



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4441

by Rep. William Davis

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 by a nonprofit organization or in a public health setting. Provides that a dental hygienist under remote supervision with a collaborative agreement with a licensed dentist shall provide a dental hygiene examination and screenings and determine which services are necessary to be performed with a referral to a dentist for a dental examination within 12 months. 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 courses in infection control and medical emergencies, and (iv) maintains current CPR certification. Provides that a licensed dentist may not have a collaborative agreement with more than 4 dental hygienists, 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. Makes other changes. Effective immediately.

LRB098 17739 ZMM 52859 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7 (Section scheduled to be repealed on January 1, 2016)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 or collaborative dentist has obtained a
22 relevant medical and dental history and on whom the dentist or
23 collaborative dentist has performed an examination or a
24 collaborative dental hygienist has performed a dental hygiene
25 examination and screenings and evaluated the condition to be
26 treated.

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 "Remote supervision" means supervision of a dental
10 hygienist with a collaborative agreement requiring that the
11 registered dental hygienist provide a dental hygiene
12 examination and screenings with an appropriate treatment plan
13 developed and implemented in accordance with supervision
14 provided by a licensed dentist with a written collaborative
15 agreement. Supervision may take place through verbal, written,
16 visual, electronic, or in-person communication, or a
17 combination of those modes of communication, that authorizes
18 the procedures that are being carried out by a notation in the
19 patient's record, but not requiring that a dentist be
20 physically present when the dental hygiene examination and
21 screenings or authorized procedures are being performed, and
22 that a referral to a licensed dentist for a comprehensive
23 dental examination will be made to take place within 12 months.

24 "Collaborative agreement" means a written agreement
25 between a licensed dental hygienist and a collaborating
26 licensed dentist.

1 "Public health setting" means a hospital; nursing home;
2 home health agency; group home serving the elderly, the
3 disabled, or juveniles; State-operated facility licensed by
4 the Secretary of Human Services or the Director of Corrections;
5 federal, State, or local public health facility; community
6 clinic; school-based program; school authority; Head Start;
7 Maternal and Child Health Women, Infants, and Children (WIC)
8 program; or a program operated by a non-profit organization
9 that services individuals who are uninsured or who are Illinois
10 health care public program recipients.

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

12 (225 ILCS 25/18) (from Ch. 111, par. 2318)

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

14 Sec. 18. Acts constituting the practice of dental hygiene;
15 limitations.

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

19 (i) the operative procedure of dental hygiene,
20 consisting of oral prophylactic procedures;

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

23 (iii) the application to the surfaces of the teeth
24 or gums of chemical compounds designed to be
25 desensitizing agents or effective agents in the

1 prevention of dental caries or periodontal disease;

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

8 (v) administration and monitoring of nitrous oxide
9 upon successful completion of a training program
10 approved by the Department;

11 (vi) administration of local anesthetics upon
12 successful completion of a training program approved
13 by the Department; and

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

16 (b) A dental hygienist may be employed or retained ~~engaged~~
17 ~~only~~:

18 (1) by a dentist;

19 (2) by a federal, State, county, or municipal agency or
20 institution;

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

22 (4) by a nonprofit organization ~~public clinic~~
23 ~~operating under the direction of a hospital or federal,~~
24 ~~State, county, municipal, or other public agency or~~
25 ~~institution; or~~

26 (5) in a public health setting.

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

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

1 hygienist immediately prior to beginning the procedures to
2 ensure that the patient's health has not changed in any manner
3 to warrant a reexamination by the dentist.

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

1 hygienist immediately prior to beginning the procedures to
2 ensure that the patient's health has not changed in any manner
3 to warrant a reexamination by the dentist.

4 The dental hygienist under remote supervision with a
5 collaborative agreement with a licensed dentist shall provide a
6 dental hygiene examination and screenings and determine which
7 services are necessary to be performed with a referral to a
8 dentist within 12 months.

