DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The Department of Financial and Professional Regulation is posting these proposed amendments in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

These proposed amendments were published in the April 8, 2016 Illinois Register. The 45 day comment period will end May 23, 2016.

Please submit written comments to Craig Cellini as stated in the attached notice.

 THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.

1) Heading of the Part: Illinois Dental Practice Act

2) Code Citation: 68 Ill. Adm. Code 1220

3) Section Numbers: Proposed Actions:
   1220.10 Amendment
   1220.120 Amendment
   1220.155 Amendment
   1220.240 Amendment
   1220.245 Amendment
   1220.403 New Section
   1220.440 Amendment


5) A Complete Description of the Subjects and Issues Involved: Public Act 98-665 allowed for dentists to administer influenza vaccinations to patients 18 years of age or older pursuant to a valid prescription or standing order by a licensed physician, provided they have completed the appropriate training; this proposed rulemaking implements those provisions with the addition of Section 1220.403. The proposed rule also clarifies that an applicant for a dental license must pass the restorative, periodontal, prosthodontic and endodontic portions of the examination. It also permits restricted faculty license holders (dentists licensed in other states
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or countries who do not qualify for a full license, but have been appointed to a dental school faculty) to obtain a controlled substances license.

The proposed amendments also add to the list of specific procedures that dental hygienists and dental assistants are prohibited from providing. They also change the examination dental hygienists and dental assistants must pass before they are permitted to place, carve and finish amalgam restorations and correct an error in a citation listed in the current rules.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this proposed rulemaking replace any emergency rulemakings currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this proposed rulemaking contain incorporations by reference? No

10) Are there any other proposed amendments pending on this Part? No

11) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813 Fax: 217/557-4451

All written comments received within 45 days after this issue of the Illinois Register will be considered.

13) Initial Regulatory Flexibility Analysis:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses providing dental services.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Dental skills are required for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: January 2016

The full text of the Proposed Amendments begins on the next page:
ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220
ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section
1220.10 Definitions
1220.100 Application for Licensure
1220.110 Application for Examination (Repealed)
1220.120 Dental Examinations
1220.130 System of Retaking the Clinical Sections of the Examination (Repealed)
1220.140 Minimum Standards for an Approved Program in Dentistry
1220.150 Licensure (Repealed)
1220.155 Restricted Faculty Licenses
1220.156 Temporary Training License
1220.160 Restoration
1220.170 Renewal

SUBPART B: DENTAL HYGIENIST

Section
1220.200 Application for Licensure
1220.210 Application for Examination (Repealed)
1220.220 Dental Hygiene Examination
1220.230 System of Grading (Repealed)
1220.231 System of Retaking the Clinical Examination (Repealed)
1220.240 Prescribed Duties for Dental Hygienists
1220.245 Prescribed Duties of Dental Assistants
1220.250 Approved Programs of Dental Hygiene
1220.260 Restoration
1220.270 Renewal

SUBPART C: DENTAL SPECIALIST

Section
1220.310 Applications
### NOTICE OF PROPOSED AMENDMENTS

1220.320 Examination (Repealed)
1220.330 System of Grading (Repealed)
1220.335 American Board Diplomates (Repealed)
1220.340 Specialty Listing (Repealed)
1220.350 Restoration
1220.360 Renewal

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1220.APPENDIX A Pre-clinical Restorative Dentistry Sub-section (Repealed)
1220.APPENDIX B Dental Assistant Permitted Procedures (Repealed)


SUBPART A: DENTIST

Section 1220.10 Definitions

"AAOMS" means the American Association of Oral and Maxillofacial Surgeons.

"ACLS" means Advanced Cardiac Life Support.
"Act" means the Illinois Dental Practice Act [225 ILCS 25].

“AMP Exam” means the national Anatomy, Morphology, and Physiology exam administered by DANB.

"BLS" means current basic life support certification intended for healthcare providers that includes evaluation of hands-on skills and a written exam.

"Board" means the Board of Dentistry authorized by Section 6 of the Act.

"CITA" means the Counsel of Interstate Testing Agencies, Inc.

"CODA" means Commission on Dental Accreditation of the American Dental Association.

"CRDTS" means the Central Regional Dental Testing Service.

"DANB" means Dental Assisting National Board, Inc.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary.

“IS Exam” means the national exam on oral cavity isolation techniques administered by DANB.

"JCNDE" or "Joint Commission" means the Joint Commission on National Dental Examinations.

"LLC" means limited liability company, as defined in Section 1-5 of the Limited Liability Company Act [805 ILCS 180].

"NERB" means the North East Regional Board.

"PALS" means Pediatric Advanced Life Support.
“RF Exam” means the national Restorative Functions exam administered by DANB.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"SRTA" means the Southern Regional Testing Agency, Inc.

