



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0167

Introduced 1/30/2019, by Sen. Neil Anderson and Dale Fowler

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Dental Practice Act. Defines "teledentistry". Makes changes concerning the requirements that must be met by a dental assistant before the dental assistant may replace, carve, and finish amalgam restorations, place, pack, and finish composite restorations, and place interim restorations. In provisions concerning the qualifications for a permit to administer anesthesia and sedation, requires the Department to ensure that the dentist has completed and maintains certification in advanced cardiac life support or pediatric advanced life support. In provisions concerning death or incapacitation of a dentist, provides that specified personnel may contract with another dentist or dentists to continue the operations of the deceased or incapacitated dentist's practice for a period of one year (rather than no more than one year) from the time of death or incapacitation or the dentist or until the practice is sold, whichever occurs first. Provides that if the practice is not sold within the initial one-year period, the contract may be extended for additional 12-month periods by the Department, but the extension shall not exceed 3 additional 12-month periods. Sets forth specified requirements for extension. Changes repeal and operative dates for various provisions of the Act. Makes other changes. Effective immediately.

LRB101 04886 JRG 49895 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, 8.1, 17, 17.1, 18, 18.1, 38.2, and 54.3 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8 (Section scheduled to be repealed on January 1, 2026)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 registered nurse, or a licensed practical nurse licensed under
23 the Nurse 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 "Teledentistry" means the use of telehealth systems and
22 methodologies in dentistry and includes patient care and
23 education delivery using synchronous and asynchronous
24 communications under a dentist's authority as provided under
25 this Act.

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

1 99-680, eff. 1-1-17; 100-215, eff. 1-1-18; 100-513, eff.
2 1-1-18; 100-863, eff. 8-14-18.)

3 (225 ILCS 25/8.1) (from Ch. 111, par. 2308.1)

4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 8.1. Permit for the administration of anesthesia and
6 sedation.

7 (a) No licensed dentist shall administer general
8 anesthesia, deep sedation, or conscious sedation without first
9 applying for and obtaining a permit for such purpose from the
10 Department. The Department shall issue such permit only after
11 ascertaining that the applicant possesses the minimum
12 qualifications necessary to protect public safety. A person
13 with a dental degree who administers anesthesia, deep sedation,
14 or conscious sedation in an approved hospital training program
15 under the supervision of either a licensed dentist holding such
16 permit or a physician licensed to practice medicine in all its
17 branches shall not be required to obtain such permit.

18 (b) In determining the minimum permit qualifications that
19 are necessary to protect public safety, the Department, by
20 rule, shall:

21 (1) establish the minimum educational and training
22 requirements necessary for a dentist to be issued an
23 appropriate permit;

24 (2) establish the standards for properly equipped
25 dental facilities (other than licensed hospitals and

1 ambulatory surgical treatment centers) in which general
2 anesthesia, deep sedation, or conscious sedation is
3 administered, as necessary to protect public safety;

4 (3) establish minimum requirements for all persons who
5 assist the dentist in the administration of general
6 anesthesia, deep sedation, or conscious sedation,
7 including minimum training requirements for each member of
8 the dental team, monitoring requirements, recordkeeping
9 requirements, and emergency procedures;

10 (4) ensure that the dentist has completed and maintains
11 current certification in advanced cardiac life support or
12 pediatric advanced life support and all persons assisting
13 the dentist or monitoring the administration of general
14 anesthesia, deep sedation, or conscious sedation maintain
15 current certification in Basic Life Support (BLS); and

16 (5) establish continuing education requirements in
17 sedation techniques and airway management for dentists who
18 possess a permit under this Section.

19 When establishing requirements under this Section, the
20 Department shall consider the current American Dental
21 Association guidelines on sedation and general anesthesia, the
22 current "Guidelines for Monitoring and Management of Pediatric
23 Patients During and After Sedation for Diagnostic and
24 Therapeutic Procedures" established by the American Academy of
25 Pediatrics and the American Academy of Pediatric Dentistry, and
26 the current parameters of care and Office Anesthesia Evaluation

1 (OAE) Manual established by the American Association of Oral
2 and Maxillofacial Surgeons.

