



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1464

Introduced 2/20/2015, by Sen. Donne E. Trotter

SYNOPSIS AS INTRODUCED:

225 ILCS 25/4
225 ILCS 25/18

from Ch. 111, par. 2304
from Ch. 111, par. 2318

Amends the Illinois Dental Practice Act. Provides that a dental hygienist may be employed or retained (rather than employed) in specified settings, including in a public health setting (and defines "public health setting"). Provides that certain orders by dentists to dental hygienists must be completed within 12 months (rather than 120 or 180 days). Allows a dental hygienist to perform certain dental hygiene services in a public health setting if the dental hygienist has entered into a written collaborative agreement with a licensed dentist. Sets requirements for the written collaborative agreements and limits the services that may be authorized. Makes other changes. Effective immediately.

LRB099 07277 HAF 27381 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Dental Practice Act is amended by
5 changing Sections 4 and 18 as follows:

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

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 4. Definitions. As used in this Act:

9 "Address of record" means the designated address recorded
10 by the Department in the applicant's or licensee's application
11 file or license file as maintained by the Department's
12 licensure maintenance unit. It is the duty of the applicant or
13 licensee to inform the Department of any change of address, and
14 those changes must be made either through the Department's
15 website or by contacting the Department.

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

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

20 "Board" means the Board of Dentistry.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 "Patient of record" means a patient for whom the patient's
21 most recent dentist has obtained a relevant medical and dental
22 history and on whom the dentist has performed an examination
23 and evaluated the condition to be treated or for whom a dental
24 hygienist with whom the dentist has a written collaborative
25 agreement has performed a dental hygiene assessment and
26 screening.

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

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

9 "Written collaborative agreement" means a written
10 agreement between a licensed dental hygienist and a
11 collaborating licensed dentist to authorize the licensed
12 dental hygienist to perform services under subsection (i) of
13 Section 18 of this Act.

14 "Consultation" means the process whereby a dental
15 hygienist seeks the advice, opinion, or direction of a dentist.

16 "Public health setting" means a hospital; a nursing home; a
17 home health agency; a group home serving the elderly, the
18 disabled, or juveniles; a State-operated facility or facility
19 licensed by the State of Illinois; a State or federal prison; a
20 federal, State, or local public health facility; a community
21 clinic; a school-based program; a school authority; Head Start;
22 the Special Supplemental Nutrition Program for Women, Infants,
23 and Children (WIC) program; or a program operated by a
24 non-profit organization or any other entity that serves
25 individuals who are uninsured or who are Illinois Medical
26 Assistance Program recipients.

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

2 (225 ILCS 25/18) (from Ch. 111, par. 2318)

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

4 Sec. 18. Acts constituting the practice of dental hygiene;
5 limitations.

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

9 (i) the operative procedure of dental hygiene,
10 consisting of oral prophylactic procedures;

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

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

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

23 (v) administration and monitoring of nitrous oxide
24 upon successful completion of a training program
25 approved by the Department;

1 (vi) administration of local anesthetics upon
2 successful completion of a training program approved
3 by the Department; and

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

6 (b) A dental hygienist may be employed or retained ~~engaged~~
7 ~~only~~:

8 (1) by a dentist;

9 (2) by a federal, State, county, or municipal agency or
10 institution;

11 (3) by a public or private program ~~school~~; or

12 (4) in a public health setting ~~by a public clinic~~
13 ~~operating under the direction of a hospital or federal,~~
14 ~~State, county, municipal, or other public agency or~~
15 ~~institution.~~

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

25 (d) If a patient of record is unable to travel to a dental
26 office because of illness, infirmity, or imprisonment, a dental

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

16 (e) School-based oral health care, consisting of and
17 limited to oral prophylactic procedures, sealants, and
18 fluoride treatments, may be provided by a dental hygienist
19 under the general supervision of a dentist. A dental hygienist
20 may not provide other dental hygiene treatment in a
21 school-based setting, including but not limited to
22 administration or monitoring of nitrous oxide or
23 administration of local anesthetics. The school-based
24 procedures may be performed provided the patient is located at
25 a public or private school and the program is being conducted
26 by a State, county or local public health department initiative

1 or in conjunction with a dental school or dental hygiene
2 program. The dentist shall personally examine and diagnose the
3 patient and determine which services are necessary to be
4 performed, which shall be contained in an order to the
5 hygienist and a notation in the patient's record. Any such
6 order for sealants must be completed ~~implemented~~ within 12
7 months ~~120 days~~ after its issuance. Any such order for oral
8 prophylactic procedures or fluoride treatments must be
9 completed ~~implemented~~ within 12 months ~~180 days~~ after its
10 issuance. An updated medical history and observation of oral
11 conditions must be performed by the hygienist immediately prior
12 to beginning the procedures to ensure that the patient's health
13 has not changed in any manner to warrant a reexamination by the
14 dentist.

