Reprinted
April 20, 2011

ENGROSSED
SENATE BILL No. 327

DIGEST OF SB 327 (Updated April 19, 2011 2:57 pm - DI 51)

Citations Affected: IC 25-13; IC 25-14.

Synopsis: Dental practice matters. Requires that the holder of an inactive dentist license meet competency standards determined by the state board of dentistry (board) before obtaining an active license. Specifies that an entity approved by the board is to conduct the examination of an applicant for a dentist or dental hygiene license. Limits the number of times a dental license applicant may take any portion of the examination to three times. Allows the board to require remediation before an applicant may take the examination for a third

(Continued next page)

Effective: July 1, 2011.

Mishler, Becker, Simpson
(HOUSE SPONSOR — CROUCH)

January 10, 2011, read first time and referred to Committee on Health and Provider Services.
January 27, 2011, amended, reported favorably — Do Pass.
January 31, 2011, read second time, ordered engrossed.
February 3, 2011, engrossed; returned to second reading; re-read second time.
February 7, 2011, amended, ordered engrossed.
February 8, 2011, engrossed.
February 10, 2011, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Public Health.
April 12, 2011, reported — Do Pass.
April 14, 2011, read second time, ordered engrossed. Engrossed.
April 15, 2011, read third time, call withdrawn.
April 19, 2011, re-read third time, recommitted to Committee of One, amended; passed. Yeas 94, nays 0.

C o p y

Digest Continued

time. Eliminates the dental intern permit, and establishes a limited dental residency permit and a limited dental faculty permit. Changes the percentage from 5% to 10% on the number of instructors that can teach full time at a dental school under an instructor's license and removes the 2013 expiration of the instructor's license. Requires that at least half of a dentist's continuing education hours during each license period be from a live presentation or live workshop. Establishes a fund for use in administering and enforcing the law concerning dentists and dental hygienists. Makes changes to definitions concerning sedation.

C o p y

Reprinted
April 20, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

ENGROSSED
SENATE BILL No. 327

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:

SECTION 1. IC 25-13-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) Any person desiring to practice dental hygiene in Indiana must procure from the board a license to practice dental hygiene. To procure a license, the applicant must submit to the board proof of graduation from an institution for educating dental hygienists that is approved by the board and other credentials required by this chapter, together with an application on forms prescribed and furnished by the board. Each applicant must pay to the board an application fee set by the board under section 5 of this chapter at the time the application is made and must pass an examination ~~satisfactory to~~ **administered by an entity approved by** the board. ~~For those applicants who fail to pass an initial examination, subsequent examinations may be had before the board upon payment of a fee set by the board under section 5 of this chapter for each subsequent examination~~. The board may establish under section 5 of this chapter additional requirements as a prerequisite to taking an examination for any applicant who has failed the examination

two (2) or more times. Application fees are not refundable.

(b) An applicant described under subsection (a) shall, at the request of the board, make an appearance before the board.

SECTION 2. IC 25-13-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. ~~When applying to the board for examination, the applicant must submit an application and the applicant's credentials, except for proof of the applicant's graduation from an institution for educating dental hygienists, in the form and manner prescribed by the board at least forty-five (45) days prior to the examination date. The applicant must submit proof of the applicant's graduation at least seven (7) days before the examination date. The~~ **An** applicant:

(1) must not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently; ~~and~~

(2) must be a graduate of a school for dental hygienists that:

(A) is accredited by the Commission on Dental Accreditation of the American Dental Association;

(B) is recognized by the board; and

(C) requires a formal course of training of not less than two (2) years of eight (8) months each;

(3) must pass an examination administered by an entity approved by the board; and

(4) may not take any part of the examination described in subdivision (3) more than three (3) times.

SECTION 3. IC 25-13-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. ~~The board's examination of applicants to practice dental hygiene shall be held at such time and place as may be called by the board for its examination of applicants for dental license. The dental hygienist examination shall include a practical clinical test, the applicant supplying the patient and necessary instruments and equipment, and such written or oral examination (or both) embracing the subjects taught in dental hygienist's schools as the board may require.~~ The board may recognize licenses issued by other states as provided in section 17 of this chapter, and may recognize the examination of the national board of dental examiners, if it is consistent with the board's requirements.

