



Rep. Michael J. Zalewski

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1 AMENDMENT TO HOUSE BILL 5948

2 AMENDMENT NO. _____. Amend House Bill 5948 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, 17, and 18.1 as follows:

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

7 (Section scheduled to be repealed on January 1, 2026)

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

1 Professional Regulation.

2 "Secretary" means the Secretary of Financial and
3 Professional Regulation.

4 "Board" means the Board of Dentistry.

5 "Dentist" means a person who has received a general license
6 pursuant to paragraph (a) of Section 11 of this Act and who may
7 perform any intraoral and extraoral procedure required in the
8 practice of dentistry and to whom is reserved the
9 responsibilities specified in Section 17.

10 "Dental hygienist" means a person who holds a license under
11 this Act to perform dental services as authorized by Section
12 18.

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

16 "Dental laboratory" means a person, firm or corporation
17 which:

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

23 (ii) utilizes or employs a dental technician to provide
24 such services; and

25 (iii) performs such functions only for a dentist or
26 dentists.

1 "Supervision" means supervision of a dental hygienist or a
2 dental assistant requiring that a dentist authorize the
3 procedure, remain in the dental facility while the procedure is
4 performed, and approve the work performed by the dental
5 hygienist or dental assistant before dismissal of the patient,
6 but does not mean that the dentist must be present at all times
7 in the treatment room.

8 "General supervision" means supervision of a dental
9 hygienist requiring that the patient be a patient of record,
10 that the dentist examine the patient in accordance with Section
11 18 prior to treatment by the dental hygienist, and that the
12 dentist authorize the procedures which are being carried out by
13 a notation in the patient's record, but not requiring that a
14 dentist be present when the authorized procedures are being
15 performed. The issuance of a prescription to a dental
16 laboratory by a dentist does not constitute general
17 supervision.

18 "Public member" means a person who is not a health
19 professional. For purposes of board membership, any person with
20 a significant financial interest in a health service or
21 profession is not a public member.

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

26 "Branches of dentistry" means the various specialties of

1 dentistry which, for purposes of this Act, shall be limited to
2 the following: endodontics, oral and maxillofacial surgery,
3 orthodontics and dentofacial orthopedics, pediatric dentistry,
4 periodontics, prosthodontics, and oral and maxillofacial
5 radiology.

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

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

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

23 "Nurse" means a registered professional nurse, a certified
24 registered nurse anesthetist licensed as an advanced practice
25 nurse, or a licensed practical nurse licensed under the Nurse
26 Practice Act.

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

5 "Dental responder" means a dentist or dental hygienist who
6 is appropriately certified in disaster preparedness,
7 immunizations, and dental humanitarian medical response
8 consistent with the Society of Disaster Medicine and Public
9 Health and training certified by the National Incident
10 Management System or the National Disaster Life Support
11 Foundation.

12 "Mobile dental van or portable dental unit" means any
13 self-contained or portable dental unit in which dentistry is
14 practiced that can be moved, towed, or transported from one
15 location to another in order to establish a location where
16 dental services can be provided.

17 "Public health dental hygienist" means a hygienist who
18 holds a valid license to practice in the State, has 2 years of
19 full-time clinical experience or an equivalent of 4,000 hours
20 of clinical experience and has completed 42 clock ~~72~~ hours of
21 additional course work in areas specific to public health
22 dentistry, including, but not limited to, emergency procedures
23 for medically compromised patients, pharmacology, medical
24 recordkeeping procedures, geriatric dentistry, pediatric
25 dentistry, and pathology, and works in a public health setting
26 pursuant to a written public health supervision agreement as

1 defined by rule by the Department with a dentist working in or
2 contracted with a local or State government agency or
3 institution or who is providing services as part of a certified
4 school-based program or school-based oral health program.

5 "Public health setting" means a federally qualified health
6 center; a federal, State, or local public health facility; Head
7 Start; a special supplemental nutrition program for Women,
8 Infants, and Children (WIC) facility; or a certified
9 school-based health center or school-based oral health
10 program.