3 (c) A licensed dentist must hold an appropriate permit
4 issued under this Section in order to perform dentistry while a
5 nurse anesthetist administers conscious sedation, and a valid
6 written collaborative agreement must exist between the dentist
7 and the nurse anesthetist, in accordance with the Nurse
8 Practice Act.

9 A licensed dentist must hold an appropriate permit issued
10 under this Section in order to perform dentistry while a nurse
11 anesthetist administers deep sedation or general anesthesia,
12 and a valid written collaborative agreement must exist between
13 the dentist and the nurse anesthetist, in accordance with the
14 Nurse Practice Act.

15 For the purposes of this subsection (c), "nurse
16 anesthetist" means a licensed certified registered nurse
17 anesthetist who holds a license as an advanced practice
18 registered nurse.

19 (Source: P.A. 100-201, eff. 8-18-17; 100-513, eff. 1-1-18.)

20 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

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

24 (1) Who represents himself or herself as being able to
25 diagnose or diagnoses, treats, prescribes, or operates for

1 any disease, pain, deformity, deficiency, injury, or
2 physical condition of the human tooth, teeth, alveolar
3 process, gums or jaw; or

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

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

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

9 (5) Who extracts a human tooth or teeth, or corrects or
10 attempts to correct malpositions of the human teeth or
11 jaws; or

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

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

19 (8) Who takes material or digital scans for final
20 impressions of the human tooth, teeth, or jaws or performs
21 any phase of any operation incident to the replacement of a
22 part of a tooth, a tooth, teeth or associated tissues by
23 means of a filling, crown, a bridge, a denture or other
24 appliance; or

25 (9) Who offers to furnish, supply, construct,
26 reproduce or repair, or who furnishes, supplies,

1 constructs, reproduces or repairs, prosthetic dentures,
2 bridges or other substitutes for natural teeth, to the user
3 or prospective user thereof; or

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

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

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

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

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

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

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

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

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

25 (ii) when holding the rank of full professor at
26 such approved dental school or college and possessing a

1 current valid license or authorization to practice
2 dentistry in another country; or

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

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

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

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

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

26 (2) Removal of, or restoration of, or addition to

1 the hard or soft tissues of the oral cavity, except for
2 the placing, carving, and finishing of amalgam
3 restorations and placing, packing, and finishing
4 composite restorations by dental assistants who have
5 had additional formal education and certification.

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

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

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

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

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

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

6 (5) Removal of calculus from human teeth.

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

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

1 In addition to coronal polishing and pit and
2 fissure sealants as described in this item (7), a
3 dental assistant who has at least 2,000 hours of direct
4 clinical patient care experience and who has
5 successfully completed a structured training program
6 provided by (1) an educational institution such as a
7 dental school or dental hygiene or dental assistant
8 program, or (2) by a statewide dental or dental
9 hygienist association, approved by the Department on
10 or before the effective date of this amendatory Act of
11 the 99th General Assembly, that has developed and
12 conducted a training program for expanded functions
13 for dental assistants or hygienists may perform: (A)
14 coronal scaling above the gum line, supragingivally,
15 on the clinical crown of the tooth only on patients 12
16 years of age or younger who have an absence of
17 periodontal disease and who are not medically
18 compromised or individuals with special needs and (B)
19 intracoronal temporization of a tooth. The training
20 program must: (I) include a minimum of 16 hours of
21 instruction in both didactic and clinical manikin or
22 human subject instruction; all training programs shall
23 include areas of study 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 Department 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, 2026 ~~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. 99-492, eff. 12-31-15; 99-680, eff. 1-1-17;
10 100-215, eff. 1-1-18; 100-976, eff. 1-1-19.)

11 (225 ILCS 25/17.1)

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

13 Sec. 17.1. Expanded function dental assistants.

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

18 (1) Taking material or digital scans for final
19 impressions after completing a training program that
20 includes either didactic objectives or clinical skills and
21 functions that demonstrate competency.