SECTION 4. IC 25-13-1-8, AS AMENDED BY P.L.105-2008, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) A license to practice dental hygiene in Indiana ~~shall~~ **may** be issued to candidates who pass ~~the board's examinations.~~ **an examination administered by an entity that has been approved by the board.** The license shall be valid for the

C o p y

remainder of the renewal period in effect on the date the license was issued.

(b) Prior to the issuance of the license, the applicant shall pay a fee set by the board under section 5 of this chapter. A license issued by the board expires on a date specified by the Indiana professional licensing agency under IC 25-1-5-4(k) of each even-numbered year.

(c) An applicant for license renewal must satisfy the following conditions:

(1) Pay the renewal fee set by the board under section 5 of this chapter on or before the renewal date specified by the Indiana professional licensing agency in each even-numbered year.

(2) Subject to IC 25-1-4-3, provide the board with a sworn statement signed by the applicant attesting that the applicant has fulfilled the continuing education requirements under IC 25-13-2.

(3) Be currently certified or successfully complete a course in basic life support through a program approved by the board. The board may waive the basic life support requirement for applicants who show reasonable cause.

(d) If the holder of a license does not renew the license on or before the renewal date specified by the Indiana professional licensing agency, the license expires and becomes invalid without any action by the board.

(e) A license invalidated under subsection (d) may be reinstated by the board in three (3) years or less after such invalidation if the holder of the license meets the requirements under IC 25-1-8-6(c).

(f) If a license remains invalid under subsection (d) for more than three (3) years, the holder of the invalid license may obtain a reinstated license by meeting the requirements for reinstatement under IC 25-1-8-6(d). **The board may require the licensee to participate in remediation or pass an examination administered by an entity approved by the board.**

(g) The board may require the holder of an invalid license who files an application under this subsection to appear before the board and explain why the holder failed to renew the license.

(h) The board may adopt rules under section 5 of this chapter establishing requirements for the reinstatement of a license that has been invalidated for more than three (3) years.

(i) The license to practice must be displayed at all times in plain view of the patients in the office where the holder is engaged in practice. No person may lawfully practice dental hygiene who does not possess a license and its current renewal.

(j) Biennial renewals of licenses are subject to the provisions of

C o p y

IC 25-1-2.

SECTION 5. IC 25-13-1-10.5, AS ADDED BY P.L.121-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.5. A student pursuing a course of study in dental hygiene may administer dental anesthetics during an educational course on the practice of dental anesthetics if the course is:

(1) supervised by a dentist **licensed under IC 25-14 and** trained in the administration of dental anesthetics; and

(2) conducted at a school described in section 6(2) of this chapter.

SECTION 6. IC 25-13-1-10.6, AS ADDED BY P.L.134-2008, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.6. (a) A licensed dental hygienist may administer local dental anesthetics under the direct supervision of a licensed dentist **under IC 25-14** if the dental hygienist has:

(1) completed board approved educational requirements, including cardiopulmonary resuscitation and emergency care training; and

(2) received a board issued dental hygiene anesthetic permit.

(b) Local dental anesthetics do not include nitrous oxide or similar ~~anesthetics.~~ **analgesics.**

SECTION 7. IC 25-13-1-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17.2. (a) The board may classify a license as inactive if the board receives written notification from the dental hygienist that the dental hygienist will not practice as a dental hygienist in Indiana.

(b) The board may issue a license to the holder of an inactive license under this section if the applicant:

(1) pays the renewal fee set by the board;

(2) pays the reinstatement fee set by the board; ~~and~~

(3) meets the continuing education requirements set by the board; **and**

(4) meets competency standards set by the board.

(c) The board may require a licensee whose license has been inactive for more than three (3) years to participate in remediation or pass an examination administered by an entity approved by the board.

