



Sen. William R. Haine

**Filed: 5/6/2016**

09900HB5948sam002

LRB099 20560 SMS 48415 a

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7 (Section scheduled to be repealed on January 1, 2026)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 a structured course of  
21 42 ~~72~~ hours of additional online and classroom instruction  
22 course work in areas specific to public health dentistry  
23 provided by (1) an educational institution, such as a dental  
24 school or dental hygiene program, or (2) an approved continuing  
25 education sponsor, such as the Illinois State Dental Society or  
26 the Illinois Dental Hygienists' Association. No more than

1 one-half of the required course work may be taken online. The  
2 dental hygienist is responsible for obtaining proof of  
3 certification validating completion of the required  
4 instruction to the supervising dentist. Proof shall be made  
5 available to the Division upon request. Courses being offered  
6 by continuing education sponsors must meet the requirements set  
7 forth in items (A) and (B) of paragraph (2) of subsection (b)  
8 of Section 1220.440 in Title 68 of the Illinois Administrative  
9 Code and the requirements set forth in this Section and shall  
10 include areas of study in public health dentistry, ~~including,~~  
11 ~~but not limited to,~~ emergency procedures for medically  
12 compromised patients, pharmacology, medical recordkeeping  
13 procedures, geriatric dentistry, pediatric dentistry, and  
14 pathology, and works in a public health setting pursuant to a  
15 written public health supervision agreement ~~as defined by rule~~  
16 ~~by the Department~~ with a dentist working in or contracted with  
17 a local or State government agency or institution or who is  
18 providing services as part of a certified school-based program  
19 or school-based oral health program.

20 "Public health setting" means a federally qualified health  
21 center; a federal, State, or local public health facility; Head  
22 Start; a special supplemental nutrition program for Women,  
23 Infants, and Children (WIC) facility; or a certified  
24 school-based health center or school-based oral health  
25 program.

26 "Public health supervision" means the supervision of a

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

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

11 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

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

15 (1) Who represents himself or herself as being able to  
16 diagnose or diagnoses, treats, prescribes, or operates for  
17 any disease, pain, deformity, deficiency, injury, or  
18 physical condition of the human tooth, teeth, alveolar  
19 process, gums or jaw; or

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

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

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

25 (5) Who extracts a human tooth or teeth, or corrects or

1 attempts to correct malpositions of the human teeth or  
2 jaws; or

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

6 (7) Who uses or administers local or general  
7 anesthetics in the treatment of dental or oral diseases or  
8 in any preparation incident to a dental operation of any  
9 kind or character; or

10 (8) Who takes impressions of the human tooth, teeth, or  
11 jaws or performs any phase of any operation incident to the  
12 replacement of a part of a tooth, a tooth, teeth or  
13 associated tissues by means of a filling, crown, a bridge,  
14 a denture or other appliance; or

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

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

23 (11) Who takes impressions of human teeth or places his  
24 or her hands in the mouth of any person for the purpose of  
25 applying teeth whitening materials, or who takes  
26 impressions of human teeth or places his or her hands in



1 the mouth of any person for the purpose of assisting in the  
2 application of teeth whitening materials. A person does not  
3 practice dentistry when he or she discloses to the consumer  
4 that he or she is not licensed as a dentist under this Act  
5 and (i) discusses the use of teeth whitening materials with  
6 a consumer purchasing these materials; (ii) provides  
7 instruction on the use of teeth whitening materials with a  
8 consumer purchasing these materials; or (iii) provides  
9 appropriate equipment on-site to the consumer for the  
10 consumer to self-apply teeth whitening materials.

11 The fact that any person engages in or performs, or offers  
12 to engage in or perform, any of the practices, acts, or  
13 operations set forth in this Section, shall be prima facie  
14 evidence that such person is engaged in the practice of  
15 dentistry.