"WARE" means the Washington Restorative Exam.

"WREB" means the Western Regional Examining Board.

(Source: Amended at 40 Ill. Reg. ____________, effective ________________)

Section 1220.120 Dental Examinations

a) The Division shall accept the following examinations for licensure if administered and passed in their entirety, and which shall include passage of the restorative, periodontal, prosthodontic and endodontic portions of the examination:

1) NERB Examination, with a passing score established by the testing entity;

2) CRDTS Examination, with a passing score established by the testing entity;

3) SRTA Examination, with a passing score established by the testing entity;

4) WREB Examination, with a passing score established by the testing entity; or

5) CITA Examination, with a passing score established by the testing agency.

b) Retake requirements shall be that of the testing entity.

c) The applicant shall have the examination scores submitted to the Division directly from the reporting entity.

d) The Division will accept only examinations that have been completed in the 5
years prior to submission of the application, if never licensed in another jurisdiction.

(Source: Amended at 40 Ill. Reg. ____________, effective __________________)

Section 1220.155 Restricted Faculty Licenses

a) Pursuant to Section 11(d) of the Act, the Division shall issue a Restricted Faculty License to an individual who is currently licensed in another jurisdiction as a dentist and who files an application, on forms provided by the Division, that includes:

1) Certification of licensure from the jurisdiction of original licensure and current licensure;
   A) The time during which the applicant was licensed in that jurisdiction, including the date of the original license;
   B) Whether the files of the jurisdiction contain any record of disciplinary action taken or pending;

2) A certification, on forms provided by the Division, signed by the Dean of the school or hospital administrator, indicating:
   A) The name and address of the dental school or hospital;
   B) The beginning and ending date of the appointment;
   C) The nature of and the need for the educational service that will be provided by the applicant;

3) The required fee set forth in Section 1220.415(a)(7).

b) The restricted faculty license shall be valid for 3 years from the date of issuance and may be renewed in accordance with subsection (e).

c) The holder of a restricted faculty license may perform acts as may be required by his or her teaching of dentistry and may practice general dentistry or in his/her area of specialty including ordering, prescribing and administering controlled substances, but only in a hospital clinic or office affiliated with the dental school.
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A restricted faculty license holder may apply for and obtain a controlled substances license.

d) Any restricted faculty license and controlled substances license issued to a faculty member shall be terminated immediately and automatically without any further action by the Division if the holder ceases to be a faculty member at an approved dental school or hospital in this State.

e) Renewal

1) Application for renewal of a restricted faculty license shall be made on forms supplied by the Division at least 30 days prior to expiration of the license. The application shall include:

   A) Certification from the Dean of a dental program or the administrator of the hospital indicating the term of the renewal contract, not to exceed 3 years from the date of the original expiration date;

   B) Certification from the jurisdiction of current licensure indicating the current status of the license; and

   C) The fee set forth in Section 1220.415(b).

2) Failure to renew a restricted faculty license at least 30 days prior to its expiration shall result in the license expiring. A new application must be submitted.

(Source: Amended at 40 Ill. Reg. ___________, effective ________________)

SUBPART B: DENTAL HYGIENIST

Section 1220.240 Prescribed Duties of Dental Hygienists

a) Dental hygienists may perform the operative procedure of dental hygiene, consisting of oral prophylaxis procedures.

b) Dental hygienists may perform dental health education functions and may record case histories and oral conditions observed.
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c) Dental hygienists may perform all procedures that may be performed by an appropriately trained dental assistant.

d) Dental hygienists shall not perform those procedures that constitute the practice of dentistry as described in the Act. Hygienists may not perform procedures that require the professional judgment and skill of a dentist. Such prohibited procedures include, but shall not be limited to, the following:

1) Making denture adjustments.

2) Placing and finishing composite restorations.

3) Taking final impressions for the fabrication of prosthetic appliances, crowns, bridges, inlays, onlays or other restorative or replacement dentistry.

4) Permanently cementing permanent crowns or bridges.

5) Permanently re-cementing permanent crowns or bridges that have come loose.

6) Inter-oral use of a high-speed hand piece.

7) Use of a laser to remove tissue.

8) Placement or removal of implant prosthetic components and prostheses, including but not limited to the placement or removal of healing abutements, implant supported provisionals, components used in final impression procedures and final prostheses which include abutement, crowns, fixed and fixed detachable prostheses and fixed detachable prostheses during recare appointments.

e) Dental hygienists may administer and monitor nitrous oxide under the following conditions:

1) The dental hygienist functions under the supervision of the dentist who must remain in the facility;

2) The dental hygienist may administer (start the flow of) nitrous oxide to the patient and control the induction of the gas, so that the patient is at a level
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of analgesia not anesthesia;

3) The dental hygienist may remove the patient from nitrous oxide when the hygiene procedures have been completed;

4) Proof of Completion

A) The dental hygienist is responsible for obtaining proof of certification, validating completion of a 12 hour course relative to nitrous oxide analgesia and submitting certification to the dentist of valid completion of the required course. The course shall have been completed no earlier than December 31, 1994.