SECTION 8. IC 25-13-1-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 20. (a) An individual who:**

(1) is licensed under; and

(2) fails to comply with;

this article or rules adopted under this article is subject to

C o p y

discipline under IC 25-1-9.

(b) An individual who is licensed under this article is responsible for knowing the standards of conduct and practice established by this article and rules adopted under this article.

SECTION 9. IC 25-13-2-6, AS AMENDED BY P.L.105-2008, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A dental hygienist must complete at least fourteen (14) credit hours in continuing education courses each license period.

(b) Credit hours may be applied under this section only toward the credit hour requirement for the license period during which the credit hours are earned.

(c) During a license period, a dental hygienist may not earn more than five (5) credit hours toward the requirements under this section for continuing education courses that relate specifically to the area of practice management.

(d) Not more than two (2) credit hours for certification programs in basic life support required under IC 25-13-1-8(c)(3) may be applied toward the credit hour requirement during each license period.

(e) During a license period, at least half of the required minimum credit hours must be earned through live presentations or live workshops.

SECTION 10. IC 25-13-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) A member of the board may attend or monitor a continuing education course.

(b) An approved organization must provide the board with course information or materials requested by the board.

(c) If the board determines that an approved organization does not meet the requirements of this chapter, the board shall do the following:

(1) Provide written notification to the organization of the noncompliance specifying the items of noncompliance and the conditions of reinstatement.

(2) Deny credit hours awarded by the organization from the time that the organization receives a notice until the date of reinstatement.

~~(3) Make reasonable efforts to notify dental hygienists of the organization's noncompliance status.~~

(d) The board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 11. IC 25-14-1-1.5 AS AMENDED BY P.L.134-2008, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.5. ~~As used in~~ **The following definitions apply**

C o p y

throughout this article:

(1) "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

(2) "Board" refers to the state board of dentistry established under this chapter.

(3) "Deep sedation" means a ~~controlled state of depressed~~ **drug induced depression of** consciousness ~~accompanied by partial loss of protective reflexes, including inability to respond purposefully to verbal command, produced by a pharmacologic method.~~ **during which cardiovascular function is usually maintained and the individual may:**

(A) not be easily aroused;

(B) be able to respond purposefully following repeated or painful stimulation;

(C) have an impaired ability to independently maintain ventilatory function;

(D) require assistance in maintaining a patent airway; and

(E) have inadequate spontaneous ventilation.

(4) "Dental assistant" means a qualified dental staff member, other than a licensed dental hygienist, who assists a licensed dentist with patient care while working under the dentist's direct supervision.

(5) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental assistant.

(6) "Enteral route of administration" means a technique of administering an agent so that it is absorbed through the gastrointestinal tract or oral mucosa.

(7) "General anesthesia" means a ~~controlled state of unconsciousness, accompanied by partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic method.~~ **drug induced loss of consciousness during which cardiovascular function may be impaired and the individual:**

(A) is not arousable, even by painful stimulation;

(B) often has an impaired ability to independently maintain ventiliatory function;

(C) often requires assistance in maintaining a patent airway; and

(D) may require positive pressure ventilation because of depressed spontaneous ventilation or drug induced

C o p y

depression of neuromuscular function.

(8) ~~"Light parenteral conscious sedation" means a minimally depressed level of consciousness under which an individual retains the ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal command, produced by an intravenous pharmacologic method.~~ **"Moderate sedation" means a drug induced depression of consciousness during which cardiovascular function is usually maintained and the individual:**

(A) responds purposefully to verbal commands, either alone or with light tactile stimulation;

(B) does not require intervention to maintain a patent airway; and

(C) has adequate spontaneous ventilation.

(9) "Parenteral route of administration" means a technique of administering an agent by intravenous or intramuscular injection so that it bypasses the gastrointestinal tract.

