



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1602

Introduced 2/9/2011, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

225 ILCS 25/4	from Ch. 111, par. 2304
225 ILCS 25/5.1 new	
225 ILCS 25/9	from Ch. 111, par. 2309
225 ILCS 25/16	from Ch. 111, par. 2316
225 ILCS 25/16.1	from Ch. 111, par. 2316.1
225 ILCS 25/17	from Ch. 111, par. 2317

Amends the Illinois Dental Practice Act. Provides a definition for "mobile dental van or portable dental unit". Creates a provision that requires the Department of Financial and Professional Regulation and Department of Healthcare and Family Services to establish rules for the regulation and registration of all entities or individuals who own or operate a mobile dental van or portable dental unit that provides restorative, screening, or preventative care to patients in schools and other Illinois settings. Provides that the State Board may approve other state or regional board exams if other state or regional board exams are deemed to meet the minimal requirements for licensure in Illinois. Permits the Department to accept up to 4 hours of continuing education credit hours per license renewal period for volunteers who provide clinical services at or sponsored by, a nonprofit community clinic, local or state health departments, or at a charity event sponsored by an approved dental organization. Makes other changes. Effective January 1, 2012.

LRB097 02876 CEL 42900 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, 9, 16, 16.1, and 17 and by adding Section
6 5.1 as follows:

7 (225 ILCS 25/4) (from Ch. 111, par. 2304)

8 (Section scheduled to be repealed on January 1, 2016)

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

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

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

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

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

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

1 (f) "Dental assistant" means an appropriately trained
2 person who, under the supervision of a dentist, provides dental
3 services as authorized by Section 17.

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

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

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

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

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

22 (i) "General supervision" means supervision of a dental
23 hygienist requiring that the patient be a patient of record,
24 that the dentist examine the patient in accordance with Section
25 18 prior to treatment by the dental hygienist, and that the
26 dentist authorize the procedures which are being carried out by

1 a notation in the patient's record, but not requiring that a
2 dentist be present when the authorized procedures are being
3 performed. The issuance of a prescription to a dental
4 laboratory by a dentist does not constitute general
5 supervision.

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

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

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

20 (m) "Specialist" means a dentist who has received a
21 specialty license pursuant to Section 11(b).

22 (n) "Dental technician" means a person who owns, operates
23 or is employed by a dental laboratory and engages in making,
24 providing, repairing or altering dental prosthetic appliances
25 and other artificial materials and devices which are returned
26 to a dentist for insertion into the human oral cavity or which

1 come in contact with its adjacent structures and tissues.

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

11 (p) "Nurse" means a registered professional nurse, a
12 certified registered nurse anesthetist licensed as an advanced
13 practice nurse, or a licensed practical nurse licensed under
14 the Nurse Practice Act.

15 (q) "Patient of record" means a patient for whom the
16 patient's most recent dentist has obtained a relevant medical
17 and dental history and on whom the dentist has performed an
18 examination and evaluated the condition to be treated.

19 (r) "Dental emergency responder" means a dentist or dental
20 hygienist who is appropriately certified in emergency medical
21 response, as defined by the Department of Public Health.

22 (s) "Mobile dental van or portable dental unit" means any
23 self-contained or portable dental unit in which dentistry is
24 practiced that can be moved, towed, or transported from one
25 location to another in order to establish a location where
26 dental services can be provided.

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

2 (225 ILCS 25/5.1 new)

3 Sec. 5.1. Mobile dental van or portable dental unit;
4 regulations. The Department, in conjunction with the
5 Department of Healthcare and Family Services, shall establish
6 by rule a program for the regulation and registration of all
7 entities or individuals owning or operating a mobile dental van
8 or portable dental unit that provides restorative, screening,
9 and preventative care to patients in schools and other settings
10 in Illinois. These rules shall include license information and
11 address and follow up contact information of the entity owning
12 or otherwise using a mobile dental van or portable dental unit.
13 The Department shall establish rules on record retention and
14 access by patients treated by a mobile dental van or portable
15 dental unit.

16 (225 ILCS 25/9) (from Ch. 111, par. 2309)

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

18 Sec. 9. Qualifications of Applicants for Dental Licenses.
19 The Department shall require that each applicant for a license
20 to practice dentistry shall:

21 (a) (Blank).

22 (b) Be at least 21 years of age and of good moral
23 character.