B) A dental hygienist who completed the 12 hour course shall complete an additional 2 hour course in nitrous oxide analgesia administration. The course shall be completed by September 30, 2011. A dental hygienist who has not completed the 12 hour course shall complete an approved course of 14 hours relative to the administration and monitoring of nitrous oxide analgesia and submit certification of successful completion to the dentist. The course shall have been completed no earlier than January 1, 1998.

C) An individual who graduated from an approved dental hygiene program after January 1, 1998 that contained nitrous oxide analgesia administration and monitoring in the curriculum shall not be required to complete the 14 hour course upon proof to the dentist of the required curriculum.

D) A dental hygienist who has not completed the 12 or 14 hour course shall complete an approved 6 hour course relative to the administration and monitoring of nitrous oxide analgesia and submit certification of successful completion to the dentist.

E) Proof of nitrous oxide analgesia education shall be made available to the Division upon request. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the Division pursuant to Section 1220.250;
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5) The dental hygienist must maintain BLS certification or its equivalent, which will be in addition to the required courses. Certification or its equivalent shall be completed by September 30, 2011.

f) Dental hygienists may assist in the provision of moderate sedation (conscious sedation), deep sedation, and general anesthesia, as defined in Section 1220.500, under the following conditions:

1) The dental hygienist functions under the supervision of the dentist who must remain in the facility. When the hygienist is the treatment provider while the patient is under moderate sedation (conscious sedation), deep sedation, or general anesthesia, the anesthesia permit holder must remain in the treatment room;

2) The dental hygienist is responsible for obtaining proof of certification validating completion of a course or courses totaling 12 hours or more, including 6 hours of didactic education and 6 hours of clinical training. The didactic education may be completed online, and online instruction may be used to guide the hands-on clinical training.

   A) The didactic course work shall include the areas of anatomy, physiology, pharmacology, monitoring, including nitrous oxide monitoring, and emergency procedures with an emphasis on airway management.

   B) The clinical components may be conducted by the CE sponsor approved pursuant to Section 1220.440, a dental hygiene program approved by the Division pursuant to Section 1220.250 or a licensed dentist having a permit A or B who employs the dental hygienist.

   i) The courses described in this subsection (f)(2)(B) must be approved by the Division prior to initial offering. Dental hygienists who completed a 12 hour course that met course requirements in place for monitoring sedation prior to adoption of the current rules will not be required to recertify. Proof shall be provided to the Division upon request.
ii) If the clinical training is delivered by the supervising dentist, that dentist must attest, in writing, to the CE sponsor that the training has been completed. This attestation must be received by the CE sponsor in order for the sponsor to issue a certification of course completion. The supervising dentist must attest that the dental hygienist has been thoroughly trained and has demonstrated in-office proficiency in the skills required by this subsection (f)(2)(B)(ii). The dentist's attestation, signed by both the dentist and the dental hygienist, shall be maintained by the dentist. The copy sent to the CE sponsor shall be maintained by that sponsor as part of the official course record.

iii) The clinical component must include practical training on airway management. Other skills that must be demonstrated include manual blood pressure and pulse determination, operation of supplemental oxygen equipment, monitoring operations, including EKG, pulse oximeter and capnograph, and completion of the anesthesia record.

3) If the dental hygienist has complied with the provisions set forth in subsection (e)(4), the dental hygienist may complete an additional course or courses totaling 6 hours or more on advanced airway management and monitoring equipment in lieu of the 12 hour course required by subsection (f)(2). The course must comply with the elements set forth in subsection (f)(2), other than coursework related only to administration and monitoring of nitrous oxide. The courses described in this subsection (f)(3) must be approved by the Division prior to their initial offering. Proof of course completion shall be made available to the Division upon request;

4) The dental hygienist must maintain BLS certification or its equivalent, which will be in addition to the required courses.

g) Dental hygienists may administer local anesthetics under the following conditions:

1) The dental hygienist functions under the supervision of the dentist who
remains in the facility.