SECTION 12. IC 25-14-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The state board of dentistry is established and consists of:

(1) nine (9) practicing dentists **licensed under IC 25-14** who must have been in practice in ~~this state~~ **Indiana** for not less than the five (5) years;

(2) one (1) practicing dental hygienist **who:**

(A) has been practicing in Indiana as a dental hygienist:

(i) in 2011 and 2012, for at least three (3) years; and

(ii) after 2012, for at least five (5) years; and

(B) is licensed under IC 25-13-1; and

(3) one (1) member to represent the general public who must be a resident to this state and in no way associated with the profession of dentistry other than as a consumer.

All eleven (11) members of the board shall be appointed by the governor for a term of three (3) years each. Any member of the board may serve until the member's successor is appointed and qualified under this chapter. A member may serve consecutive terms, but no member may serve more than three (3) terms or a total of nine (9) years.

(b) The appointment of the dentist members shall be made in a manner that, at all times, each dentist member on the board represents and is a resident of one (1) of nine (9) examiner districts set forth in this subsection. Each dentist member shall be chiefly responsible in the performance of his or her duties with regard to the district from which

C o p y

he or she is appointed. The nine (9) dentist members' districts consist of the following counties:

(1) District 1. Tipton, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson, and Shelby.

(2) District 2. Lake, Porter, LaPorte, and Jasper.

(3) District 3. St. Joseph, Elkhart, Starke, Marshall, Kosciusko, and Fulton.

(4) District 4. LaGrange, Steuben, Jay, Noble, Whitley, Allen, Huntington, Wells, DeKalb, and Adams.

(5) District 5. Knox, Daviess, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, Spencer, and Perry.

(6) District 6. Newton, Benton, White, Pulaski, Cass, Miami, Wabash, Grant, Howard, Carroll, Warren, Tippecanoe, and Clinton.

(7) District 7. Vermillion, Parke, Fountain, Montgomery, Boone, Putnam, Vigo, Clay, Sullivan, Owen, Greene, and Martin.

(8) District 8. Madison, Delaware, Blackford, Randolph, Rush, Fayette, Union, Henry, and Wayne.

(9) District 9. Monroe, Brown, Bartholomew, Decatur, Franklin, Lawrence, Jackson, Jennings, Ripley, Dearborn, Orange, Washington, Scott, Jefferson, Switzerland, Ohio, Crawford, Harrison, Floyd, and Clark.

(c) The board ~~shall examine all applicants for licenses who present the credentials set forth in this article and~~ **may** issue licenses to ~~all~~ applicants who pass ~~a satisfactory~~ **an** examination **administered by an entity that has been approved by the board.**

SECTION 13. IC 25-14-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A person desiring to begin the practice of dentistry in Indiana shall procure from the board a license to practice dentistry in Indiana. To procure the license, the applicant must submit to the board proof of graduation from a dental college recognized by the board. The board may recognize dental schools accredited by the Commission on Dental Accreditation of the American Dental Association, if the board is satisfied that the recognition is consistent with the board's requirements. Every applicant ~~shall pay to the board a fee, set by the board under section 13 of this chapter, at the time of making the application and~~ must pass an examination ~~before the board at the time and place to be fixed by the board~~ **administered by an entity approved by the board and may not take any portion of the examination more than three (3) times.** ~~The applicant must purchase examination supplies and pay a fee for the use of the examination facility.~~

C o p y

~~(b) For those applicants who fail to pass an initial examination subsequent examinations. may be taken upon payment of a fee, set by the board under section 13 of this chapter, for each subsequent examination, If the applicant fails to pass the examination prescribed by the board, the applicant is entitled to the right of review of the board's action on the examination under IC 4-21.5. The board may establish, under section 13 of this chapter, additional requirements as a prerequisite to taking an examination for an applicant who has failed the examination two (2) or more times.~~

~~(c)~~ **(b)** A fee paid under this article may not be refunded.

SECTION 14. IC 25-14-1-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.1. (a) A dentist must have a permit to administer:

(1) general ~~anesthesia,~~ **anesthesia/deep sedation; or**

(2) ~~deep~~ **moderate** sedation **using a parenteral route of administration;** or

~~(3) light parenteral conscious sedation~~**;**

to a patient.

