



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0214

Introduced 2/7/2007, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

225 ILCS 25/17
225 ILCS 25/45

from Ch. 111, par. 2317
from Ch. 111, par. 2345

Amends the Illinois Dental Practice Act. Provides that "dental service", as the term relates to those services performed by a dental assistant under the supervision and full responsibility of a dentist and therefore exempt from the operation of the Act, does not include the administration of anesthetics, except for (A) the application of topical anesthetics and (B) the monitoring of nitrous oxide, conscious sedation, deep sedation, and general anesthesia (now, except for the application of topical anesthetics and monitoring of nitrous oxide), each of which may be performed after successful completion of a training program approved by the Department of Financial and Professional Regulation. Provides that it is unlawful for any dentist licensed under the Act to use the term "sedation dentistry" or similar terms in advertising unless the advertising dentist holds a valid and current permit issued by the Department to administer either general anesthesia or conscious sedation. Effective immediately.

LRB095 06272 RAS 26367 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 17 and 45 as follows:

6 (225 ILCS 25/17) (from Ch. 111, par. 2317)

7 (Section scheduled to be repealed on January 1, 2016)

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

10 (1) Who represents himself as being able to diagnose or
11 diagnoses, treats, prescribes, or operates for any
12 disease, pain, deformity, deficiency, injury, or physical
13 condition of the human tooth, teeth, alveolar process, gums
14 or jaw; or

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

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

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

20 (5) Who extracts a human tooth or teeth, or corrects or
21 attempts to correct malpositions of the human teeth or
22 jaws; or

23 (6) Who offers or undertakes, by any means or method,

1 to diagnose, treat or remove stains, calculus, and bonding
2 materials from human teeth or jaws; or

3 (7) Who uses or administers local or general
4 anesthetics in the treatment of dental or oral diseases or
5 in any preparation incident to a dental operation of any
6 kind or character; or

7 (8) Who takes impressions of the human tooth, teeth, or
8 jaws or performs any phase of any operation incident to the
9 replacement of a part of a tooth, a tooth, teeth or
10 associated tissues by means of a filling, crown, a bridge,
11 a denture or other appliance; or

12 (9) Who offers to furnish, supply, construct,
13 reproduce or repair, or who furnishes, supplies,
14 constructs, reproduces or repairs, prosthetic dentures,
15 bridges or other substitutes for natural teeth, to the user
16 or prospective user thereof; or

17 (10) Who instructs students on clinical matters or
18 performs any clinical operation included in the curricula
19 of recognized dental schools and colleges.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (2) Removal of, or restoration of, or addition to
21 the hard or soft tissues of the oral cavity.

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

24 (4) Administration of anesthetics, except for:

25 (A) the application of topical anesthetics;

26 and

1 (B) the monitoring of nitrous oxide, conscious
2 sedation, deep sedation, and general anesthesia,
3 each of which. ~~Monitoring of nitrous oxide~~ may be
4 performed only after successful completion of a
5 training program approved by the Department.

6 (5) Removal of calculus from human teeth.

7 (6) Taking of impressions for the fabrication of
8 prosthetic appliances, crowns, bridges, inlays,
9 onlays, or other restorative or replacement dentistry.

10 (7) The operative procedure of dental hygiene
11 consisting of oral prophylactic procedures, except for
12 coronal polishing, which may be performed by a dental
13 assistant who has successfully completed a training
14 program approved by the Department. Dental assistants
15 may perform coronal polishing under the following
16 circumstances: (i) the coronal polishing shall be
17 limited to polishing the clinical crown of the tooth
18 and existing restorations, supragingivally; (ii) the
19 dental assistant performing the coronal polishing
20 shall be limited to the use of rotary instruments using
21 a rubber cup or brush polishing method (air polishing
22 is not permitted); and (iii) the supervising dentist
23 shall not supervise more than 4 dental assistants at
24 any one time for the task of coronal polishing.

