



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 2849

2 AMENDMENT NO. _____. Amend Senate Bill 2849 by replacing
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on January 1, 2016)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

1 Professional Regulation.

2 "Secretary" means the Secretary of Financial and
3 Professional Regulation.

4 "Board" means the Board of Dentistry.

5 "Dentist" means a person who has received a general license
6 pursuant to paragraph (a) of Section 11 of this Act and who may
7 perform any intraoral and extraoral procedure required in the
8 practice of dentistry and to whom is reserved the
9 responsibilities specified in Section 17.

10 "Dental hygienist" means a person who holds a license under
11 this Act to perform dental services as authorized by Section
12 18.

13 "Dental assistant" means an appropriately trained person
14 who, under the supervision of a dentist, provides dental
15 services as authorized by Section 17.

16 "Dental laboratory" means a person, firm or corporation
17 which:

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

23 (ii) utilizes or employs a dental technician to provide
24 such services; and

25 (iii) performs such functions only for a dentist or
26 dentists.

1 "Supervision" means supervision of a dental hygienist or a
2 dental assistant requiring that a dentist authorize the
3 procedure, remain in the dental facility while the procedure is
4 performed, and approve the work performed by the dental
5 hygienist or dental assistant before dismissal of the patient,
6 but does not mean that the dentist must be present at all times
7 in the treatment room.

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

18 "Public member" means a person who is not a health
19 professional. For purposes of board membership, any person with
20 a significant financial interest in a health service or
21 profession is not a public member.

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

26 "Branches of dentistry" means the various specialties of

1 dentistry which, for purposes of this Act, shall be limited to
2 the following: endodontics, oral and maxillofacial surgery,
3 orthodontics and dentofacial orthopedics, pediatric dentistry,
4 periodontics, prosthodontics, and oral and maxillofacial
5 radiology.

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

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

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

23 "Nurse" means a registered professional nurse, a certified
24 registered nurse anesthetist licensed as an advanced practice
25 nurse, or a licensed practical nurse licensed under the Nurse
26 Practice Act.

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

5 "Dental emergency responder" means a dentist or dental
6 hygienist who is appropriately certified in emergency medical
7 response, as defined by the Department of Public Health.

8 "Community dental health coordinator" or "CDHC" means a
9 person trained as a member of the dental team to help navigate
10 the oral health care system by providing community based
11 advocacy for oral health, including, but not limited to,
12 motivational counseling, patient assessment, and nutritional
13 literacy.

14 "Mobile dental van or portable dental unit" means any
15 self-contained or portable dental unit in which dentistry is
16 practiced that can be moved, towed, or transported from one
17 location to another in order to establish a location where
18 dental services can be provided.

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

20 (225 ILCS 25/17) (from Ch. 111, par. 2317)

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

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

24 (1) Who represents himself or herself as being able to
25 diagnose or diagnoses, treats, prescribes, or operates for

1 any disease, pain, deformity, deficiency, injury, or
2 physical condition of the human tooth, teeth, alveolar
3 process, gums or jaw; or

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

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

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

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

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

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

19 (8) Who takes impressions of the human tooth, teeth, or
20 jaws or performs any phase of any operation incident to the
21 replacement of a part of a tooth, a tooth, teeth or
22 associated tissues by means of a filling, crown, a bridge,
23 a denture or other 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 user
2 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 impressions of human teeth or places his
7 or her hands in the mouth of any person for the purpose of
8 applying teeth whitening materials, or who takes
9 impressions of human teeth or places his or her hands in
10 the mouth of any person for the purpose of assisting in the
11 application of teeth whitening materials. A person does not
12 practice dentistry when he or she discloses to the consumer
13 that he or she is not licensed as a dentist under this Act
14 and (i) discusses the use of teeth whitening materials with
15 a consumer purchasing these materials; (ii) provides
16 instruction on the use of teeth whitening materials with a
17 consumer purchasing these materials; or (iii) provides
18 appropriate equipment on-site to the consumer for the
19 consumer to self-apply teeth whitening materials.

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 or she undertakes to reproduce or reproduces lost
5 parts of the human teeth in the mouth or to restore or
6 replace 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, except for
22 the placing, carving, and finishing of amalgam
23 restorations by dental assistants who have had
24 additional formal education and certification as
25 determined by the Department. A dentist utilizing
26 dental assistants shall not supervise more than 4

1 dental assistants at any one time for placing, carving,
2 and finishing of amalgam restorations.

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

5 (4) Administration of anesthetics, except for
6 monitoring of nitrous oxide, conscious sedation, deep
7 sedation, and general anesthetic as provided in
8 Section 8.1 of this Act, that may be performed only
9 after successful completion of a training program
10 approved by the Department. A dentist utilizing dental
11 assistants shall not supervise more than 4 dental
12 assistants at any one time for the monitoring of
13 nitrous oxide.

14 (5) Removal of calculus from human teeth.

15 (6) Taking of impressions for the fabrication of
16 prosthetic appliances, crowns, bridges, inlays,
17 onlays, or other restorative or replacement dentistry.

18 (7) The operative procedure of dental hygiene
19 consisting of oral prophylactic procedures, except for
20 coronal polishing and pit and fissure sealants, which
21 may be performed by a dental assistant who has
22 successfully completed a training program approved by
23 the Department. Dental assistants may perform coronal
24 polishing under the following circumstances: (i) the
25 coronal polishing shall be limited to polishing the
26 clinical crown of the tooth and existing restorations,

1 supragingivally; (ii) the dental assistant performing
2 the coronal polishing shall be limited to the use of
3 rotary instruments using a rubber cup or brush
4 polishing method (air polishing is not permitted); and
5 (iii) the supervising dentist shall not supervise more
6 than 4 dental assistants at any one time for the task
7 of coronal polishing or pit and fissure sealants.

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

13 (g-5) A community dental health coordinator working
14 under the supervision of a dentist may perform functions
15 for which the community dental health coordinator meets
16 training and educational standards and that are not
17 expressly prohibited by statute or rules adopted by the
18 Department.

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

20 (i) has applied in writing to the Department, in
21 form and substance satisfactory to the Department, for
22 a general dental license and has complied with all
23 provisions of Section 9 of this Act, except for the
24 passage of the examination specified in subsection
25 (e)~~7~~ of Section 9~~7~~ of this Act; or

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

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

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

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

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

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

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

24 The authority to practice shall terminate immediately
25 upon:

26 (1) the decision of the Department that the

1 applicant has failed the examination; or

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

3 (3) withdrawal of the application.

4 (Source: P.A. 97-526, eff. 1-1-12; 97-886, eff. 8-2-12;

5 97-1013, eff. 8-17-12; 98-147, eff. 1-1-14; 98-463, eff.

6 8-16-13; revised 11-14-13.)".