(b) The board shall establish by rule the educational and training requirements for the issuance and renewal of a permit required by subsection (a).

(c) The board shall establish the requirements for a program of education and training for pediatric anesthesiology.

(d) The requirements for a permit issued under this section must be based on the **current** American Dental Association's "Guidelines for Teaching ~~the Comprehensive Control of Pain and Anxiety in Dentistry" and accompanying policy statement adopted in November 1985.~~ **Pain Control and Sedation to Dentists and Dental Students", as adopted by the American Dental Association House of Delegates.**

(e) A permit issued under this section must be renewed biennially.

SECTION 15. IC 25-14-1-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3.7. (a) The dental compliance fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of:**

(1) IC 25-1-9 concerning an individual licensed under IC 25-13 or this article;

(2) IC 25-13; and

(3) this article.

The fund shall be administered by the Indiana professional licensing agency.

C o p y

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of fines and civil penalties collected through investigations of violations of:

(1) IC 25-1-9 concerning individuals licensed under IC 25-13 or this article;

(2) IC 25-13; and

(3) this article;

conducted by the board or the attorney general.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The attorney general and the Indiana professional licensing agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of:

(1) IC 25-1-9 if the individual is licensed under IC 25-13 or this article;

(2) IC 25-13; and

(3) this article.

(f) The attorney general and the Indiana professional licensing agency shall present any memorandum of understanding under subsection (e) annually to the board for review.

SECTION 16. IC 25-14-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The board may at its discretion issue a ~~dental intern~~ **limited dental residency** permit ~~or dental hygienist intern permit~~ to **a school for use by** any ~~person~~ **student or former student** to whom it has not issued a license but who is **attending or is** a graduate of a dental college ~~or school of dental hygiene~~ recognized by the board and is ~~otherwise qualified to take the regular examination for a license given by the board.~~ **completing a residency program.** However, ~~an applicant~~ **the school** ~~for a dental intern permit or dental hygienist intern permit~~ shall furnish the board **with** satisfactory evidence that the ~~applicant has been:~~

~~(1) appointed to a dental or a dental hygiene internship in a hospital or similar institution operated under the laws of Indiana; or~~

~~(2) employed as:~~

~~(A) an instructor in a dental school recognized and approved by the Indiana dental board; or~~

~~(B) a teacher or operator in a clinic in a public or parochial~~

Copy

~~school, college, or university.~~
student or former student is enrolled in an accredited dental residency or fellowship program and is using the permit only for school purposes. The school shall maintain the permit at the school.

(b) The fee for the permit shall be set by the board under section 13 of this chapter.

(c) Any person ~~receiving~~ **using** a **school's limited** dental **residency** ~~or dental hygienist intern~~ permit may practice dentistry ~~or dental hygiene~~ only in a hospital or other **board approved** institution designated in the permit and only under the direction of a licensed dentist who is a member of the dental staff of ~~such~~ **the** hospital or other institution. The ~~intern's~~ dental ~~or dental hygiene~~ practice shall be limited to bona fide patients of ~~such~~ **the** hospital or other institution.

(d) The permit:

(1) shall be:

(A) valid for only one (1) year from date of issue; **and** ~~shall be~~

(B) renewable in the discretion of the board upon the payment of a fee determined by the board under section 13 of this chapter; and

(2) may be recalled at any time by the board.

SECTION 17. IC 25-14-1-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5.5. (a) The board may issue a limited dental faculty permit. An applicant for a permit under this section must meet the following requirements:**

(1) Be a graduate of an American Dental Association accredited dental program, as determined by the board.

(2) Be employed by an accredited dental school.

(b) An individual granted a limited dental faculty permit under this section:

(1) may use the permit only to practice at the school where the individual is employed and as a part of the individual's research or teaching responsibilities; and

(2) may not use the permit to obtain:

(A) a license under section 3 of this chapter; or

(B) reciprocity or endorsement under this article.

(c) The board shall set the permit fee under section 13 of this chapter.