22 (2) Performing pulp vitality test after completing a
23 training program that includes either didactic objectives
24 or clinical skills and functions that demonstrate
25 competency.

1 (3) Placing, carving, and finishing of amalgam
2 restorations and placing, packing, and finishing composite
3 restorations as allowed under Section 17.

4 (4) Starting the flow of oxygen and monitoring of
5 nitrous oxide-oxygen analgesia as allowed under Section
6 17.

7 (5) Coronal polishing and pit and fissure sealants as
8 allowed under Section 17.

9 All procedures listed in paragraphs (1) through (5) for
10 dental assistants must be performed under the supervision of a
11 dentist, requiring the dentist authorizes the procedure,
12 remains in the dental facility while the procedure is
13 performed, and approves the work performed by the dental
14 assistant before dismissal of the patient, but the dentist is
15 not required to be present at all times in the treatment room.

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 and training as an expanded function
21 dental assistant must be obtained from one of the following
22 sources: (i) an approved continuing education sponsor; (ii) a
23 dental assistant training program approved by the Commission on
24 Dental Accreditation of the American Dental Association; or
25 (iii) a training program approved by the Department.

26 Training required under this subsection (b) must also

1 include Basic Life Support certification, as described in
2 Section 16 of this Act. Proof of current certification shall be
3 kept on file with the supervising dentist.

4 (c) Any procedures listed in subsection (a) that are
5 performed by an expanded function dental assistant must be
6 approved by the supervising dentist and examined prior to
7 dismissal of the patient. The supervising dentist shall be
8 responsible for all dental services or procedures performed by
9 the dental assistant.

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

13 (e) Nothing in this Act shall: (1) require a dental
14 assistant to be certified as an expanded function dental
15 assistant or (2) prevent a dentist from training dental
16 assistants in accordance with the provisions of Section 17 or
17 17.1 of this Act or rules pertaining to dental assistant
18 duties.

19 (Source: P.A. 100-215, eff. 1-1-18; 100-976, eff. 1-1-19.)

20 (225 ILCS 25/18) (from Ch. 111, par. 2318)

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

22 Sec. 18. Acts constituting the practice of dental hygiene;
23 limitations.

24 (a) A person practices dental hygiene within the meaning of
25 this Act when he or she performs the following acts under the

1 supervision of a dentist:

2 (i) the operative procedure of dental hygiene,
3 consisting of oral prophylactic procedures;

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

6 (iii) the application to the surfaces of the teeth or
7 gums of chemical compounds designed to be desensitizing
8 agents or effective agents in the prevention of dental
9 caries or periodontal disease;

10 (iv) all services which may be performed by a dental
11 assistant as specified by rule pursuant to Section 17, and
12 a dental hygienist may engage in the placing, carving, and
13 finishing of amalgam restorations only after obtaining
14 formal education and certification as determined by the
15 Department;

16 (v) administration and monitoring of nitrous oxide
17 upon successful completion of a training program approved
18 by the Department;

19 (vi) administration of local anesthetics upon
20 successful completion of a training program approved by the
21 Department; and

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

24 (b) A dental hygienist may be employed or engaged only:

25 (1) by a dentist;

26 (2) by a federal, State, county, or municipal agency or

1 institution;

2 (3) by a public or private school; or

3 (4) by a public clinic operating under the direction of
4 a hospital or federal, State, county, municipal, or other
5 public agency or institution.

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

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

1 an updated medical history and observation of oral conditions
2 must be performed by the hygienist immediately prior to
3 beginning the procedures to ensure that the patient's health
4 has not changed in any manner to warrant a reexamination by the
5 dentist.

