



Sen. Michael W. Frerichs

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1 AMENDMENT TO SENATE BILL 1602

2 AMENDMENT NO. _____. Amend Senate Bill 1602 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Dental Practice Act is amended by
5 changing Sections 4, 16, 16.1, 17, 18, and 50 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7 (Section scheduled to be repealed on January 1, 2016)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

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

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

10 (g) "Dental laboratory" means a person, firm or corporation
11 which:

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

17 (ii) utilizes or employs a dental technician to provide
18 such services; and

19 (iii) performs such functions only for a dentist or
20 dentists.

21 (h) "Supervision" means supervision of a dental hygienist
22 or a dental assistant requiring that a dentist authorize the
23 procedure, remain in the dental facility while the procedure is
24 performed, and approve the work performed by the dental
25 hygienist or dental assistant before dismissal of the patient,
26 but does not mean that the dentist must be present at all times

1 in the treatment room.

2 (i) "General supervision" means supervision of a dental
3 hygienist requiring that the patient be a patient of record,
4 that the dentist examine the patient in accordance with Section
5 18 prior to treatment by the dental hygienist, and that the
6 dentist authorize the procedures which are being carried out by
7 a notation in the patient's record, but not requiring that a
8 dentist be present when the authorized procedures are being
9 performed. The issuance of a prescription to a dental
10 laboratory by a dentist does not constitute general
11 supervision.

12 (j) "Public member" means a person who is not a health
13 professional. For purposes of board membership, any person with
14 a significant financial interest in a health service or
15 profession is not a public member.

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

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

26 (m) "Specialist" means a dentist who has received a

1 specialty license pursuant to Section 11(b).

2 (n) "Dental technician" means a person who owns, operates
3 or is employed by a dental laboratory and engages in making,
4 providing, repairing or altering dental prosthetic appliances
5 and other artificial materials and devices which are returned
6 to a dentist for insertion into the human oral cavity or which
7 come in contact with its adjacent structures and tissues.

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

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

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

25 (r) "Dental emergency responder" means a dentist or dental
26 hygienist who is appropriately certified in emergency medical

1 response, as defined by the Department of Public Health.

2 (s) "Mobile dental van or portable dental unit" means any
3 self-contained or portable dental unit in which dentistry is
4 practiced that can be moved, towed, or transported from one
5 location to another in order to establish a location where
6 dental services can be provided.

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

8 (225 ILCS 25/16) (from Ch. 111, par. 2316)

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

10 Sec. 16. Expiration, renewal and restoration of licenses.
11 The expiration date and renewal date for each license issued
12 under this Act shall be set by rule. The renewal period for
13 each license issued under this Act shall be 3 years. A dentist
14 or dental hygienist may renew a license during the month
15 preceding its expiration date by paying the required fee. A
16 dentist or dental hygienist shall provide proof of current
17 Basic Life Support (BLS) ~~cardiopulmonary resuscitation~~
18 certification by an organization that has adopted the American
19 Heart Association's guidelines on BLS intended for health care
20 providers at the time of renewal. Basic Life Support
21 ~~Cardiopulmonary resuscitation~~ certification training taken as
22 a requirement of this Section shall be counted for no more than
23 4 hours during each licensure period towards the continuing
24 education hours under Section 16.1 of this Act. The Department
25 shall provide by rule for exemptions from this requirement for

1 a dentist or dental hygienist with a physical disability that
2 would preclude him or her from performing BLS.

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

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

23 If a person whose license has expired or who has had his
24 license on inactive status for more than 5 years has not
25 maintained an active practice satisfactory to the department,
26 the Department shall determine, by an evaluation process

1 established by rule, his or her fitness to resume active status
2 and may require the person to complete a period of evaluated
3 clinical experience and may require successful completion of a
4 practical examination.

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

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

16 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

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

18 Sec. 16.1. Continuing education. The Department shall
19 promulgate rules of continuing education for persons licensed
20 under this Act. In establishing rules, the Department shall
21 require a minimum of 48 hours of study in approved courses for
22 dentists during each 3-year licensing period and a minimum of
23 36 hours of study in approved courses for dental hygienists
24 during each 3-year licensing period.

