

SB0335



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0335

Introduced 2/19/2021, by Sen. Rachelle Crowe

SYNOPSIS AS INTRODUCED:

225 ILCS 25/4	from Ch. 111, par. 2304
225 ILCS 25/17	from Ch. 111, par. 2317

Amends the Illinois Dental Practice Act. Provides that a person who uses teledentistry is considered to practice dentistry under the Act. Provides that a dentist may not delegate teledentistry services unless authorized in the Act. Changes the definition of "branches of dentistry" to include dental anesthesiology. Changes the definition of "teledentistry" to include limited patient diagnosis and treatment planning (rather than patient care) using synchronous and asynchronous communications under an Illinois licensed dentist's authority (rather than a dentist's authority).

LRB102 10201 SPS 15524 b

A BILL FOR

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 17 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7 (Section scheduled to be repealed on January 1, 2026)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
22 license pursuant to paragraph (a) of Section 11 of this Act and
23 who may perform any intraoral and extraoral procedure required

1 in the 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
4 under this Act to perform dental services as authorized by
5 Section 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 "Expanded function dental assistant" means a dental
10 assistant who has completed the training required by Section
11 17.1 of this Act.

12 "Dental laboratory" means a person, firm or corporation
13 which:

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

19 (ii) utilizes or employs a dental technician to
20 provide such services; and

21 (iii) performs such functions only for a dentist or
22 dentists.

23 "Supervision" means supervision of a dental hygienist or a
24 dental assistant requiring that a dentist authorize the
25 procedure, remain in the dental facility while the procedure
26 is performed, and approve the work performed by the dental

1 hygienist or dental assistant before dismissal of the patient,
2 but does not mean that the dentist must be present at all times
3 in the treatment room.

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

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

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

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

1 radiology, and dental anesthesiology.

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

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

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

19 "Nurse" means a registered professional nurse, a certified
20 registered nurse anesthetist licensed as an advanced practice
21 registered nurse, or a licensed practical nurse licensed under
22 the Nurse Practice Act.

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

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

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

13 "Public health dental hygienist" means a hygienist who
14 holds a valid license to practice in the State, has 2 years of
15 full-time clinical experience or an equivalent of 4,000 hours
16 of clinical experience and has completed at least 42 clock
17 hours of additional structured courses in dental education in
18 advanced areas specific to public health dentistry.

19 "Public health setting" means a federally qualified health
20 center; a federal, State, or local public health facility;
21 Head Start; a special supplemental nutrition program for
22 Women, Infants, and Children (WIC) facility; or a certified
23 school-based health center or school-based oral health
24 program.

25 "Public health supervision" means the supervision of a
26 public health dental hygienist by a licensed dentist who has a

1 written public health supervision agreement with that public
2 health dental hygienist while working in an approved facility
3 or program that allows the public health dental hygienist to
4 treat patients, without a dentist first examining the patient
5 and being present in the facility during treatment, (1) who
6 are eligible for Medicaid or (2) who are uninsured and whose
7 household income is not greater than 200% of the federal
8 poverty level.

9 "Teledentistry" means the use of telehealth systems and
10 methodologies in dentistry and includes limited patient
11 diagnosis, treatment planning, care and education delivery
12 using synchronous and asynchronous communications under an
13 Illinois licensed a dentist's authority as provided under this
14 Act.

15 (Source: P.A. 100-215, eff. 1-1-18; 100-513, eff. 1-1-18;
16 100-863, eff. 8-14-18; 101-64, eff. 7-12-19; 101-162, eff.
17 7-26-19; revised 9-27-19.)

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
3 conductor of a business where dental operations are
4 performed; or

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

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

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

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

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

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

24 (9) Who offers to furnish, supply, construct,
25 reproduce or repair, or who furnishes, supplies,
26 constructs, reproduces or repairs, prosthetic dentures,

1 bridges or other substitutes for natural teeth, to the
2 user or prospective user thereof; or

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

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

21 (12) Who uses teledentistry. A dentist may not
22 delegate teledentistry services unless authorized in this
23 Act.

24 The fact that any person engages in or performs, or offers
25 to engage in or perform, any of the practices, acts, or
26 operations set forth in this Section, shall be prima facie

1 evidence that such person is engaged in the practice of
2 dentistry.

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

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

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

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

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

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

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

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

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

13 (g) The performance of any dental service by a dental
14 assistant, if such service is performed under the
15 supervision and full responsibility of a dentist. In
16 addition, after being authorized by a dentist, a dental
17 assistant may, for the purpose of eliminating pain or
18 discomfort, remove loose, broken, or irritating
19 orthodontic appliances on a patient of record.

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

24 (1) Any and all diagnosis of or prescription for
25 treatment of disease, pain, deformity, deficiency,
26 injury or physical condition of the human teeth or

1 jaws, or adjacent structures.

2 (2) Removal of, or restoration of, or addition to
3 the hard or soft tissues of the oral cavity, except for
4 the placing, carving, and finishing of amalgam
5 restorations and placing, packing, and finishing
6 composite restorations by dental assistants who have
7 had additional formal education and certification.