SECTION 18. IC 25-14-1-12, AS AMENDED BY P.L.1-2006, SECTION 433, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) The board shall hold not less than two (2) regular meetings in each year at such place as may be

C o p y

fixed by the board and as often in addition as may be necessary for the transaction of such business as may properly come under the provisions of this chapter, and it shall have power to make all necessary rules in accordance with this chapter. Additional meetings may be called at any time by the president or any six (6) members of the board to be held at such time and place as may be designated in the call. Six (6) members of the board constitute a quorum. A majority of the quorum may transact business. The board shall elect a president and a secretary. For their services, the members shall receive per diem and travel expenses as otherwise provided by law.

(b) It shall be the duty of the board through the agency to keep a record of all applications for licenses for a period of time designated by the board, subject to the final approval of the oversight committee on public records under IC 5-15-5.1-19. Such records shall contain all the facts set forth in the application, including the action of the board. ~~The board shall also retain all examination papers for a period of one (1) year from the date upon which the examination is held.~~ The agency shall carry out the administrative functions of the board and shall provide necessary personnel to enable the board to properly carry out and enforce this chapter.

(c) The board may affiliate with the American Association of Dental ~~Examiners~~ **Boards** as an active member thereof and may pay the regular annual dues of the association out of any available funds of the board, which are obtained by examination fees or registration renewal fees as provided by law. However, the affiliation with the American Association of Dental ~~Examiners~~ **Boards** shall not impair, restrict, enlarge, or modify any of the rights, powers, duties, or functions of the board as prescribed by the laws of this state. The board may designate one (1) of its members as a delegate of any meeting of the association, and such delegate member shall receive the regular per diem paid to members of the board for their services on the board and the member's necessary expenses while traveling to and from and attending such meetings.

SECTION 19. IC 25-14-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. ~~In case~~ **If** judgment is rendered in favor of the plaintiff in any action brought under the provisions of this chapter, the court rendering the ~~same~~ **judgment** shall also render judgment for reasonable attorney's fees in ~~such~~ **the** action in favor of the plaintiff and against the defendant, ~~therein,~~ and when collected ~~such~~ **the** fees shall be paid to the attorney or the attorneys of the plaintiff ~~therein, which~~ **and** if paid to the attorney general or to any prosecuting attorney shall be additional to any compensation otherwise

C o p y

allowed by law.

SECTION 20. IC 25-14-1-16, AS AMENDED BY P.L.46-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) An applicant ~~for examination~~ under this article must submit to the board ~~at least forty-five (45) days before the examination date an application in a form and manner prescribed by the board and~~ proof satisfactory to the board that the applicant has not been convicted of a crime that has a direct bearing on the applicant's ability to practice competently. ~~An applicant must submit proof to the board at least seven (7) days before the examination date that the applicant is a graduate of a dental school that is recognized by the board.~~

(b) The board may issue a license upon payment of a fee, set by the board under section 13 of this chapter, to an applicant who furnishes proof satisfactory to the board that the applicant is a dentist who:

(1) is licensed in another state or a province of Canada that has licensing requirements substantially equal to those in effect in Indiana on the date of application;

(2) has practiced dentistry for at least two (2) of the three (3) years preceding the date of application;

(3) passes the law examination administered by **the board or an entity approved by** the board;

(4) has completed ~~at least twenty (20)~~ **the required** hours of continuing education in the previous two (2) years; and

(5) meets all other requirements of this chapter.

(c) The board shall have power to adopt rules under section 13 of this chapter for licensure by endorsement.

(d) An applicant shall, at the request of the board, make an appearance before the board.

SECTION 21. IC 25-14-1-27.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27.1. (a) The board may classify a license as inactive if the board receives written notification from a licensed dentist stating that the dentist will not practice as a dentist in Indiana.

(b) The board may issue a license to the holder of an inactive license under this section, if the applicant:

(1) pays the renewal fee set by the board;

(2) pays the reinstatement fee set by the board; ~~and~~

(3) meets continuing education requirements set by the board; **and**

(4) meets competency standards set by the board.