6 (e) School-based oral health care, consisting of and
7 limited to oral prophylactic procedures, sealants, and
8 fluoride treatments, may be provided by a dental hygienist
9 under the general supervision of a dentist. A dental hygienist
10 may not provide other dental hygiene treatment in a
11 school-based setting, including but not limited to
12 administration or monitoring of nitrous oxide or
13 administration of local anesthetics. The school-based
14 procedures may be performed provided the patient is located at
15 a public or private school and the program is being conducted
16 by a State, county or local public health department initiative
17 or in conjunction with a dental school or dental hygiene
18 program. 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 120 days after
23 its issuance. Any such order for oral prophylactic procedures
24 or fluoride treatments must be implemented within 180 days
25 after its issuance. An updated medical history and observation
26 of oral conditions must be performed by the hygienist

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

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

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

10 (h) A dental hygienist who is certified as a public health
11 dental hygienist may provide services to patients: (1) who are
12 eligible for Medicaid or (2) who are uninsured and whose
13 household income is not greater than 200% of the federal
14 poverty level. A public health dental hygienist may perform
15 oral assessments, perform screenings, and provide educational
16 and preventative services as provided in subsection (b) of
17 Section 18.1 of this Act. The public health dental hygienist
18 may not administer local anesthesia or nitrous oxide, or place,
19 carve, or finish amalgam restorations or provide periodontal
20 therapy under this exception. Each patient must sign a consent
21 form that acknowledges that the care received does not take the
22 place of a regular dental examination. The public health dental
23 hygienist must provide the patient or guardian a written
24 referral to a dentist for assessment of the need for further
25 dental care at the time of treatment. Any indication or
26 observation of a condition that could warrant the need for

1 urgent attention must be reported immediately to the
2 supervising dentist for appropriate assessment and treatment.

3 This subsection (h) is inoperative on and after January 1,
4 2026 ~~2021~~.

5 (i) A dental hygienist performing procedures listed in
6 paragraphs (1) through (4) of subsection (a) of Section 17.1
7 must be under the supervision of a dentist, requiring the
8 dentist authorizes the procedure, remains in the dental
9 facility while the procedure is performed, and approves the
10 work performed by the dental hygienist before dismissal of the
11 patient, but the dentist is not required to be present at all
12 times in the treatment room.

13 (j) A dental hygienist may perform actions described in
14 paragraph (5) of subsection (a) of Section 17.1 under the
15 general supervision of a dentist as described in this Section.

16 (Source: P.A. 99-492, eff. 12-31-15; 100-976, eff. 1-1-19.)

17 (225 ILCS 25/18.1)

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

19 Sec. 18.1. Public health dental supervision
20 responsibilities.

21 (a) When working together in a public health supervision
22 relationship, dentists and public health dental hygienists
23 shall enter into a public health supervision agreement. The
24 dentist providing public health supervision must:

25 (1) be available to provide an appropriate level of

1 contact, communication, collaboration, and consultation
2 with the public health dental hygienist and must meet
3 in-person with the public health dental hygienist at least
4 quarterly for review and consultation;

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

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

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

13 (5) include procedures for creating and maintaining
14 dental records, including protocols for transmission of
15 all records between the public health dental hygienist and
16 the dentist following each treatment, which shall include a
17 notation regarding procedures authorized by the dentist
18 and performed by the public health dental hygienist and the
19 location where those records are to be kept.

20 Each dentist and hygienist who enters into a public health
21 supervision agreement must document and maintain a copy of any
22 change or termination of that agreement.

23 Dental records shall be owned and maintained by the
24 supervising dentist for all patients treated under public
25 health supervision, unless the supervising dentist is an
26 employee of a public health clinic or federally qualified

1 health center, in which case the public health clinic or
2 federally qualified health center shall maintain the records.

3 If a dentist ceases to be employed or contracted by the
4 facility, the dentist shall notify the facility administrator
5 that the public health supervision agreement is no longer in
6 effect. A new public health supervision agreement is required
7 for the public health dental hygienist to continue treating
8 patients under public health supervision.

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

14 (b) A public health dental hygienist providing services
15 under public health supervision may perform only those duties
16 within the accepted scope of practice of dental hygiene, as
17 follows:

18 (1) the operative procedures of dental hygiene,
19 consisting of oral prophylactic procedures, including
20 prophylactic cleanings, application of fluoride, and
21 placement of sealants;

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

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

26 Any patient treated under this subsection (b) must be

1 examined by a dentist before additional services can be
2 provided by a public health dental hygienist. However, if the
3 supervising dentist, after consultation with the public health
4 hygienist, determines that time is needed to complete an
5 approved treatment plan on a patient eligible under this
6 Section, then the dentist may instruct the hygienist to
7 complete the remaining services prior to an oral examination by
8 the dentist. Such instruction by the dentist to the hygienist
9 shall be noted in the patient's records. Any services performed
10 under this exception must be scheduled in a timely manner and
11 shall not occur more than 30 days after the first appointment
12 date.