2) The dental hygienist is responsible for obtaining proof of certification, indicating successful completion of a 32 hour course that contains 24 hours of lecture and 8 hours of clinical training relative to the administration of local anesthetics and submitting certification to the dentist. An individual who graduated from an approved dental hygiene program after January 1, 1999 that contained administration of local anesthetics in the curriculum shall not be required to complete the 32 hour course upon proof to the dentist of the required curriculum. Proof of completion of education shall be made available to the Division upon request. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental or a dental hygiene program approved by the Division pursuant to Section 1220.250. The course shall contain at a minimum the following topics:

A) Patient preevaluation, which includes dental and medical health history (e.g., drug interactions/anxiety/pain and a physical evaluation);

B) Pharmacology (e.g., drugs/types, vasoconstrictors, dosages, toxicity);

C) Recordkeeping;

D) Anatomy/Neuroanatomy/Physiology;

E) Armamentarium;

F) Techniques that include adjunctive use of topical anesthetics, mandibular block and infiltration;

G) Complications;

H) Post-operative instructions; and

I) Clinical experience that includes combining techniques for quadrant anesthesia and practical use of different techniques in all areas of oral cavity.
3) A dental hygienist who was licensed in another state and was authorized to administer local anesthesia in that jurisdiction will not be required to complete an additional course. Proof shall be submitted to the dentist and shall be made available to the Division upon request.

h) Dental hygienists may place, carve and finish amalgam restorations under the following conditions:

1) The dental hygienist functions under the direct supervision of a dentist who remains in the facility and examines the work done by the hygienist prior to the dismissal of the patient.

2) The dental hygienist is responsible for obtaining proof of certification, indicating successful completion of a 40 hour course, pre-approved by the Board, that contains lecture, laboratory and manikin training relative to the placing, carving and finishing of amalgam restorations and submitting certification to the dentist. Proof of completion of education shall be made available to the Division upon request. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved by the Division and taught in an institution that is CODA approved, such as a dental school, hygiene program or assistant program. The course shall contain, at a minimum, the following preclinical, didactic and clinical instruction:

   A) nomenclature;
   B) caries classification;
   C) oral anatomy;
   D) dental morphology;
   E) periodontium;
   F) histology;
   G) basic occlusion;
   H) ergonomics;
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I) instrumentation;
J) pulp protection liners and bases;
K) dental materials;
L) the medical history conditions and their implication for dental treatment and office emergencies;
M) matrix and wedge techniques;
N) amalgam placement and carving;
O) polishing amalgams;
P) rubber dam clamp placement;
Q) rubber dam placement and removal;
R) amalgam class I, II, IV and V. Class II cannot involve cusp replacement or pins.

3) Pass a pre-examination on basic dental procedures and techniques, as well as the basic fundamentals of dentistry.

4) Pass a written and clinical exam that is psychometrically sound, such as the DANB's AMP Exam, IS Exam, and RF Exams or equivalent exams administered by DANB or DANB’s successor organization, or pass another written and clinical exam that is psychometrically sound and approved by the Board to receive certification.

5) A supervising dentist must attend a required orientation class with the applicant and sign an agreement that he or she will follow the required guidelines regarding supervision and clinical application of specific techniques being taught.

i) The licensed dentist need not be present in the facility for a dental hygienist to perform the procedures set forth in this Section (except for the administration and monitoring of nitrous oxide, minimal sedation, assisting in the provision of
moderate sedation (conscious sedation), deep sedation, and general anesthesia, as defined in Section 1220.500, and the administration of injectable local anesthetics, which must be done under the direct supervision of a dentist as outlined in subsection (e)(1)) on persons who reside in a long-term care facility licensed by the State of Illinois or a mental health or developmental disability facility operated by the Department of Human Services hospital or other similar institution and are unable to travel to a dental office because of illness or infirmity. The dentist shall personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in a written order to the hygienist. The order must be implemented within 90 days after its issuance and an updated medical history and oral inspection must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a re-examination by the dentist.

j) All intraoral procedures performed by a dental hygienist, except those provided for in subsections (b), (h) and (i), must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 40 Ill. Reg. ____________, effective ________________)

Section 1220.245 Prescribed Duties of Dental Assistants

a) "Dental Assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services or procedures as authorized by Section 17 of the Act or as prescribed by this Part. "Appropriately trained" means a person who:

1) Has completed formal training as a condition for administering a specific service or procedure as required by the Act or this Part; and

2) Is considered, for all other authorized or prescribed services or procedures, by the supervising dentist to be competent to render such service or procedure as a result of on-the-job training.

b) Provided that a dental assistant is appropriately trained pursuant to this Section and is acting under the supervision and full responsibility of a dentist, a dental assistant may perform any dental service or procedure except the following:

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

2) Removal of, restoration of, or addition to the hard or soft tissues of the oral cavity. For purposes of this Section, coronal polishing and acid etching of a tooth surface are not considered removal of hard or soft tissues.

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

4) Administration of anesthetics, except for monitoring of nitrous oxide, conscious sedation, deep sedation and general anesthetic, as provided in Section 8.1 of the Act.

5) Removal of calculus from teeth.

6) Taking of final impressions for the fabricating of prosthetic appliances, crowns, bridges, inlays, onlays, or other restorative or replacement dentistry.

7) The operative procedure of dental hygiene consisting of oral prophylactic procedures except for coronal polishing as specified in this Section.

