

AN ACT concerning professional regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Dental Practice Act is amended by changing Sections 4, 6, and 18 as follows:

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

(Section scheduled to be repealed on January 1, 2006)

Sec. 4. Definitions. As used in this Act:

(a) "Department" means the Illinois Department of Professional Regulation.

(b) "Director" means the Director of Professional Regulation.

(c) "Board" means the Board of Dentistry established by Section 6 of this Act.

(d) "Dentist" means a person who has received a general license pursuant to paragraph (a) of Section 11 of this Act and who may perform any intraoral and extraoral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in Section 17.

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

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

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

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

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

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

(h) "Supervision" means supervision of a dental hygienist or a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist or dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

(i) "General supervision" means supervision of a dental hygienist requiring that the patient be a patient of record, that the dentist examine the patient in accordance with Section 18 prior to treatment by the dental hygienist, and that the a dentist authorize the procedures which are being carried out by a notation in the patient's record, but not requiring that a dentist be present when the authorized procedures are being performed. ~~The authorized procedures may also be performed at a place other than the dentist's usual place of practice.~~ The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.

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

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

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

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

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

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

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

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

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

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

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

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

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

period of 5 years or more, and one public member. None of the members 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. 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. ~~None of the members shall be employed by or be an officer of any dental college, or dental or dental hygiene department of any institution of learning.~~ The dental hygienists shall not participate in the examination of applicants for licenses to practice dentistry. The public member shall not participate in the examination of applicants for licenses to practice dentistry or dental hygiene. The board shall annually elect a chairman who shall be a dentist.

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

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

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

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

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

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

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(Source: P.A. 91-594, eff. 1-1-00.)

(225 ILCS 25/18) (from Ch. 111, par. 2318)

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

Sec. 18. Acts constituting the practice of dental hygiene: ~~l~~ limitations.

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

~~(a) Under the supervision of a dentist:~~

~~(1) In the office of a dentist;~~

~~(2) By a federal, State, county or municipal agency or institution;~~

~~(3) By a public or private school; or~~

~~(4) By a public clinic operating under the direction of a hospital or federal, State, county, municipal or other public agency or institution.~~

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

(i) the operative procedure of dental hygiene, consisting of oral prophylactic procedures;

(ii) the exposure and processing of X-Ray films of the teeth and surrounding structures;

(iii) the application to the surfaces of the teeth

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

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

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

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

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

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

(1) by a dentist;

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

(3) by a public or private school; or

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

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

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

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

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

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

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

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

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

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