



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### HB2259

by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

225 ILCS 25/4  
225 ILCS 25/18

from Ch. 111, par. 2304  
from Ch. 111, par. 2318

Amends the Illinois Dental Practice Act. Provides that a dental hygienist may be employed or retained by a nonprofit organization or in a public health setting. Provides that a dental hygienist under remote supervision with a collaborative agreement with a licensed dentist shall provide a dental hygiene examination and dental screening and determine which services are necessary to be performed with a referral to a dentist within 12 months. Provides that a dental hygienist may be employed or retained by a health care facility, program, or nonprofit organization to perform dental hygiene services without the patient first being examined by a licensed dentist if the dental hygienist (i) has engaged in active practice of clinical dental hygiene for a minimum of 2,400 hours in the past 18 months or a career total of 3,000 hours, (ii) has entered into a collaborative agreement with a licensed dentist, (iii) had documented participation in course in infection control and medical emergencies, and (iv) maintains current CPR certification. Provides that a licensed dentist may not have a collaborative agreement with more than 4 dental hygienists, unless otherwise authorized by the Board. Provides that the collaborative agreement must (i) include certain provisions and it must be signed and maintained by the dentist, the dental hygienist, and the facility, program, or organization, (ii) be reviewed yearly, and (iii) be made available to the Board upon request. Makes other changes. Effective immediately.

LRB098 08599 MGM 38717 b

FISCAL NOTE ACT  
MAY APPLY

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 Sections 4 and 18 as follows:

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

7 (Section scheduled to be repealed on January 1, 2016)

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

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

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

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

20 "Board" means the Board of Dentistry.

21 "Dentist" means a person who has received a general license  
22 pursuant to paragraph (a) of Section 11 of this Act and who may  
23 perform any intraoral and extraoral procedure required in the

1 practice of dentistry and to whom is reserved the  
2 responsibilities specified in Section 17.

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

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

9 "Dental laboratory" means a person, firm or corporation  
10 which:

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

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

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

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

1           "General supervision" means supervision of a dental  
2           hygienist requiring that the patient be a patient of record,  
3           that the dentist examine the patient in accordance with Section  
4           18 prior to treatment by the dental hygienist, and that the  
5           dentist authorize the procedures which are being carried out by  
6           a notation in the patient's record, but not requiring that a  
7           dentist be present when the authorized procedures are being  
8           performed. The issuance of a prescription to a dental  
9           laboratory by a dentist does not constitute general  
10          supervision.

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

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

19          "Branches of dentistry" means the various specialties of  
20          dentistry which, for purposes of this Act, shall be limited to  
21          the following: endodontics, oral and maxillofacial surgery,  
22          orthodontics and dentofacial orthopedics, pediatric dentistry,  
23          periodontics, prosthodontics, and oral and maxillofacial  
24          radiology.

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

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

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

16 "Nurse" means a registered professional nurse, a certified  
17 registered nurse anesthetist licensed as an advanced practice  
18 nurse, or a licensed practical nurse licensed under the Nurse  
19 Practice Act.

20 "Patient of record" means a patient for whom the patient's  
21 most recent dentist or collaborative dentist has obtained a  
22 relevant medical and dental history and on whom the dentist or  
23 collaborative dentist has performed an examination or a  
24 collaborative dental hygienist has performed a dental hygiene  
25 examination and dental screening and evaluated the condition to  
26 be treated.

1 "Dental emergency responder" means a dentist or dental  
2 hygienist who is appropriately certified in emergency medical  
3 response, as defined by the Department of Public Health.

4 "Mobile dental van or portable dental unit" means any  
5 self-contained or portable dental unit in which dentistry is  
6 practiced that can be moved, towed, or transported from one  
7 location to another in order to establish a location where  
8 dental services can be provided.

9 "Remote supervision" means supervision of a dental  
10 hygienist with a collaborative agreement requiring that the  
11 registered dental hygienist provide a dental hygiene  
12 examination and dental screening with an appropriate treatment  
13 plan developed and implemented in accordance with supervision  
14 provided by a licensed dentist with a written collaborative  
15 agreement. Supervision may take place through verbal, written,  
16 visual, electronic, or in-person communication, or a  
17 combination of those modes of communication, that authorizes  
18 the procedures that are being carried out by a notation in the  
19 patient's record, but not requiring that a dentist be  
20 physically present when the dental hygiene examination and  
21 screening or authorized procedures are being performed, and  
22 that a referral to a licensed dentist for a comprehensive  
23 dental examination will be made to take place within 12 months.

24 "Collaborative agreement" means a written agreement  
25 between a licensed dental hygienist and a collaborating  
26 licensed dentist.

