



February 18, 2000

ENGROSSED HOUSE BILL No. 1215

DIGEST OF HB 1215 (Updated February 16, 2000 2:29 PM - DI 88)

Citations Affected: IC 25-14; noncode.

Synopsis: Practice of dentistry. Provides that a person who does any of the following is practicing dentistry, for purposes of the law prohibiting the practice of dentistry without a license: (1) Is the employer of a dentist hired to provide dental services. (2) Directs or controls the use of dental equipment or dental material used to provide dental services. (3) Directs, controls, or interferes with a dentist's clinical judgment. (4) Exercises direction or control over a dentist through a written contract concerning certain areas of a dental practice. Allows certain retired dentists to be reclassified as inactive by the state board of dental examiners.

Effective: Upon passage; July 1, 2000.

Whetstone, Brown C, Welch

(SENATE SPONSORS — SIMPSON, LANDSKE, WYSS)

January 10, 2000, read first time and referred to Committee on Public Health.
January 20, 2000, amended, reported — Do Pass.
January 25, 2000, read second time, ordered engrossed. Engrossed.
January 27, 2000, read third time, passed. Yeas 64, nays 32.

SENATE ACTION

January 31, 2000, read first time and referred to Committee on Health and Provider Services.
February 17, 2000, amended, reported favorably — Do Pass.

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February 18, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

ENGROSSED HOUSE BILL No. 1215

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-14-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) **Except as**
3 **permitted under this chapter**, it ~~shall hereafter be~~ is unlawful for any
4 person to practice dentistry in Indiana who ~~has not first obtained a~~
5 ~~license so to do as hereinafter provided:~~ **is not licensed under this**
6 **chapter.**
- 7 (b) **This chapter does not prohibit:**
- 8 (1) **a hospital;**
 - 9 (2) **a public health clinic;**
 - 10 (3) **a federally qualified health center;**
 - 11 (4) **a rural health center;**
 - 12 (5) **a charitable health clinic;**
 - 13 (6) **a governmental entity;**
 - 14 (7) **a contractor or subcontractor of a governmental entity; or**
 - 15 (8) **another entity specified by a rule of the board;**
- 16 **from providing dental health services if the dental health services**
17 **are provided by dentists (licensed under this chapter) or dental**

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1 **hygienists (licensed under IC 25-13).**

2 SECTION 2. IC 25-14-1-23 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 23. (a) ~~Any~~ **A** person
4 ~~shall be said to be~~ is practicing dentistry within the meaning of this
5 chapter ~~who~~ **if the person does any of the following:**

6 (1) Uses the word "dentist" or "dental surgeon", the letters
7 "D.D.S." or "D.M.D.", or other letters or titles in connection with
8 dentistry.

9 (2) Directs and controls the treatment of patients within a place
10 where dental services are performed.

11 (3) Advertises or permits to be advertised by sign, card, circular,
12 handbill, newspaper, radio, or otherwise that he can or will
13 attempt to perform dental operations of any kind.

14 (4) Offers to diagnose or professes to diagnose or treats or
15 professes to treat any of the lesions or diseases of the human oral
16 cavity, teeth, gums, or maxillary or mandibular structures.

17 (5) Extracts human teeth or corrects malpositions of the teeth or
18 jaws.

19 (6) Administers dental anesthetics.

20 (7) Uses x-ray pictures for dental diagnostic purposes.

21 (8) Makes impressions or casts of any oral tissues or structures for
22 the purpose of diagnosis or treatment thereof or for the
23 construction, repair, reproduction, or duplication of any prosthetic
24 device to alleviate or cure any oral lesion or replace any lost oral
25 structures, tissue, or teeth. ~~or~~

26 (9) Advertises to the public by any method, except trade and
27 professional publications, to furnish, supply, construct, reproduce,
28 repair, or adjust any prosthetic denture, bridge, appliance, or other
29 structure to be worn in the human mouth.

30 **(10) Is the employer of a dentist who is hired to provide dental
31 services.**

32 **(11) Directs or controls the use of dental equipment or dental
33 material while the equipment or material is being used to
34 provide dental services. However, a person may lease or
35 provide advice or assistance concerning dental equipment or
36 dental material if the person does not restrict or interfere with
37 the custody, control, or use of the equipment or material by
38 the dentist. This subdivision does not prevent a dental
39 hygienist who is licensed under IC 25-13 from owning dental
40 equipment or dental materials within the dental hygienist's
41 scope of practice.**

42 **(12) Directs, controls, or interferes with a dentist's clinical**

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1 judgment.

2 (13) Exercises direction or control over a dentist through a
3 written contract concerning the following areas of dental
4 practice:

5 (A) The selection of a patient's course of treatment.

6 (B) Referrals of patients, except for requiring referrals to
7 be within a specified provider network, subject to the
8 exceptions under IC 27-13-36-5.

9 (C) Content of patient records.

10 (D) Policies and decisions relating to refunds, if the refund
11 payment would be reportable under federal law to the
12 National Practitioner Data Bank, and warranties.

13 (E) The clinical content of advertising.

14 (F) Final decisions relating to the employment of dental
15 office personnel.

16 However, this subdivision does not prohibit a person from
17 providing advice or assistance concerning the areas of dental
18 practice referred to in this subdivision or an insurer (as
19 defined in IC 27-1-26-1) from carrying out the applicable
20 provisions of IC 27 under which the insurer is licensed.

