



Sen. William R. Haine

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1 AMENDMENT TO HOUSE BILL 5948

2 AMENDMENT NO. _____. Amend House Bill 5948 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Dental Practice Act is amended by
5 changing Sections 4, 17, and 18.1 as follows:

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

7 (Section scheduled to be repealed on January 1, 2026)

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

1 Professional Regulation.

2 "Secretary" means the Secretary of Financial and
3 Professional Regulation.

4 "Board" means the Board of Dentistry.

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

10 "Dental hygienist" means a person who holds a license under
11 this Act to perform dental services as authorized by Section
12 18.

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

16 "Dental laboratory" means a person, firm or corporation
17 which:

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

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

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

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

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

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

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

26 "Branches of dentistry" means the various specialties of

1 dentistry which, for purposes of this Act, shall be limited to
2 the following: endodontics, oral and maxillofacial surgery,
3 orthodontics and dentofacial orthopedics, pediatric dentistry,
4 periodontics, prosthodontics, and oral and maxillofacial
5 radiology.

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

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

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

23 "Nurse" means a registered professional nurse, a certified
24 registered nurse anesthetist licensed as an advanced practice
25 nurse, or a licensed practical nurse licensed under the Nurse
26 Practice Act.

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

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

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

17 "Public health dental hygienist" means a hygienist who
18 holds a valid license to practice in the State, has 2 years of
19 full-time clinical experience or an equivalent of 4,000 hours
20 of clinical experience and has completed 42 ~~72~~ hours of
21 additional online and classroom instruction ~~course work~~ in
22 areas specific to public health dentistry provided by an
23 educational institution, such as a dental school or dental
24 hygiene program, or by an approved continuing education
25 sponsor. No more than one-half of the required course work may
26 be taken online. Courses being offered by continuing education

1 sponsors must meet the requirements set forth in items (A) and
2 (B) of paragraph (2) of subsection (b) of Section 1220.440 in
3 Title 68 of the Illinois Administrative Code and the
4 requirements set forth in this Section and include areas in
5 public health dentistry, including, but not limited to,
6 emergency procedures for medically compromised patients,
7 pharmacology, medical recordkeeping procedures, geriatric
8 dentistry, pediatric dentistry, and pathology, and works in a
9 public health setting pursuant to a written public health
10 supervision agreement ~~as defined by rule by the Department~~ with
11 a dentist working in or contracted with a local or State
12 government agency or institution or who is providing services
13 as part of a certified school-based program or school-based
14 oral health program.

15 "Public health setting" means a federally qualified health
16 center; a federal, State, or local public health facility; Head
17 Start; a special supplemental nutrition program for Women,
18 Infants, and Children (WIC) facility; or a certified
19 school-based health center or school-based oral health
20 program.

21 "Public health supervision" means the supervision of a
22 public health dental hygienist by a licensed dentist who has a
23 written public health supervision agreement with that public
24 health dental hygienist while working in an approved facility
25 or program that allows the public health dental hygienist to
26 treat patients, without a dentist first examining the patient

1 and being present in the facility during treatment, (1) who are
2 eligible for Medicaid or (2) who are uninsured and whose
3 household income is not greater than 200% of the federal
4 poverty level.

5 (Source: P.A. 99-25, eff. 1-1-16; 99-492, eff. 12-31-15.)

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

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

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 or herself as being able to
11 diagnose or diagnoses, treats, prescribes, or operates for
12 any disease, pain, deformity, deficiency, injury, or
13 physical condition of the human tooth, teeth, alveolar
14 process, gums 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,
24 to diagnose, treat or remove stains, calculus, and bonding
25 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 impressions of the human tooth, teeth, or
6 jaws or performs any phase of any operation incident to the
7 replacement of a part of a tooth, a tooth, teeth or
8 associated tissues by means of a filling, crown, a bridge,
9 a denture or other appliance; or

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

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

18 (11) Who takes impressions of human teeth or places his
19 or her hands in the mouth of any person for the purpose of
20 applying teeth whitening materials, or who takes
21 impressions of human teeth or places his or her hands in
22 the mouth of any person for the purpose of assisting in the
23 application of teeth whitening materials. A person does not
24 practice dentistry when he or she discloses to the consumer
25 that he or she is not licensed as a dentist under this Act
26 and (i) discusses the use of teeth whitening materials with

1 a consumer purchasing these materials; (ii) provides
2 instruction on the use of teeth whitening materials with a
3 consumer purchasing these materials; or (iii) provides
4 appropriate equipment on-site to the consumer for the
5 consumer to self-apply teeth whitening materials.

