



Sen. William R. Haine

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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7 (Section scheduled to be repealed on January 1, 2026)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 at least 42 clock 72  
21 hours of additional structured courses in dental education  
22 approved by rule by the Department ~~course work~~ in advanced  
23 areas specific to public health dentistry, including, but not  
24 limited to, emergency procedures for medically compromised  
25 patients, pharmacology, medical recordkeeping procedures,  
26 geriatric dentistry, pediatric dentistry, ~~and~~ pathology, and

1 other areas of study as determined by the Department, and works  
2 in a public health setting pursuant to a written public health  
3 supervision agreement as defined by rule by the Department with  
4 a dentist working in or contracted with a local or State  
5 government agency or institution or who is providing services  
6 as part of a certified school-based program or school-based  
7 oral health program.

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

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

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

1 (Section scheduled to be repealed on January 1, 2026)

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

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

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

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

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

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

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

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

24 (8) Who takes impressions of the human tooth, teeth, or  
25 jaws or performs any phase of any operation incident to the  
26 replacement of a part of a tooth, a tooth, teeth or

1 associated tissues by means of a filling, crown, a bridge,  
2 a denture or other appliance; or

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

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

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

25 The fact that any person engages in or performs, or offers  
26 to engage in or perform, any of the practices, acts, or



1 operations set forth in this Section, shall be prima facie  
2 evidence that such person is engaged in the practice of  
3 dentistry.

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

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

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

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

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

24 (i) when acting under the direction and  
25 supervision of dentists, provided that such clinical  
26 instructors have instructed continuously in this State

1 since January 1, 1986; or

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

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

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

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

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

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

25 (2) Removal of, or restoration of, or addition to  
26 the hard or soft tissues of the oral cavity, except for

1           the placing, carving, and finishing of amalgam  
2           restorations by dental assistants who have had  
3           additional formal education and certification as  
4           determined by the Department. A dentist utilizing  
5           dental assistants shall not supervise more than 4  
6           dental assistants at any one time for placing, carving,  
7           and finishing of amalgam restorations.

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

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

19          (5) Removal of calculus from human teeth.

20          (6) Taking of impressions for the fabrication of  
21          prosthetic appliances, crowns, bridges, inlays,  
22          onlays, or other restorative or replacement dentistry.

23          (7) The operative procedure of dental hygiene  
24          consisting of oral prophylactic procedures, except for  
25          coronal polishing and pit and fissure sealants, which  
26          may be performed by a dental assistant who has

1           successfully completed a training program approved by  
2           the Department. Dental assistants may perform coronal  
3           polishing under the following circumstances: (i) the  
4           coronal polishing shall be limited to polishing the  
5           clinical crown of the tooth and existing restorations,  
6           supragingivally; (ii) the dental assistant performing  
7           the coronal polishing shall be limited to the use of  
8           rotary instruments using a rubber cup or brush  
9           polishing method (air polishing is not permitted); and  
10          (iii) the supervising dentist shall not supervise more  
11          than 4 dental assistants at any one time for the task  
12          of coronal polishing or pit and fissure sealants.

13           In addition to coronal polishing and pit and  
14          fissure sealants as described in this item (7), a  
15          dental assistant who has at least 2,000 hours of direct  
16          clinical patient care experience and who has  
17          successfully completed a structured training program  
18          provided by (1) an educational institution such as a  
19          dental school or dental hygiene or dental assistant  
20          program, or (2) by a statewide dental or dental  
21          hygienist association, approved by the Division on or  
22          before the effective date of this amendatory Act of the  
23          99th General Assembly, that has developed and  
24          conducted a training program for expanded functions  
25          for dental assistants or hygienists approved by rule by  
26          ~~the Department~~ may perform: (A) coronal scaling above

1 the gum line, supragingivally, on the clinical crown of  
2 the tooth only on patients 12 years of age or younger  
3 who have an absence of periodontal disease and who are  
4 not medically compromised or individuals with special  
5 needs and (B) intracoronal temporization of a tooth.  
6 The training program ~~approved by the Department~~ must:  
7 (I) include a minimum of 16 hours of instruction in  
8 both didactic and clinical manikin or human subject  
9 instruction; all training programs shall include areas  
10 of study ~~courses~~ in dental anatomy, public health  
11 dentistry, medical history, dental emergencies, and  
12 managing the pediatric patient; (II) include an  
13 outcome assessment examination that demonstrates  
14 competency; (III) require the supervising dentist to  
15 observe and approve the completion of 6 full mouth  
16 supragingival scaling procedures; and (IV) issue a  
17 certificate of completion of the training program,  
18 which must be kept on file at the dental office and be  
19 made available to the Division upon request. A dental  
20 assistant must have successfully completed an approved  
21 coronal polishing course prior to taking the coronal  
22 scaling course. A dental assistant performing these  
23 functions shall be limited to the use of hand  
24 instruments only. In addition, coronal scaling as  
25 described in this paragraph shall only be utilized on  
26 patients who are eligible for Medicaid or who are