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

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

24 (b) The practice of dentistry in the discharge of their  
25 official duties by dentists in any branch of the Armed  
26 Services of the United States, the United States Public

1 Health Service, or the United States Veterans  
2 Administration; or

3 (c) The practice of dentistry by students in their  
4 course of study in dental schools or colleges approved by  
5 the Department, when acting under the direction and  
6 supervision of dentists acting as instructors; or

7 (d) The practice of dentistry by clinical instructors  
8 in the course of their teaching duties in dental schools or  
9 colleges approved by the Department:

10 (i) when acting under the direction and  
11 supervision of dentists, provided that such clinical  
12 instructors have instructed continuously in this State  
13 since January 1, 1986; or

14 (ii) when holding the rank of full professor at  
15 such approved dental school or college and possessing a  
16 current valid license or authorization to practice  
17 dentistry in another country; or

18 (e) The practice of dentistry by licensed dentists of  
19 other states or countries at meetings of the Illinois State  
20 Dental Society or component parts thereof, alumni meetings  
21 of dental colleges, or any other like dental organizations,  
22 while appearing as clinicians; or

23 (f) The use of X-Ray machines for exposing X-Ray films  
24 of dental or oral tissues by dental hygienists or dental  
25 assistants; or

26 (g) The performance of any dental service by a dental

1 assistant, if such service is performed under the  
2 supervision and full responsibility of a dentist.

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

7 (1) Any and all diagnosis of or prescription for  
8 treatment of disease, pain, deformity, deficiency,  
9 injury or physical condition of the human teeth or  
10 jaws, or adjacent structures.

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

20 (3) Any and all correction of malformation of teeth  
21 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 impressions for the fabrication of  
7 prosthetic appliances, crowns, bridges, inlays,  
8 onlays, or other restorative or replacement dentistry.

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

25 In addition to coronal polishing and pit and  
26 fissure sealants as described in this item (7), a

1 dental assistant who has at least 2,000 hours of direct  
2 clinical patient care experience and who has  
3 successfully completed a structured training program  
4 provided by (1) an educational institution, such as a  
5 dental school or dental hygiene or dental assistant  
6 program, or (2) an approved continuing education  
7 sponsor, such as the Illinois State Dental Society or  
8 the Illinois Dental Hygienists' Association, that  
9 meets the requirements set forth in items (A) and (B)  
10 of paragraph (2) of subsection (b) of Section 1220.440  
11 in Title 68 of the Illinois Administrative Code and the  
12 requirements set forth in this Section ~~approved by rule~~  
13 ~~by the Department~~ may perform: (A) coronal scaling  
14 above the gum line, supragingivally, on the clinical  
15 crown of the tooth only on patients 12 years of age or  
16 younger who have an absence of periodontal disease and  
17 who are not medically compromised or individuals with  
18 special needs and (B) intracoronaral temporization of a  
19 tooth. The training program ~~approved by the Department~~  
20 must: (I) include a minimum of 16 hours of instruction  
21 in both didactic and clinical manikin or human subject  
22 instruction; all training programs shall include areas  
23 of study ~~courses~~ in dental anatomy, public health  
24 dentistry, medical history, dental emergencies, and  
25 managing the pediatric patient; (II) include an  
26 outcome assessment examination that demonstrates

1 competency; (III) require the supervising dentist to  
2 observe and approve the completion of 6 full mouth  
3 supragingival scaling procedures; and (IV) issue a  
4 certificate of completion of the training program,  
5 which must be kept on file at the dental office and be  
6 made available to the Division upon request. A dental  
7 assistant must have successfully completed an approved  
8 coronal polishing course prior to taking the coronal  
9 scaling course. A dental assistant performing these  
10 functions shall be limited to the use of hand  
11 instruments only. In addition, coronal scaling as  
12 described in this paragraph shall only be utilized on  
13 patients who are eligible for Medicaid or who are  
14 uninsured and whose household income is not greater  
15 than 200% of the federal poverty level. A dentist may  
16 not supervise more than 2 dental assistants at any one  
17 time for the task of coronal scaling. This paragraph is  
18 inoperative on and after January 1, 2021.

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

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

25 (i) has applied in writing to the Department, in  
26 form and substance satisfactory to the Department, for

1 a general dental license and has complied with all  
2 provisions of Section 9 of this Act, except for the  
3 passage of the examination specified in subsection (e)  
4 of Section 9 of this Act; or

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

10 (iii) has been accepted or appointed for specialty  
11 or residency training by a hospital situated in this  
12 State; or

13 (iv) has been accepted or appointed for specialty  
14 training in an approved dental program situated in this  
15 State; or

16 (v) has been accepted or appointed for specialty  
17 training in a dental public health agency situated in  
18 this State.

19 The applicant shall be permitted to practice dentistry  
20 for a period of 3 months from the starting date of the  
21 program, unless authorized in writing by the Department to  
22 continue such practice for a period specified in writing by  
23 the Department.