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

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

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

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

24 (c) The practice of dentistry by students in their
25 course of study in dental schools or colleges approved by
26 the Department, when acting under the direction and

1 supervision of dentists acting as instructors; or

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

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

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

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

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

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

24 For purposes of this paragraph (g), "dental service" is
25 defined to mean any intraoral procedure or act which shall
26 be prescribed by rule or regulation of the Department.

1 Dental service, however, shall not include:

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

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

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

17 (4) Administration of anesthetics, except for
18 monitoring of nitrous oxide, conscious sedation, deep
19 sedation, and general anesthetic as provided in
20 Section 8.1 of this Act, that may be performed only
21 after successful completion of a training program
22 approved by the Department. A dentist utilizing dental
23 assistants shall not supervise more than 4 dental
24 assistants at any one time for the monitoring of
25 nitrous oxide.

26 (5) Removal of calculus from human teeth.

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

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

20 In addition to coronal polishing and pit and
21 fissure sealants as described in this item (7), a
22 dental assistant who has at least 2,000 hours of direct
23 clinical patient care experience and who has
24 successfully completed a training program provided by
25 an educational institution, such as a dental school or
26 dental hygiene or dental assistant program, or by an

1 approved continuing education sponsor that meets the
2 requirements set forth in items (A) and (B) of
3 paragraph (2) of subsection (b) of Section 1220.440 in
4 Title 68 of the Illinois Administrative Code and the
5 requirements set forth in this Section ~~approved by rule~~
6 ~~by the Department~~ may perform: (A) coronal scaling
7 above the gum line, supragingivally, on the clinical
8 crown of the tooth only on patients 12 years of age or
9 younger who have an absence of periodontal disease and
10 who are not medically compromised or individuals with
11 special needs and (B) intracoronaral temporization of a
12 tooth. The training program ~~approved by the Department~~
13 must: (I) include a minimum of 16 hours of instruction
14 in both didactic and clinical manikin or human subject
15 instruction; all training programs shall include areas
16 of study ~~courses~~ in dental anatomy, public health
17 dentistry, medical history, dental emergencies, and
18 managing the pediatric patient; (II) include an
19 outcome assessment examination that demonstrates
20 competency; (III) require the supervising dentist to
21 observe and approve the completion of 6 full mouth
22 supragingival scaling procedures; and (IV) issue a
23 certificate of completion of the training program,
24 which must be kept on file at the dental office. A
25 dental assistant must have successfully completed an
26 approved coronal polishing course prior to taking the

1 coronal scaling course. A dental assistant performing
2 these functions shall be limited to the use of hand
3 instruments only. In addition, coronal scaling as
4 described in this paragraph shall only be utilized on
5 patients who are eligible for Medicaid or who are
6 uninsured and whose household income is not greater
7 than 200% of the federal poverty level. A dentist may
8 not supervise more than 2 dental assistants at any one
9 time for the task of coronal scaling. This paragraph is
10 inoperative on and after January 1, 2021.

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

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

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

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

1 and

2 (iii) has been accepted or appointed for specialty
3 or residency training by a hospital situated in this
4 State; or

5 (iv) has been accepted or appointed for specialty
6 training in an approved dental program situated in this
7 State; or

8 (v) has been accepted or appointed for specialty
9 training in a dental public health agency situated in
10 this State.

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

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

21 The authority to practice shall terminate immediately
22 upon:

23 (1) the decision of the Department that the
24 applicant has failed the examination; or

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

26 (3) withdrawal of the application.

1 (Source: P.A. 98-147, eff. 1-1-14; 98-463, eff. 8-16-13;
2 98-756, eff. 7-16-14; 99-492, eff. 12-31-15.)