21 However, a person does not have to be a dentist to be a manufacturer
22 of dental prostheses.

23 (b) In addition to subsection (a), a person is practicing dentistry who
24 directly or indirectly by any means or method furnishes, supplies,
25 constructs, reproduces, repairs, or adjusts any prosthetic denture,
26 bridge, appliance, or any other structure to be worn in the human
27 mouth and delivers the resulting product to any person other than the
28 duly licensed dentist upon whose written work authorization the work
29 was performed. A written work authorization shall include the
30 following:

31 (1) The name and address of the dental laboratory to which it is
32 directed.

33 (2) The case identification.

34 (3) A specification of the materials to be used.

35 (4) A description of the work to be done and, if necessary,
36 diagrams thereof.

37 (5) The date of issuance of the authorization.

38 (6) The signature and address of the licensed dentist or other
39 dental practitioner by whom the work authorization is issued.

40 A separate work authorization shall be issued for each patient of the
41 issuing licensed dentist or other dental practitioner for whom dental
42 technological work is to be performed.

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1 (c) This section shall not apply to those procedures which a legally
 2 licensed and practicing dentist may delegate to competent office
 3 personnel as to which procedures the dentist exercises supervision and
 4 responsibility. Delegated procedures may not include either:

5 (1) those procedures which require professional judgment and
 6 skill such as diagnosis, treatment planning, and the cutting of hard
 7 or soft tissues or any intraoral impression which would lead to the
 8 fabrication of an appliance, which, when worn by the patient,
 9 would come in direct contact with hard or soft tissues and which
 10 could result in tissue irritation or injury; or

11 (2) those procedures allocated under IC 25-13-1 to licensed dental
 12 hygienists.

13 This chapter shall not prevent dental students from performing dental
 14 operations under the supervision of competent instructors within the
 15 dental school or a university recognized by the board or in any public
 16 clinic under the supervision of the authorized superintendent of such
 17 clinic authorized under the authority and general direction of the board
 18 of health or school board of any city or town in Indiana.

19 (d) Licensed pharmacists of this state may fill prescriptions of
 20 licensed dentists of this state for any drug necessary in the practice of
 21 dentistry.

22 SECTION 3. [EFFECTIVE UPON PASSAGE] (a)
 23 **Notwithstanding IC 25-14-1-27.1, the state board of dental**
 24 **examiners may classify a dental license as inactive if the board**
 25 **receives written notification from a licensed dentist stating that the**
 26 **licensed dentist retired from the practice of dentistry in Indiana**
 27 **after July 1, 1990, and before July 1, 1995, and the dentist can**
 28 **demonstrate to the board that the dentist is fit to resume the**
 29 **practice of dentistry.**

30 (b) **This SECTION expires July 1, 2000.**

31 SECTION 4. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1215, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-14-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. **(a) Except as permitted under this chapter, it shall hereafter be unlawful for any person to practice dentistry in Indiana who has not first obtained a license so to do as hereinafter provided: is not licensed under this chapter.**

(b) This chapter does not prohibit hospitals, public health clinics, federally qualified health centers, rural health centers, charitable health clinics, or other entities specified by a rule of the board from providing dental health services if the dental health services are provided by dentists (licensed under this chapter) or dental hygienists (licensed under IC 25-13)."

Page 2, line 20, after "dentist." insert **"This subdivision does not prevent a dental hygienist who is licensed under IC 25-13 from owning dental equipment or dental materials within the dental hygienist's scope of practice."**

Page 2, line 27, after "patients" insert **", except for requiring referrals to be within a specified provider network, subject to the exceptions under IC 27-13-36-5."**

Page 2, line 34, delete "assistants and dental hygienists" and insert **"office personnel"**.

Page 2, line 37, after "subdivision" insert **"or an insurer (as defined in IC 27-1-26-1) from carrying out the applicable provisions of IC 27 under which the insurer is licensed"**.

Page 3, after line 38, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 25-14-1-27.1, the state board of dental examiners may classify a dental license as inactive if the board receives written notification from a licensed dentist stating that the licensed dentist retired from the practice of dentistry in Indiana after July 1, 1990, and before July 1, 1995, and the dentist can demonstrate to the board that the dentist is fit to resume the practice of dentistry.**

(b) This SECTION expires July 1, 2000.

SECTION 4. An emergency is declared for this act."

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1215 as introduced.)

BROWN C, Chair

Committee Vote: yeas 9, nays 0.

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SENATE MOTION

Mr. President: I move that Senator Landske be added as a second sponsor and Senator Wyss be added as cosponsor of Engrossed House Bill 1215.

SIMPSON

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1215, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, delete "hospitals, public health" and insert ":

Page 1, between lines 7 and 8, begin a new line block indented and insert:

- "(1) a hospital;**
- (2) a public health clinic;**
- (3) a federally qualified health center;**
- (4) a rural health center;**
- (5) a charitable health clinic;**
- (6) a governmental entity;**
- (7) a contractor or subcontractor of a governmental entity; or**
- (8) another entity specified by a rule of the board;"**.

Page 1, delete lines 8 through 9.

Page 1, line 10, delete "board".

and when so amended that said bill do pass.

(Reference is to HB 1215 as printed January 21, 2000.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 1.

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