



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1217

Introduced 1/30/2013, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

225 ILCS 25/16	from Ch. 111, par. 2316
225 ILCS 25/17	from Ch. 111, par. 2317
225 ILCS 25/54.3 new	

Amends the Illinois Dental Practice Act. Provides that a dentist may administer vaccinations as a public health service upon completion of appropriate training on how to address contraindications and adverse reactions. Makes changes concerning proof of current Basic Life Support certification and the definition of "dental service".

LRB098 05630 MGM 35668 b

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 Sections 16 and 17 and by adding Section 54.3 as
6 follows:

7 (225 ILCS 25/16) (from Ch. 111, par. 2316)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 16. Expiration, renewal and restoration of licenses.

10 The expiration date and renewal date for each license issued
11 under this Act shall be set by rule. The renewal period for
12 each license issued under this Act shall be 3 years. A dentist
13 or dental hygienist may renew a license during the month
14 preceding its expiration date by paying the required fee. A
15 dentist or dental hygienist shall provide proof of current
16 Basic Life Support (BLS) certification ~~by an organization that~~
17 ~~has adopted the American Heart Association's guidelines on BLS~~
18 intended for health care providers at the time of renewal.
19 Basic Life Support certification training taken as a
20 requirement of this Section shall be counted for no more than 4
21 hours during each licensure period towards the continuing
22 education hours under Section 16.1 of this Act. The Department
23 shall provide by rule for exemptions from this requirement for

1 a dentist or dental hygienist with a physical disability that
2 would preclude him or her from performing BLS.

3 Any dentist or dental hygienist whose license has expired
4 or whose license is on inactive status may have his license
5 restored at any time within 5 years after the expiration
6 thereof, upon payment of the required fee and a showing of
7 proof of compliance with current continuing education
8 requirements, as provided by rule.

9 Any person whose license has been expired for more than 5
10 years or who has had his license on inactive status for more
11 than 5 years may have his license restored by making
12 application to the Department and filing proof acceptable to
13 the Department of taking continuing education and of his
14 fitness to have the license restored, including sworn evidence
15 certifying to active practice in another jurisdiction, and by
16 paying the required restoration fee. A person practicing on an
17 expired license is deemed to be practicing without a license.
18 However, a holder of a license may renew the license within 90
19 days after its expiration by complying with the requirements
20 for renewal and payment of an additional fee. A license renewal
21 within 90 days after expiration shall be effective
22 retroactively to the expiration date.

23 If a person whose license has expired or who has had his
24 license on inactive status for more than 5 years has not
25 maintained an active practice satisfactory to the department,
26 the Department shall determine, by an evaluation process

1 established by rule, his or her fitness to resume active status
2 and may require the person to complete a period of evaluated
3 clinical experience and may require successful completion of a
4 practical examination.

5 However, any person whose license expired while he or she
6 was (i) on active duty with the Armed Forces of the United
7 States or called into service or training by the State militia
8 or (ii) in training or education under the supervision of the
9 United States preliminary to induction into the military
10 service, may have his or her license renewed, reinstated, or
11 restored without paying any lapsed renewal or restoration fee,
12 if within 2 years after termination of such service, training,
13 or education other than by dishonorable discharge, he or she
14 furnishes the Department with satisfactory proof that he or she
15 has been so engaged and that his or her service, training, or
16 education has been so terminated.

17 (Source: P.A. 96-617, eff. 8-24-09; 97-526, eff. 1-1-12;
18 97-1013, eff. 8-17-12.)