3 (225 ILCS 25/18.1)

4 (Section scheduled to be repealed on January 1, 2021)

5 Sec. 18.1. Public health dental supervision
6 responsibilities.

7 (a) When working together in a public health supervision
8 relationship, dentists and public health dental hygienists
9 shall enter into a public health supervision agreement. The
10 dentist providing public health supervision must:

11 (1) be available to provide an appropriate level of
12 contact, communication, collaboration, and consultation
13 with the public health dental hygienist and must meet
14 in-person with the public health dental hygienist at least
15 quarterly for review and consultation;

16 (2) have specific standing orders or policy guidelines
17 for procedures that are to be carried out for each location
18 or program, although the dentist need not be present when
19 the procedures are being performed;

20 (3) provide for the patient's additional necessary
21 care in consultation with the public health dental
22 hygienist;

23 (4) file agreements and notifications as required; and

24 (5) include procedures for creating and maintaining
25 dental records, including protocols for transmission of

1 all records between the public health dental hygienist and
2 the dentist following each treatment, which shall include a
3 notation regarding procedures authorized by the dentist
4 and performed by the public health dental hygienist and the
5 location where those records are to be kept.

6 Each dentist and hygienist who enters into a public health
7 supervision agreement must document and maintain a copy of any
8 change or termination of that agreement.

9 Dental records shall be owned and maintained by the
10 supervising dentist for all patients treated under public
11 health supervision, unless the supervising dentist is an
12 employee of a public health clinic or federally qualified
13 health center, in which case the public health clinic or
14 federally qualified health center shall maintain the records.

15 If a dentist ceases to be employed or contracted by the
16 facility, the dentist shall notify the facility administrator
17 that the public health supervision agreement is no longer in
18 effect. A new public health supervision agreement is required
19 for the public health dental hygienist to continue treating
20 patients under public health supervision.

21 A dentist entering into an agreement under this Section may
22 supervise and enter into agreements for public health
23 supervision with 2 public health dental hygienists. This shall
24 be in addition to the limit of 4 dental hygienists per dentist
25 set forth in subsection (g) of Section 18 of this Act.

26 (b) A public health dental hygienist providing services

1 under public health supervision may perform only those duties
2 within the accepted scope of practice of dental hygiene, as
3 follows:

4 (1) the operative procedures of dental hygiene,
5 consisting of oral prophylactic procedures, including
6 prophylactic cleanings, application of fluoride, and
7 placement of sealants;

8 (2) the exposure and processing of x-ray films of the
9 teeth and surrounding structures; and

10 (3) such other procedures and acts as shall be
11 prescribed by rule of the Department.

12 Any patient treated under this subsection (b) must be
13 examined by a dentist before additional services can be
14 provided by a public health dental hygienist. However, if the
15 supervising dentist, after consultation with the public health
16 hygienist, determines that time is needed to complete an
17 approved treatment plan on a patient eligible under this
18 Section, then the dentist may instruct the hygienist to
19 complete the remaining services prior to an oral examination by
20 the dentist. Such instruction by the dentist to the hygienist
21 shall be noted in the patient's records. Any services performed
22 under this exception must be scheduled in a timely manner and
23 shall not exceed 30 days after the first appointment has taken
24 place.

25 (c) A public health dental hygienist providing services
26 under public health supervision must:

1 (1) provide to the patient, parent, or guardian a
2 written plan for referral or an agreement for follow-up
3 that records all conditions observed that should be called
4 to the attention of a dentist for proper diagnosis;

5 (2) have each patient sign a permission slip or consent
6 form that informs them that the service to be received does
7 not take the place of regular dental checkups at a dental
8 office and is meant for people who otherwise would not have
9 access to the service;

10 (3) inform each patient who may require further dental
11 services of that need;

12 (4) maintain an appropriate level of contact and
13 communication with the dentist providing public health
14 supervision; and

15 (5) complete an additional 4 hours of continuing
16 education in areas specific to public health dentistry
17 yearly.

18 (d) Each public health dental hygienist who has rendered
19 services under ~~subsections (c), (d), and (e)~~ of this Section
20 must complete a summary report at the completion of a program
21 or, in the case of an ongoing program, at least annually. The
22 report must be completed in the manner specified by the
23 Division of Oral Health in the Department of Public Health
24 including information about each location where the public
25 health dental hygienist has rendered these services. The public
26 health dental hygienist must submit the form to the dentist

1 providing supervision for his or her signature before sending
2 it to the Division.

3 (e) Public health dental hygienists providing services
4 under public health supervision may be compensated for their
5 work by salary, honoraria, and other mechanisms by the
6 employing or sponsoring entity. Nothing in this Act shall
7 preclude the entity that employs or sponsors a public health
8 dental hygienist from seeking payment, reimbursement, or other
9 source of funding for the services provided.

10 (f) This Section is repealed on January 1, 2021.

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

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