(c) The board may require a licensee whose license has been

C o p y

inactive for more than three (3) years to participate in remediation or pass an examination administered by an entity approved by the board.

SECTION 22. IC 25-14-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. (a) It is a Class D felony for a person to do any of the following:

(1) Practice dentistry not being at the time a dentist duly licensed to practice as such in this state under this chapter.

(2) Employ, hire, or procure one who is not duly licensed as a dentist to practice dentistry, but a person practiced upon by an unlicensed dentist does not violate this section.

(b) It is a Class B misdemeanor for a person to do any of the following:

(1) Sell or barter, or offer to sell or barter, or, not being lawfully authorized so to do, issue or confer, or offer to issue or confer, any dental degree, license, or any diploma or document conferring, or purporting to confer, any dental degree or license, or any certificate or transcript made, or purporting to be made, under this chapter.

(2) Purchase, or procure by barter, any diploma, license, certificate, or transcript, with intent that it be used as evidence of the qualifications to practice dentistry of any person other than the one upon, or to whom, it was lawfully conferred or issued, or in fraud of the laws regulating the practice.

(3) Use any diploma, certificate, or transcript which has been purchased, fraudulently issued, counterfeited, or materially altered, either as a license or color of license, to practice dentistry, or in order to procure registration as a dentist.

(4) Practice dentistry under a false name, under a name intended to mislead the public, under the license of another person of the same name, or hold ~~himself~~ **the person** out to the public under such a name as a practitioner of dentistry.

(5) Assume the title or degree of "Bachelor of Dental Surgery", append the letters "B.D.S.", "D.D.S.", "M.D.S.", or "D.M.D.", to ~~his~~ **the person's** name, or make use of the same, or prefix to his name the title of "Doctor", or any abbreviation thereof, not having had duly conferred upon ~~him~~ **the person** by diploma from some college, school, or board of examiners legally empowered to confer the same, the right to assume such a title.

(6) Assume any title or append or prefix any words to ~~his~~ **the person's** name, with intent to represent falsely that ~~he~~ **the person** has received a dental degree or license.

C o p y

(7) Not having been licensed to practice dentistry under the laws of this state, represent that ~~he~~ **the person** is entitled so to practice (a dental licensee may use the prefix "Doctor" or "Dr." to his name).

(8) Falsely personate another at any examination ~~held by the board~~ to ascertain the preliminary professional education of candidates for dental certificates, dental degrees, or dental licenses or knowingly avail ~~himself~~ **the person** of the benefit of false personation.

~~(9)~~ **(8)** Otherwise violate this chapter.

(c) Each date that a person violates this section constitutes a separate offense.

SECTION 23. IC 25-14-1-27.5, AS AMENDED BY P.L.49-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27.5. (a) The board may issue an instructor's license to an individual who is not otherwise licensed to practice dentistry in Indiana if the individual meets the following conditions:

(1) The individual has been licensed or has had the equivalent of a license for five (5) of the preceding nine (9) years to practice dentistry in the United States or in any country, territory, or other recognized jurisdiction.

(2) The individual has been approved under the credentialing process of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry that is accredited by:

(A) the American Dental Association Commission on Dental Accreditation; or

(B) the Joint Commission on Accreditation of Health Care Organizations.

(3) The individual has successfully documented or demonstrated clinical and academic competency to the board.

(4) The individual is fluent in the English language.

(5) The individual passes the written law examination administered by the board.

(6) The individual meets the continuing education requirements required by IC 25-14-3.

(7) The individual pays the licensing fee set by the board under subsection (f).

(b) A license issued under this section must be held by the Indiana school of dentistry for which the licensee is employed.

(c) A license issued under this section does not meet the requirements of section 16 of this chapter and may not be used to obtain a general dentistry license under this article.

C o p y

(d) A licensee under this section may teach and practice dentistry only at or on behalf of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry.