1       "Public health setting" means a hospital; nursing home;  
2       home health agency; group home serving the elderly, the  
3       disabled, or juveniles; State-operated facility licensed by  
4       the Secretary of Human Services or the Director of Corrections;  
5       federal, State, or local public health facility; community  
6       clinic; school-based program; school authority; Head Start;  
7       Maternal and Child Health Women, Infants, and Children (WIC)  
8       program; or a program operated by a non-profit organization  
9       that services individuals who are uninsured or who are Illinois  
10       health care public program recipients.

11       (Source: P.A. 97-526, eff. 1-1-12; 97-1013, eff. 8-17-12.)

12               (225 ILCS 25/18)   (from Ch. 111, par. 2318)

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

14               Sec. 18. Acts constituting the practice of dental hygiene;  
15       limitations.

16               (a) A person practices dental hygiene within the meaning of  
17       this Act when he or she performs the following acts under the  
18       supervision of a dentist:

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

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

23                       (iii) the application to the surfaces of the teeth  
24               or gums of chemical compounds designed to be  
25               desensitizing agents or effective agents in the

1 prevention of dental caries or periodontal disease;

2 (iv) all services which may be performed by a  
3 dental assistant as specified by rule pursuant to  
4 Section 17, and a dental hygienist may engage in the  
5 placing, carving, and finishing of amalgam  
6 restorations only after obtaining formal education and  
7 certification as determined by the Department;

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

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

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

16 (b) A dental hygienist may be employed or retained ~~engaged~~  
17 ~~only~~:

18 (1) by a dentist;

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

21 (3) by a public or private program ~~school~~; or

22 (4) by a nonprofit organization ~~public clinic~~  
23 ~~operating under the direction of a hospital or federal,~~  
24 ~~State, county, municipal, or other public agency or~~  
25 ~~institution; or~~

26 (5) in a public health setting.



1 (c) When employed or retained ~~engaged~~ in the office of a  
2 dentist, or using remote supervision, a dental hygienist may  
3 perform, under general supervision, those procedures found in  
4 items (i) through (iv) of subsection (a) of this Section,  
5 provided the patient has been examined by the dentist within  
6 one year of the provision of dental hygiene services, the  
7 dentist has approved the dental hygiene services by a notation  
8 in the patient's record and the patient has been notified that  
9 the dentist may be out of the office during the provision of  
10 dental hygiene services.

11 (d) If a patient of record is unable to travel to a dental  
12 office because of illness, infirmity, or imprisonment, a dental  
13 hygienist may perform, under the general supervision of a  
14 dentist, those procedures found in items (i) through (iv) of  
15 subsection (a) of this Section, provided the patient is located  
16 in a long-term care facility licensed by the State of Illinois,  
17 a mental health or developmental disability facility, or a  
18 State or federal prison. The dental hygienist with a  
19 collaborative agreement shall provide a dental hygiene  
20 examination and dental screening or the dentist shall  
21 ~~personally~~ examine and diagnose the patient and determine which  
22 services are necessary to be performed, which shall be  
23 contained in an order with ~~to the hygienist and~~ a notation in  
24 the patient's record. Such order must be implemented within 12  
25 months ~~120 days~~ of its issuance, and an updated medical history  
26 and observation of oral conditions must be performed by the

1 hygienist immediately prior to beginning the procedures to  
2 ensure that the patient's health has not changed in any manner  
3 to warrant a reexamination by the dentist.

4 (e) School-based oral health care, consisting of and  
5 limited to oral prophylactic procedures, sealants, and  
6 fluoride treatments, may be provided by a dental hygienist  
7 under the general supervision of a dentist or the remote  
8 supervision of a dental hygienist with a collaborative  
9 agreement. A dental hygienist may not provide other dental  
10 hygiene treatment in a school-based setting, including but not  
11 limited to administration or monitoring of nitrous oxide or  
12 administration of local anesthetics. The school-based  
13 procedures may be performed provided the patient is located at  
14 a public or private school and the program is being conducted  
15 by a State, county or local public health department initiative  
16 or in conjunction with a dental school or dental hygiene  
17 program. The dental hygienist under general supervision shall  
18 have the ~~The dentist shall~~ personally examine and diagnose the  
19 patient and determine which services are necessary to be  
20 performed, which shall be contained in an order ~~to the~~  
21 ~~hygienist~~ and a notation in the patient's record. Any such  
22 order for sealants must be implemented within 12 months ~~120~~  
23 ~~days~~ after its issuance. Any such order for oral prophylactic  
24 procedures or fluoride treatments must be implemented within 12  
25 months ~~180 days~~ after its issuance. An updated medical history  
26 and observation of oral conditions must be performed by the

1 hygienist immediately prior to beginning the procedures to  
2 ensure that the patient's health has not changed in any manner  
3 to warrant a reexamination by the dentist.

