



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB4467

Introduced 1/30/2012, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

|                |                         |
|----------------|-------------------------|
| 225 ILCS 25/4  | from Ch. 111, par. 2304 |
| 225 ILCS 25/18 | from Ch. 111, par. 2318 |

Amends the Illinois Dental Practice Act. Provides that a dental hygienist may be employed or retained by a health care facility, program, or nonprofit organization to perform dental hygiene services without the patient first being examined by a licensed dentist if the dental hygienist (i) has engaged in active practice of clinical dental hygiene for a minimum of 2,400 hours in the past 18 months or a career total of 3,000 hours, (ii) has entered into a collaborative agreement with a licensed dentist, (iii) had documented participation in course in infection control and medical emergencies, and (iv) maintains current CPR certification. Authorizes the dental hygienist to perform limited specified services. Provides that a licensed dentist may not have a collaborative agreement with more than 2 dental hygienist unless otherwise authorized by the Board. Provides that the collaborative agreement must (i) include certain provisions and it must be signed and maintained by the dentist, the dental hygienist, and the facility, program, or organization, (ii) be reviewed yearly, and (iii) be made available to the Board upon request. Effective immediately.

LRB097 18305 CEL 63531 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7 (Section scheduled to be repealed on January 1, 2016)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 (a) "Department" means the Illinois Department of  
10 Professional Regulation.

11 (b) "Director" means the Director of Professional  
12 Regulation.

13 (c) "Board" means the Board of Dentistry established by  
14 Section 6 of this Act.

15 (d) "Dentist" means a person who has received a general  
16 license pursuant to paragraph (a) of Section 11 of this Act and  
17 who may perform any intraoral and extraoral procedure required  
18 in the practice of dentistry and to whom is reserved the  
19 responsibilities specified in Section 17.

20 (e) "Dental hygienist" means a person who holds a license  
21 under this Act to perform dental services as authorized by  
22 Section 18.

23 (f) "Dental assistant" means an appropriately trained

1 person who, under the supervision of a dentist, provides dental  
2 services as authorized by Section 17.

3 (g) "Dental laboratory" means a person, firm or corporation  
4 which:

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

10 (ii) utilizes or employs a dental technician to provide  
11 such services; and

12 (iii) performs such functions only for a dentist or  
13 dentists.

14 (h) "Supervision" means supervision of a dental hygienist  
15 or a dental assistant requiring that a dentist authorize the  
16 procedure, remain in the dental facility while the procedure is  
17 performed, and approve the work performed by the dental  
18 hygienist or dental assistant before dismissal of the patient,  
19 but does not mean that the dentist must be present at all times  
20 in the treatment room.

21 (i) "General supervision" means supervision of a dental  
22 hygienist requiring that the patient be a patient of record,  
23 that the dentist examine the patient in accordance with Section  
24 18 prior to treatment by the dental hygienist, and that the  
25 dentist authorize the procedures which are being carried out by  
26 a notation in the patient's record, but not requiring that a

1 dentist be present when the authorized procedures are being  
2 performed. The issuance of a prescription to a dental  
3 laboratory by a dentist does not constitute general  
4 supervision.

5 (j) "Collaborative agreement" means a written agreement  
6 between a licensed dental hygienist and a collaborating  
7 licensed dentist.

8 (k) ~~(j)~~ "Public member" means a person who is not a health  
9 professional. For purposes of board membership, any person with  
10 a significant financial interest in a health service or  
11 profession is not a public member.

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

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

23 (n) ~~(m)~~ "Specialist" means a dentist who has received a  
24 specialty license pursuant to Section 11(b).

25 (o) ~~(n)~~ "Dental technician" means a person who owns,  
26 operates or is employed by a dental laboratory and engages in

1 making, providing, repairing or altering dental prosthetic  
2 appliances and other artificial materials and devices which are  
3 returned to a dentist for insertion into the human oral cavity  
4 or which come in contact with its adjacent structures and  
5 tissues.

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

15 (q) ~~(p)~~ "Nurse" means a registered professional nurse, a  
16 certified registered nurse anesthetist licensed as an advanced  
17 practice nurse, or a licensed practical nurse licensed under  
18 the Nurse Practice Act.

19 (r) ~~(q)~~ "Patient of record" means a patient for whom the  
20 patient's most recent dentist has obtained a relevant medical  
21 and dental history and on whom the dentist has performed an  
22 examination and evaluated the condition to be treated.

