

# SB3122



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3122

Introduced 1/11/2022, by Sen. Melinda Bush

#### SYNOPSIS AS INTRODUCED:

225 ILCS 25/4

from Ch. 111, par. 2304

Amends the Illinois Dental Practice Act. Provides that the definition of "public health setting" includes a nursing home or long-term care community.

LRB102 22377 SPS 31516 b

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 Section 4 as follows:

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

7 (Text of Section before amendment by P.A. 102-93)

8 (Section scheduled to be repealed on January 1, 2026)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  
23 license pursuant to paragraph (a) of Section 11 of this Act and

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

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

15 "Public member" means a person who is not a health  
16 professional. For purposes of board membership, any person  
17 with 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  
6 is 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  
17 drugs or alcohol, or a psychiatric disorder, of sufficient  
18 degree to diminish the person's ability to deliver competent  
19 patient 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 in  
19 advanced areas specific to public health dentistry.

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

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  
7 are 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 "Teledentistry" means the use of telehealth systems and  
11 methodologies in dentistry and includes patient care and  
12 education delivery using synchronous and asynchronous  
13 communications under a dentist's authority as provided under  
14 this Act.

15 (Source: P.A. 101-64, eff. 7-12-19; 101-162, eff. 7-26-19;  
16 102-588, eff. 8-20-21.)

17 (Text of Section after amendment by P.A. 102-93)

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

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23 (Source: P.A. 101-64, eff. 7-12-19; 101-162, eff. 7-26-19;  
24 102-93, eff. 1-1-22; 102-588, eff. 8-20-21.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text  
2 that is not yet or no longer in effect (for example, a Section  
3 represented by multiple versions), the use of that text does  
4 not accelerate or delay the taking effect of (i) the changes  
5 made by this Act or (ii) provisions derived from any other  
6 Public Act.