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

26 (i) has applied in writing to the Department, in

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

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

11 (iii) has been accepted or appointed for specialty
12 or residency training by a hospital situated in this
13 State; or

14 (iv) has been accepted or appointed for specialty
15 training in an approved dental program situated in this
16 State; or

17 (v) has been accepted or appointed for specialty
18 training in a dental public health agency situated in
19 this State.

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

25 The applicant shall only be entitled to perform such
26 acts as may be prescribed by and incidental to their

1 program of residency or specialty training and shall not
2 otherwise engage in the practice of dentistry in this
3 State.

4 The authority to practice shall terminate immediately
5 upon:

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

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

9 (3) withdrawal of the application.

10 (Source: P.A. 91-594, eff. 1-1-00.)

11 (225 ILCS 25/45) (from Ch. 111, par. 2345)

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

13 Sec. 45. Advertising. The purpose of this Section is to
14 authorize and regulate the advertisement by dentists of
15 information which is intended to provide the public with a
16 sufficient basis upon which to make an informed selection of
17 dentists while protecting the public from false or misleading
18 advertisements which would detract from the fair and rational
19 selection process.

20 Any dentist may advertise the availability of dental
21 services in the public media or on the premises where such
22 dental services are rendered. Such advertising shall be limited
23 to the following information:

24 (a) The dental services available;

25 (b) Publication of the dentist's name, title, office hours,

1 address and telephone;

2 (c) Information pertaining to his or her area of
3 specialization, including appropriate board certification or
4 limitation of professional practice;

5 (d) Information on usual and customary fees for routine
6 dental services offered, which information shall include
7 notification that fees may be adjusted due to complications or
8 unforeseen circumstances;

9 (e) Announcement of the opening of, change of, absence
10 from, or return to business;

11 (f) Announcement of additions to or deletions from
12 professional dental staff;

13 (g) The issuance of business or appointment cards;

14 (h) Other information about the dentist, dentist's
15 practice or the types of dental services which the dentist
16 offers to perform which a reasonable person might regard as
17 relevant in determining whether to seek the dentist's services.
18 However, any advertisement which announces the availability of
19 endodontics, pediatric dentistry, periodontics,
20 prosthodontics, orthodontics and dentofacial orthopedics, oral
21 and maxillofacial surgery, or oral and maxillofacial radiology
22 by a general dentist or by a licensed specialist who is not
23 licensed in that specialty shall include a disclaimer stating
24 that the dentist does not hold a license in that specialty.

25 It is unlawful for any dentist licensed under this Act to
26 do any of the following:

1 (1) Use ~~To use~~ testimonials or claims of superior
2 quality of care to entice the public. ~~†~~

3 (2) Advertise ~~To advertise~~ in any way to practice
4 dentistry without causing pain. ~~†~~

5 (3) Pay ~~To pay~~ a fee to any dental referral service or
6 other third party who advertises a dental referral service,
7 unless all advertising of the dental referral service makes
8 it clear that dentists are paying a fee for that referral
9 service. ~~† or~~

10 (4) Advertise ~~To advertise~~ or offer gifts as an
11 inducement to secure dental patronage. Dentists may
12 advertise or offer free examinations or free dental
13 services; it shall be unlawful, however, for any dentist to
14 charge a fee to any new patient for any dental service
15 provided at the time that such free examination or free
16 dental services are provided.

17 (5) Use the term "sedation dentistry" or similar terms
18 in advertising unless the advertising dentist holds a valid
19 and current permit issued by the Department to administer
20 either general anesthesia or conscious sedation as
21 required under Section 8.1 of this Act.

22 This Act does not authorize the advertising of dental
23 services when the offeror of such services is not a dentist.
24 Nor shall the dentist use statements which contain false,
25 fraudulent, deceptive or misleading material or guarantees of
26 success, statements which play upon the vanity or fears of the

1 public, or statements which promote or produce unfair
2 competition.

3 A dentist shall be required to keep a copy of all
4 advertisements for a period of 3 years. All advertisements in
5 the dentist's possession shall indicate the accurate date and
6 place of publication.

7 The Department shall adopt rules to carry out the intent of
8 this Section.

9 (Source: P.A. 92-280, eff. 1-1-02.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.