



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1509

Introduced 2/7/2023, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

225 ILCS 25/4	from Ch. 111, par. 2304
225 ILCS 25/17	from Ch. 111, par. 2317
225 ILCS 25/26	from Ch. 111, par. 2326
225 ILCS 25/46.5 new	

Amends the Illinois Dental Practice Act. Provides that a person who provides teledentistry is considered to practice dentistry under the Act. Provides that a dentist practicing teledentistry is subject to the same standard of care as if those services were being delivered in a clinic or office setting. Provides that a patient receiving dental services through teledentistry shall be provided with the name, direct telephone number, and physical practice address of the treating dentist who will be involved in the teledentistry services. Provides that the Department of Financial and Professional Regulation may adopt rules to implement the provisions of the use of teledentistry services. Provides that it shall be a violation of the Act for a provider of dental services utilizing care through teledentistry to require a patient to sign an agreement that limits in any way the patient's ability to write a review of services received or file a complaint with the Department or other regulatory agency. Provides that a person may not sell a clear aligner to a patient unless the person has received written or electronic confirmation from a dentist licensed in this State that the patient has received an intraoral or extraoral dental examination and has had a review of new or recently conducted x-rays, panoramic x-rays, computed tomography, bone imaging scans, or other appropriate diagnostic imaging sufficient to allow the dentist to detect conditions in the patient that would preclude or contraindicate the provision of safe orthodontic treatment. Provides that a person who sells a clear aligner to a patient shall maintain any documents for not less than 7 years after the date of sale. Defines "informed consent" and "clear aligner". Changes the definitions of "patient of record" and "teledentistry".

LRB103 26930 AMQ 53294 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 4, 17, and 26 and by adding Section 46.5 as
6 follows:

7 (225 ILCS 25/4) (from Ch. 111, par. 2304)

8 (Section scheduled to be repealed on January 1, 2026)

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

10 "Address of record" means the designated address recorded
11 by the Department in the applicant's or licensee's application
12 file or license file as maintained by the Department's
13 licensure maintenance unit. It is the duty of the applicant or
14 licensee to inform the Department of any change of address and
15 those changes must be made either through the Department's
16 website or by contacting the Department.

17 "Department" means the Department of Financial and
18 Professional Regulation.

19 "Secretary" means the Secretary of Financial and
20 Professional Regulation.

21 "Board" means the Board of Dentistry.

22 "Dentist" means a person who has received a general
23 license pursuant to paragraph (a) of Section 11 of this Act and

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

4 "Dental hygienist" means a person who holds a license
5 under this Act to perform dental services as authorized by
6 Section 18.

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

10 "Expanded function dental assistant" means a dental
11 assistant who has completed the training required by Section
12 17.1 of this Act.

13 "Dental laboratory" means a person, firm or corporation
14 which:

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

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

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

24 "Supervision" means supervision of a dental hygienist or a
25 dental assistant requiring that a dentist authorize the
26 procedure, remain in the dental facility while the procedure

1 is performed, and approve the work performed by the dental
2 hygienist or dental assistant before dismissal of the patient,
3 but does not mean that the dentist must be present at all times
4 in the treatment room.

5 "General supervision" means supervision of a dental
6 hygienist requiring that the patient be a patient of record,
7 that the dentist examine the patient in accordance with
8 Section 18 prior to treatment by the dental hygienist, and
9 that the dentist authorize the procedures which are being
10 carried out by a notation in the patient's record, but not
11 requiring that a dentist be present when the authorized
12 procedures are being performed. The issuance of a prescription
13 to a dental laboratory by a dentist does not constitute
14 general supervision.

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

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

23 "Branches of dentistry" means the various specialties of
24 dentistry which, for purposes of this Act, shall be limited to
25 the following: endodontics, oral and maxillofacial surgery,
26 orthodontics and dentofacial orthopedics, pediatric dentistry,

1 periodontics, prosthodontics, oral and maxillofacial
2 radiology, and dental anesthesiology.

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

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

11 "Informed consent" means the treating dentist has provided
12 the patient with an opportunity to directly communicate with
13 the treating dentist, whether in person, by telephone, or
14 through synchronous technology, about the treatment to be
15 provided.

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

25 "Nurse" means a registered professional nurse, a certified
26 registered nurse anesthetist licensed as an advanced practice

1 registered nurse, or a licensed practical nurse licensed under
2 the Nurse Practice Act.

3 "Patient of record" means a patient for whom the patient's
4 most recent dentist has obtained a relevant medical and dental
5 history and on whom the dentist has performed an a physical
6 examination within the last year and evaluated the condition
7 to be treated, including a review of the patient's most recent
8 x-rays.