23 (s) ~~(r)~~ "Dental emergency responder" means a dentist or  
24 dental hygienist who is appropriately certified in emergency  
25 medical response, as defined by the Department of Public  
26 Health.

1        (t) ~~(s)~~ "Mobile dental van or portable dental unit" means  
2 any self-contained or portable dental unit in which dentistry  
3 is practiced that can be moved, towed, or transported from one  
4 location to another in order to establish a location where  
5 dental services can be provided.

6        (u) "Public health setting" means a hospital; nursing home;  
7 home health agency; group home serving the elderly, disabled or  
8 juveniles; State-operated facility licensed by the  
9 Commissioner of Human Services or the Commissioner of  
10 Corrections; federal, State, or local public health facility;  
11 community clinic; school authority; Head start program;  
12 Maternal and Child Health WIC program; or a program operated by  
13 a non-profit organization that services individuals who are  
14 uninsured or who are Illinois health care public program  
15 recipients.

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

17        (225 ILCS 25/18) (from Ch. 111, par. 2318)

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

19        Sec. 18. Acts constituting the practice of dental hygiene;  
20 limitations.

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

24                (i) the operative procedure of dental hygiene,  
25 consisting of oral prophylactic procedures;

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

3 (iii) the application to the surfaces of the teeth  
4 or gums of chemical compounds designed to be  
5 desensitizing agents or effective agents in the  
6 prevention of dental caries or periodontal disease;

7 (iv) all services which may be performed by a  
8 dental assistant as specified by rule pursuant to  
9 Section 17, and a dental hygienist may engage in the  
10 placing, carving, and finishing of amalgam  
11 restorations only after obtaining formal education and  
12 certification as determined by the Department;

13 (v) administration and monitoring of nitrous oxide  
14 upon successful completion of a training program  
15 approved by the Department;

16 (vi) administration of local anesthetics upon  
17 successful completion of a training program approved  
18 by the Department; and

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

21 (b) A dental hygienist may be employed or engaged only:

22 (1) by a dentist;

23 (2) by a federal, State, county, or municipal agency or  
24 institution;

25 (3) by a public or private school; or

26 (4) by a public clinic operating under the direction of

1 a hospital or federal, State, county, municipal, or other  
2 public agency or institution.

3 (c) When employed or engaged in the office of a dentist, a  
4 dental hygienist may perform, under general supervision, those  
5 procedures found in items (i) through (iv) of subsection (a) of  
6 this Section, provided the patient has been examined by the  
7 dentist within one year of the provision of dental hygiene  
8 services, the dentist has approved the dental hygiene services  
9 by a notation in the patient's record and the patient has been  
10 notified that the dentist may be out of the office during the  
11 provision of dental hygiene services.

12 (d) If a patient of record is unable to travel to a dental  
13 office because of illness, infirmity, or imprisonment, a dental  
14 hygienist may perform, under the general supervision of a  
15 dentist, those procedures found in items (i) through (iv) of  
16 subsection (a) of this Section, provided the patient is located  
17 in a long-term care facility licensed by the State of Illinois,  
18 a mental health or developmental disability facility, or a  
19 State or federal prison. The dentist shall personally examine  
20 and diagnose the patient and determine which services are  
21 necessary to be performed, which shall be contained in an order  
22 to the hygienist and a notation in the patient's record. Such  
23 order must be implemented within 120 days of its issuance, and  
24 an updated medical history and observation of oral conditions  
25 must be performed by the hygienist immediately prior to  
26 beginning the procedures to ensure that the patient's health



1 has not changed in any manner to warrant a reexamination by the  
2 dentist.