(e) An instructor's license is valid only during the time the licensee is employed or has a valid employment contract for a full-time faculty position at the Indiana school of dentistry or an affiliated medical center. The Indiana school of dentistry or the affiliated medical center shall notify the board in writing upon the termination of the employment contract of an individual who is issued a license under this section and surrender the license not later than thirty (30) days after the licensee's employment ceases.

(f) The board shall set a fee for the issuance and renewal of a license under this section.

(g) Unless renewed, a license issued by the board under this section expires annually on a date specified by the agency under IC 25-1-5-4. An applicant for renewal must pay the renewal fee set by the board on or before the renewal date specified by the agency.

(h) Not more than ~~five~~ **ten** percent ~~(5%)~~ **(10%)** of the Indiana school of dentistry's full-time faculty may be individuals licensed under this section.

(i) The board shall adopt rules under IC 4-22-2 necessary to implement this section.

~~(j) This section expires June 30, 2013.~~

SECTION 24. IC 25-14-1-30 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 30. (a) An individual who:**

(1) is licensed under; and

(2) fails to comply with;

this article or rules adopted under this article is subject to discipline under IC 25-1-9.

(b) An individual who is licensed under this article is responsible for knowing the standards of conduct and practice established by this article and rules adopted under this article.

SECTION 25. IC 25-14-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) A dentist must complete at least twenty (20) credit hours in continuing education courses each license period. **At least half of the required minimum credit hours must be from live presentations or live workshops.**

(b) Credit hours may be applied under this section only toward the credit hour requirement for the license period during which the credit hours are earned.

(c) During a license period, a dentist may not earn more than five

C o p y

(5) credit hours toward the requirements under this section for continuing education courses that relate specifically to the area of practice management.

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 327, 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:

Delete the title and insert the following:

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

Page 6, line 10, delete "usually".

Page 6, line 37, delete "often".

Page 6, line 39, delete "often".

Page 7, line 9, delete "usually".

Page 7, line 16, after "agent" insert "**by intravenous or intramuscular injection**".

Page 7, line 24, delete "who has been practicing" and insert "**who:**

(A) has been practicing in Indiana as a dental hygienist:

(i) in 2011 and 2012, for at least three (3) years; and

(ii) after 2012, for at least five (5) years; and

(B)".

Page 7, line 25, delete "in Indiana for at least five (5) years and".

Page 11, delete lines 2 through 9.

Page 11, line 10, delete "(f)" and insert "**(e)**".

Page 11, line 18, delete "(g)" and insert "**(f)**".

Page 11, line 20, delete "(g)" and insert "**(e)**".

Page 12, between lines 32 and 33, begin a new paragraph and insert:

"**(c) The board shall set the permit fee under section 13 of this chapter.**".

and when so amended that said bill do pass.

(Reference is to SB 327 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 0.

C o p y

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 327, which is eligible for third reading, be returned to second reading for purposes of amendment.

MISHLER

SENATE MOTION

Madam President: I move that Senate Bill 327 be amended to read as follows:

Page 6, line 10, after "is" insert "**usually**".
Page 6, line 37, after "(B)" insert "**often**".
Page 6, line 39, after "(C)" insert "**often**".
Page 7, line 8, after "is" insert "**usually**".
Page 17, strike line 12.

(Reference is to SB 327 as printed January 28, 2011.)

MISHLER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 327, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN T, Chair

Committee Vote: yeas 8, nays 1.

HOUSE MOTION

Mr. Speaker: Engrossed Senate Bill 327 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 9, delete lines 31 through 42.
Page 10, delete lines 1 through 17.
Page 10, line 31, after "consists" insert "**of fines and civil penalties**

C o p y

collected through investigations of violations".

Page 10, delete lines 32 through 40, begin a new line block indented and insert:

"**(1) IC 25-1-9 concerning individuals licensed under IC 25-13 or this article;**

(2) IC 25-13; and

(3) this article;

conducted by the board or the attorney general.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 327 as printed April 12, 2011.)

CROUCH

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 327, begs leave to report that said bill has been amended as directed.

CROUCH

C o p y