4 The dental hygienist under remote supervision with a  
5 collaborative agreement with a licensed dentist shall provide a  
6 dental hygiene examination and dental screening and determine  
7 which services are necessary to be performed with a referral to  
8 a dentist within 12 months.

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

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

15 (h) Notwithstanding subsections (c), (d), (e), or (f) of  
16 Section 18, a dental hygienist licensed under this Act may be  
17 employed or retained by a health care facility, program, or  
18 nonprofit organization to perform dental hygiene services  
19 described under subsection (i) of this Section without the  
20 patient first being examined by a licensed dentist if the  
21 dental hygienist:

22 (1) has been engaged in the active practice of clinical  
23 dental hygiene for not less than 2,400 hours in the past 18  
24 months or a career total of 3,000 hours, including a  
25 minimum of 200 hours of clinical practice in 2 of the past  
26 3 years;

1           (2) has entered into a collaborative agreement with a  
2           licensed dentist that designates authorization for the  
3           services provided by the dental hygienist;

4           (3) has documented participation in courses in  
5           infection control and medical emergencies within each  
6           continuing education cycle; and

7           (4) maintains current CPR certification from  
8           completion of the American Heart Association healthcare  
9           provider course, the American Red Cross professional  
10          rescuer course, or an equivalent course.

11          (i) The dental hygiene services authorized to be performed  
12          by a dental hygienist under this Section are limited to:

13           (1) screening and assessing oral health conditions;

14           (2) preliminary charting of the oral cavity and  
15           surrounding structures to include case histories, perform  
16           initial and periodic examinations and assessments to  
17           determine periodontal status, and formulate a dental  
18           hygiene treatment plan in coordination with a dentist's  
19           treatment plan;

20           (3) removal of deposits and stains from the surfaces of  
21           the teeth;

22           (4) prescribing, administering, and dispensing  
23           fluoride, fluoride varnish, antimicrobial solutions, or  
24           resorbable antimicrobial agents;

25           (5) applying sealants;

26           (6) polishing and smoothing restorations;

1           (7) removal of marginal overhangs;

2           (8) performance of preliminary charting;

3           (9) taking of radiographs;

4           (10) performance of scaling and root planing; and

5           (11) administering local anesthesia.

6           (j) A collaborating dentist must be licensed under this Act  
7 and may enter into a collaborative agreement with no more than  
8 4 dental hygienists, unless otherwise authorized by the Board.  
9 The Board shall develop parameters and a process for obtaining  
10 authorization to collaborate with more than 4 dental  
11 hygienists. The collaborative agreement must include:

12           (1) consideration for medically compromised patients  
13 and medical conditions for which a dental evaluation and  
14 treatment plan must occur prior to the provision of dental  
15 hygiene services;

16           (2) age-specific and procedure-specific standard  
17 collaborative practice protocols, including recommended  
18 intervals for the performance of dental hygiene services  
19 and a period of time that an examination by a dentist  
20 should occur;

21           (3) copies of the consent to treatment form provided to  
22 the patient by the dental hygienist;

23           (4) specific protocols for the placement of pit and  
24 fissure sealants and requirements for follow-up care to  
25 ensure the efficacy of the sealants after application; and

26           (5) a procedure for creating and maintaining dental

1 records for the patients that are treated by the dental  
2 hygienist; this procedure must specify where these records  
3 are to be located.

4 (k) The collaborative agreement must be (i) signed and  
5 maintained by the dentist, the dental hygienist, and the  
6 facility, program, or organization, (ii) reviewed annually by  
7 the collaborating dentist and dental hygienist, and (iii) made  
8 available to the Board upon request.

9 (l) Before performing any services authorized under this  
10 Section, a dental hygienist must provide the patient with a  
11 consent to treatment form that must include a statement  
12 advising the patient that the dental hygiene services provided  
13 are not a substitute for a dental examination by a licensed  
14 dentist. If the dental hygienist makes any referrals to the  
15 patient for further dental procedures, the dental hygienist  
16 must fill out a referral form and provide a copy of the form to  
17 the collaborating dentist.

18 (m) The dental hygienist working under a collaborative  
19 agreement and the collaborating dentist must agree to maintain  
20 communication and consultation with each other.

21 (n) The dental hygienist working under a collaborative  
22 agreement must provide the collaborating dentist opportunities  
23 to review patient records as requested.

24 (Source: P.A. 97-526, eff. 1-1-12.)

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