8) Making denture adjustments.

9) Placing and finishing composite restorations.

10) Permanently cementing permanent crowns or bridges.

11) Permanently re-cementing permanent crowns or bridges that have come loose.

12) Placement of any chemotherapeutic agent for the management of periodontal disease.

13) Applying cavity bases.

14) Cementing bands and/or bonding brackets.

15) Performing supragingival or subgingival scaling.
16) Performing pulp vitality tests.

17) Inter-oral use of a high-speed hand piece.

18) Use of a laser to remove tissue.

19) Placement or removal of implant prosthetic components and prostheses, including but not limited to the placement or removal of healing abutements, implant supported provisionals, components used in final impression procedures and final prostheses which include abutement, crowns, fixed and fixed detachable prostheses and fixed detachable prostheses during recare appointments.

c) A dental assistant, who is at least 18 years of age and has 1000 hours of clinical dental assisting experience or has graduated from a dental assistant program accredited by the CODA or is a currently certified dental assistant as designated by DANB may perform the following services and procedures, but only under the following terms and conditions:

1) Monitoring nitrous oxide, provided:

   A) The dental assistant has completed an approved course of 12 hours relative to nitrous oxide analgesia and has submitted certification to the dentist of valid completion of the course. The course shall have been completed no earlier than January 1, 1998 nor later than June 1, 2014.

   i) A dental assistant who has not completed the 12 hour course shall complete an approved course or courses totaling 6 hours or more relative to monitoring nitrous oxide analgesia and submit certification of successful completion to the dentist.

   ii) Proof shall be made available to the Division upon request.

   iii) The required hours shall include both didactic and clinical components and have been designed by an educational institution such as a dental school, dental hygiene or dental assistant program or by an approved CE sponsor. The
course shall include areas of anatomy, physiology, monitoring, pharmacology and emergency procedures with an emphasis on airway management. Courses being offered by approved CE sponsors, as provided for in Section 1220.440(b)(2)(N) must be preapproved by the Division prior to their initial offering and must meet the requirements set forth in this subsection (c)(1);

B) The dental assistant is functioning under the supervision of the dentist who must remain in the facility;

C) Only a dentist or dental hygienist qualified pursuant to Section 1220.240(e) shall administer (start the flow of) nitrous oxide to the patient and control the induction of the gas so that the patient is at a level of analgesia, not anesthesia;

D) Only a dentist or dental hygienist qualified pursuant to Section 1220.240(e) shall remove the patient from nitrous oxide when the dentist or dental hygienist has completed the procedures on the patient;

E) If the dental assistant has completed a monitoring course or courses totaling 12 hours or more provided by AAOMS or a similar course preapproved by the Division, the dental assistant need not complete the course hours required in subsection (c)(1)(A). The course shall have been completed no earlier than December 31, 2002. Proof shall be made available to the Division upon request;

F) The dental assistant maintains BLS certification or its equivalent, which will be in addition to the required courses.

2) Monitoring minimal sedation, moderate sedation (conscious sedation), deep sedation, or general anesthesia, as defined in Section 1220.500, provided:

A) The dental assistant is responsible for obtaining proof of certification validating completion of a course or courses totaling 12 hours or more, including 6 hours of didactic education and 6 hours of clinical training.
The didactic education may be completed online, and online instruction may be used to guide the hands-on clinical training. The didactic course work shall include the areas of anatomy, physiology, pharmacology, monitoring, including nitrous oxide monitoring, and emergency procedures with an emphasis on airway management.

The clinical components may be conducted by the CE sponsor approved pursuant to Section 1220.440, a dental hygiene program approved by the Division pursuant to Section 1220.250 or a licensed dentist having a permit A or B who employs the dental assistant.

- The courses described in this subsection (c)(2)(A) must be approved by the Division prior to initial offering. Dental assistants who completed a 12 hour course that met course requirements in place for monitoring sedation prior to adoption of the current rules will not be required to recertify. Proof shall be provided to the Division upon request.

- If the clinical training is delivered by the supervising dentist, that dentist must attest, in writing, to the CE sponsor that the training has been completed. This attestation must be received by the CE sponsor in order for the sponsor to issue a certification of course completion. The supervising dentist must attest that the dental assistant has been thoroughly trained and has demonstrated in-office proficiency in the skills required by this subsection (c)(2)(A)(ii). The dentist's attestation, signed by both the dentist and the dental assistant, shall be maintained by the dentist. The copy sent to the CE sponsor shall be maintained by the sponsor as part of the official course record.

- The clinical component must include practical training on airway management. Other skills that must be demonstrated include manual blood
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pressure and pulse determination, operation of supplemental oxygen equipment, monitoring operations, including EKG, pulse oximeter and capnograph, and completion of the anesthesia record.