24 The applicant shall only be entitled to perform such  
25 acts as may be prescribed by and incidental to his or her  
26 program of residency or specialty training and shall not

1 otherwise engage in the practice of dentistry in this  
2 State.

3 The authority to practice shall terminate immediately  
4 upon:

5 (1) the decision of the Department that the  
6 applicant has failed the examination; or

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

8 (3) withdrawal of the application.

9 (Source: P.A. 98-147, eff. 1-1-14; 98-463, eff. 8-16-13;  
10 98-756, eff. 7-16-14; 99-492, eff. 12-31-15.)

11 (225 ILCS 25/18.1)

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

13 Sec. 18.1. Public health dental supervision  
14 responsibilities.

15 (a) When working together in a public health supervision  
16 relationship, dentists and public health dental hygienists  
17 shall enter into a public health supervision agreement. The  
18 dentist providing public health supervision must:

19 (1) be available to provide an appropriate level of  
20 contact, communication, collaboration, and consultation  
21 with the public health dental hygienist and must meet  
22 in-person with the public health dental hygienist at least  
23 quarterly for review and consultation;

24 (2) have specific standing orders or policy guidelines  
25 for procedures that are to be carried out for each location



1 or program, although the dentist need not be present when  
2 the procedures are being performed;

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

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

7 (5) include procedures for creating and maintaining  
8 dental records, including protocols for transmission of  
9 all records between the public health dental hygienist and  
10 the dentist following each treatment, which shall include a  
11 notation regarding procedures authorized by the dentist  
12 and performed by the public health dental hygienist and the  
13 location where those records are to be kept.

14 Each dentist and hygienist who enters into a public health  
15 supervision agreement must document and maintain a copy of any  
16 change or termination of that agreement.

17 Dental records shall be owned and maintained by the  
18 supervising dentist for all patients treated under public  
19 health supervision, unless the supervising dentist is an  
20 employee of a public health clinic or federally qualified  
21 health center, in which case the public health clinic or  
22 federally qualified health center shall maintain the records.

23 If a dentist ceases to be employed or contracted by the  
24 facility, the dentist shall notify the facility administrator  
25 that the public health supervision agreement is no longer in  
26 effect. A new public health supervision agreement is required

1 for the public health dental hygienist to continue treating  
2 patients under public health supervision.

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

8 (b) A public health dental hygienist providing services  
9 under public health supervision may perform only those duties  
10 within the accepted scope of practice of dental hygiene, as  
11 follows:

12 (1) the operative procedures of dental hygiene,  
13 consisting of oral prophylactic procedures, including  
14 prophylactic cleanings, application of fluoride, and  
15 placement of sealants;

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

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

20 Any patient treated under this subsection (b) must be  
21 examined by a dentist before additional services can be  
22 provided by a public health dental hygienist. However, if the  
23 supervising dentist, after consultation with the public health  
24 hygienist, determines that time is needed to complete an  
25 approved treatment plan on a patient eligible under this  
26 Section, then the dentist may instruct the hygienist to

1 complete the remaining services prior to an oral examination by  
2 the dentist. Such instruction by the dentist to the hygienist  
3 shall be noted in the patient's records. Any services performed  
4 under this exception must be scheduled in a timely manner and  
5 shall not exceed 30 days after the first appointment has taken  
6 place.

7 (c) A public health dental hygienist providing services  
8 under public health supervision must:

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

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

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

20 (4) maintain an appropriate level of contact and  
21 communication with the dentist providing public health  
22 supervision; and

23 (5) complete an additional 4 hours of continuing  
24 education in areas specific to public health dentistry  
25 yearly.

26 (d) Each public health dental hygienist who has rendered

1 services under ~~subsections (c), (d), and (e)~~ of this Section  
2 must complete a summary report at the completion of a program  
3 or, in the case of an ongoing program, at least annually. The  
4 report must be completed in the manner specified by the  
5 Division of Oral Health in the Department of Public Health  
6 including information about each location where the public  
7 health dental hygienist has rendered these services. The public  
8 health dental hygienist must submit the form to the dentist  
9 providing supervision for his or her signature before sending  
10 it to the Division.

11 (e) Public health dental hygienists providing services  
12 under public health supervision may be compensated for their  
13 work by salary, honoraria, and other mechanisms by the  
14 employing or sponsoring entity. Nothing in this Act shall  
15 preclude the entity that employs or sponsors a public health  
16 dental hygienist from seeking payment, reimbursement, or other  
17 source of funding for the services provided.

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

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

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