



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0589

Introduced 1/24/2017, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

225 ILCS 25/4	from Ch. 111, par. 2304
225 ILCS 25/17	from Ch. 111, par. 2317
225 ILCS 25/17.1 new	

Amends the Illinois Dental Practice Act. Allows a dental assistant, after being authorized by a dentist, to remove loose, broken, or irritating orthodontic appliances on a patient of record for the purpose of eliminating pain or discomfort. Provides that dental assistants who have undergone certain training may hold themselves out as expanded function dental assistants. Sets forth the training requirements for expanded function dental assistants and the services that may be provided. Provides that any procedure completed by an expanded function dental assistant must be approved by the supervising dentist and examined prior to dismissal of the patient. Sets forth certain limits on expanded function dental assistants.

LRB100 05381 SMS 15392 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 and 17 and by adding Section 17.1 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8 (Section scheduled to be repealed on January 1, 2026)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 license
23 pursuant to paragraph (a) of Section 11 of this Act and who may

1 perform any intraoral and extraoral procedure required in the
2 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 under
5 this Act to perform dental services as authorized by Section
6 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 provide
21 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 is

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

15 "Public member" means a person who is not a health
16 professional. For purposes of board membership, any person with
17 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, and oral and maxillofacial
2 radiology.

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

20 "Nurse" means a registered professional nurse, a certified
21 registered nurse anesthetist licensed as an advanced practice
22 nurse, or a licensed practical nurse licensed under the Nurse
23 Practice Act.

24 "Patient of record" means a patient for whom the patient's
25 most recent dentist has obtained a relevant medical and dental
26 history and on whom the dentist has performed an examination

1 and evaluated the condition to be treated.

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

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

14 "Public health dental hygienist" means a hygienist who
15 holds a valid license to practice in the State, has 2 years of
16 full-time clinical experience or an equivalent of 4,000 hours
17 of clinical experience and has completed at least 42 clock
18 hours of additional structured courses in dental education
19 approved by rule by the Department in advanced areas specific
20 to public health dentistry, including, but not limited to,
21 emergency procedures for medically compromised patients,
22 pharmacology, medical recordkeeping procedures, geriatric
23 dentistry, pediatric dentistry, pathology, and other areas of
24 study as determined by the Department, and works in a public
25 health setting pursuant to a written public health supervision
26 agreement as defined by rule by the Department with a dentist

1 working in or contracted with a local or State government
2 agency or institution or who is providing services as part of a
3 certified school-based program or school-based oral health
4 program.

5 "Public health setting" means a federally qualified health
6 center; a federal, State, or local public health facility; Head
7 Start; a special supplemental nutrition program for Women,
8 Infants, and Children (WIC) facility; or a certified
9 school-based health center or school-based oral health
10 program.

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

21 (Source: P.A. 99-25, eff. 1-1-16; 99-492, eff. 12-31-15;
22 99-680, eff. 1-1-17.)

23 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

25 Sec. 17. Acts constituting the practice of dentistry. A

1 person practices dentistry, within the meaning of this Act:

2 (1) Who represents himself or herself as being able to
3 diagnose or diagnoses, treats, prescribes, or operates for
4 any disease, pain, deformity, deficiency, injury, or
5 physical condition of the human tooth, teeth, alveolar
6 process, gums or jaw; or

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

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

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

12 (5) Who extracts a human tooth or teeth, or corrects or
13 attempts to correct malpositions of the human teeth or
14 jaws; or

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

18 (7) Who uses or administers local or general
19 anesthetics in the treatment of dental or oral diseases or
20 in any preparation incident to a dental operation of any
21 kind or character; or

22 (8) Who takes impressions of the human tooth, teeth, or
23 jaws or performs any phase of any operation incident to the
24 replacement of a part of a tooth, a tooth, teeth or
25 associated tissues by means of a filling, crown, a bridge,
26 a denture or other appliance; or

1 (9) Who offers to furnish, supply, construct,
2 reproduce or repair, or who furnishes, supplies,
3 constructs, reproduces or repairs, prosthetic dentures,
4 bridges or other substitutes for natural teeth, to the user
5 or prospective user thereof; or

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

9 (11) Who takes impressions of human teeth or places his
10 or her hands in the mouth of any person for the purpose of
11 applying teeth whitening materials, or who takes
12 impressions of human teeth or places his or her hands in
13 the mouth of any person for the purpose of assisting in the
14 application of teeth whitening materials. A person does not
15 practice dentistry when he or she discloses to the consumer
16 that he or she is not licensed as a dentist under this Act
17 and (i) discusses the use of teeth whitening materials with
18 a consumer purchasing these materials; (ii) provides
19 instruction on the use of teeth whitening materials with a
20 consumer purchasing these materials; or (iii) provides
21 appropriate equipment on-site to the consumer for the
22 consumer to self-apply teeth whitening materials.

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

1 dentistry.

