

1 AN ACT concerning professional 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 16, 17, and 49 and by adding Section 7.5 as  
6 follows:

7 (225 ILCS 25/7.5 new)

8 Sec. 7.5. Emerging scientific technology and applications.

9 In the interest of public safety, the Board may review emerging  
10 scientific technology and applications and, when appropriate,  
11 recommend that the Department adopt rules to govern the  
12 appropriate use and require the appropriate training needed for  
13 this technology by dental hygienists and assistants acting  
14 under the supervision of a dentist. "Emerging scientific  
15 technology" may include without limitation laser treatments  
16 and other treatments and potential treatments that, if used  
17 incorrectly, could have an adverse effect on patient health and  
18 safety.

19 (225 ILCS 25/16) (from Ch. 111, par. 2316)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 16. Expiration, renewal and restoration of licenses.

22 The expiration date and renewal date for each license issued

1 under this Act shall be set by rule. The renewal period for  
2 each license issued under this Act shall be 3 years. A dentist  
3 or dental hygienist may renew a license during the month  
4 preceding its expiration date by paying the required fee. A  
5 dental hygienist shall provide proof of current  
6 cardiopulmonary resuscitation certification at the time of  
7 renewal. Cardiopulmonary resuscitation certification training  
8 taken as a requirement of this Section shall be counted towards  
9 the continuing education hours under Section 16.1 of this Act.

10 Any dentist or dental hygienist whose license has expired  
11 or whose license is on inactive status may have his license  
12 restored at any time within 5 years after the expiration  
13 thereof, upon payment of the required fee and a showing of  
14 proof of compliance with current continuing education  
15 requirements, as provided by rule.

16 Any person whose license has been expired for more than 5  
17 years or who has had his license on inactive status for more  
18 than 5 years may have his license restored by making  
19 application to the Department and filing proof acceptable to  
20 the Department of taking continuing education and of his  
21 fitness to have the license restored, including sworn evidence  
22 certifying to active practice in another jurisdiction, and by  
23 paying the required restoration fee. A person practicing on an  
24 expired license is deemed to be practicing without a license.  
25 However, a holder of a license may renew the license within 90  
26 days after its expiration by complying with the requirements

1 for renewal and payment of an additional fee. A license renewal  
2 within 90 days after expiration shall be effective  
3 retroactively to the expiration date.

4 If a person whose license has expired or who has had his  
5 license on inactive status for more than 5 years has not  
6 maintained an active practice satisfactory to the department,  
7 the Department shall determine, by an evaluation process  
8 established by rule, his or her fitness to resume active status  
9 and may require the person to complete a period of evaluated  
10 clinical experience and may require successful completion of a  
11 practical examination.

12 However, any person whose license has expired while he has  
13 been engaged (1) in federal or state service active duty, or  
14 (2) in training or education under the supervision of the  
15 United States preliminary to induction into the military  
16 service, may have his license restored without paying any  
17 lapsed renewal or restoration fee, if within 2 years after  
18 termination of such service, training or education other than  
19 by dishonorable discharge, he furnishes the Department with  
20 satisfactory proof that he has been so engaged and that his  
21 service, training or education has been so terminated.

22 (Source: P.A. 94-409, eff. 12-31-05.)

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

24 (Section scheduled to be repealed on January 1, 2016)

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 as being able to diagnose or  
3 diagnoses, treats, prescribes, or operates for any  
4 disease, pain, deformity, deficiency, injury, or physical  
5 condition of the human tooth, teeth, alveolar process, gums  
6 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 undertakes to reproduce or reproduces lost parts  
8 of the human teeth in the mouth or to restore or replace  
9 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.

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

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

23                 (2) Removal of, or restoration of, or addition to  
24                 the hard or soft tissues of the oral cavity.

25                 (3) Any and all correction of malformation of teeth  
26                 or of the jaws.

1           (4) Administration of anesthetics, except for  
2 application of topical anesthetics and monitoring of  
3 nitrous oxide. Monitoring of nitrous oxide may be  
4 performed after successful completion of a training  
5 program approved by the Department.

6           (5) Removal of calculus from human teeth.

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

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

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

26           (i) has applied in writing to the Department, in

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

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

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

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

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

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

25 The applicant shall only be entitled to perform such  
26 acts as may be prescribed by and incidental to their

1 program of residency or specialty training and shall not  
2 otherwise engage in the practice of dentistry in this  
3 State.

4 The authority to practice shall terminate immediately  
5 upon:

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

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

9 (3) withdrawal of the application.

10 (Source: P.A. 91-594, eff. 1-1-00.)

11 (225 ILCS 25/49) (from Ch. 111, par. 2349)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 49. Identification of dentures.

14 (a) Every complete upper and lower denture and removable  
15 dental prosthesis fabricated by a dentist, or fabricated  
16 pursuant to his or her prescription, shall be marked with the  
17 name ~~or social security number, or both,~~ of the patient for  
18 whom the prosthesis is intended. The markings shall be done  
19 during fabrication and shall be permanent, legible and  
20 cosmetically acceptable. The exact location of the markings and  
21 the methods used to apply or implant them shall be determined  
22 by the dentist or dental laboratory fabricating the prosthesis.  
23 If in the professional judgment of the dentist, this full  
24 identification is not possible, the name ~~or social security~~  
25 ~~number~~ may be omitted.

1           (b) Any removable dental prosthesis in existence which was  
2 not marked in accordance with paragraph (a) of this Section at  
3 the time of fabrication, shall be so marked at the time of any  
4 subsequent rebasing or duplication.

5           (Source: P.A. 84-365.)

6           Section 99. Effective date. This Act takes effect upon  
7 becoming law.