1           uninsured and whose household income is not greater  
2           than 200% of the federal poverty level. A dentist may  
3           not supervise more than 2 dental assistants at any one  
4           time for the task of coronal scaling. This paragraph is  
5           inoperative on and after January 1, 2021.

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

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

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

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

23           (iii) has been accepted or appointed for specialty  
24           or residency training by a hospital situated in this  
25           State; or

26           (iv) has been accepted or appointed for specialty

1 training in an approved dental program situated in this  
2 State; or

3 (v) has been accepted or appointed for specialty  
4 training in a dental public health agency situated in  
5 this State.

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

11 The applicant shall only be entitled to perform such  
12 acts as may be prescribed by and incidental to his or her  
13 program of residency or specialty training and shall not  
14 otherwise engage in the practice of dentistry in this  
15 State.

16 The authority to practice shall terminate immediately  
17 upon:

18 (1) the decision of the Department that the  
19 applicant has failed the examination; or

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

21 (3) withdrawal of the application.

22 (Source: P.A. 98-147, eff. 1-1-14; 98-463, eff. 8-16-13;  
23 98-756, eff. 7-16-14; 99-492, eff. 12-31-15.)

24 (225 ILCS 25/18.1)

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

1           Sec.    18.1.    Public    health    dental    supervision  
2   responsibilities.

3           (a) When working together in a public health supervision  
4   relationship, dentists and public health dental hygienists  
5   shall enter into a public health supervision agreement. The  
6   dentist providing public health supervision must:

7           (1) be available to provide an appropriate level of  
8   contact, communication, collaboration, and consultation  
9   with the public health dental hygienist and must meet  
10   in-person with the public health dental hygienist at least  
11   quarterly for review and consultation;

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

16          (3) provide for the patient's additional necessary  
17   care in consultation with the public health dental  
18   hygienist;

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

20          (5) include procedures for creating and maintaining  
21   dental records, including protocols for transmission of  
22   all records between the public health dental hygienist and  
23   the dentist following each treatment, which shall include a  
24   notation regarding procedures authorized by the dentist  
25   and performed by the public health dental hygienist and the  
26   location where those records are to be kept.



1           Each dentist and hygienist who enters into a public health  
2 supervision agreement must document and maintain a copy of any  
3 change or termination of that agreement.

4           Dental records shall be owned and maintained by the  
5 supervising dentist for all patients treated under public  
6 health supervision, unless the supervising dentist is an  
7 employee of a public health clinic or federally qualified  
8 health center, in which case the public health clinic or  
9 federally qualified health center shall maintain the records.

10          If a dentist ceases to be employed or contracted by the  
11 facility, the dentist shall notify the facility administrator  
12 that the public health supervision agreement is no longer in  
13 effect. A new public health supervision agreement is required  
14 for the public health dental hygienist to continue treating  
15 patients under public health supervision.

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

21          (b) A public health dental hygienist providing services  
22 under public health supervision may perform only those duties  
23 within the accepted scope of practice of dental hygiene, as  
24 follows:

25                 (1) the operative procedures of dental hygiene,  
26                 consisting of oral prophylactic procedures, including

1 prophylactic cleanings, application of fluoride, and  
2 placement of sealants;

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

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

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

20 (c) A public health dental hygienist providing services  
21 under public health supervision must:

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

26 (2) have each patient sign a permission slip or consent

1 form that informs them that the service to be received does  
2 not take the place of regular dental checkups at a dental  
3 office and is meant for people who otherwise would not have  
4 access to the service;

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

7 (4) maintain an appropriate level of contact and  
8 communication with the dentist providing public health  
9 supervision; and

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

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

24 (e) Public health dental hygienists providing services  
25 under public health supervision may be compensated for their  
26 work by salary, honoraria, and other mechanisms by the

1     employing or sponsoring entity. Nothing in this Act shall  
2     preclude the entity that employs or sponsors a public health  
3     dental hygienist from seeking payment, reimbursement, or other  
4     source of funding for the services provided.

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

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