B) If the dental assistant has complied with the provisions set forth in subsection (c)(1)(A), the dental assistant shall complete an additional 6 hour course on advanced airway management and monitoring equipment in lieu of the 12 hour course required in subsection (c)(2)(A). The courses must comply with the elements set forth in subsection (c)(2)(A) other than coursework related only to monitoring of nitrous oxide. The courses described in this subsection (c)(2)(B) must be approved by the Division prior to their initial offering. Proof shall be made available to the Division upon request.

C) If the dental assistant has completed a monitoring course or courses totaling 12 hours or more provided by AAOMS or a similar course or courses pre-approved by the Division, the dental assistant need not complete the course hours required in subsection (c)(2)(A). The course shall have been completed no earlier than December 31, 2002. Proof shall be made available to the Division upon request.

D) The dental assistant is functioning under the supervision of the dentist who must remain in the facility.

E) The dental assistant maintains BLS certification or its equivalent, which will be in addition to the required courses.

3) Coronal polishing, provided:

A) The dental assistant has completed an approved course of 6 hours relative to coronal polishing and has submitted certification of successful completion to the dentist. The course shall have been completed no earlier than January 1, 1998. Proof shall be made available to the Division upon request. The required hours shall include a minimum of 4 hours of didactic study in areas of anatomy, physiology, pharmacology and dental emergencies and 2 hours of clinical instruction and have been provided by an
 educational institution such as a dental school, dental hygiene or dental assistant program or by an approved CE sponsor. Courses being offered by CE sponsors approved pursuant to Section 1220.440(b)(2)(N) must be pre-approved by the Division prior to their initial offering and must meet the requirements set forth in this subsection (c)(3). The assistant must pass an examination in the didactic portion of the course and the clinical portion must contain experience on human subjects;

B) Coronal polishing is limited to polishing the clinical crown of the tooth and existing restoration, supragingivally;

C) Coronal polishing is limited to the use of slow speed rotary instruments using a rubber cup and/or brush polishing method. The use of air polish by dental assistants is not permitted; and

D) A dentist shall be limited to supervising 4 dental assistants at any one time for the task of coronal polishing.

4) Pit and fissure sealant application, provided:

A) The dental assistant has completed a course of at least 2 hours of didactic study and 2 hours of clinical instruction;

B) Prior to being permitted to place sealants in accord with this Section, the supervising dentist has personally observed the dental assistant successfully placing 6 pit and fissure sealants;

C) The supervising dentist documents that the training has been completed; and

D) The supervising dentist is responsible for examining the patient prior to and following the placement of sealants by a dental assistant.

5) Placing, carving and finishing amalgam restorations, provided:

A) The dental assistant functions under the direct supervision of the dentist who remains in the facility and examines the work done by the assistant prior to the dismissal of the patient.
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B) The dental assistant is at least 18 years of age and can show proof that he or she is a DANB Certified Dental Assistant or has been employed as a dental assistant with a minimum of 2 years continuous hands-on experience (4,000 hours).

C) The dental assistant is responsible for obtaining proof of certification, indicating successful completion of a 40 hour course that contains lecture, laboratory and manikin training relative to the placing, carving and finishing of amalgam restorations and submitting certification to the dentist. Proof of completion of education shall be made available to the Division upon request. The required hours shall include both didactic and clinical components and be given by a continuing education sponsor approved by the Division and taught in an institution that is CODA approved, such as a dental school, hygiene program or assistant program. The course shall contain, at a minimum, the following preclinical, didactic and clinical instruction:

i) nomenclature;

ii) caries classification;

iii) oral anatomy;

iv) dental morphology;

v) periodontium;

vi) histology;

vii) basic occlusion;

viii) ergonomics;

ix) instrumentation;

x) pulp protection liners and bases;

xi) dental materials;
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xii) the medical history and conditions and their implication for dental treatment and office emergencies;

xiii) matrix and wedge techniques;

xiv) amalgam placement and carving;

xv) polishing amalgams;

xvi) rubber dam clamp placement;

xvii) rubber dam placement and removal;

xviii) amalgam class I, II, IV and V. Class II cannot involve cusp replacement or pins.

D) All applicants must take and pass a pre-examination on basic dental procedures and techniques, as well as the basic fundamentals of dentistry.

E) All applicants must pass a written and clinical exam that is psychometrically sound, such as DANB’s AMP Exam, IS Exam, and RF ExamWARE or equivalent exams administered by DANB or DANB’s successor organization, or pass another written and clinical exam that is psychometrically sound and approved to receive certification as determined by the Board.

F) All applicants must maintain proof of BLS certification.

