



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1920

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

225 ILCS 25/4
225 ILCS 25/18

from Ch. 111, par. 2304
from Ch. 111, par. 2318

Amends the Illinois Dental Practice Act. Provides that a dental hygienist may be employed or engaged by a licensed physician. Provides that a dental hygienist may be employed or retained by a health care facility, program, or nonprofit organization to perform dental hygiene services without the patient first being examined by a licensed dentist if the dental hygienist (i) has engaged in active practice of clinical dental hygiene for a minimum of 2,400 hours in the past 18 months or a career total of 3,000 hours, (ii) has entered into a collaborative agreement with a licensed dentist, (iii) had documented participation in course in infection control and medical emergencies, and (iv) maintains current CPR certification. Authorizes the dental hygienist to perform limited specified services. Provides that a licensed dentist may not have a collaborative agreement with more than 4 dental hygienist unless otherwise authorized by the Board. Provides that the collaborative agreement must (i) include certain provisions and it must be signed and maintained by the dentist, the dental hygienist, and the facility, program, or organization, (ii) be reviewed yearly, and (iii) be made available to the Board upon request. Effective immediately.

LRB097 06078 CEL 46151 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 18 as follows:

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

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 4. Definitions. As used in this Act:

9 (a) "Department" means the Illinois Department of
10 Professional Regulation.

11 (b) "Director" means the Director of Professional
12 Regulation.

13 (c) "Board" means the Board of Dentistry established by
14 Section 6 of this Act.

15 (d) "Dentist" means a person who has received a general
16 license pursuant to paragraph (a) of Section 11 of this Act and
17 who may perform any intraoral and extraoral procedure required
18 in the practice of dentistry and to whom is reserved the
19 responsibilities specified in Section 17.

20 (e) "Dental hygienist" means a person who holds a license
21 under this Act to perform dental services as authorized by
22 Section 18.

23 (f) "Dental assistant" means an appropriately trained

1 person who, under the supervision of a dentist, provides dental
2 services as authorized by Section 17.

3 (g) "Dental laboratory" means a person, firm or corporation
4 which:

5 (i) engages in making, providing, repairing or
6 altering dental prosthetic appliances and other artificial
7 materials and devices which are returned to a dentist for
8 insertion into the human oral cavity or which come in
9 contact with its adjacent structures and tissues; and

10 (ii) utilizes or employs a dental technician to provide
11 such services; and

12 (iii) performs such functions only for a dentist or
13 dentists.

14 (h) "Supervision" means supervision of a dental hygienist
15 or a dental assistant requiring that a dentist authorize the
16 procedure, remain in the dental facility while the procedure is
17 performed, and approve the work performed by the dental
18 hygienist or dental assistant before dismissal of the patient,
19 but does not mean that the dentist must be present at all times
20 in the treatment room.

21 (i) "General supervision" means supervision of a dental
22 hygienist requiring that the patient be a patient of record,
23 that the dentist examine the patient in accordance with Section
24 18 prior to treatment by the dental hygienist, and that the
25 dentist authorize the procedures which are being carried out by
26 a notation in the patient's record, but not requiring that a

1 dentist be present when the authorized procedures are being
2 performed. The issuance of a prescription to a dental
3 laboratory by a dentist does not constitute general
4 supervision.

5 (j) "Collaborative agreement" means a written agreement
6 between a licensed dental hygienist and a collaborating
7 licensed dentist.

8 (k) ~~(j)~~ "Public member" means a person who is not a health
9 professional. For purposes of board membership, any person with
10 a significant financial interest in a health service or
11 profession is not a public member.

12 (l) ~~(k)~~ "Dentistry" means the healing art which is
13 concerned with the examination, diagnosis, treatment planning
14 and care of conditions within the human oral cavity and its
15 adjacent tissues and structures, as further specified in
16 Section 17.

17 (m) ~~(l)~~ "Branches of dentistry" means the various
18 specialties of dentistry which, for purposes of this Act, shall
19 be limited to the following: endodontics, oral and
20 maxillofacial surgery, orthodontics and dentofacial
21 orthopedics, pediatric dentistry, periodontics,
22 prosthodontics, and oral and maxillofacial radiology.

23 (n) ~~(m)~~ "Specialist" means a dentist who has received a
24 specialty license pursuant to Section 11(b).

25 (o) ~~(n)~~ "Dental technician" means a person who owns,
26 operates or is employed by a dental laboratory and engages in

1 making, providing, repairing or altering dental prosthetic
2 appliances and other artificial materials and devices which are
3 returned to a dentist for insertion into the human oral cavity
4 or which come in contact with its adjacent structures and
5 tissues.