11 "Public health supervision" means the supervision of a
12 public health dental hygienist by a licensed dentist who has a
13 written public health supervision agreement with that public
14 health dental hygienist while working in an approved facility
15 or program that allows the public health dental hygienist to
16 treat patients, without a dentist first examining the patient
17 and being present in the facility during treatment, (1) who are
18 eligible for Medicaid or (2) who are uninsured and whose
19 household income is not greater than 200% of the federal
20 poverty level.

21 (Source: P.A. 99-25, eff. 1-1-16; 99-492, eff. 12-31-15.)

22 (225 ILCS 25/17) (from Ch. 111, par. 2317)

23 (Section scheduled to be repealed on January 1, 2026)

24 Sec. 17. Acts constituting the practice of dentistry. A
25 person practices dentistry, within the meaning of this Act:

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

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

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

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

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

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

17 (7) Who uses or administers local or general
18 anesthetics in the treatment of dental or oral diseases or
19 in any preparation incident to a dental operation of any
20 kind or character; or

21 (8) Who takes impressions of the human tooth, teeth, or
22 jaws or performs any phase of any operation incident to the
23 replacement of a part of a tooth, a tooth, teeth or
24 associated tissues by means of a filling, crown, a bridge,
25 a denture or other appliance; or

26 (9) Who offers to furnish, supply, construct,

1 reproduce or repair, or who furnishes, supplies,
2 constructs, reproduces or repairs, prosthetic dentures,
3 bridges or other substitutes for natural teeth, to the user
4 or prospective user thereof; or

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

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

22 The fact that any person engages in or performs, or offers
23 to engage in or perform, any of the practices, acts, or
24 operations set forth in this Section, shall be prima facie
25 evidence that such person is engaged in the practice of
26 dentistry.

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

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

9 (b) The practice of dentistry in the discharge of their
10 official duties by dentists in any branch of the Armed
11 Services of the United States, the United States Public
12 Health Service, or the United States Veterans
13 Administration; or

14 (c) The practice of dentistry by students in their
15 course of study in dental schools or colleges approved by
16 the Department, when acting under the direction and
17 supervision of dentists acting as instructors; or

18 (d) The practice of dentistry by clinical instructors
19 in the course of their teaching duties in dental schools or
20 colleges approved by the Department:

21 (i) when acting under the direction and
22 supervision of dentists, provided that such clinical
23 instructors have instructed continuously in this State
24 since January 1, 1986; or

25 (ii) when holding the rank of full professor at
26 such approved dental school or college and possessing a

1 current valid license or authorization to practice
2 dentistry in another country; or

3 (e) The practice of dentistry by licensed dentists of
4 other states or countries at meetings of the Illinois State
5 Dental Society or component parts thereof, alumni meetings
6 of dental colleges, or any other like dental organizations,
7 while appearing as clinicians; or

8 (f) The use of X-Ray machines for exposing X-Ray films
9 of dental or oral tissues by dental hygienists or dental
10 assistants; or

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

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

18 (1) Any and all diagnosis of or prescription for
19 treatment of disease, pain, deformity, deficiency,
20 injury or physical condition of the human teeth or
21 jaws, or adjacent structures.

22 (2) Removal of, or restoration of, or addition to
23 the hard or soft tissues of the oral cavity, except for
24 the placing, carving, and finishing of amalgam
25 restorations by dental assistants who have had
26 additional formal education and certification as

1 determined by the Department. A dentist utilizing
2 dental assistants shall not supervise more than 4
3 dental assistants at any one time for placing, carving,
4 and finishing of amalgam restorations.

5 (3) Any and all correction of malformation of teeth
6 or of the jaws.

7 (4) Administration of anesthetics, except for
8 monitoring of nitrous oxide, conscious sedation, deep
9 sedation, and general anesthetic as provided in
10 Section 8.1 of this Act, that may be performed only
11 after successful completion of a training program
12 approved by the Department. A dentist utilizing dental
13 assistants shall not supervise more than 4 dental
14 assistants at any one time for the monitoring of
15 nitrous oxide.

16 (5) Removal of calculus from human teeth.