24 (c) (1) Present satisfactory evidence of completion of

1 dental education by graduation from a dental college or
2 school in the United States or Canada approved by the
3 Department. The Department shall not approve any dental
4 college or school which does not require at least (A) 60
5 semester hours of collegiate credit or the equivalent in
6 acceptable subjects from a college or university before
7 admission, and (B) completion of at least 4 academic years
8 of instruction or the equivalent in an approved dental
9 college or school that is accredited by the Commission on
10 Dental Accreditation of the American Dental Association;
11 or

12 (2) Present satisfactory evidence of completion of
13 dental education by graduation from a dental college or
14 school outside the United States or Canada and provide
15 satisfactory evidence that:

16 (A) (blank);

17 (B) the applicant has completed a minimum of 2
18 academic years of general dental clinical training at a
19 dental college or school in the United States or Canada
20 approved by the Department, however, an accredited
21 advanced dental education program approved by the
22 Department of no less than 2 years may be substituted
23 for the 2 academic years of general dental clinical
24 training and an applicant who was enrolled for not less
25 than one year in an approved clinical program prior to
26 January 1, 1993 at an Illinois dental college or school

1 shall be required to complete only that program; and

2 (C) the applicant has received certification from
3 the dean of an approved dental college or school in the
4 United States or Canada or the program director of an
5 approved advanced dental education program stating
6 that the applicant has achieved the same level of
7 scientific knowledge and clinical competence as
8 required of all graduates of the college, school, or
9 advanced dental education program.

10 Nothing in this Act shall be construed to prevent
11 either the Department or any dental college or school from
12 establishing higher standards than specified in this Act.

13 (d) (Blank).

14 (e) Present satisfactory evidence that the applicant
15 has passed both parts of the National Board Dental
16 Examination administered by the Joint Commission on
17 National Dental Examinations and has successfully
18 completed an examination conducted by one of the following
19 regional testing services: the Central Regional Dental
20 Testing Service, Inc. (CRDTS), the Southern Regional
21 Testing Agency, Inc. (SRTA), the Western Regional
22 Examining Board (WREB), or the North East Regional Board
23 (NERB). In addition, the State Board may approve other
24 state or regional board exams if other state or regional
25 board exams are deemed to meet the minimal requirements for
26 licensure in Illinois. For purposes of this Section,

1 successful completion shall mean that the applicant has
2 achieved a minimum passing score as determined by the
3 applicable regional testing service. The Secretary of the
4 Department may suspend a regional testing service under
5 this subsection (e) if, after proper notice and hearing, it
6 is established that (i) the integrity of the examination
7 has been breached so as to make future test results
8 unreliable or (ii) the test is fundamentally deficient in
9 testing clinical competency.

10 In determining professional capacity under this Section,
11 any individual who has not been actively engaged in the
12 practice of dentistry, has not been a dental student, or has
13 not been engaged in a formal program of dental education during
14 the 5 years immediately preceding the filing of an application
15 may be required to complete such additional testing, training,
16 or remedial education as the Board may deem necessary in order
17 to establish the applicant's present capacity to practice
18 dentistry with reasonable judgment, skill, and safety.

19 (Source: P.A. 96-14, eff. 6-19-09; 96-1000, eff. 7-2-10;
20 96-1222, eff. 7-23-10.)

21 (225 ILCS 25/16) (from Ch. 111, par. 2316)

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

23 Sec. 16. Expiration, renewal and restoration of licenses.
24 The expiration date and renewal date for each license issued
25 under this Act shall be set by rule. The renewal period for

1 each license issued under this Act shall be 3 years. A dentist
2 or dental hygienist may renew a license during the month
3 preceding its expiration date by paying the required fee. A
4 dentist shall certify to the Department at the time of renewal
5 that he or she possesses current certification by an
6 organization that has adopted the American Heart Association's
7 guidelines on Basic Life Support (BLS) intended for healthcare
8 providers. The Department shall provide exemptions from this
9 requirement in the case of a physical disability that would
10 preclude the dentist from performing BLS. A dental hygienist
11 shall provide proof of current Basic Life Support
12 ~~cardiopulmonary resuscitation~~ certification at the time of
13 renewal. Basic Life Support ~~Cardiopulmonary resuscitation~~
14 certification training taken as a requirement of this Section
15 shall be counted for no more than 4 hours during each licensure
16 period towards the continuing education hours under Section
17 16.1 of this Act.

