

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, 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7 (Section scheduled to be repealed on January 1, 2026)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
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 responder" means a dentist or dental hygienist who
25 is appropriately certified in disaster preparedness,
26 immunizations, and dental humanitarian medical response

1 consistent with the Society of Disaster Medicine and Public
2 Health and training certified by the National Incident
3 Management System or the National Disaster Life Support
4 Foundation.

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

10 "Public health dental hygienist" means a hygienist who
11 holds a valid license to practice in the State, has 2 years of
12 full-time clinical experience or an equivalent of 4,000 hours
13 of clinical experience and has completed at least 42 clock 72
14 hours of additional structured courses in dental education
15 approved by rule by the Department ~~course work~~ in advanced
16 areas specific to public health dentistry, including, but not
17 limited to, emergency procedures for medically compromised
18 patients, pharmacology, medical recordkeeping procedures,
19 geriatric dentistry, pediatric dentistry, ~~and~~ pathology, and
20 other areas of study as determined by the Department, and works
21 in a public health setting pursuant to a written public health
22 supervision agreement as defined by rule by the Department with
23 a dentist working in or contracted with a local or State
24 government agency or institution or who is providing services
25 as part of a certified school-based program or school-based
26 oral health program.

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

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

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

18 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

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

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

1 process, gums or jaw; or

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

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

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

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

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

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

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

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

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

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

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

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

25 (a) The rendering of dental relief in emergency cases
26 in the practice of his or her profession by a physician or

1 surgeon, licensed as such under the laws of this State,
2 unless he or she undertakes to reproduce or reproduces lost
3 parts of the human teeth in the mouth or to restore or
4 replace lost or missing teeth in the mouth; or

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

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

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

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

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

25 (e) The practice of dentistry by licensed dentists of
26 other states or countries at meetings of the Illinois State

1 Dental Society or component parts thereof, alumni meetings
2 of dental colleges, or any other like dental organizations,
3 while appearing as clinicians; or

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

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

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

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

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

1 (3) Any and all correction of malformation of teeth
2 or of the jaws.

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

12 (5) Removal of calculus from human teeth.

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

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

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

6 In addition to coronal polishing and pit and
7 fissure sealants as described in this item (7), a
8 dental assistant who has at least 2,000 hours of direct
9 clinical patient care experience and who has
10 successfully completed a structured training program
11 provided by (1) an educational institution such as a
12 dental school or dental hygiene or dental assistant
13 program, or (2) by a statewide dental or dental
14 hygienist association, approved by the Department on
15 or before the effective date of this amendatory Act of
16 the 99th General Assembly, that has developed and
17 conducted a training program for expanded functions
18 for dental assistants or hygienists ~~approved by rule by~~
19 ~~the Department~~ may perform: (A) coronal scaling above
20 the gum line, supragingivally, on the clinical crown of
21 the tooth only on patients 12 years of age or younger
22 who have an absence of periodontal disease and who are
23 not medically compromised or individuals with special
24 needs and (B) intracoronal temporization of a tooth.
25 The training program ~~approved by the Department~~ must:
26 (I) include a minimum of 16 hours of instruction in

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

25 The limitations on the number of dental assistants a
26 dentist may supervise contained in items (2), (4), and (7)

1 of this paragraph (g) mean a limit of 4 total dental
2 assistants or dental hygienists doing expanded functions
3 covered by these Sections being supervised by one dentist.

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

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

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

16 (iii) has been accepted or appointed for specialty
17 or residency training by a hospital situated in this
18 State; or

19 (iv) has been accepted or appointed for specialty
20 training in an approved dental program situated in this
21 State; or

22 (v) has been accepted or appointed for specialty
23 training in a dental public health agency situated in
24 this State.

25 The applicant shall be permitted to practice dentistry
26 for a period of 3 months from the starting date of the

1 program, unless authorized in writing by the Department to
2 continue such practice for a period specified in writing by
3 the Department.

4 The applicant shall only be entitled to perform such
5 acts as may be prescribed by and incidental to his or her
6 program of residency or specialty training and shall not
7 otherwise engage in the practice of dentistry in this
8 State.

9 The authority to practice shall terminate immediately
10 upon:

11 (1) the decision of the Department that the
12 applicant has failed the examination; or

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

14 (3) withdrawal of the application.

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

17 (225 ILCS 25/18.1)

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

19 Sec. 18.1. Public health dental supervision
20 responsibilities.

21 (a) When working together in a public health supervision
22 relationship, dentists and public health dental hygienists
23 shall enter into a public health supervision agreement. The
24 dentist providing public health supervision must:

25 (1) be available to provide an appropriate level of

1 contact, communication, collaboration, and consultation
2 with the public health dental hygienist and must meet
3 in-person with the public health dental hygienist at least
4 quarterly for review and consultation;

5 (2) have specific standing orders or policy guidelines
6 for procedures that are to be carried out for each location
7 or program, although the dentist need not be present when
8 the procedures are being performed;

9 (3) provide for the patient's additional necessary
10 care in consultation with the public health dental
11 hygienist;

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

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

20 Each dentist and hygienist who enters into a public health
21 supervision agreement must document and maintain a copy of any
22 change or termination of that agreement.

23 Dental records shall be owned and maintained by the
24 supervising dentist for all patients treated under public
25 health supervision, unless the supervising dentist is an
26 employee of a public health clinic or federally qualified

1 health center, in which case the public health clinic or
2 federally qualified health center shall maintain the records.

3 If a dentist ceases to be employed or contracted by the
4 facility, the dentist shall notify the facility administrator
5 that the public health supervision agreement is no longer in
6 effect. A new public health supervision agreement is required
7 for the public health dental hygienist to continue treating
8 patients under public health supervision.

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

14 (b) A public health dental hygienist providing services
15 under public health supervision may perform only those duties
16 within the accepted scope of practice of dental hygiene, as
17 follows:

18 (1) the operative procedures of dental hygiene,
19 consisting of oral prophylactic procedures, including
20 prophylactic cleanings, application of fluoride, and
21 placement of sealants;

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

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

26 Any patient treated under this subsection (b) must be

1 examined by a dentist before additional services can be
2 provided by a public health dental hygienist. However, if the
3 supervising dentist, after consultation with the public health
4 hygienist, determines that time is needed to complete an
5 approved treatment plan on a patient eligible under this
6 Section, then the dentist may instruct the hygienist to
7 complete the remaining services prior to an oral examination by
8 the dentist. Such instruction by the dentist to the hygienist
9 shall be noted in the patient's records. Any services performed
10 under this exception must be scheduled in a timely manner and
11 shall not occur more than 30 days after the first appointment
12 date.

13 (c) A public health dental hygienist providing services
14 under public health supervision must:

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

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

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

26 (4) maintain an appropriate level of contact and

1 communication with the dentist providing public health
2 supervision; and

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

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

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

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

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