9 "Dental responder" means a dentist or dental hygienist who
10 is appropriately certified in disaster preparedness,
11 immunizations, and dental humanitarian medical response
12 consistent with the Society of Disaster Medicine and Public
13 Health and training certified by the National Incident
14 Management System or the National Disaster Life Support
15 Foundation.

16 "Mobile dental van or portable dental unit" means any
17 self-contained or portable dental unit in which dentistry is
18 practiced that can be moved, towed, or transported from one
19 location to another in order to establish a location where
20 dental services can be provided.

21 "Public health dental hygienist" means a hygienist who
22 holds a valid license to practice in the State, has 2 years of
23 full-time clinical experience or an equivalent of 4,000 hours
24 of clinical experience, and has completed at least 42 clock
25 hours of additional structured courses in dental education in
26 advanced areas specific to public health dentistry.

1 "Public health setting" means a federally qualified health
2 center; a federal, State, or local public health facility;
3 Head Start; a special supplemental nutrition program for
4 Women, Infants, and Children (WIC) facility; a certified
5 school-based health center or school-based oral health
6 program; a prison; or a long-term care facility.

7 "Public health supervision" means the supervision of a
8 public health dental hygienist by a licensed dentist who has a
9 written public health supervision agreement with that public
10 health dental hygienist while working in an approved facility
11 or program that allows the public health dental hygienist to
12 treat patients, without a dentist first examining the patient
13 and being present in the facility during treatment, (1) who
14 are eligible for Medicaid or (2) who are uninsured and whose
15 household income is not greater than 200% of the federal
16 poverty level.

17 "Teledentistry" means the use of telehealth systems and
18 methodologies in dentistry and includes patient diagnosis,
19 treatment planning, care, and education delivery for a patient
20 of record using synchronous and asynchronous communications
21 under an Illinois licensed a dentist's authority as provided
22 under this Act.

23 "Clear aligner" means a medical device, excluding a
24 retainer used to keep teeth in a fixed position, that is used
25 in orthodontic treatment to gradually move a patient's teeth
26 or jaw and correct misalignment and manufactured to address

1 the patient's unique orthodontic needs.

2 (Source: P.A. 101-64, eff. 7-12-19; 101-162, eff. 7-26-19;
3 102-93, eff. 1-1-22; 102-588, eff. 8-20-21; 102-936, eff.
4 1-1-23.)

5 (225 ILCS 25/17) (from Ch. 111, par. 2317)

6 (Section scheduled to be repealed on January 1, 2026)

7 Sec. 17. Acts constituting the practice of dentistry. A
8 person practices dentistry, within the meaning of this Act:

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

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

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

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

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

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

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

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

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

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

8 (12) Who provides teledentistry. A dentist may provide
9 and delegate dental services using telehealth only under
10 the supervision requirements as specified in this Act for
11 in-person care. A dentist practicing dentistry through
12 teledentistry is subject to the same standard of care as
13 if those services were being delivered in a clinic or
14 office setting. A patient receiving dental services
15 through teledentistry shall be provided with the name,
16 direct telephone number, and physical practice address of
17 the treating dentist who will be involved in the
18 teledentistry services. The information shall be provided
19 to the patient prior to the provision of services. The
20 Department may adopt rules to implement this paragraph.

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

26 The following practices, acts, and operations, however,

1 are exempt from the operation of this Act:

2 (a) The rendering of dental relief in emergency cases
3 in the practice of his or her profession by a physician or
4 surgeon, licensed as such under the laws of this State,
5 unless he or she undertakes to reproduce or reproduces
6 lost parts of the human teeth in the mouth or to restore or
7 replace lost or missing teeth in the mouth; or

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

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

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

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

24 (ii) when holding the rank of full professor at
25 such approved dental school or college and possessing
26 a current valid license or authorization to practice

1 dentistry in another country; or

2 (e) The practice of dentistry by licensed dentists of
3 other states or countries at meetings of the Illinois
4 State Dental Society or component parts thereof, alumni
5 meetings of dental colleges, or any other like dental
6 organizations, while appearing as clinicians; or

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

10 (g) The performance of any dental service by a dental
11 assistant, if such service is performed under the
12 supervision and full responsibility of a dentist. In
13 addition, after being authorized by a dentist, a dental
14 assistant may, for the purpose of eliminating pain or
15 discomfort, remove loose, broken, or irritating
16 orthodontic appliances on a patient of record.

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

21 (1) Any and all diagnosis of or prescription for
22 treatment of disease, pain, deformity, deficiency,
23 injury, or physical condition of the human teeth or
24 jaws, or adjacent structures.

