5) Who extracts a human tooth or teeth, or corrects or
21 attempts to correct malpositions of the human teeth or
22 jaws; or

23 (6) Who offers or undertakes, by any means or method,

1 to diagnose, treat or remove stains, calculus, and bonding
2 materials from human teeth or jaws; or

3 (7) Who uses or administers local or general
4 anesthetics in the treatment of dental or oral diseases or
5 in any preparation incident to a dental operation of any
6 kind or character; or

7 (8) Who takes impressions of the human tooth, teeth, or
8 jaws or performs any phase of any operation incident to the
9 replacement of a part of a tooth, a tooth, teeth or
10 associated tissues by means of a filling, crown, a bridge,
11 a denture or other appliance; or

12 (9) Who offers to furnish, supply, construct,
13 reproduce or repair, or who furnishes, supplies,
14 constructs, reproduces or repairs, prosthetic dentures,
15 bridges or other substitutes for natural teeth, to the user
16 or prospective user thereof; or

17 (10) Who instructs students on clinical matters or
18 performs any clinical operation included in the curricula
19 of recognized dental schools and colleges; or

20 (11) Who takes impressions of human teeth or places his
21 or her hands in the mouth of any person for the purpose of
22 applying teeth whitening materials, or who takes
23 impressions of human teeth or places his or her hands in
24 the mouth of any person for the purpose of assisting in the
25 application of teeth whitening materials. A person does not
26 practice dentistry when he or she discloses to the consumer

1 that he or she is not licensed as a dentist under this Act
2 and (i) discusses the use of teeth whitening materials with
3 a consumer purchasing these materials; (ii) provides
4 instruction on the use of teeth whitening materials with a
5 consumer purchasing these materials; or (iii) provides
6 appropriate equipment on-site to the consumer for the
7 consumer to self-apply teeth whitening materials.

8 The fact that any person engages in or performs, or offers
9 to engage in or perform, any of the practices, acts, or
10 operations set forth in this Section, shall be prima facie
11 evidence that such person is engaged in the practice of
12 dentistry.

13 The following practices, acts, and operations, however,
14 are exempt from the operation of this Act:

15 (a) The rendering of dental relief in emergency cases
16 in the practice of his or her profession by a physician or
17 surgeon, licensed as such under the laws of this State,
18 unless he undertakes to reproduce or reproduces lost parts
19 of the human teeth in the mouth or to restore or replace
20 lost or missing teeth in the mouth; or

21 (b) The practice of dentistry in the discharge of their
22 official duties by dentists in any branch of the Armed
23 Services of the United States, the United States Public
24 Health Service, or the United States Veterans
25 Administration; or

26 (c) The practice of dentistry by students in their

1 course of study in dental schools or colleges approved by
2 the Department, when acting under the direction and
3 supervision of dentists acting as instructors; or

4 (d) The practice of dentistry by clinical instructors
5 in the course of their teaching duties in dental schools or
6 colleges approved by the Department:

7 (i) when acting under the direction and
8 supervision of dentists, provided that such clinical
9 instructors have instructed continuously in this State
10 since January 1, 1986; or

11 (ii) when holding the rank of full professor at
12 such approved dental school or college and possessing a
13 current valid license or authorization to practice
14 dentistry in another country; or

15 (e) The practice of dentistry by licensed dentists of
16 other states or countries at meetings of the Illinois State
17 Dental Society or component parts thereof, alumni meetings
18 of dental colleges, or any other like dental organizations,
19 while appearing as clinicians; or

20 (f) The use of X-Ray machines for exposing X-Ray films
21 of dental or oral tissues by dental hygienists or dental
22 assistants; or

23 (g) The performance of any dental service by a dental
24 assistant, if such service is performed under the
25 supervision and full responsibility of a dentist.

26 For purposes of this paragraph (g), "dental service" is

1 defined to mean any intraoral procedure or act which shall
2 be prescribed by rule or regulation of the Department.

3 Dental service, however, shall not include:

4 (1) Any and all diagnosis of or prescription for
5 treatment of disease, pain, deformity, deficiency,
6 injury or physical condition of the human teeth or
7 jaws, or adjacent structures.

8 (2) Removal of, or restoration of, or addition to
9 the hard or soft tissues of the oral cavity, except for
10 the placing, carving, and finishing of amalgam
11 restorations by dental assistants who have had
12 additional formal education and certification as
13 determined by the Department. A dentist utilizing
14 dental assistants shall not supervise more than 4
15 dental assistants at any one time for placing, carving,
16 and finishing of amalgam restorations.

17 (3) Any and all correction of malformation of teeth
18 or of the jaws.

19 (4) Administration of anesthetics, except for
20 application of topical anesthetics and monitoring of
21 nitrous oxide. Monitoring of nitrous oxide may be
22 performed after successful completion of a training
23 program approved by the Department. A dentist
24 utilizing dental assistants shall not supervise more
25 than 4 dental assistants at any one time for the
26 monitoring of nitrous oxide.

1 (5) Removal of calculus from human teeth.

2 (6) Taking of impressions for the fabrication of
3 prosthetic appliances, crowns, bridges, inlays,
4 onlays, or other restorative or replacement dentistry.

5 (7) The operative procedure of dental hygiene
6 consisting of oral prophylactic procedures, except for
7 coronal polishing and pit and fissure sealants, which
8 may be performed by a dental assistant who has
9 successfully completed a training program approved by
10 the Department. Dental assistants may perform coronal
11 polishing under the following circumstances: (i) the
12 coronal polishing shall be limited to polishing the
13 clinical crown of the tooth and existing restorations,
14 supragingivally; (ii) the dental assistant performing
15 the coronal polishing shall be limited to the use of
16 rotary instruments using a rubber cup or brush
17 polishing method (air polishing is not permitted); and
18 (iii) the supervising dentist shall not supervise more
19 than 4 dental assistants at any one time for the task
20 of coronal polishing or pit and fissure sealants.

21 (h) The practice of dentistry by an individual who:

22 (i) has applied in writing to the Department, in
23 form and substance satisfactory to the Department, for
24 a general dental license and has complied with all
25 provisions of Section 9 of this Act, except for the
26 passage of the examination specified in subsection

1 (e), of Section 9, of this Act; or

2 (ii) has applied in writing to the Department, in
3 form and substance satisfactory to the Department, for
4 a temporary dental license and has complied with all
5 provisions of subsection (c), of Section 11, of this
6 Act; and

7 (iii) has been accepted or appointed for specialty
8 or residency training by a hospital situated in this
9 State; or

10 (iv) has been accepted or appointed for specialty
11 training in an approved dental program situated in this
12 State; or

13 (v) has been accepted or appointed for specialty
14 training in a dental public health agency situated in
15 this State.

16 The applicant shall be permitted to practice dentistry
17 for a period of 3 months from the starting date of the
18 program, unless authorized in writing by the Department to
19 continue such practice for a period specified in writing by
20 the Department.

21 The applicant shall only be entitled to perform such
22 acts as may be prescribed by and incidental to their
23 program of residency or specialty training and shall not
24 otherwise engage in the practice of dentistry in this
25 State.

26 The authority to practice shall terminate immediately

1 upon:

2 (1) the decision of the Department that the
3 applicant has failed the examination; or

4 (2) denial of licensure by the Department; or

5 (3) withdrawal of the application.

6 (Source: P.A. 96-617, eff. 8-24-09; 97-526, eff. 1-1-12.)

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