

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1273 be amended to read as follows:

1           Page 16, between lines 9 and 10, begin a new paragraph and insert:  
2           "SECTION 17. IC 25-13-1-4 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) Any person  
4           desiring to practice dental hygiene in Indiana must procure from the  
5           board a license to practice dental hygiene. To procure a license, the  
6           applicant must submit to the board proof of graduation from an  
7           institution for educating dental hygienists that is approved by the board  
8           and other credentials required by this chapter, together with an  
9           application on forms prescribed and furnished by the board. Each  
10          applicant must pay to the board an application fee set by the board  
11          under section 5 of this chapter at the time the application is made and  
12          must pass an examination ~~satisfactory to~~ **administered by an entity**  
13          **approved by** the board. ~~For those applicants who fail to pass an initial~~  
14          ~~examination;~~ ~~subsequent examinations may be had before the board~~  
15          ~~upon payment of a fee set by the board under section 5 of this chapter~~  
16          ~~for each subsequent examination.~~ The board may establish under  
17          section 5 of this chapter additional requirements as a prerequisite to  
18          taking an examination for any applicant who has failed the examination  
19          two (2) or more times. Application fees are not refundable.  
20          (b) An applicant described under subsection (a) shall, at the request  
21          of the board, make an appearance before the board.  
22          SECTION 18. IC 25-13-1-6 IS AMENDED TO READ AS  
23          FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. ~~When applying to~~  
24          ~~the board for examination;~~ the applicant must submit an application  
25          ~~and the applicant's credentials;~~ ~~except for proof of the applicant's~~  
26          ~~graduation from an institution for educating dental hygienists;~~ in the  
27          ~~form and manner prescribed by the board at least forty-five (45) days~~  
28          ~~prior to the examination date.~~ The applicant must submit proof of the  
29          ~~applicant's graduation at least seven (7) days before the examination~~  
30          ~~date.~~ ~~The An applicant:~~

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

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

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

6 (B) is recognized by the board; and

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

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

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

13 SECTION 19. IC 25-13-1-7 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. ~~The board's~~  
15 ~~examination of applicants to practice dental hygiene shall be held at~~  
16 ~~such time and place as may be called by the board for its examination~~  
17 ~~of applicants for dental license. The dental hygienist examination shall~~  
18 ~~include a practical clinical test, the applicant supplying the patient and~~  
19 ~~necessary instruments and equipment, and such written or oral~~  
20 ~~examination (or both) embracing the subjects taught in dental~~  
21 ~~hygienist's schools as the board may require. The board may recognize~~  
22 ~~licenses issued by other states as provided in section 17 of this chapter,~~  
23 ~~and may recognize the examination of the national board of dental~~  
24 ~~examiners, if it is consistent with the board's requirements.~~

25 SECTION 20. IC 25-13-1-8, AS AMENDED BY P.L.105-2008,  
26 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2011]: Sec. 8. (a) A license to practice dental hygiene in  
28 Indiana ~~shall may~~ be issued to candidates who pass ~~the board's~~  
29 ~~examinations: an examination administered by an entity that has~~  
30 **been approved by the board.** The license shall be valid for the  
31 remainder of the renewal period in effect on the date the license was  
32 issued.

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

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

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

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

45 (3) Be currently certified or successfully complete a course in  
46 basic life support through a program approved by the board. The

1 board may waive the basic life support requirement for applicants  
2 who show reasonable cause.

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

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

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

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

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

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

26 (j) Biennial renewals of licenses are subject to the provisions of  
27 IC 25-1-2.

28 SECTION 21. IC 25-13-1-10.5, AS ADDED BY P.L.121-2007,  
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2011]: Sec. 10.5. A student pursuing a course of study in  
31 dental hygiene may administer dental anesthetics during an educational  
32 course on the practice of dental anesthetics if the course is:

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

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

36 SECTION 22. IC 25-13-1-10.6, AS ADDED BY P.L.134-2008,  
37 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2011]: Sec. 10.6. (a) A licensed dental hygienist may  
39 administer local dental anesthetics under the direct supervision of a  
40 licensed dentist **under IC 25-14** if the dental hygienist has:

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

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

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

1 SECTION 23. IC 25-13-1-17.2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17.2. (a) The board  
 3 may classify a license as inactive if the board receives written  
 4 notification from the dental hygienist that the dental hygienist will not  
 5 practice as a dental hygienist in Indiana.

