



Sen. William R. Haine

**Filed: 5/25/2015**

09900HB0500sam001

LRB099 05874 MLM 36036 a

1 AMENDMENT TO HOUSE BILL 500

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 500 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 17 and 18 as follows:

6 (225 ILCS 25/17) (from Ch. 111, par. 2317)

7 (Section scheduled to be repealed on January 1, 2016)

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

10 (1) Who represents himself or herself as being able to  
11 diagnose or diagnoses, treats, prescribes, or operates for  
12 any disease, pain, deformity, deficiency, injury, or  
13 physical condition of the human tooth, teeth, alveolar  
14 process, gums or jaw; or

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

- 1           (3) Who performs dental operations of any kind; or
- 2           (4) Who uses an X-Ray machine or X-Ray films for dental  
3 diagnostic purposes; or
- 4           (5) Who extracts a human tooth or teeth, or corrects or  
5 attempts to correct malpositions of the human teeth or  
6 jaws; or
- 7           (6) Who offers or undertakes, by any means or method,  
8 to diagnose, treat or remove stains, calculus, and bonding  
9 materials from human teeth or jaws; or
- 10          (7) Who uses or administers local or general  
11 anesthetics in the treatment of dental or oral diseases or  
12 in any preparation incident to a dental operation of any  
13 kind or character; or
- 14          (8) Who takes impressions of the human tooth, teeth, or  
15 jaws or performs any phase of any operation incident to the  
16 replacement of a part of a tooth, a tooth, teeth or  
17 associated tissues by means of a filling, crown, a bridge,  
18 a denture or other appliance; or
- 19          (9) Who offers to furnish, supply, construct,  
20 reproduce or repair, or who furnishes, supplies,  
21 constructs, reproduces or repairs, prosthetic dentures,  
22 bridges or other substitutes for natural teeth, to the user  
23 or prospective user thereof; or
- 24          (10) Who instructs students on clinical matters or  
25 performs any clinical operation included in the curricula  
26 of recognized dental schools and colleges; or

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

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

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

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

1 replace lost or missing teeth in the mouth; or

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

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

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

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

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

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

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

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

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

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

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

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

26           (4) Administration of anesthetics, except for

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

9 (5) Removal of calculus from human teeth.

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

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

1 than 4 dental assistants at any one time for the task  
2 of coronal polishing or pit and fissure sealants.

3 In addition to coronal polishing and pit and  
4 fissure sealants as described in this paragraph (7), a  
5 dental assistant who has successfully completed a  
6 training program approved by the Department may  
7 perform light scaling on patients 12 years and younger  
8 in the absence of periodontal disease and intracoronal  
9 temporization of a tooth. A dental assistant  
10 performing these functions shall be limited to the use  
11 of hand instruments only.

12 The limitations on the number of dental assistants a  
13 dentist may supervise contained in items (2), (4), and (7)  
14 of this paragraph (g) mean a limit of 4 total dental  
15 assistants or dental hygienists doing expanded functions  
16 covered by these Sections being supervised by one dentist.

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

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

24 (ii) has applied in writing to the Department, in  
25 form and substance satisfactory to the Department, for  
26 a temporary dental license and has complied with all

1 provisions of subsection (c) of Section 11 of this Act;

2 and

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

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

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

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

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

22 The authority to practice shall terminate immediately  
23 upon:

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

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



1 (3) withdrawal of the application.

2 (Source: P.A. 97-526, eff. 1-1-12; 97-886, eff. 8-2-12;  
3 97-1013, eff. 8-17-12; 98-147, eff. 1-1-14; 98-463, eff.  
4 8-16-13; 98-756, eff. 7-16-14.)

5 (225 ILCS 25/18) (from Ch. 111, par. 2318)

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

7 Sec. 18. Acts constituting the practice of dental hygiene;  
8 limitations.

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

12 (i) the operative procedure of dental hygiene,  
13 consisting of oral prophylactic procedures;

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

16 (iii) the application to the surfaces of the teeth  
17 or gums of chemical compounds designed to be  
18 desensitizing agents or effective agents in the  
19 prevention of dental caries or periodontal disease;

20 (iv) all services which may be performed by a  
21 dental assistant as specified by rule pursuant to  
22 Section 17, and a dental hygienist may engage in the  
23 placing, carving, and finishing of amalgam  
24 restorations only after obtaining formal education and  
25 certification as determined by the Department;

1 (v) administration and monitoring of nitrous oxide  
2 upon successful completion of a training program  
3 approved by the Department;

4 (vi) administration of local anesthetics upon  
5 successful completion of a training program approved  
6 by the Department; and

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

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

10 (1) by a dentist;

11 (2) by a federal, State, county, or municipal agency or  
12 institution;

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

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

17 (c) When employed or engaged in the office of a dentist, a  
18 dental hygienist may perform, under general supervision, those  
19 procedures found in items (i) through (iv) of subsection (a) of  
20 this Section, provided the patient has been examined by the  
21 dentist within one year of the provision of dental hygiene  
22 services, the dentist has approved the dental hygiene services  
23 by a notation in the patient's record and the patient has been  
24 notified that the dentist may be out of the office during the  
25 provision of dental hygiene services.