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

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

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

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

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

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

26 (ii) when holding the rank of full professor at

1 such approved dental school or college and possessing a
2 current valid license or authorization to practice
3 dentistry in another country; or

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

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

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

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

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

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

11 (3) Any and all correction of malformation of teeth
12 or of the jaws.

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

22 (5) Removal of calculus from human teeth.

23 (6) Taking of impressions for the fabrication of
24 prosthetic appliances, crowns, bridges, inlays,
25 onlays, or other restorative or replacement dentistry.

26 (7) The operative procedure of dental hygiene

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

16 In addition to coronal polishing and pit and
17 fissure sealants as described in this item (7), a
18 dental assistant who has at least 2,000 hours of direct
19 clinical patient care experience and who has
20 successfully completed a structured training program
21 provided by (1) an educational institution such as a
22 dental school or dental hygiene or dental assistant
23 program, or (2) by a statewide dental or dental
24 hygienist association, approved by the Department on
25 or before the effective date of this amendatory Act of
26 the 99th General Assembly, that has developed and

1 conducted a training program for expanded functions
2 for dental assistants or hygienists may perform: (A)
3 coronal scaling above the gum line, supragingivally,
4 on the clinical crown of the tooth only on patients 12
5 years of age or younger who have an absence of
6 periodontal disease and who are not medically
7 compromised or individuals with special needs and (B)
8 intracoronal temporization of a tooth. The training
9 program must: (I) include a minimum of 16 hours of
10 instruction in both didactic and clinical manikin or
11 human subject instruction; all training programs shall
12 include areas of study in dental anatomy, public health
13 dentistry, medical history, dental emergencies, and
14 managing the pediatric patient; (II) include an
15 outcome assessment examination that demonstrates
16 competency; (III) require the supervising dentist to
17 observe and approve the completion of 6 full mouth
18 supragingival scaling procedures; and (IV) issue a
19 certificate of completion of the training program,
20 which must be kept on file at the dental office and be
21 made available to the Department upon request. A dental
22 assistant must have successfully completed an approved
23 coronal polishing course prior to taking the coronal
24 scaling course. A dental assistant performing these
25 functions shall be limited to the use of hand
26 instruments only. In addition, coronal scaling as

1 described in this paragraph shall only be utilized on
2 patients who are eligible for Medicaid or who are
3 uninsured and whose household income is not greater
4 than 200% of the federal poverty level. A dentist may
5 not supervise more than 2 dental assistants at any one
6 time for the task of coronal scaling. This paragraph is
7 inoperative on and after January 1, 2021.

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

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

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

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

25 (iii) has been accepted or appointed for specialty
26 or residency training by a hospital situated in this

1 State; or

2 (iv) has been accepted or appointed for specialty
3 training in an approved dental program situated in this
4 State; or

5 (v) has been accepted or appointed for specialty
6 training in a dental public health agency situated in
7 this State.

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

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

18 The authority to practice shall terminate immediately
19 upon:

20 (1) the decision of the Department that the
21 applicant has failed the examination; or

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

23 (3) withdrawal of the application.

24 (Source: P.A. 98-147, eff. 1-1-14; 98-463, eff. 8-16-13;
25 98-756, eff. 7-16-14; 99-492, eff. 12-31-15; 99-680, eff.
26 1-1-17.)

1 (225 ILCS 25/17.1 new)

2 Sec. 17.1. Expanded function dental assistants.

3 (a) A dental assistant who has completed training as
4 provided in subsection (b) of this Section in all of the
5 following areas may hold himself or herself out as an expanded
6 function dental assistant:

7 (1) Taking material or digital final impressions.

8 (2) Performing pulp vitality test.

9 (3) Placing, carving, and finishing of amalgam
10 restorations and placing packing and finishing composite
11 restorations.

12 (4) Starting the flow of oxygen and monitoring of
13 nitrous oxide-oxygen analgesia.

14 (5) Coronal polishing and pit and fissure sealants, as
15 currently allowed by law.

16 After the completion of training as provided in subsection
17 (b) of this Section, an expanded function dental assistant may
18 perform any of the services listed in this subsection (a)
19 pursuant to the limitations of this Act.

20 (b) Certification as an expanded functions dental
21 assistant must be obtained from one of the following sources:

22 (i) an approved continuing education sponsor; (ii) a dental
23 assistant training program approved by the Commission on Dental
24 Accreditation of the American Dental Association; or (iii) a
25 training program approved by the Department.

1 (c) Any procedures listed in subsection (a) that are
2 performed by an expanded function dental assistant must be
3 approved by the supervising dentist and examined prior to
4 dismissal of the patient.

5 (d) Nothing in this Section shall be construed to alter the
6 number of dental assistants that a dentist may supervise under
7 paragraph (g) of Section 17 of this Act.

8 (e) Nothing in this Act shall: (1) require a dental
9 assistant to be certified as an expanded function dental
10 assistant or (2) prevent a dentist from training dental
11 assistants in accordance with the provisions of Section 17 of
12 this Act or rules pertaining to dental assistant duties.