G) As a condition of acceptance into the program, a supervising dentist must attend a required orientation class with the applicant and sign an agreement that he or she will follow the required guidelines regarding supervision and clinical application of specific techniques being taught between scheduled classes.

d) An individual who graduated from an approved dental assisting program after January 1, 1999 that contained monitoring of nitrous oxide, coronal polishing, and sealant application in the curriculum shall not be required to complete an additional course or courses in these areas as prescribed in this Section upon proof
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to the dentist of having successfully completed the required curriculum.

e) All intraoral procedures performed by a dental assistant must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 40 Ill. Reg. ____________, effective ________________)

SUBPART D: GENERAL

Section 1220.403 Dentists Administering Flu Vaccines

A licensed dentist seeking to administer influenza (inactivated influenza vaccine and live attenuated influenza intranasal vaccine) shall be required to complete an additional training course and must comply with all provisions contained in this Section and Section 54.3 of the Act.

a) Vaccinations shall be limited to patients 18 years of age and older who consent to administration of the vaccine and pursuant to a valid prescription or standing order by a physician who, in the course of professional practice, administers vaccines to patients.

b) Those receiving immunizations shall be provided with the relevant vaccine information statements (VIS) that are required to be disseminated by the federal law, which may contain information on circumstances when a vaccine should not be administered, prior to administering a vaccine.

c) The course shall be given by continuing education providers approved pursuant to Section 1220.440(b)(2).

d) Any course must contain at a minimum four hours of training and include:

1) The recognition of contraindications as well as how to handle adverse reactions;

2) The appropriate methods of vaccine storage, handling and disposal of all used supplies or contaminated equipment; and

3) Proper administration and maintenance of written policies and procedures that are required by this Section.

e) Reporting Requirements
1) Any adverse events are required to be reported to the Vaccine Adverse Events Reporting System (VAERS) and to the primary care provider named by the patient.

2) Any dentist who administers the influenza vaccine shall enter all patient level data on the vaccines in the immunization data registry (I-Care) maintained by the Department of Public Health.

3) Within 30-days of its administration, the dentist must report to the patient’s primary care provider that the vaccine has been administered.

4) Additional information, including precautions and contraindications for vaccination, is available from CDC's Vaccines and Immunization online site or by telephone (800-CDC-INFO [800-232-4636]).

e) Patient records must include:

1) The date of administration and site of injection of the vaccine;

2) The name, dose, manufacturer, lot number and beyond use date of the vaccine;

3) The name and address of the patient’s primary health care provider named by the patient; and

4) A notation that the patient was presented with the appropriate vaccine information statement (VIS) prior to the administration of each vaccination.

5) Any adverse event that followed administration of vaccination.

f) Certification of completion of the required course on the administration of the influenza vaccines must be kept on file by the dentists for review by the Department upon request.

(Source: Added at 40 Ill. Reg. ____________, effective _______________)

Section 1220.440 Continuing Education
a) Continuing Education Hours Requirements

1) Each person who applies for renewal of a license as a dentist shall have completed 48 hours of continuing education (CE) relevant to the practice of dentistry during the prerenewal period.

2) Each person who applies for renewal of a license as a dental hygienist shall have completed 36 hours of CE relevant to the practice of dental hygiene during the prerenewal period.

3) A prerenewal period is the 36 months preceding September 30 of the year of the renewal.

4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of a dental or dental hygienist license.

5) Continuing education is not required to renew a dental specialty license. The holder of a dental specialty license is, however, required to complete 48 hours to renew the dental license.

6) Dentists or dental hygienist licensed in Illinois but residing in other states shall comply with the CE requirements set forth in this Section.

7) Continuing education credit for hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.

b) Approved Continuing Education/Continuing Education Sponsors

1) All CE courses shall be relevant to the treatment and care of patients and shall be:

   A) Clinical courses in dentistry and dental hygiene; or

   B) Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this definition include, but are not limited to, estate
planning, financial planning, investments and personal health.

2) CE credit may be earned for verifiable attendance at or participation in any courses that meet the requirements of subsection (b)(1) given by one of the following sponsors:

A) American Dental Association and National Dental Association, its constituent and component/branch associations and the American Dental Association Continuing Education Recognition Programs;

B) American Dental Hygienist's Association and National Dental Hygienist's Association, its constituent and component/branch associations;

C) Dental programs approved by the Division as meeting minimum standards for an approved curriculum in dentistry under Section 1220.140 and dental hygiene programs approved under Section 1220.250;

D) Organizations of specialties recognized by the American Dental Association and its constituent and component/branch associations, which are:
   i) Oral and maxillofacial surgery;
   ii) Endodontics;
   iii) Pediatric dentistry;
   iv) Prosthodontics;
   v) Orthodontics;
   vi) Periodontology;
   vii) Oral and maxillofacial radiology;

E) Academy of General Dentistry, its constituent and component/branch associations and approved sponsors;
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F) American Dental Society of Anesthesiology and its constituent and component/branch associations;