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

15 (q) ~~(p)~~ "Nurse" means a registered professional nurse, a
16 certified registered nurse anesthetist licensed as an advanced
17 practice nurse, or a licensed practical nurse licensed under
18 the Nurse Practice Act.

19 (r) ~~(q)~~ "Patient of record" means a patient for whom the
20 patient's most recent dentist has obtained a relevant medical
21 and dental history and on whom the dentist has performed an
22 examination and evaluated the condition to be treated.

23 (s) ~~(r)~~ "Dental emergency responder" means a dentist or
24 dental hygienist who is appropriately certified in emergency
25 medical response, as defined by the Department of Public
26 Health.

1 (t) "Public health setting" means a hospital; nursing home;
2 home health agency; group home serving the elderly, disabled or
3 juveniles; State-operated facility licensed by the
4 Commissioner of Human Services or the Commissioner of
5 Corrections; federal, State, or local public health facility;
6 community clinic; school authority; Head start program;
7 Maternal and Child Health WIC program; or a program operated by
8 a non-profit organization that services individuals who are
9 uninsured or who are Illinois health care public program
10 recipients.

11 (Source: P.A. 94-409, eff. 12-31-05; 95-639, eff. 10-5-07.)

12 (225 ILCS 25/18) (from Ch. 111, par. 2318)

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

14 Sec. 18. Acts constituting the practice of dental hygiene;
15 limitations.

16 (a) A person practices dental hygiene within the meaning of
17 this Act when he or she performs the following acts under the
18 supervision of a dentist:

19 (i) the operative procedure of dental hygiene,
20 consisting of oral prophylactic procedures;

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

23 (iii) the application to the surfaces of the teeth
24 or gums of chemical compounds designed to be
25 desensitizing agents or effective agents in the

1 prevention of dental caries or periodontal disease;

2 (iv) all services which may be performed by a
3 dental assistant as specified by rule pursuant to
4 Section 17;

5 (v) administration and monitoring of nitrous oxide
6 upon successful completion of a training program
7 approved by the Department;

8 (vi) administration of local anesthetics upon
9 successful completion of a training program approved
10 by the Department; and

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

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

14 (1) by a dentist;

15 (2) by a federal, State, county, or municipal agency or
16 institution;

17 (3) by a public or private school; ~~or~~

18 (4) by a public clinic operating under the direction of
19 a hospital or federal, State, county, municipal, or other
20 public agency or institution; or.

21 (5) by a physician.

22 (c) When employed or engaged in the office of a dentist, a
23 dental hygienist may perform, under general supervision, those
24 procedures found in items (i) through (iv) of subsection (a) of
25 this Section, provided the patient has been examined by the
26 dentist within one year of the provision of dental hygiene

1 services, the dentist has approved the dental hygiene services
2 by a notation in the patient's record and the patient has been
3 notified that the dentist may be out of the office during the
4 provision of dental hygiene services.

5 (d) If a patient of record is unable to travel to a dental
6 office because of illness, infirmity, or imprisonment, a dental
7 hygienist may perform, under the general supervision of a
8 dentist, those procedures found in items (i) through (iv) of
9 subsection (a) of this Section, provided the patient is located
10 in a long-term care facility licensed by the State of Illinois,
11 a mental health or developmental disability facility, or a
12 State or federal prison. The dentist shall personally examine
13 and diagnose the patient and determine which services are
14 necessary to be performed, which shall be contained in an order
15 to the hygienist and a notation in the patient's record. Such
16 order must be implemented within 120 days of its issuance, and
17 an updated medical history and observation of oral conditions
18 must be performed by the hygienist immediately prior to
19 beginning the procedures to ensure that the patient's health
20 has not changed in any manner to warrant a reexamination by the
21 dentist.

22 (e) School-based oral health care, consisting of and
23 limited to oral prophylactic procedures, sealants, and
24 fluoride treatments, may be provided by a dental hygienist
25 under the general supervision of a dentist. A dental hygienist
26 may not provide other dental hygiene treatment in a

1 school-based setting, including but not limited to
2 administration or monitoring of nitrous oxide or
3 administration of local anesthetics. The school-based
4 procedures may be performed provided the patient is located at
5 a public or private school and the program is being conducted
6 by a State, county or local public health department initiative
7 or in conjunction with a dental school or dental hygiene
8 program. The dentist shall personally examine and diagnose the
9 patient and determine which services are necessary to be
10 performed, which shall be contained in an order to the
11 hygienist and a notation in the patient's record. Any such
12 order for sealants must be implemented within 120 days after
13 its issuance. Any such order for oral prophylactic procedures
14 or fluoride treatments must be implemented within 180 days
15 after its issuance. An updated medical history and observation
16 of oral conditions must be performed by the hygienist
17 immediately prior to beginning the procedures to ensure that
18 the patient's health has not changed in any manner to warrant a
19 reexamination by the dentist.

