



Sen. William R. Haine

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09800SB1217sam004

LRB098 05630 MGM 43029 a

1 AMENDMENT TO SENATE BILL 1217

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1217, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Dental Practice Act is amended by  
6 changing Sections 16 and 17 as follows:

7 (225 ILCS 25/16) (from Ch. 111, par. 2316)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 16. Expiration, renewal and restoration of licenses.

10 The expiration date and renewal date for each license issued  
11 under this Act shall be set by rule. The renewal period for  
12 each license issued under this Act shall be 3 years. A dentist  
13 or dental hygienist may renew a license during the month  
14 preceding its expiration date by paying the required fee. A  
15 dentist or dental hygienist shall provide proof of current  
16 Basic Life Support (BLS) certification ~~by an organization that~~

1 ~~has adopted the American Heart Association's guidelines on BLS~~  
2 intended for health care providers at the time of renewal as  
3 provided by rule. Basic Life Support certification training  
4 taken as a requirement of this Section shall be counted for no  
5 more than 4 hours during each licensure period towards the  
6 continuing education hours under Section 16.1 of this Act. The  
7 Department shall provide by rule for exemptions from this  
8 requirement for a dentist or dental hygienist with a physical  
9 disability that would preclude him or her from performing BLS.

10 Any dentist or dental hygienist whose license has expired  
11 or whose license is on inactive status may have his license  
12 restored at any time within 5 years after the expiration  
13 thereof, upon payment of the required fee and a showing of  
14 proof of compliance with current continuing education  
15 requirements, as provided by rule.

16 Any person whose license has been expired for more than 5  
17 years or who has had his license on inactive status for more  
18 than 5 years may have his license restored by making  
19 application to the Department and filing proof acceptable to  
20 the Department of taking continuing education and of his  
21 fitness to have the license restored, including sworn evidence  
22 certifying to active practice in another jurisdiction, and by  
23 paying the required restoration fee. A person practicing on an  
24 expired license is deemed to be practicing without a license.  
25 However, a holder of a license may renew the license within 90  
26 days after its expiration by complying with the requirements

1 for renewal and payment of an additional fee. A license renewal  
2 within 90 days after expiration shall be effective  
3 retroactively to the expiration date.

4 If a person whose license has expired or who has had his  
5 license on inactive status for more than 5 years has not  
6 maintained an active practice satisfactory to the department,  
7 the Department shall determine, by an evaluation process  
8 established by rule, his or her fitness to resume active status  
9 and may require the person to complete a period of evaluated  
10 clinical experience and may require successful completion of a  
11 practical examination.

12 However, any person whose license expired while he or she  
13 was (i) on active duty with the Armed Forces of the United  
14 States or called into service or training by the State militia  
15 or (ii) in training or education under the supervision of the  
16 United States preliminary to induction into the military  
17 service, may have his or her license renewed, reinstated, or  
18 restored without paying any lapsed renewal or restoration fee,  
19 if within 2 years after termination of such service, training,  
20 or education other than by dishonorable discharge, he or she  
21 furnishes the Department with satisfactory proof that he or she  
22 has been so engaged and that his or her service, training, or  
23 education has been so terminated.

24 (Source: P.A. 96-617, eff. 8-24-09; 97-526, eff. 1-1-12;  
25 97-1013, eff. 8-17-12.)

1 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

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

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

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

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

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

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

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

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

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

1 replacement of a part of a tooth, a tooth, teeth or  
2 associated tissues by means of a filling, crown, a bridge,  
3 a denture or other appliance; or

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

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

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

26 The fact that any person engages in or performs, or offers

1 to engage in or perform, any of the practices, acts, or  
2 operations set forth in this Section, shall be prima facie  
3 evidence that such person is engaged in the practice of  
4 dentistry.

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

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

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

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

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

25 (i) when acting under the direction and  
26 supervision of dentists, provided that such clinical

1           instructors have instructed continuously in this State  
2           since January 1, 1986; or

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

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

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

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

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

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

26                 (2) Removal of, or restoration of, or addition to

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

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

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

21 (5) Removal of calculus from human teeth.

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

25 (7) The operative procedure of dental hygiene  
26 consisting of oral prophylactic procedures, except for



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

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

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

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

1           (ii) has applied in writing to the Department, in  
2           form and substance satisfactory to the Department, for  
3           a temporary dental license and has complied with all  
4           provisions of subsection (c), of Section 11, of this  
5           Act; and

6           (iii) has been accepted or appointed for specialty  
7           or residency training by a hospital situated in this  
8           State; or

9           (iv) has been accepted or appointed for specialty  
10          training in an approved dental program situated in this  
11          State; or

12          (v) has been accepted or appointed for specialty  
13          training in a dental public health agency situated in  
14          this State.

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

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

25          The authority to practice shall terminate immediately  
26          upon:

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

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

4                   (3) withdrawal of the application.

5                   (Source: P.A. 96-617, eff. 8-24-09; 97-526, eff. 1-1-12;  
6                   97-886, eff. 8-2-12; 97-1013, eff. 8-17-12; revised  
7                   8-23-12.)".