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

24 Any person whose license has been expired for more than 5
25 years or who has had his license on inactive status for more
26 than 5 years may have his license restored by making

1 application to the Department and filing proof acceptable to
2 the Department of taking continuing education and of his
3 fitness to have the license restored, including sworn evidence
4 certifying to active practice in another jurisdiction, and by
5 paying the required restoration fee. A person practicing on an
6 expired license is deemed to be practicing without a license.
7 However, a holder of a license may renew the license within 90
8 days after its expiration by complying with the requirements
9 for renewal and payment of an additional fee. A license renewal
10 within 90 days after expiration shall be effective
11 retroactively to the expiration date.

12 If a person whose license has expired or who has had his
13 license on inactive status for more than 5 years has not
14 maintained an active practice satisfactory to the department,
15 the Department shall determine, by an evaluation process
16 established by rule, his or her fitness to resume active status
17 and may require the person to complete a period of evaluated
18 clinical experience and may require successful completion of a
19 practical examination.

20 However, any person whose license has expired while he has
21 been engaged (1) in federal or state service active duty, or
22 (2) in training or education under the supervision of the
23 United States preliminary to induction into the military
24 service, may have his license restored without paying any
25 lapsed renewal or restoration fee, if within 2 years after
26 termination of such service, training or education other than

1 by dishonorable discharge, he furnishes the Department with
2 satisfactory proof that he has been so engaged and that his
3 service, training or education has been so terminated.

4 (Source: P.A. 96-617, eff. 8-24-09.)

5 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

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

7 Sec. 16.1. Continuing education. The Department shall
8 promulgate rules of continuing education for persons licensed
9 under this Act. In establishing rules, the Department shall
10 require a minimum of 48 hours of study in approved courses for
11 dentists during each 3-year licensing period and a minimum of
12 36 hours of study in approved courses for dental hygienists
13 during each 3-year licensing period.

14 The Department shall approve only courses that are relevant
15 to the treatment and care of patients, including, but not
16 limited to, clinical courses in dentistry and dental hygiene
17 and nonclinical courses such as patient management, legal and
18 ethical responsibilities, and stress management. The
19 Department shall allow up to 4 hours of continuing education
20 credit hours per license renewal period for volunteer hours
21 spent providing clinical services at, or sponsored by, a
22 nonprofit community clinic, local or state health department,
23 or a charity event sponsored by an approved dental
24 organization. Courses shall not be approved in such subjects as
25 estate and financial planning, investments, or personal

1 health. Approved courses may include, but shall not be limited
2 to, courses that are offered or sponsored by approved colleges,
3 universities, and hospitals and by recognized national, State,
4 and local dental and dental hygiene organizations.

5 No license shall be renewed unless the renewal application
6 is accompanied by an affidavit indicating that the applicant
7 has completed the required minimum number of hours of
8 continuing education in approved courses as required by this
9 Section. The affidavit shall not require a listing of courses.
10 The affidavit shall be a prima facie evidence that the
11 applicant has obtained the minimum number of required
12 continuing education hours in approved courses. The Department
13 shall not be obligated to conduct random audits or otherwise
14 independently verify that an applicant has met the continuing
15 education requirement. The Department, however, may not
16 conduct random audits of more than 10% of the licensed dentists
17 and dental hygienists in any one licensing cycle to verify
18 compliance with continuing education requirements. If the
19 Department, however, receives a complaint that a licensee has
20 not completed the required continuing education or if the
21 Department is investigating another alleged violation of this
22 Act by a licensee, the Department may demand and shall be
23 entitled to receive evidence from any licensee of completion of
24 required continuing education courses for the most recently
25 completed 3-year licensing period. Evidence of continuing
26 education may include, but is not limited to, canceled checks,

1 official verification forms of attendance, and continuing
2 education recording forms, that demonstrate a reasonable
3 record of attendance. The Illinois State Board of Dentistry
4 shall determine, in accordance with rules adopted by the
5 Department, whether a licensee or applicant has met the
6 continuing education requirements. Any dentist who holds more
7 than one license under this Act shall be required to complete
8 only the minimum number of hours of continuing education
9 required for renewal of a single license. The Department may
10 provide exemptions from continuing education requirements. The
11 exemptions shall include, but shall not be limited to, dentists
12 and dental hygienists who agree not to practice within the
13 State during the licensing period because they are retired from
14 practice.