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

20 (7) The operative procedure of dental hygiene
21 consisting of oral prophylactic procedures, except for
22 coronal polishing and pit and fissure sealants, which
23 may be performed by a dental assistant who has
24 successfully completed a training program approved by
25 the Department. Dental assistants may perform coronal
26 polishing under the following circumstances: (i) the

1 coronal polishing shall be limited to polishing the
2 clinical crown of the tooth and existing restorations,
3 supragingivally; (ii) the dental assistant performing
4 the coronal polishing shall be limited to the use of
5 rotary instruments using a rubber cup or brush
6 polishing method (air polishing is not permitted); and
7 (iii) the supervising dentist shall not supervise more
8 than 4 dental assistants at any one time for the task
9 of coronal polishing or pit and fissure sealants.

10 In addition to coronal polishing and pit and
11 fissure sealants as described in this item (7), a
12 dental assistant who has at least 2,000 hours of direct
13 clinical patient care experience and who has
14 successfully completed a training program approved by
15 rule by the Department may perform: (A) coronal scaling
16 above the gum line, supragingivally, on the clinical
17 crown of the tooth only on patients 12 years of age or
18 younger who have an absence of periodontal disease and
19 who are not medically compromised or individuals with
20 special needs and (B) intracoronar temporization of a
21 tooth. The training program approved by the Department
22 must: (I) include a minimum of 16 hours of instruction
23 in both didactic and clinical manikin or human subject
24 instruction; all training programs shall include
25 courses in dental anatomy, public health dentistry,
26 medical history, dental emergencies, and managing the

1 pediatric patient; (II) include an outcome assessment
2 examination that demonstrates competency; (III)
3 require the supervising dentist to observe and approve
4 the completion of 6 full mouth supragingival scaling
5 procedures; and (IV) issue a certificate of completion
6 of the training program, which must be kept on file at
7 the dental office. A dental assistant must have
8 successfully completed an approved coronal polishing
9 course prior to taking the coronal scaling course. A
10 dental assistant performing these functions shall be
11 limited to the use of hand instruments only. In
12 addition, coronal scaling as described in this
13 paragraph shall only be utilized on patients who are
14 eligible for Medicaid or who are uninsured and whose
15 household income is not greater than 200% of the
16 federal poverty level. A dentist may not supervise more
17 than 2 dental assistants at any one time for the task
18 of coronal scaling. This paragraph is inoperative on
19 and after January 1, 2021.

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

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

26 (i) has applied in writing to the Department, in

1 form and substance satisfactory to the Department, for
2 a general dental license and has complied with all
3 provisions of Section 9 of this Act, except for the
4 passage of the examination specified in subsection (e)
5 of Section 9 of this Act; or

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

11 (iii) has been accepted or appointed for specialty
12 or residency training by a hospital situated in this
13 State; or

14 (iv) has been accepted or appointed for specialty
15 training in an approved dental program situated in this
16 State; or

17 (v) has been accepted or appointed for specialty
18 training in a dental public health agency situated in
19 this State.

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

25 The applicant shall only be entitled to perform such
26 acts as may be prescribed by and incidental to his or her

1 program of residency or specialty training and shall not
2 otherwise engage in the practice of dentistry in this
3 State.

4 The authority to practice shall terminate immediately
5 upon:

6 (1) the decision of the Department that the
7 applicant has failed the examination; or

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

9 (3) withdrawal of the application.

10 (Source: P.A. 98-147, eff. 1-1-14; 98-463, eff. 8-16-13;
11 98-756, eff. 7-16-14; 99-492, eff. 12-31-15.)

12 (225 ILCS 25/18.1)

13 (Section scheduled to be repealed on January 1, 2021)

14 Sec. 18.1. Public health dental supervision
15 responsibilities.

16 (a) When working together in a public health supervision
17 relationship, dentists and public health dental hygienists
18 shall enter into a public health supervision agreement. The
19 dentist providing public health supervision must:

20 (1) be available to provide an appropriate level of
21 contact, communication, collaboration, and consultation
22 with the public health dental hygienist and must meet
23 in-person with the public health dental hygienist at least
24 quarterly for review and consultation;

25 (2) have specific standing orders or policy guidelines

1 for procedures that are to be carried out for each location
2 or program, although the dentist need not be present when
3 the procedures are being performed;

4 (3) provide for the patient's additional necessary
5 care in consultation with the public health dental
6 hygienist;

7 (4) file agreements and notifications as required; and

8 (5) include procedures for creating and maintaining
9 dental records, including protocols for transmission of
10 all records between the public health dental hygienist and
11 the dentist following each treatment, which shall include a
12 notation regarding procedures authorized by the dentist
13 and performed by the public health dental hygienist and the
14 location where those records are to be kept.