13 (c) A public health dental hygienist providing services
14 under public health supervision must:

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

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

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

26 (4) maintain an appropriate level of contact and

1 communication with the dentist providing public health
2 supervision; and

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

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

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

24 (f) This Section is repealed on January 1, 2026 ~~2021~~.

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

1 (225 ILCS 25/38.2)

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

3 Sec. 38.2. Death or incapacitation of dentist.

4 (a) The executor or administrator of a dentist's estate or
5 the legal guardian or authorized representative of a dentist
6 who has become incapacitated may contract with another dentist
7 or dentists to continue the operations of the deceased or
8 incapacitated dentist's practice (if the practice of the
9 deceased or incapacitated dentist is a sole proprietorship, a
10 corporation where the deceased or incapacitated dentist is the
11 sole shareholder, or a limited liability company where the
12 deceased or incapacitated dentist is the sole member) for a
13 period of ~~no more than~~ one year from the time of death or
14 incapacitation of the dentist or until the practice is sold,
15 whichever occurs first, if all the following conditions are
16 met:

17 (1) The executor, administrator, guardian, or
18 authorized representative executes and files with the
19 Department a notification of death or incapacitation on a
20 form provided by the Department, which notification shall
21 include the following:

22 (A) the name and license number of the deceased or
23 incapacitated dentist;

24 (B) the name and address of the dental practice;

25 (C) the name, address, and tax identification
26 number of the estate;

1 (D) the name and license number of each dentist who
2 will operate the dental practice; and

3 (E) an affirmation, under penalty of perjury, that
4 the information provided is true and correct and that
5 the executor, administrator, guardian, or authorized
6 representative understands that any interference by
7 the executor, administrator, guardian, or authorized
8 representative or any agent or assignee of the
9 executor, administrator, guardian, or authorized
10 representative with the contracting dentist's or
11 dentists' practice of dentistry or professional
12 judgment or any other violation of this Section is
13 grounds for an immediate termination of the operations
14 of the dental practice.

15 (2) Within 30 days after the death or incapacitation of
16 a dentist, the executor, administrator, guardian, or
17 authorized representative shall send notification of the
18 death or incapacitation by mail to the last known address
19 of each patient of record that has seen the deceased or
20 incapacitated dentist within the previous 12 months, with
21 an explanation of how copies of the practitioner's records
22 may be obtained. This notice may also contain any other
23 relevant information concerning the continuation of the
24 dental practice.

25 Continuation of the operations of the dental practice of a
26 deceased or incapacitated dentist shall not begin until the

1 provisions of this subsection (a) have been met.

2 If the practice is not sold within the initial one-year
3 period, the provision described in subsection (a) may be
4 extended for additional 12-month periods by the Department.
5 However, if the extension is approved, the extension shall not
6 exceed 3 additional 12-month periods. Each extension must be
7 granted prior to the expiration date of the prior extension and
8 must be accompanied by a petition detailing the reasons for the
9 extension that must be kept on file by the Department.

10 (b) The Secretary may terminate the operations of a dental
11 practice operating pursuant to this Section if the Department
12 has evidence of a violation of this Section or Section 23 or 24
13 of this Act. The Secretary must conduct a hearing before
14 terminating the operations of a dental practice operating
15 pursuant to this Section. At least 15 days before the hearing
16 date, the Department (i) must notify, in writing, the executor,
17 administrator, guardian, or authorized representative at the
18 address provided, pursuant to item (C) of subdivision (1) of
19 subsection (a) of this Section, and to the contracting dentist
20 or dentists at the address of the dental practice provided
21 pursuant to item (B) of subdivision (1) of subsection (a) of
22 this Section, of any charges made and of the time and place of
23 the hearing on the charges before the Secretary or hearing
24 officer, as provided in Section 30 of this Act, (ii) direct the
25 executor, administrator, guardian, or authorized
26 representative to file his or her written answer to such

1 charges with the Secretary under oath within 10 days after the
2 service on the executor, administrator, guardian, or
3 authorized representative of the notice, and (iii) inform the
4 executor, administrator, guardian, or authorized
5 representative that if he or she fails to file such answer, a
6 default judgment will be entered against him or her and the
7 operations of the dental practice shall be terminated.