8 A dental assistant may place, carve, and finish
9 amalgam restorations, place, pack, and finish
10 composite restorations, and place interim restorations
11 if he or she (A) has successfully completed a
12 structured training program as described in item (2)
13 of subsection (g) provided by an educational
14 institution accredited by the Commission on Dental
15 Accreditation, such as a dental school or dental
16 hygiene or dental assistant program, or (B) has at
17 least 4,000 hours of direct clinical patient care
18 experience and has successfully completed a structured
19 training program as described in item (2) of
20 subsection (g) provided by a statewide dental
21 association, approved by the Department to provide
22 continuing education, that has developed and conducted
23 training programs for expanded functions for dental
24 assistants or hygienists. The training program must:
25 (i) include a minimum of 16 hours of didactic study and
26 14 hours of clinical manikin instruction; all training

1 programs shall include areas of study in nomenclature,
2 caries classifications, oral anatomy, periodontium,
3 basic occlusion, instrumentations, pulp protection
4 liners and bases, dental materials, matrix and wedge
5 techniques, amalgam placement and carving, rubber dam
6 clamp placement, and rubber dam placement and removal;
7 (ii) include an outcome assessment examination that
8 demonstrates competency; (iii) require the supervising
9 dentist to observe and approve the completion of 8
10 amalgam or composite restorations; and (iv) issue a
11 certificate of completion of the training program,
12 which must be kept on file at the dental office and be
13 made available to the Department upon request. A
14 dental assistant must have successfully completed an
15 approved coronal polishing and dental sealant course
16 prior to taking the amalgam and composite restoration
17 course.

18 A dentist utilizing dental assistants shall not
19 supervise more than 4 dental assistants at any one
20 time for placing, carving, and finishing of amalgam
21 restorations or for placing, packing, and finishing
22 composite restorations.

23 (3) Any and all correction of malformation of
24 teeth or of the jaws.

25 (4) Administration of anesthetics, except for
26 monitoring of nitrous oxide, conscious sedation, deep

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

8 (5) Removal of calculus from human teeth.

9 (6) Taking of material or digital scans for final
10 impressions for the fabrication of prosthetic
11 appliances, crowns, bridges, inlays, onlays, or other
12 restorative or replacement dentistry.

13 (7) The operative procedure of dental hygiene
14 consisting of oral prophylactic procedures, except for
15 coronal polishing and pit and fissure sealants, which
16 may be performed by a dental assistant who has
17 successfully completed a training program approved by
18 the Department. Dental assistants may perform coronal
19 polishing under the following circumstances: (i) the
20 coronal polishing shall be limited to polishing the
21 clinical crown of the tooth and existing restorations,
22 supragingivally; (ii) the dental assistant performing
23 the coronal polishing shall be limited to the use of
24 rotary instruments using a rubber cup or brush
25 polishing method (air polishing is not permitted); and
26 (iii) the supervising dentist shall not supervise more

1 than 4 dental assistants at any one time for the task
2 of coronal polishing or pit and fissure sealants.

3 In addition to coronal polishing and pit and
4 fissure sealants as described in this item (7), a
5 dental assistant who has at least 2,000 hours of
6 direct clinical patient care experience and who has
7 successfully completed a structured training program
8 provided by (1) an educational institution such as a
9 dental school or dental hygiene or dental assistant
10 program, or (2) by a statewide dental or dental
11 hygienist association, approved by the Department on
12 or before January 1, 2017 (the effective date of
13 Public Act 99-680) ~~this amendatory Act of the 99th~~
14 ~~General Assembly~~, that has developed and conducted a
15 training program for expanded functions for dental
16 assistants or hygienists may perform: (A) coronal
17 scaling above the gum line, supragingivally, on the
18 clinical crown of the tooth only on patients 12 years
19 of age or younger who have an absence of periodontal
20 disease and who are not medically compromised or
21 individuals with special needs and (B) intracoronal
22 temporization of a tooth. The training program must:
23 (I) include a minimum of 16 hours of instruction in
24 both didactic and clinical manikin or human subject
25 instruction; all training programs shall include areas
26 of study in dental anatomy, public health dentistry,

1 medical history, dental emergencies, and managing the
2 pediatric patient; (II) include an outcome assessment
3 examination that demonstrates competency; (III)
4 require the supervising dentist to observe and approve
5 the completion of 6 full mouth supragingival scaling
6 procedures; and (IV) issue a certificate of completion
7 of the training program, which must be kept on file at
8 the dental office and be made available to the
9 Department upon request. A dental assistant must have
10 successfully completed an approved coronal polishing
11 course prior to taking the coronal scaling course. A
12 dental assistant performing these functions shall be
13 limited to the use of hand instruments only. In
14 addition, coronal scaling as described in this
15 paragraph shall only be utilized on patients who are
16 eligible for Medicaid or who are uninsured and whose
17 household income is not greater than 200% of the
18 federal poverty level. A dentist may not supervise
19 more than 2 dental assistants at any one time for the
20 task of coronal scaling. This paragraph is inoperative
21 on and after January 1, 2026.

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

1 ~~or-~~

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

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

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

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

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

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

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

1 by the Department.

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

7 The authority to practice shall terminate immediately
8 upon:

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

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

12 (3) withdrawal of the application.

13 (Source: P.A. 100-215, eff. 1-1-18; 100-976, eff. 1-1-19;
14 101-162, eff. 7-26-19; revised 9-19-19.)