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

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

21 (h) Notwithstanding subsections (c), (d), (e), or (f) of
22 this Section, a dental hygienist licensed under this Act may
23 perform dental hygiene services described under subsection (i)
24 of this Section in a public health setting if the dental
25 hygienist has entered into a written collaborative agreement
26 with a licensed dentist.

1 (i) The dental hygiene services authorized to be performed
2 by a dental hygienist under a written collaborative agreement
3 are limited to:

4 (1) screenings, dental hygiene assessments, and
5 assessing oral health conditions;

6 (2) preliminary charting of the oral cavity and
7 surrounding structures to include case histories in order
8 to formulate a dental hygiene care plan in coordination
9 with a dentist's treatment plan;

10 (3) removal of deposits and stains from the surfaces of
11 the teeth;

12 (4) prescribing, administering, and dispensing only
13 fluoride, fluoride varnish, antimicrobial solutions, or
14 resorbable antimicrobial agents;

15 (5) administering and dispensing home-use oral hygiene
16 aids;

17 (6) applying sealants;

18 (7) polishing and smoothing restorations;

19 (8) removal of marginal overhangs;

20 (9) performance of preliminary charting;

21 (10) taking of radiographs; and

22 (11) performance of scaling and root planing.

23 (j) A collaborating dentist must be licensed under this Act
24 and may enter into a written collaborative agreement with no
25 more than 4 dental hygienists, unless otherwise authorized by
26 the Board. The Board shall develop parameters and a process for

1 obtaining authorization to collaborate with more than 4 dental
2 hygienists.

3 (k) The written collaborative agreement must:

4 (1) include consideration for medically compromised
5 patients and medical conditions for which a dental
6 evaluation and care plan must occur prior to the provision
7 of dental hygiene services;

8 (2) include age-specific and procedure-specific
9 standard collaborative practice protocols, including
10 recommended intervals for the performance of dental
11 hygiene services and a period of time within which an
12 examination by a dentist should occur;

13 (3) include copies of the consent to treatment form
14 provided to the patient by the dental hygienist;

15 (4) include specific protocols for the placement of pit
16 and fissure sealants and requirements for follow-up care to
17 ensure the efficacy of the sealants after application;

18 (5) include a procedure for creating and maintaining
19 dental records for the patients that are treated by the
20 dental hygienist; this procedure must specify the
21 notations to be made in the patient's record regarding
22 procedures authorized by the collaborating dentist and
23 performed by the dental hygienist pursuant to the written
24 collaborative agreement and specify where these records
25 are to be located;

26 (6) include a provision that requires the dental

1 hygienist working under a written collaborative agreement
2 and the collaborating dentist to maintain communication
3 and consultation with each other;

4 (7) include a provision that requires the dental
5 hygienist working under a written collaborative agreement
6 to provide the collaborating dentist opportunities to
7 review patient records as requested;

8 (8) include provisions detailing notice for
9 termination or change of status involving a written
10 collaborative agreement, except when such notice is given
11 for just cause;

12 (9) include a provision that requires the dental
13 hygienist to inform each collaborating dentist of all
14 written collaborative agreements he or she has signed and
15 provide a copy of these to any collaborating dentist upon
16 request;

17 (10) require that the dental hygienist refer each of
18 his or her patients to a licensed dentist for a
19 comprehensive dental examination; and

20 (11) be (i) signed and maintained by the dentist, the
21 dental hygienist, and the authorized representative of the
22 facility, program, or organization, (ii) reviewed annually
23 by the collaborating dentist and dental hygienist, and
24 (iii) made available to the Board upon request.

25 The collaborative relationship under a written
26 collaborative agreement shall not be construed to require that

1 a dentist examine a patient prior to treatment by the dental
2 hygienist or to require the personal presence of a dentist at
3 the place where services are rendered. Methods of communication
4 shall be available for consultation with the collaborating
5 dentist in person or by telecommunications in accordance with
6 established written guidelines as set forth in the written
7 collaborative agreement.

8 (l) Before performing any services authorized under a
9 written collaborative agreement, a dental hygienist must
10 provide the patient or guardian with a consent to treatment
11 form that must include a statement advising the patient or
12 guardian that the dental hygiene services provided are not a
13 substitute for a dental examination by a licensed dentist. If
14 the dental hygienist makes any referrals to the patient for
15 further dental procedures, the dental hygienist must fill out a
16 referral form and provide a copy of the form to the
17 collaborating dentist.

18 (m) Nothing in this Act shall be construed to limit the
19 delegation of tasks or duties by a dentist to a dental
20 hygienist, dental technician, or other persons in accordance
21 with Section 17 of this Act. Nothing in this Act shall be
22 construed to limit the method of delegation that may be
23 authorized by any means, including, but not limited to, oral,
24 written, electronic, standing orders, protocols, guidelines,
25 or verbal orders.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.