25 (2) Removal of, or restoration of, or addition to
26 the hard or soft tissues of the oral cavity, except for

1 the placing, carving, and finishing of amalgam
2 restorations and placing, packing, and finishing
3 composite restorations by dental assistants who have
4 had additional formal education and certification.

5 A dental assistant may place, carve, and finish
6 amalgam restorations, place, pack, and finish
7 composite restorations, and place interim restorations
8 if he or she (A) has successfully completed a
9 structured training program as described in item (2)
10 of subsection (g) provided by an educational
11 institution accredited by the Commission on Dental
12 Accreditation, such as a dental school or dental
13 hygiene or dental assistant program, or (B) has at
14 least 4,000 hours of direct clinical patient care
15 experience and has successfully completed a structured
16 training program as described in item (2) of
17 subsection (g) provided by a statewide dental
18 association, approved by the Department to provide
19 continuing education, that has developed and conducted
20 training programs for expanded functions for dental
21 assistants or hygienists. The training program must:
22 (i) include a minimum of 16 hours of didactic study and
23 14 hours of clinical manikin instruction; all training
24 programs shall include areas of study in nomenclature,
25 caries classifications, oral anatomy, periodontium,
26 basic occlusion, instrumentations, pulp protection

1 liners and bases, dental materials, matrix and wedge
2 techniques, amalgam placement and carving, rubber dam
3 clamp placement, and rubber dam placement and removal;
4 (ii) include an outcome assessment examination that
5 demonstrates competency; (iii) require the supervising
6 dentist to observe and approve the completion of 8
7 amalgam or composite restorations; and (iv) issue a
8 certificate of completion of the training program,
9 which must be kept on file at the dental office and be
10 made available to the Department upon request. A
11 dental assistant must have successfully completed an
12 approved coronal polishing and dental sealant course
13 prior to taking the amalgam and composite restoration
14 course.

15 A dentist utilizing dental assistants shall not
16 supervise more than 4 dental assistants at any one
17 time for placing, carving, and finishing of amalgam
18 restorations or for placing, packing, and finishing
19 composite restorations.

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

22 (4) Administration of anesthetics, except for
23 monitoring of nitrous oxide, conscious sedation, deep
24 sedation, and general anesthetic as provided in
25 Section 8.1 of this Act, that may be performed only
26 after successful completion of a training program

1 approved by the Department. A dentist utilizing dental
2 assistants shall not supervise more than 4 dental
3 assistants at any one time for the monitoring of
4 nitrous oxide.

5 (5) Removal of calculus from human teeth.

6 (6) Taking of material or digital scans for final
7 impressions for the fabrication of prosthetic
8 appliances, crowns, bridges, inlays, onlays, or other
9 restorative or replacement dentistry.

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

26 In addition to coronal polishing and pit and

1 fissure sealants as described in this item (7), a
2 dental assistant who has at least 2,000 hours of
3 direct clinical patient care experience and who has
4 successfully completed a structured training program
5 provided by (1) an educational institution including,
6 but not limited to, a dental school or dental hygiene
7 or dental assistant program, or (2) a continuing
8 education provider approved by the Department, or (3)
9 a statewide dental or dental hygienist association,
10 approved by the Department on or before January 1,
11 2017 (the effective date of Public Act 99-680), that
12 has developed and conducted a training program for
13 expanded functions for dental assistants or hygienists
14 may perform: (A) coronal scaling above the gum line,
15 supragingivally, on the clinical crown of the tooth
16 only on patients 17 years of age or younger who have an
17 absence of periodontal disease and who are not
18 medically compromised or individuals with special
19 needs and (B) intracoronal temporization of a tooth.
20 The training program must: (I) include a minimum of 32
21 hours of instruction in both didactic and clinical
22 manikin or human subject instruction; all training
23 programs shall include areas of study in dental
24 anatomy, public health dentistry, medical history,
25 dental emergencies, and managing the pediatric
26 patient; (II) include an outcome assessment

1 examination that demonstrates competency; (III)
2 require the supervising dentist to observe and approve
3 the completion of 6 full mouth supragingival scaling
4 procedures unless the training was received as part of
5 a Commission on Dental Accreditation approved dental
6 assistant program; and (IV) issue a certificate of
7 completion of the training program, which must be kept
8 on file at the dental office and be made available to
9 the Department upon request. A dental assistant must
10 have successfully completed an approved coronal
11 polishing course prior to taking the coronal scaling
12 course. A dental assistant performing these functions
13 shall be limited to the use of hand instruments only.
14 In addition, coronal scaling as described in this
15 paragraph shall only be utilized on patients who are
16 eligible for Medicaid, who are uninsured, or whose
17 household income is not greater than 300% of the
18 federal poverty level. A dentist may not supervise
19 more than 2 dental assistants at any one time for the
20 task of coronal scaling. This paragraph is inoperative
21 on and after January 1, 2026.