26 (d) If a patient of record is unable to travel to a dental

1 office because of illness, or infirmity, ~~or imprisonment,~~ a  
2 dental hygienist with 2 years of full-time clinical experience  
3 or its equivalent of 4,000 clinical hours may perform, under  
4 the general supervision of a dentist, those procedures found in  
5 items (i) through (iv) of subsection (a) of this Section,  
6 provided the patient is located in a long-term care facility  
7 licensed by the State of Illinois, a mental health or  
8 developmental disability facility, or a State or federal  
9 prison. The dentist shall personally examine and diagnose the  
10 patient and determine which services are necessary to be  
11 performed, which shall be contained in an order to the  
12 hygienist and a notation in the patient's record. Such order  
13 must be implemented within 180 ~~120~~ days of its issuance, and an  
14 updated medical history and observation of oral conditions must  
15 be performed by the hygienist immediately prior to beginning  
16 the procedures to ensure that the patient's health has not  
17 changed in any manner to warrant a reexamination by the  
18 dentist.

19 This subsection (d) is inoperative on and after January 1,  
20 2020.

21 (e) School-based oral health care, consisting of and  
22 limited to oral prophylactic procedures, sealants, and  
23 fluoride treatments, may be provided by a dental hygienist with  
24 2 years of full-time clinical experience or its equivalent of  
25 4,000 clinical hours under the general supervision of a  
26 dentist. A dental hygienist may not provide other dental

1 hygiene treatment in a school-based setting, including but not  
2 limited to 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 180 ~~120~~ days  
13 after its issuance. Any such order for oral prophylactic  
14 procedures or fluoride treatments must be implemented within  
15 180 days after its issuance. An updated medical history and  
16 observation of oral conditions must be performed by the  
17 hygienist immediately prior to beginning the procedures to  
18 ensure that the patient's health has not changed in any manner  
19 to warrant a reexamination by the dentist.

20 This subsection (e) is inoperative on and after January 1,  
21 2020.

22 (e-5) When employed by a county public health clinic or  
23 federally qualified health center, a dental hygienist with 3  
24 years of full-time clinical experience or its equivalent of  
25 6,000 clinical hours and has completed 32 hours of additional  
26 course work in areas specific to public health dentistry,

1 including, but not limited to, emergency procedures for  
2 medically compromised patients, pharmacology, medical  
3 recordkeeping procedures, geriatric dentistry, pediatric  
4 dentistry, and pathology, as defined by the Department, may  
5 perform under general supervision those procedures found in  
6 items (i) through (iv) of subsection (a) of this Section,  
7 provided that the dentist has personally examined and diagnosed  
8 the patient and determined which services are necessary to be  
9 performed, which shall be contained in an order to the  
10 hygienist and a notation in the patient's record, or has  
11 conducted a limited oral evaluation that is problem-focused on  
12 a patient who has been treated at the facility for an emergency  
13 or critical oral condition and, in the opinion of the dentist,  
14 is eligible for additional routine preventative services, as  
15 provided in items (i) through (iv) of subsection (a) of this  
16 Section,` which is noted in the patient's record. Any order  
17 issued under this subsection (e-5) must be implemented within  
18 one year after its issuance. An updated medical history and  
19 observation of oral conditions must be performed by the  
20 hygienist immediately prior to beginning the procedures to  
21 ensure that the patient's health has not changed in any manner  
22 to warrant a reexamination by the dentist. The dental hygienist  
23 must provide to the patient and have them sign a permission  
24 slip or consent form that informs them that the services to be  
25 received do not take the place of a regular dental checkup and  
26 is meant for people who otherwise would not have access to the

1 services.

2 Each dental hygienist who has rendered services under  
3 subsections (d) or (e) of this Section or this subsection (e-5)  
4 must complete a summary report at the completion of each  
5 program or, in the case of an ongoing program, at least  
6 annually. The report must be completed in the manner specified  
7 by the Division of Oral Health in the Department of Public  
8 Health, including information about each location where the  
9 dental hygienist has rendered these services and how many  
10 patients were treated and the type of treatment performed. The  
11 dental hygienist must submit the form to the dentist providing  
12 supervision for his or her signature before sending it to the  
13 Department. The Department shall compile a report on an annual  
14 basis to summarize these requirements.

15 This subsection (e-5) is inoperative on and after January  
16 1, 2020.

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

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

23 (Source: P.A. 97-526, eff. 1-1-12.)".