25 The Department shall approve only courses that are relevant

1 to the treatment and care of patients, including, but not
2 limited to, clinical courses in dentistry and dental hygiene
3 and nonclinical courses such as patient management, legal and
4 ethical responsibilities, and stress management. The
5 Department shall allow up to 4 hours of continuing education
6 credit hours per license renewal period for volunteer hours
7 spent providing clinical services at, or sponsored by, a
8 nonprofit community clinic, local or state health department,
9 or a charity event. Courses shall not be approved in such
10 subjects as estate and financial planning, investments, or
11 personal health. Approved courses may include, but shall not be
12 limited to, courses that are offered or sponsored by approved
13 colleges, universities, and hospitals and by recognized
14 national, State, and local dental and dental hygiene
15 organizations.

16 No license shall be renewed unless the renewal application
17 is accompanied by an affidavit indicating that the applicant
18 has completed the required minimum number of hours of
19 continuing education in approved courses as required by this
20 Section. The affidavit shall not require a listing of courses.
21 The affidavit shall be a prima facie evidence that the
22 applicant has obtained the minimum number of required
23 continuing education hours in approved courses. The Department
24 shall not be obligated to conduct random audits or otherwise
25 independently verify that an applicant has met the continuing
26 education requirement. The Department, however, may not

1 conduct random audits of more than 10% of the licensed dentists
2 and dental hygienists in any one licensing cycle to verify
3 compliance with continuing education requirements. If the
4 Department, however, receives a complaint that a licensee has
5 not completed the required continuing education or if the
6 Department is investigating another alleged violation of this
7 Act by a licensee, the Department may demand and shall be
8 entitled to receive evidence from any licensee of completion of
9 required continuing education courses for the most recently
10 completed 3-year licensing period. Evidence of continuing
11 education may include, but is not limited to, canceled checks,
12 official verification forms of attendance, and continuing
13 education recording forms, that demonstrate a reasonable
14 record of attendance. The Illinois State Board of Dentistry
15 shall determine, in accordance with rules adopted by the
16 Department, whether a licensee or applicant has met the
17 continuing education requirements. Any dentist who holds more
18 than one license under this Act shall be required to complete
19 only the minimum number of hours of continuing education
20 required for renewal of a single license. The Department may
21 provide exemptions from continuing education requirements. The
22 exemptions shall include, but shall not be limited to, dentists
23 and dental hygienists who agree not to practice within the
24 State during the licensing period because they are retired from
25 practice.

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

1 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

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

5 (1) Who represents himself as being able to diagnose or
6 diagnoses, treats, prescribes, or operates for any
7 disease, pain, deformity, deficiency, injury, or physical
8 condition of the human tooth, teeth, alveolar process, gums
9 or jaw; or

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

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

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

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

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

21 (7) Who uses or administers local or general
22 anesthetics in the treatment of dental or oral diseases or
23 in any preparation incident to a dental operation of any
24 kind or character; or

25 (8) Who takes impressions of the human tooth, teeth, or

1 jaws or performs any phase of any operation incident to the
2 replacement of a part of a tooth, a tooth, teeth or
3 associated tissues by means of a filling, crown, a bridge,
4 a denture or other appliance; or

5 (9) Who offers to furnish, supply, construct,
6 reproduce or repair, or who furnishes, supplies,
7 constructs, reproduces or repairs, prosthetic dentures,
8 bridges or other substitutes for natural teeth, to the user
9 or prospective user thereof; or

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

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

1 The fact that any person engages in or performs, or offers
2 to engage in or perform, any of the practices, acts, or
3 operations set forth in this Section, shall be prima facie
4 evidence that such person is engaged in the practice of
5 dentistry.

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

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

14 (b) The practice of dentistry in the discharge of their
15 official duties by dentists in any branch of the Armed
16 Services of the United States, the United States Public
17 Health Service, or the United States Veterans
18 Administration; or

19 (c) The practice of dentistry by students in their
20 course of study in dental schools or colleges approved by
21 the Department, when acting under the direction and
22 supervision of dentists acting as instructors; or

23 (d) The practice of dentistry by clinical instructors
24 in the course of their teaching duties in dental schools or
25 colleges approved by the Department:

26 (i) when acting under the direction and

1 supervision of dentists, provided that such clinical
2 instructors have instructed continuously in this State
3 since January 1, 1986; or

4 (ii) when holding the rank of full professor at
5 such approved dental school or college and possessing a
6 current valid license or authorization to practice
7 dentistry in another country; or

8 (e) The practice of dentistry by licensed dentists of
9 other states or countries at meetings of the Illinois State
10 Dental Society or component parts thereof, alumni meetings
11 of dental colleges, or any other like dental organizations,
12 while appearing as clinicians; or

13 (f) The use of X-Ray machines for exposing X-Ray films
14 of dental or oral tissues by dental hygienists or dental
15 assistants; or

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

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

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

1 (2) Removal of, or restoration of, or addition to
2 the hard or soft tissues of the oral cavity, except for
3 the placing, carving, and finishing of amalgam
4 restorations by dental assistants who have had
5 additional formal education and certification as
6 determined by the Department.