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

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

15 (h) Notwithstanding subsections (c), (d), (e), or (f) of
16 Section 18, a dental hygienist licensed under this Act may be
17 employed or retained by a health care facility, program, or
18 nonprofit organization to perform dental hygiene services
19 described under subsection (i) of this Section without the
20 patient first being examined by a licensed dentist if the
21 dental hygienist:

22 (1) has been engaged in the active practice of clinical
23 dental hygiene for not less than 2,400 hours in the past 18
24 months or a career total of 3,000 hours, including a
25 minimum of 200 hours of clinical practice in 2 of the past
26 3 years;

1 (2) has entered into a collaborative agreement with a
2 licensed dentist that designates authorization for the
3 services provided by the dental hygienist and that
4 continues without interruption, provided that the patient
5 is referred to and seen for an annual dental examination by
6 a licensed dentist;

7 (3) has documented participation in courses in
8 infection control and medical emergencies within each
9 continuing education cycle; and

10 (4) maintains current CPR certification from a Basic
11 Life Support (BLS) certification training intended for
12 health care providers at the time of renewal. Basic Life
13 Support certification training taken as a requirement
14 pursuant to this Section shall count for no more than 4
15 hours during each licensure period toward the continuing
16 education hours.

17 (i) The dental hygiene services authorized to be performed
18 by a dental hygienist under this Section are limited to:

19 (1) screenings, dental hygiene examinations, and
20 assessing oral health conditions;

21 (2) preliminary charting of the oral cavity and
22 surrounding structures to include case histories, perform
23 initial and periodic examinations and assessments to
24 determine periodontal status, and formulate a dental
25 hygiene treatment plan in coordination with a dentist's
26 treatment plan;

1 (3) removal of deposits and stains from the surfaces of
2 the teeth;

3 (4) prescribing, administering, and dispensing only
4 fluoride, fluoride varnish, antimicrobial solutions, or
5 resorbable antimicrobial agents;

6 (5) administering and dispensing home-use oral hygiene
7 aids;

8 (6) applying sealants;

9 (7) polishing and smoothing restorations;

10 (8) removal of marginal overhangs;

11 (9) performance of preliminary charting;

12 (10) taking of radiographs;

13 (11) performance of scaling and root planing; and

14 (12) administering local anesthesia.

15 (j) A collaborating dentist must be licensed under this Act
16 and may enter into a collaborative agreement with no more than
17 4 dental hygienists, unless otherwise authorized by the Board.
18 The Board shall develop parameters and a process for obtaining
19 authorization to collaborate with more than 4 dental
20 hygienists. The collaborative agreement must include:

21 (1) consideration for medically compromised patients
22 and medical conditions for which a dental evaluation and
23 treatment plan must occur prior to the provision of dental
24 hygiene services;

25 (2) age-specific and procedure-specific standard
26 collaborative practice protocols, including recommended

1 intervals for the performance of dental hygiene services
2 and a period of time that an examination by a dentist
3 should occur;

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

6 (4) specific protocols for the placement of pit and
7 fissure sealants and requirements for follow-up care to
8 ensure the efficacy of the sealants after application; and

9 (5) a procedure for creating and maintaining dental
10 records for the patients that are treated by the dental
11 hygienist; this procedure must specify where these records
12 are to be located.

13 (k) The collaborative agreement must be (i) signed and
14 maintained by the dentist, the dental hygienist, and the
15 facility, program, or organization, (ii) reviewed annually by
16 the collaborating dentist and dental hygienist, and (iii) made
17 available to the Board upon request.

18 (l) Before performing any services authorized under this
19 Section, a dental hygienist must provide the patient with a
20 consent to treatment form that must include a statement
21 advising the patient that the dental hygiene services provided
22 are not a substitute for a dental examination by a licensed
23 dentist. If the dental hygienist makes any referrals to the
24 patient for further dental procedures, the dental hygienist
25 must fill out a referral form and provide a copy of the form to
26 the collaborating dentist.

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

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

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.