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Illinois Dental Hygienists' Association Guidance of the Dental Practice Act

Hello Illinois dental hygienists and valued IDHA members!

There is some confusion across the state about whether a dental hygienist is legally allowed to see a new patient prior to the dental exam. Many offices allow the dental hygienist to see a new patient first, perform all dental hygiene procedures including a dental hygiene exam, dental hygiene diagnosis, prophylaxis, radiographs and administer fluoride. Many offices are also allowing dental hygienists see the patient first that has not had a comprehensive or periodic exam completed by that office's dentist in over 12 months. Unfortunately, according to the Illinois Dental Practice Act, that procedure process is illegal, and the dental hygienist is risking their license by allowing this order of operations. Read below to learn about what the Illinois Dental Practice Act states and how to determine the legality of what protocols you are following in your office.

- According to the Illinois Dental Practice Act (IL DPA), a dental hygienist in Illinois cannot treat a patient without directives from a dentist, as a dental hygienist cannot diagnose. In Section 17 of the IL DPA: *“Acts constituting the practice of dentistry. A person practices dentistry, within the meaning of this Act:*
 - (1) *Who represents himself or herself as being able to diagnose or diagnoses, treats, prescribes, or operates for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gum, or jaw;...*”
- Section 18 describes the duties of a dental hygienist which includes:
 - Sec. 18. Acts constituting the practice of dental hygiene; limitations.*
 - (c) When employed or engaged in the office of a dentist, a dental hygienist may perform, under general supervision, those procedures found in items (i) through (iv) of subsection (a) of this Section, provided the patient has been examined by the dentist within one year of the provision of dental hygiene services, the dentist has approved the dental hygiene services by a notation in the patient's record and the patient has been notified that the dentist may be out of the office during the provision of dental hygiene services.*
- A dental hygienist can only treat a patient of record in the dental office while under general supervision of the dentist. The IL DPA defines these as:
 - “General supervision” means supervision of a dental hygienist requiring that the patient be a patient of record, that the dentist examine the patient in accordance with Section 18 prior to treatment by the dental hygienist, and that the dentist authorize the procedures which are being carried out by a notation in the patient's record, but not requiring that a dentist be present when the authorized procedures are being performed. The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.*

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

What all this means: If the prescribing dentist has not seen the patient in over 12 months, by law they are no longer a patient of record (they are still a patient of record until the dentist has released them from their care in writing, however their dental exam has expired past what general supervision allows), and must be treated as a new patient. **A dental hygienist in IL cannot diagnose or treatment plan any dental hygiene procedure, or any dental procedure for that matter. The dentist must see the patient prior to the dental hygienist to examine the patient and treatment plan any treatment, including dental hygiene procedures.** The exception to this rule is **only** in regards to "Public Health Supervision" of the Public Health Dental Hygienist where the IL DPA states:

"Public health supervision" means the supervision of a public health dental hygienist by a licensed dentist who has a written public health supervision agreement with that public health dental hygienist while working in an approved facility or program that allows the public health dental hygienist to treat patients, without a dentist first examining the patient and being present in the facility during treatment, (1) who are eligible for Medicaid or (2) who are uninsured and whose household income is not greater than 200% of the federal poverty level.

If you have any questions, concerns, or if you still do not agree with this interpretation of the IL DPA and what a dental hygienist is allowed and not allowed to do by law, please contact the IL Attorney General for further clarification at <http://www.illinoisattorneygeneral.gov/> You may also speak with the IL Department of Financial and Professional Regulations (IDFPR) at <https://www.idfpr.com/Contact/IDFPRContact.asp>

Resource

<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1296&ChapterID=24>