22 The limitations on the number of dental assistants a
23 dentist may supervise contained in items (2), (4), and (7)
24 of this paragraph (g) mean a limit of 4 total dental
25 assistants or dental hygienists doing expanded functions
26 covered by these Sections being supervised by one dentist;

1 or

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

3 (i) has applied in writing to the Department, in
4 form and substance satisfactory to the Department, for
5 a general dental license and has complied with all
6 provisions of Section 9 of this Act, except for the
7 passage of the examination specified in subsection (e)
8 of Section 9 of this Act; or

9 (ii) has applied in writing to the Department, in
10 form and substance satisfactory to the Department, for
11 a temporary dental license and has complied with all
12 provisions of subsection (c) of Section 11 of this
13 Act; and

14 (iii) has been accepted or appointed for specialty
15 or residency training by a hospital situated in this
16 State; or

17 (iv) has been accepted or appointed for specialty
18 training in an approved dental program situated in
19 this State; or

20 (v) has been accepted or appointed for specialty
21 training in a dental public health agency situated in
22 this State.

23 The applicant shall be permitted to practice dentistry
24 for a period of 3 months from the starting date of the
25 program, unless authorized in writing by the Department to
26 continue such practice for a period specified in writing

1 by the Department.

2 The applicant shall only be entitled to perform such
3 acts as may be prescribed by and incidental to his or her
4 program of residency or specialty training and shall not
5 otherwise engage in the practice of dentistry in this
6 State.

7 The authority to practice shall terminate immediately
8 upon:

9 (1) the decision of the Department that the
10 applicant has failed the examination; or

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

12 (3) withdrawal of the application.

13 (Source: P.A. 101-162, eff. 7-26-19; 102-558, eff. 8-20-21;
14 102-936, eff. 1-1-23.)

15 (225 ILCS 25/26) (from Ch. 111, par. 2326)

16 (Section scheduled to be repealed on January 1, 2026)

17 Sec. 26. Disciplinary actions.

18 (a) In case the respondent, after receiving notice, fails
19 to file an answer, his or her license may, in the discretion of
20 the Secretary, having first received the recommendation of the
21 Board, be suspended, revoked, placed on probationary status,
22 or the Secretary may take whatever disciplinary or
23 non-disciplinary action he or she may deem proper, including
24 limiting the scope, nature, or extent of the person's practice
25 or the imposition of a fine, without a hearing, if the act or

1 acts charged constitute sufficient grounds for such action
2 under this Act.

3 (b) The Secretary may temporarily suspend the license of a
4 dentist or dental hygienist without a hearing, simultaneous to
5 the institution of proceedings for a hearing under this Act,
6 if the Secretary finds that evidence in his or her possession
7 indicates that a dentist's or dental hygienist's continuation
8 in practice would constitute an immediate danger to the
9 public. In the event that the Secretary temporarily suspends
10 the license of a dentist or a dental hygienist without a
11 hearing, a hearing by the Board must be held within 15 days
12 after such suspension has occurred.

13 (c) The entry of a judgment by any circuit court
14 establishing that any person holding a license under this Act
15 is a person subject to involuntary admission under the Mental
16 Health and Developmental Disabilities Code shall operate as a
17 suspension of that license. That person may resume his or her
18 practice only upon a finding by the Board that he or she has
19 been determined to be no longer subject to involuntary
20 admission by the court and upon the Board's recommendation to
21 the Secretary that he or she be permitted to resume his or her
22 practice.

23 (d) It shall be a violation of this Act for a provider of
24 dental services utilizing care through teledentistry to
25 require a patient to sign an agreement that limits in any way
26 the patient's ability to write a review of services received

1 or file a complaint with the Department or other regulatory
2 agency.

3 (Source: P.A. 99-492, eff. 12-31-15.)

4 (225 ILCS 25/46.5 new)

5 Sec. 46.5. Prohibition on sale of clear aligners to the
6 public.

7 (a) A person may not sell a clear aligner to a patient
8 unless the person has received written or electronic
9 confirmation from a dentist licensed in this State that the
10 patient has received an intraoral or extraoral dental
11 examination and has had a review of new or recently conducted
12 x-rays, panoramic x-rays, computed tomography, bone imaging
13 scans, or other appropriate diagnostic imaging sufficient to
14 allow the dentist to detect conditions in the patient that
15 would preclude or contraindicate the provision of safe
16 orthodontic treatment.

17 (b) A person who sells a clear aligner to a patient shall
18 maintain any documents received under subsection (a) for not
19 less than 7 years after the date of sale.