15 Each dentist and hygienist who enters into a public health
16 supervision agreement must document and maintain a copy of any
17 change or termination of that agreement.

18 Dental records shall be owned and maintained by the
19 supervising dentist for all patients treated under public
20 health supervision, unless the supervising dentist is an
21 employee of a public health clinic or federally qualified
22 health center, in which case the public health clinic or
23 federally qualified health center shall maintain the records.

24 If a dentist ceases to be employed or contracted by the
25 facility, the dentist shall notify the facility administrator
26 that the public health supervision agreement is no longer in

1 effect. A new public health supervision agreement is required
2 for the public health dental hygienist to continue treating
3 patients under public health supervision.

4 A dentist entering into an agreement under this Section may
5 supervise and enter into agreements for public health
6 supervision with 2 public health dental hygienists. This shall
7 be in addition to the limit of 4 dental hygienists per dentist
8 set forth in subsection (g) of Section 18 of this Act.

9 (b) A public health dental hygienist providing services
10 under public health supervision may perform only those duties
11 within the accepted scope of practice of dental hygiene, as
12 follows:

13 (1) the operative procedures of dental hygiene,
14 consisting of oral prophylactic procedures, including
15 prophylactic cleanings, application of fluoride, and
16 placement of sealants;

17 (2) the exposure and processing of x-ray films of the
18 teeth and surrounding structures; and

19 (3) such other procedures and acts as shall be
20 prescribed by rule of the Department.

21 Any patient treated under this subsection (b) must be
22 examined by a dentist before additional services can be
23 provided by a public health dental hygienist. However, if the
24 supervising dentist, after consultation with the public health
25 hygienist, determines that time is needed to complete an
26 approved treatment plan on a patient eligible under this

1 Section, then the dentist may instruct the hygienist to
2 complete the remaining services prior to an oral examination by
3 the dentist. Such instruction by the dentist to the hygienist
4 shall be noted in the patient's records. Any services performed
5 under this exception must be scheduled in a timely manner and
6 shall not occur more than 30 days after the first appointment
7 date.

8 (c) A public health dental hygienist providing services
9 under public health supervision must:

10 (1) provide to the patient, parent, or guardian a
11 written plan for referral or an agreement for follow-up
12 that records all conditions observed that should be called
13 to the attention of a dentist for proper diagnosis;

14 (2) have each patient sign a permission slip or consent
15 form that informs them that the service to be received does
16 not take the place of regular dental checkups at a dental
17 office and is meant for people who otherwise would not have
18 access to the service;

19 (3) inform each patient who may require further dental
20 services of that need;

21 (4) maintain an appropriate level of contact and
22 communication with the dentist providing public health
23 supervision; and

24 (5) complete an additional 4 hours of continuing
25 education in areas specific to public health dentistry
26 yearly.

1 (d) Each public health dental hygienist who has rendered
2 services under subsections (c), (d), and (e) of this Section
3 must complete a summary report at the completion of a program
4 or, in the case of an ongoing program, at least annually. The
5 report must be completed in the manner specified by the
6 Division of Oral Health in the Department of Public Health
7 including information about each location where the public
8 health dental hygienist has rendered these services. The public
9 health dental hygienist must submit the form to the dentist
10 providing supervision for his or her signature before sending
11 it to the Division.

12 (e) Public health dental hygienists providing services
13 under public health supervision may be compensated for their
14 work by salary, honoraria, and other mechanisms by the
15 employing or sponsoring entity. Nothing in this Act shall
16 preclude the entity that employs or sponsors a public health
17 dental hygienist from seeking payment, reimbursement, or other
18 source of funding for the services provided.

19 (f) This Section is repealed on January 1, 2021.

20 (Source: P.A. 99-492, eff. 12-31-15.)".