



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2849

Introduced 2/4/2014, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

225 ILCS 25/4
225 ILCS 25/17

from Ch. 111, par. 2304
from Ch. 111, par. 2317

Amends the Illinois Dental Practice Act. Defines "community dental health coordinator". Provides that a community dental health coordinator working under the general supervision of a dentist may perform functions for which the community dental health coordinator meets training and educational standards established by the Department and that are not expressly prohibited by statute or rules adopted by the Department. Further provides that a dentist utilizing community dental health coordinators shall not supervise more than 4 community dental health coordinators at one time.

LRB098 15841 ZMM 50884 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 17 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7 (Section scheduled to be repealed on January 1, 2016)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 "Address of record" means the designated address recorded
10 by the Department in the applicant's or licensee's application
11 file or license file as maintained by the Department's
12 licensure maintenance unit. It is the duty of the applicant or
13 licensee to inform the Department of any change of address and
14 those changes must be made either through the Department's
15 website or by contacting the Department.

16 "Department" means the Department of Financial and
17 Professional Regulation.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation.

20 "Board" means the Board of Dentistry.

21 "Dentist" means a person who has received a general license
22 pursuant to paragraph (a) of Section 11 of this Act and who may
23 perform any intraoral and extraoral procedure required in the

1 practice of dentistry and to whom is reserved the
2 responsibilities specified in Section 17.

3 "Dental hygienist" means a person who holds a license under
4 this Act to perform dental services as authorized by Section
5 18.

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

9 "Dental laboratory" means a person, firm or corporation
10 which:

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

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

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

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

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

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

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

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

25 "Specialist" means a dentist who has received a specialty
26 license pursuant to Section 11(b).

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

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

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

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

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

1 "Community dental health coordinator" or "CDHC" means a
2 dental assistant, a dental hygienist, or other trained
3 personnel certified by the Board as a community dental health
4 coordinator to provide educational, preventative, and limited
5 palliative care and assessment services under the general
6 supervision of a licensed dentist.

7 "Mobile dental van or portable dental unit" means any
8 self-contained or portable dental unit in which dentistry is
9 practiced that can be moved, towed, or transported from one
10 location to another in order to establish a location where
11 dental services can be provided.

12 (Source: P.A. 97-526, eff. 1-1-12; 97-1013, eff. 8-17-12.)

13 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

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

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

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

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

25 (4) Who uses an X-Ray machine or X-Ray films for dental

1 diagnostic purposes; or

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

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

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

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

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

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

25 (11) Who takes impressions of human teeth or places his
26 or her hands in the mouth of any person for the purpose of

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

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

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

20 (a) The rendering of dental relief in emergency cases
21 in the practice of his or her profession by a physician or
22 surgeon, licensed as such under the laws of this State,
23 unless he or she undertakes to reproduce or reproduces lost
24 parts of the human teeth in the mouth or to restore or
25 replace lost or missing teeth in the mouth; or

26 (b) The practice of dentistry in the discharge of their

1 official duties by dentists in any branch of the Armed
2 Services of the United States, the United States Public
3 Health Service, or the United States Veterans
4 Administration; or

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

9 (d) The practice of dentistry by clinical instructors
10 in the course of their teaching duties in dental schools or
11 colleges approved by the Department:

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

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

20 (e) The practice of dentistry by licensed dentists of
21 other states or countries at meetings of the Illinois State
22 Dental Society or component parts thereof, alumni meetings
23 of dental colleges, or any other like dental organizations,
24 while appearing as clinicians; or

25 (f) The use of X-Ray machines for exposing X-Ray films
26 of dental or oral tissues by dental hygienists or dental

1 assistants; or

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

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

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

13 (2) Removal of, or restoration of, or addition to
14 the hard or soft tissues of the oral cavity, except for
15 the placing, carving, and finishing of amalgam
16 restorations by dental assistants who have had
17 additional formal education and certification as
18 determined by the Department. A dentist utilizing
19 dental assistants shall not supervise more than 4
20 dental assistants at any one time for placing, carving,
21 and finishing of amalgam restorations.

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

24 (4) Administration of anesthetics, except for
25 monitoring of nitrous oxide, conscious sedation, deep
26 sedation, and general anesthetic as provided in

1 Section 8.1 of this Act, that may be performed only
2 after successful completion of a training program
3 approved by the Department. A dentist utilizing dental
4 assistants shall not supervise more than 4 dental
5 assistants at any one time for the monitoring of
6 nitrous oxide.

7 (5) Removal of calculus from human teeth.

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

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

1 The limitations on the number of dental assistants a
2 dentist may supervise contained in items (2), (4), and (7)
3 of this paragraph (g) ~~Section~~ mean a limit of 4 total
4 dental assistants or dental hygienists doing expanded
5 functions covered by these Sections being supervised by one
6 dentist.

7 (g-5) A community dental health coordinator working
8 under the general supervision of a dentist and in
9 accordance with the rules adopted by the Department may
10 perform functions for which the community dental health
11 coordinator meets training and educational standards
12 established by the Department and that are not expressly
13 prohibited by statute or rules adopted by the Department. A
14 dentist utilizing community dental health coordinators
15 shall not supervise more than 4 CDHC's at one time.

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

17 (i) has applied in writing to the Department, in
18 form and substance satisfactory to the Department, for
19 a general dental license and has complied with all
20 provisions of Section 9 of this Act, except for the
21 passage of the examination specified in subsection
22 (e) of Section 9 of this Act; or

23 (ii) has applied in writing to the Department, in
24 form and substance satisfactory to the Department, for
25 a temporary dental license and has complied with all
26 provisions of subsection (c) of Section 11 of this

1 Act; and

2 (iii) has been accepted or appointed for specialty
3 or residency training by a hospital situated in this
4 State; or

5 (iv) has been accepted or appointed for specialty
6 training in an approved dental program situated in this
7 State; or

8 (v) has been accepted or appointed for specialty
9 training in a dental public health agency situated in
10 this State.

11 The applicant shall be permitted to practice dentistry
12 for a period of 3 months from the starting date of the
13 program, unless authorized in writing by the Department to
14 continue such practice for a period specified in writing by
15 the Department.

16 The applicant shall only be entitled to perform such
17 acts as may be prescribed by and incidental to his or her
18 program of residency or specialty training and shall not
19 otherwise engage in the practice of dentistry in this
20 State.

21 The authority to practice shall terminate immediately
22 upon:

23 (1) the decision of the Department that the
24 applicant has failed the examination; or

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

26 (3) withdrawal of the application.

1 (Source: P.A. 97-526, eff. 1-1-12; 97-886, eff. 8-2-12;
2 97-1013, eff. 8-17-12; 98-147, eff. 1-1-14; 98-463, eff.
3 8-16-13; revised 11-14-13.)