G) Community colleges with an approved dental hygiene program if offered under the auspices of the dental hygiene program;

H) A college or university accredited by an agency approved by the U.S. Office of Education or a community college approved by the Illinois Community College Board;

I) A hospital that has been accredited by the Joint Commission on Accreditation of Healthcare Organizations;

J) The American Heart Association and the American Cancer Society;

K) A medical school that is accredited by the American Medical Association's Liaison Committee for Medical Education;

L) American Medical Association (AMA), specialty medical associations/organizations, the Accreditation Council on Continuing Medical Education;

M) Federal and State government agencies (i.e., dental division, military dental division, Veterans' Administration, etc.);

N) A sponsor whose course is approved by the National Board for Certification in Dental Laboratory Technology; or

O) A person, firm or association approved by the Division in accordance with subsection (c).

3) CE credit may be earned for completion of an individual study course (correspondence, audio or video course) sponsored by an approved sponsor. The courses shall include a test that the licensee must pass to obtain credit. No more than 50% of the required CE credit hours during a prerenewal period may be acquired through correspondence courses.

4) CE credit may be earned from teleconferencing courses with a moderator present given by an Illinois approved sponsor.
5) CE credit may be earned from courses leading to an advanced degree or specialty in dental or dental hygiene. The courses shall be allotted CE credit at the rate of 15 CE hours for each semester hour and 10 CE hours for each quarter hour of school credit awarded.

6) CE credit may be earned as an instructor of continuing education courses given by approved sponsors. Credit will be applied for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). No more than 50% of the required CE credit hours during a prerenewal period may be acquired through teaching continuing education courses.

7) CE credit may be earned for presenting volunteer community oral health education programs. Credit will be applied for each hour of presentation documented by the program director. No more than 2 hours of the required CE credit hours during a prerenewal period may be acquired through presentation of volunteer community oral health education programs.

8) Continuing education hours required by a disciplinary order shall not be used to satisfy the continuing education requirements for license renewal.

9) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an Illinois approved sponsor, the applicant shall submit an individual program approval request form, along with a $20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (b)(1). Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.

c) Sponsor Application Pursuant to Subsection (b)(2)(O)(M)

1) Entities seeking approval as CE sponsors pursuant to subsection (b)(2)(O)(M) shall file an application, on forms supplied by the Division, along with the fee set forth in Section 1220.415(a)(9). The applicant shall certify on the application the following:
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A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (b)(1) and all other criteria in this Section;

B) That the sponsor will be responsible for providing a certificate of attendance and will maintain attendance records for at least 5 years. The certificate of attendance shall contain:

i) The name and address of the sponsor;

ii) The name, address and license number of the participant;

iii) A brief statement of the subject matter;

iv) The number of hours attended in each program;

v) An indication of whether the program fulfills CE requirements for dentist, dental hygienist or both;

vi) The date and place of the program; and

vii) The signature of the sponsor;

C) That, upon request by the Division, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Division has reason to believe that there is not full compliance with this Part and that the information is necessary to ensure compliance.

2) To maintain approval as a sponsor, each sponsor shall submit to the Division by September 30 of each even-numbered year a renewal application, the fee set forth in Section 1220.415(b)(5) and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.

3) The sponsor shall be responsible for ensuring that any dentist or dental hygienist who will be performing some type of procedure as a part of a continuing education course shall have a current license in Illinois or
Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, to full compliance with the CE requirements set forth in subsection (a).

2) The Division may require additional evidence (e.g., certificate of attendance, transcripts and proof of registration) demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of the compliance. The evidence shall be retained for at least 5 years following the renewal period in which the CE was taken.

3) The Division may conduct random audits to verify compliance with CE requirements.

4) When there is evidence of a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing before the Board. The Division may recommend that steps be taken to begin the formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

Waiver of CE Requirements

1) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning the noncompliance, a request for waiver of the CE requirements on the basis of the facts and, if desired, a request for an interview before the Board. If the Division finds, from the statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Division shall waive enforcement of those requirements for the renewal period for which the applicant has applied.

2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
A) Full-time service in the armed forces of the United States of America during a substantial part of that period;

B) A temporary incapacitating illness documented by a licensed physician. A second, consecutive request for a CE waiver pursuant to this subsection (e)(2)(B) shall be prima facie proof that the renewal applicant has a physical or mental illness, including, but not limited to, deterioration through the aging process, or loss of motor skills that results in the dentist's inability to practice dentistry with reasonable judgment, skill or safety, in violation of Section 23(24) of the Act, and shall be grounds for denial of the renewal or other discipline;

C) Temporary undue hardship (e.g., prolonged hospitalization, being disabled and unable to practice dentistry or dental hygiene on a temporary basis).

3) If an interview is requested at the time the request for waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 40 Ill. Reg. ____________, effective ________________)