

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7178**

**BILL NUMBER: HB 1215**

**DATE PREPARED:** Feb 18, 2000

**BILL AMENDED:** Feb 17, 2000

**SUBJECT:** Practice of dentistry.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) (A) This bill 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.

(B) It also allows certain retired dentists to be reclassified as inactive by the state board of dental examiners.

**Effective Date:** July 1, 2000, Upon Passage.

**Explanation of State Expenditures:** (Revised) Performing any of the tasks of directing, controlling, or interfering with certain areas of a dental practice without a dentistry license would be a Class D felony. There are 3,038 dentists with active licenses in Indiana as of September, 1999. As amended, hospitals, federally qualified health centers, rural health centers, charitable health clinics or other entities specified by the State Board of Dental Examiners are exempt from this restriction.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$17,500 in FY 1998. Individual facility expenditures range from \$11,900 to \$29,400. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten and a half months.

Provision B would give the State board of Dental Examiners the discretion to reclassify dentists who retired

between 1990 and 1995 as inactive. The dentist must demonstrate to the Board that the dentist is fit to resume the practice of dentistry.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction Health Professions Bureau

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** IC 25-14-1-25, Health Professions Bureau, Indiana Sheriffs Association, Department of Correction.