19 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

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

23 (1) Who represents himself or herself as being able to
24 diagnose or diagnoses, treats, prescribes, or operates for
25 any disease, pain, deformity, deficiency, injury, or

1 physical condition of the human tooth, teeth, alveolar
2 process, gums or jaw; or

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

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

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

8 (5) Who extracts a human tooth or teeth, or corrects or
9 attempts to correct malpositions of the human teeth or
10 jaws; or

11 (6) Who offers or undertakes, by any means or method,
12 to diagnose, treat or remove stains, calculus, and bonding
13 materials from human teeth or jaws; or

14 (7) Who uses or administers local or general
15 anesthetics in the treatment of dental or oral diseases or
16 in any preparation incident to a dental operation of any
17 kind or character; or

18 (8) Who takes impressions of the human tooth, teeth, or
19 jaws or performs any phase of any operation incident to the
20 replacement of a part of a tooth, a tooth, teeth or
21 associated tissues by means of a filling, crown, a bridge,
22 a denture or other appliance; or

23 (9) Who offers to furnish, supply, construct,
24 reproduce or repair, or who furnishes, supplies,
25 constructs, reproduces or repairs, prosthetic dentures,
26 bridges or other substitutes for natural teeth, to the user

1 or prospective user thereof; or

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

5 (11) Who takes impressions of human teeth or places his
6 or her hands in the mouth of any person for the purpose of
7 applying teeth whitening materials, or who takes
8 impressions of human teeth or places his or her hands in
9 the mouth of any person for the purpose of assisting in the
10 application of teeth whitening materials. A person does not
11 practice dentistry when he or she discloses to the consumer
12 that he or she is not licensed as a dentist under this Act
13 and (i) discusses the use of teeth whitening materials with
14 a consumer purchasing these materials; (ii) provides
15 instruction on the use of teeth whitening materials with a
16 consumer purchasing these materials; or (iii) provides
17 appropriate equipment on-site to the consumer for the
18 consumer to self-apply teeth whitening materials.

19 The fact that any person engages in or performs, or offers
20 to engage in or perform, any of the practices, acts, or
21 operations set forth in this Section, shall be prima facie
22 evidence that such person is engaged in the practice of
23 dentistry.

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

26 (a) The rendering of dental relief in emergency cases

1 in the practice of his or her profession by a physician or
2 surgeon, licensed as such under the laws of this State,
3 unless he or she undertakes to reproduce or reproduces lost
4 parts of the human teeth in the mouth or to restore or
5 replace lost or missing teeth in the mouth; or

6 (b) The practice of dentistry in the discharge of their
7 official duties by dentists in any branch of the Armed
8 Services of the United States, the United States Public
9 Health Service, or the United States Veterans
10 Administration; or

11 (c) The practice of dentistry by students in their
12 course of study in dental schools or colleges approved by
13 the Department, when acting under the direction and
14 supervision of dentists acting as instructors; or

15 (d) The practice of dentistry by clinical instructors
16 in the course of their teaching duties in dental schools or
17 colleges approved by the Department:

18 (i) when acting under the direction and
19 supervision of dentists, provided that such clinical
20 instructors have instructed continuously in this State
21 since January 1, 1986; or

22 (ii) when holding the rank of full professor at
23 such approved dental school or college and possessing a
24 current valid license or authorization to practice
25 dentistry in another country; or

26 (e) The practice of dentistry by licensed dentists of

1 other states or countries at meetings of the Illinois State
2 Dental Society or component parts thereof, alumni meetings
3 of dental colleges, or any other like dental organizations,
4 while appearing as clinicians; or

5 (f) The use of X-Ray machines for exposing X-Ray films
6 of dental or oral tissues by dental hygienists or dental
7 assistants; or

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

11 For purposes of this paragraph (g), "dental service" is
12 defined to mean any intraoral procedure or act which shall
13 be prescribed by rule or regulation of the Department.
14 Dental service, however, shall not include:

15 (1) Any and all diagnosis of or prescription for
16 treatment of disease, pain, deformity, deficiency,
17 injury or physical condition of the human teeth or
18 jaws, or adjacent structures.