7 (3) Any and all correction of malformation of teeth
8 or of the jaws.

9 (4) Administration of anesthetics, except for
10 application of topical anesthetics and monitoring of
11 nitrous oxide. Monitoring of nitrous oxide may be
12 performed after successful completion of a training
13 program approved by the Department.

14 (5) Removal of calculus from human teeth.

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

18 (7) The operative procedure of dental hygiene
19 consisting of oral prophylactic procedures, except for
20 coronal polishing, which may be performed by a dental
21 assistant who has successfully completed a training
22 program approved by the Department. Dental assistants
23 may perform coronal polishing under the following
24 circumstances: (i) the coronal polishing shall be
25 limited to polishing the clinical crown of the tooth
26 and existing restorations, supragingivally; (ii) the

1 dental assistant performing the coronal polishing
2 shall be limited to the use of rotary instruments using
3 a rubber cup or brush polishing method (air polishing
4 is not permitted); and (iii) the supervising dentist
5 shall not supervise more than 4 dental assistants at
6 any one time for the task of coronal polishing.

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

8 (i) has applied in writing to the Department, in
9 form and substance satisfactory to the Department, for
10 a general dental license and has complied with all
11 provisions of Section 9 of this Act, except for the
12 passage of the examination specified in subsection
13 (e), of Section 9, of this Act; or

14 (ii) has applied in writing to the Department, in
15 form and substance satisfactory to the Department, for
16 a temporary dental license and has complied with all
17 provisions of subsection (c), of Section 11, of this
18 Act; and

19 (iii) has been accepted or appointed for specialty
20 or residency training by a hospital situated in this
21 State; or

22 (iv) has been accepted or appointed for specialty
23 training in an approved dental program situated in this
24 State; or

25 (v) has been accepted or appointed for specialty
26 training in a dental public health agency situated in

1 this State.

2 The applicant shall be permitted to practice dentistry
3 for a period of 3 months from the starting date of the
4 program, unless authorized in writing by the Department to
5 continue such practice for a period specified in writing by
6 the Department.

7 The applicant shall only be entitled to perform such
8 acts as may be prescribed by and incidental to their
9 program of residency or specialty training and shall not
10 otherwise engage in the practice of dentistry in this
11 State.

12 The authority to practice shall terminate immediately
13 upon:

14 (1) the decision of the Department that the
15 applicant has failed the examination; or

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

17 (3) withdrawal of the application.

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

19 (225 ILCS 25/18) (from Ch. 111, par. 2318)

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

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

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

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

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

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

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

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

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

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

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

24 (1) by a dentist;

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

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

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

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

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

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

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

1 the patient's health has not changed in any manner to warrant a
2 reexamination by the dentist.

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

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

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

10 (225 ILCS 25/50) (from Ch. 111, par. 2350)

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

12 Sec. 50. Patient Records. Every dentist shall make a record
13 of all dental work performed for each patient. The record shall
14 be made in a manner and in sufficient detail that it may be
15 used for identification purposes.

16 Dental records required by this Section shall be maintained
17 for 10 years. Dental records required to be maintained under
18 this Section, or copies of those dental records, shall be made
19 available upon request to the patient or the patient's
20 guardian. A dentist shall be entitled to reasonable
21 reimbursement for the cost of reproducing these records, which
22 shall not exceed the cost allowed under Section 8-2003 of the
23 Code of Civil Procedure. A dentist providing services through a
24 mobile dental van or portable dental unit shall provide to the
25 patient or the patient's parent or guardian, in writing, the

1 dentist's name, license number, address, and information on how
2 the patient or the patient's parent or guardian may obtain the
3 patient's dental records, as provided by law.

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

5 Section 99. Effective date. This Act takes effect January
6 1, 2012.".