3 (e) School-based oral health care, consisting of and  
4 limited to oral prophylactic procedures, sealants, and  
5 fluoride treatments, may be provided by a dental hygienist  
6 under the general supervision of a dentist. A dental hygienist  
7 may not provide other dental hygiene treatment in a  
8 school-based setting, including but not limited to  
9 administration or monitoring of nitrous oxide or  
10 administration of local anesthetics. The school-based  
11 procedures may be performed provided the patient is located at  
12 a public or private school and the program is being conducted  
13 by a State, county or local public health department initiative  
14 or in conjunction with a dental school or dental hygiene  
15 program. The dentist shall personally examine and diagnose the  
16 patient and determine which services are necessary to be  
17 performed, which shall be contained in an order to the  
18 hygienist and a notation in the patient's record. Any such  
19 order for sealants must be implemented within 120 days after  
20 its issuance. Any such order for oral prophylactic procedures  
21 or fluoride treatments must be implemented within 180 days  
22 after its issuance. An updated medical history and observation  
23 of oral conditions must be performed by the hygienist  
24 immediately prior to beginning the procedures to ensure that  
25 the patient's health has not changed in any manner to warrant a  
26 reexamination by the dentist.

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

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

7 (h) Notwithstanding subsections (c), (d), (e), or (f) of  
8 Section 18, a dental hygienist licensed under this Act may be  
9 employed or retained by a health care facility, program, or  
10 nonprofit organization to perform dental hygiene services  
11 described under subsection (i) of this Section without the  
12 patient first being examined by a licensed dentist if the  
13 dental hygienist:

14 (1) has been engaged in the active practice of clinical  
15 dental hygiene for not less than 2,400 hours in the past 18  
16 months or a career total of 3,000 hours, including a  
17 minimum of 200 hours of clinical practice in 2 of the past  
18 3 years;

19 (2) has entered into a collaborative agreement with a  
20 licensed dentist that designates authorization for the  
21 services provided by the dental hygienist;

22 (3) has documented participation in courses in  
23 infection control and medical emergencies within each  
24 continuing education cycle; and

25 (4) maintains current CPR certification from  
26 completion of the American Heart Association healthcare

1 provider course, the American Red Cross professional  
2 rescuer course, or an equivalent entity.

3 (i) The dental hygiene services authorized to be performed  
4 by a dental hygienist under this subsection are limited to:

5 (1) screen and assess oral health conditions;

6 (2) preliminary charting of the oral cavity and  
7 surrounding structures to include case histories, perform  
8 initial and periodic examinations and assessments to  
9 determine periodontal status, and formulate a dental  
10 hygiene treatment plan in coordination with a dentist's  
11 treatment plan;

12 (3) removal of deposits and stains from the surfaces of  
13 the teeth;

14 (4) prescribe, administer, and dispense fluoride,  
15 fluoride varnish, antimicrobial solutions, or resorbable  
16 antimicrobial agents;

17 (5) apply sealants;

18 (6) polishing and smoothing restorations;

19 (7) removal of marginal overhangs;

20 (8) performance of preliminary charting;

21 (9) taking of radiographs; and

22 (10) performance of scaling and root planing.

23 (j) A collaborating dentist must be licensed under this Act  
24 and may enter into a collaborative agreement with no more than  
25 2 dental hygienists unless otherwise authorized by the Board.  
26 The Board shall develop parameters and a process for obtaining

1 authorization to collaborate with more than 2 dental  
2 hygienists. The collaborative agreement must include:

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

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

11 (3) copies of consent to treatment form provided to the  
12 patient by the dental hygienist;

13 (4) specific protocols for the placement of pit and  
14 fissure sealants and requirements for follow-up care to  
15 assure the efficacy of the sealants after application; and

16 (5) a procedure for creating and maintaining dental  
17 records for the patients that are treated by the dental  
18 hygienist; this procedure must specify where these records  
19 are to be located.

20 (k) The collaborative agreement must be (i) signed and  
21 maintained by the dentist, the dental hygienist, and the  
22 facility, program, or organization, (ii) reviewed annually by  
23 the collaborating dentist and dental hygienist, and (iii) made  
24 available to the Board upon request.

25 (l) Before performing any services authorized under this  
26 subsection, a dental hygienist must provide the patient with a

1 consent to treatment form that must include a statement  
2 advising the patient that the dental hygiene services provided  
3 are not a substitute for a dental examination by a licensed  
4 dentist. If the dental hygienist makes any referrals to the  
5 patient for further dental procedures, the dental hygienist  
6 must fill out a referral form and provide a copy of the form to  
7 the collaborating dentist.

8 (m) The dental hygienist working under a collaborative  
9 agreement and the collaborating dentist must agree to maintain  
10 communication and consultation with each other.

11 (n) The dental hygienist working under a collaborative  
12 agreement must provide the collaborating dentist opportunities  
13 to review patient records as requested.

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

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.