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

16 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

18 Sec. 17. Acts Constituting the Practice of Dentistry. A
19 person practices dentistry, within the meaning of this Act:

20 (1) Who represents himself as being able to diagnose or
21 diagnoses, treats, prescribes, or operates for any
22 disease, pain, deformity, deficiency, injury, or physical
23 condition of the human tooth, teeth, alveolar process, gums
24 or jaw; or

25 (2) Who is a manager, proprietor, operator or conductor

1 of a business where dental operations are performed; or

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

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

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

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

11 (7) Who uses or administers local or general
12 anesthetics in the treatment of dental or oral diseases or
13 in any preparation incident to a dental operation of any
14 kind or character; or

15 (8) Who takes impressions of the human tooth, teeth, or
16 jaws or performs any phase of any operation incident to the
17 replacement of a part of a tooth, a tooth, teeth or
18 associated tissues by means of a filling, crown, a bridge,
19 a denture or other appliance; or

20 (9) Who offers to furnish, supply, construct,
21 reproduce or repair, or who furnishes, supplies,
22 constructs, reproduces or repairs, prosthetic dentures,
23 bridges or other substitutes for natural teeth, to the user
24 or prospective user thereof; or

25 (10) Who instructs students on clinical matters or
26 performs any clinical operation included in the curricula

1 of recognized dental schools and colleges; or

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

16 The fact that any person engages in or performs, or offers
17 to engage in or perform, any of the practices, acts, or
18 operations set forth in this Section, shall be prima facie
19 evidence that such person is engaged in the practice of
20 dentistry.

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

23 (a) The rendering of dental relief in emergency cases
24 in the practice of his or her profession by a physician or
25 surgeon, licensed as such under the laws of this State,
26 unless he undertakes to reproduce or reproduces lost parts

1 of the human teeth in the mouth or to restore or replace
2 lost or missing teeth in the mouth; or

3 (b) The practice of dentistry in the discharge of their
4 official duties by dentists in any branch of the Armed
5 Services of the United States, the United States Public
6 Health Service, or the United States Veterans
7 Administration; or

8 (c) The practice of dentistry by students in their
9 course of study in dental schools or colleges approved by
10 the Department, when acting under the direction and
11 supervision of dentists acting as instructors; or

12 (d) The practice of dentistry by clinical instructors
13 in the course of their teaching duties in dental schools or
14 colleges approved by the Department:

15 (i) when acting under the direction and
16 supervision of dentists, provided that such clinical
17 instructors have instructed continuously in this State
18 since January 1, 1986; or

19 (ii) when holding the rank of full professor at
20 such approved dental school or college and possessing a
21 current valid license or authorization to practice
22 dentistry in another country; or

23 (e) The practice of dentistry by licensed dentists of
24 other states or countries at meetings of the Illinois State
25 Dental Society or component parts thereof, alumni meetings
26 of dental colleges, or any other like dental organizations,

1 while appearing as clinicians; or

2 (f) The use of X-Ray machines for exposing X-Ray films
3 of dental or oral tissues by dental hygienists or dental
4 assistants; or

5 (g) The performance of any dental service by a dental
6 assistant, if such service is performed under the
7 supervision and full responsibility of a dentist.

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

12 (1) Any and all diagnosis of or prescription for
13 treatment of disease, pain, deformity, deficiency,
14 injury or physical condition of the human teeth or
15 jaws, or adjacent structures.

16 (2) Removal of, or restoration of, or addition to
17 the hard or soft tissues of the oral cavity, except for
18 the placing, carving, and finishing of amalgam
19 restorations by dental assistants who have had
20 additional formal education and certification as
21 determined by the Department.

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

24 (4) Administration of anesthetics, except for
25 application of topical anesthetics and monitoring of
26 nitrous oxide. Monitoring of nitrous oxide may be

1 performed after successful completion of a training
2 program approved by the Department.

3 (5) Removal of calculus from human teeth.

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

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

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

23 (i) has applied in writing to the Department, in
24 form and substance satisfactory to the Department, for
25 a general dental license and has complied with all
26 provisions of Section 9 of this Act, except for the

1 passage of the examination specified in subsection
2 (e), of Section 9, of this Act; or

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

8 (iii) has been accepted or appointed for specialty
9 or residency training by a hospital situated in this
10 State; or

11 (iv) has been accepted or appointed for specialty
12 training in an approved dental program situated in this
13 State; or

14 (v) has been accepted or appointed for specialty
15 training in a dental public health agency situated in
16 this State.

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

22 The applicant shall only be entitled to perform such
23 acts as may be prescribed by and incidental to their
24 program of residency or specialty training and shall not
25 otherwise engage in the practice of dentistry in this
26 State.

1 The authority to practice shall terminate immediately
2 upon:

3 (1) the decision of the Department that the
4 applicant has failed the examination; or

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

6 (3) withdrawal of the application.

7 (Source: P.A. 96-617, eff. 8-24-09.)

8 Section 99. Effective date. This Act takes effect on
9 January 1, 2012.