19 (2) Removal of, or restoration of, or addition to
20 the hard or soft tissues of the oral cavity, except for
21 the placing, carving, and finishing of amalgam
22 restorations by dental assistants who have had
23 additional formal education and certification as
24 determined by the Department. A dentist utilizing
25 dental assistants shall not supervise more than 4
26 dental assistants at any one time for placing, carving,

1 and finishing of amalgam restorations.

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

4 (4) Administration of anesthetics, except for
5 ~~monitoring application of topical anesthetics and~~
6 ~~monitoring of nitrous oxide.~~ Monitoring of nitrous
7 oxide, conscious sedation, deep sedation, and general
8 anesthetic as provided in Section 8.1 of this Act, that
9 may be performed only after successful completion of a
10 training program approved by the Department. A dentist
11 utilizing dental assistants shall not supervise more
12 than 4 dental assistants at any one time for the
13 monitoring of nitrous oxide.

14 (5) Removal of calculus from human teeth.

15 (6) Taking of impressions for the fabrication of
16 prosthetic appliances, crowns, bridges, inlays,
17 onlays, or other restorative or replacement dentistry.

18 (7) The operative procedure of dental hygiene
19 consisting of oral prophylactic procedures, except for
20 coronal polishing and pit and fissure sealants, which
21 may be performed by a dental assistant who has
22 successfully completed a training program approved by
23 the Department. Dental assistants may perform coronal
24 polishing under the following circumstances: (i) the
25 coronal polishing shall be limited to polishing the
26 clinical crown of the tooth and existing restorations,

1 supragingivally; (ii) the dental assistant performing
2 the coronal polishing shall be limited to the use of
3 rotary instruments using a rubber cup or brush
4 polishing method (air polishing is not permitted); and
5 (iii) the supervising dentist shall not supervise more
6 than 4 dental assistants at any one time for the task
7 of coronal polishing or pit and fissure sealants.

8 The limitations on the number of dental assistants a
9 dentist may supervise contained in items (2), (4), and (7)
10 of this Section mean a limit of 4 total dental assistants
11 or dental hygienists doing expanded functions covered by
12 these Sections being supervised by one dentist.

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

14 (i) has applied in writing to the Department, in
15 form and substance satisfactory to the Department, for
16 a general dental license and has complied with all
17 provisions of Section 9 of this Act, except for the
18 passage of the examination specified in subsection
19 (e), of Section 9, of this Act; or

20 (ii) has applied in writing to the Department, in
21 form and substance satisfactory to the Department, for
22 a temporary dental license and has complied with all
23 provisions of subsection (c), of Section 11, of this
24 Act; and

25 (iii) has been accepted or appointed for specialty
26 or residency training by a hospital situated in this

1 State; or

2 (iv) has been accepted or appointed for specialty
3 training in an approved dental program situated in this
4 State; or

5 (v) has been accepted or appointed for specialty
6 training in a dental public health agency situated in
7 this State.

8 The applicant shall be permitted to practice dentistry
9 for a period of 3 months from the starting date of the
10 program, unless authorized in writing by the Department to
11 continue such practice for a period specified in writing by
12 the Department.

13 The applicant shall only be entitled to perform such
14 acts as may be prescribed by and incidental to his or her
15 program of residency or specialty training and shall not
16 otherwise engage in the practice of dentistry in this
17 State.

18 The authority to practice shall terminate immediately
19 upon:

20 (1) the decision of the Department that the
21 applicant has failed the examination; or

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

23 (3) withdrawal of the application.

24 (Source: P.A. 96-617, eff. 8-24-09; 97-526, eff. 1-1-12;
25 97-886, eff. 8-2-12; 97-1013, eff. 8-17-12; revised 8-23-12.)

1 (225 ILCS 25/54.3 new)

2 Sec. 54.3. Vaccinations; immunizations. Notwithstanding
3 Section 54.2 of this Act, a dentist may administer vaccinations
4 as a public health service upon completion of appropriate
5 training on how to address contraindications and adverse
6 reactions.