8 (c) If the Secretary finds that evidence in his or her
9 possession indicates that a violation of this Section or
10 Section 23 or 24 of this Act constitutes an immediate threat to
11 the public health, safety, or welfare, the Secretary may
12 immediately terminate the operations of the dental practice
13 without a hearing. Upon service by certified mail to the
14 executor, administrator, guardian, or authorized
15 representative, at the address provided pursuant to item (C) of
16 subdivision (1) of subsection (a) of this Section, and the
17 contracting dentist or dentists, at the address of the dental
18 practice provided pursuant to item (B) of subdivision (1) of
19 subsection (a) of this Section, of notice of an order
20 immediately terminating the operations of the dental practice,
21 the executor, administrator, guardian, or authorized
22 representative may petition the Department within 30 days for a
23 hearing to take place within 30 days after the petition is
24 filed.

25 (d) The Department may require, by rule, the submission to
26 the Department of any additional information necessary for the

1 administration of this Section.

2 (Source: P.A. 94-1028, eff. 1-1-07.)

3 (225 ILCS 25/54.3)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 54.3. Vaccinations.

6 (a) Notwithstanding Section 54.2 of this Act, a dentist may
7 administer vaccinations upon completion of appropriate
8 training set forth by rule and approved by the Department on
9 appropriate vaccine storage, proper administration, and
10 addressing contraindications and adverse reactions.
11 Vaccinations shall be limited to patients 18 years of age and
12 older pursuant to a valid prescription or standing order by a
13 physician licensed to practice medicine in all its branches
14 who, in the course of professional practice, administers
15 vaccines to patients. Methods of communication shall be
16 established for consultation with the physician in person or by
17 telecommunications.

18 (b) Vaccinations administered by a dentist shall be limited
19 to influenza (inactivated influenza vaccine and live
20 attenuated influenza intranasal vaccine). Vaccines shall only
21 be administered by the dentist and shall not be delegated to an
22 assistant or any other person. Vaccination of a patient by a
23 dentist shall be documented in the patient's dental record and
24 the record shall be retained in accordance with current dental
25 recordkeeping standards. The dentist shall notify the

1 patient's primary care physician of each dose of vaccine
2 administered to the patient and shall enter all patient level
3 data or update the patient's current record. The dentist may
4 provide this notice to the patient's physician electronically.
5 In addition, the dentist shall enter all patient level data on
6 vaccines administered in the immunization data registry
7 maintained by the Department of Public Health.

8 (c) A dentist shall only provide vaccinations under this
9 Section if contracted with and credentialed by the patient's
10 health insurance, health maintenance organization, or other
11 health plan to specifically provide the vaccinations allowed
12 under this Section. Persons enrolled in Medicare or Medicaid
13 may only receive the vaccinations allowed for under this
14 Section from dentists who are authorized to do so by the
15 federal Centers for Medicare and Medicaid Services or the
16 Department of Healthcare and Family Services.

17 (d) The Department shall adopt any rules necessary to
18 implement this Section.

19 (e) This Section is repealed on January 1, 2026 ~~2020~~.

20 (Source: P.A. 98-665, eff. 6-23-14.)

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

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 25/4 from Ch. 111, par. 2304

4 225 ILCS 25/8.1 from Ch. 111, par. 2308.1

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

6 225 ILCS 25/17.1

7 225 ILCS 25/18 from Ch. 111, par. 2318

8 225 ILCS 25/18.1

9 225 ILCS 25/38.2

10 225 ILCS 25/54.3