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

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

26 (h) Notwithstanding subsections (c), (d), (e), or (f) of

1 Section 18, a dental hygienist licensed under this Act may be
2 employed or retained by a health care facility, program, or
3 nonprofit organization to perform dental hygiene services
4 described under subsection (i) of this Section without the
5 patient first being examined by a licensed dentist if the
6 dental hygienist:

7 (1) has been engaged in the active practice of clinical
8 dental hygiene for not less than 2,400 hours in the past 18
9 months or a career total of 3,000 hours, including a
10 minimum of 200 hours of clinical practice in 2 of the past
11 3 years;

12 (2) has entered into a collaborative agreement with a
13 licensed dentist that designates authorization for the
14 services provided by the dental hygienist;

15 (3) has documented participation in courses in
16 infection control and medical emergencies within each
17 continuing education cycle; and

18 (4) maintains current CPR certification from
19 completion of the American Heart Association healthcare
20 provider course, the American Red Cross professional
21 rescuer course, or an equivalent entity.

22 (i) The dental hygiene services authorized to be performed
23 by a dental hygienist under this subsection are limited to:

24 (1) screen and assess oral health conditions;

25 (2) preliminary charting of the oral cavity and
26 surrounding structures to include case histories, perform

1 initial and periodic examinations and assessments to
2 determine periodontal status, and formulate a dental
3 hygiene treatment plan in coordination with a dentist's
4 treatment plan;

5 (3) removal of deposits and stains from the surfaces of
6 the teeth;

7 (4) prescribe, administer, and dispense fluoride,
8 fluoride varnish, antimicrobial solutions, or resorbable
9 antimicrobial agents;

10 (5) apply sealants;

11 (6) polishing and smoothing restorations;

12 (7) removal of marginal overhangs;

13 (8) performance of preliminary charting;

14 (9) taking of radiographs; and

15 (10) performance of scaling and root planing.

16 (j) A collaborating dentist must be licensed under this Act
17 and may enter into a collaborative agreement with no more than
18 4 dental hygienists unless otherwise authorized by the Board.
19 The Board shall develop parameters and a process for obtaining
20 authorization to collaborate with more than 4 dental
21 hygienists. The collaborative agreement must include:

22 (1) consideration for medically compromised patients
23 and medical conditions for which a dental evaluation and
24 treatment plan must occur prior to the provision of dental
25 hygiene services;

26 (2) age-and procedure-specific standard collaborative

1 practice protocols, including recommended intervals for
2 the performance of dental hygiene services and a period of
3 time that an examination by a dentist should occur;

4 (3) copies of consent to treatment form provided to the
5 patient by the dental hygienist;

6 (4) specific protocols for the placement of pit and
7 fissure sealants and requirements for follow-up care to
8 assure the efficacy of the sealants after application; and

9 (5) a procedure for creating and maintaining dental
10 records for the patients that are treated by the dental
11 hygienist; this procedure must specify where these records
12 are to be located.

13 (k) The collaborative agreement must be (i) signed and
14 maintained by the dentist, the dental hygienist, and the
15 facility, program, or organization, (ii) reviewed annually by
16 the collaborating dentist and dental hygienist, and (iii) made
17 available to the Board upon request.

18 (l) Before performing any services authorized under this
19 subsection, a dental hygienist must provide the patient with a
20 consent to treatment form that must include a statement
21 advising the patient that the dental hygiene services provided
22 are not a substitute for a dental examination by a licensed
23 dentist. If the dental hygienist makes any referrals to the
24 patient for further dental procedures, the dental hygienist
25 must fill out a referral form and provide a copy of the form to
26 the collaborating dentist.

1 (m) The dental hygienist working under a collaborative
2 agreement and the collaborating dentist must agree to maintain
3 communication and consultation with each other.

4 (n) The dental hygienist working under a collaborative
5 agreement must provide the collaborating dentist opportunities
6 to review patient records as requested.

7 (Source: P.A. 93-113, eff. 1-1-04; 93-821, eff. 7-28-04.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.