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

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

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

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

11 **and**

12 **(4) meets competency standards set by the board.**

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

17 SECTION 24. IC 25-13-1-20 IS ADDED TO THE INDIANA  
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2011]: **Sec. 20. (a) An individual who:**

20 **(1) is licensed under; and**

21 **(2) fails to comply with;**

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

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

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

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

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

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

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

45 SECTION 26. IC 25-13-2-10 IS AMENDED TO READ AS  
 46 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) A member of

- 1 the board may attend or monitor a continuing education course.
- 2 (b) An approved organization must provide the board with course  
3 information or materials requested by the board.
- 4 (c) If the board determines that an approved organization does not  
5 meet the requirements of this chapter, the board shall do the following:
- 6 (1) Provide written notification to the organization of the  
7 noncompliance specifying the items of noncompliance and the  
8 conditions of reinstatement.
- 9 (2) Deny credit hours awarded by the organization from the time  
10 that the organization receives a notice until the date of  
11 reinstatement.
- 12 ~~(3) Make reasonable efforts to notify dental hygienists of the  
13 organization's noncompliance status.~~
- 14 (d) The board shall adopt rules under IC 4-22-2 to implement this  
15 chapter.
- 16 SECTION 27. IC 25-14-1-1.5 AS AMENDED BY P.L.134-2008,  
17 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2011]: Sec. 1.5. ~~As used in~~ **The following definitions apply  
19 throughout** this article:
- 20 (1) "Agency" refers to the Indiana professional licensing agency  
21 established by IC 25-1-5-3.
- 22 (2) "Board" refers to the state board of dentistry established under  
23 this chapter.
- 24 (3) "Deep sedation" means a ~~controlled state of depressed drug  
25 induced depression of~~ consciousness accompanied by partial loss  
26 of protective reflexes; including inability to respond purposefully  
27 to verbal command; produced by a pharmacologic method;  
28 **during which cardiovascular function is usually maintained  
29 and the individual may:**
- 30 **(A) not be easily aroused;**
- 31 **(B) be able to respond purposefully following repeated or  
32 painful stimulation;**
- 33 **(C) have an impaired ability to independently maintain  
34 ventilatory function;**
- 35 **(D) require assistance in maintaining a patent airway; and**
- 36 **(E) have inadequate spontaneous ventilation.**
- 37 (4) "Dental assistant" means a qualified dental staff member,  
38 other than a licensed dental hygienist, who assists a licensed  
39 dentist with patient care while working under the dentist's direct  
40 supervision.
- 41 (5) "Direct supervision" means that a licensed dentist is physically  
42 present in the facility when patient care is provided by the dental  
43 assistant.
- 44 (6) **"Enteral route of administration" means a technique of  
45 administering an agent so that it is absorbed through the  
46 gastrointestinal tract or oral mucosa.**

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

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

9 (B) **often has an impaired ability to independently**  
 10 **maintain ventilatory function;**

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

13 (D) **may require positive pressure ventilation because of**  
 14 **depressed spontaneous ventilation or drug induced**  
 15 **depression of neuromuscular function.**

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

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

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

28 (C) **has adequate spontaneous ventilation.**

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

32 SECTION 28. IC 25-14-1-2 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The state board  
 34 of dentistry is established and consists of:

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

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

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

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

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

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

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

46 All eleven (11) members of the board shall be appointed by the

1 governor for a term of three (3) years each. Any member of the board  
 2 may serve until the member's successor is appointed and qualified  
 3 under this chapter. A member may serve consecutive terms, but no  
 4 member may serve more than three (3) terms or a total of nine (9)  
 5 years.

6 (b) The appointment of the dentist members shall be made in a  
 7 manner that, at all times, each dentist member on the board represents  
 8 and is a resident of one (1) of nine (9) examiner districts set forth in  
 9 this subsection. Each dentist member shall be chiefly responsible in the  
 10 performance of his or her duties with regard to the district from which  
 11 he or she is appointed. The nine (9) dentist members' districts consist  
 12 of the following counties:

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

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

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

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

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

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

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

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

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

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

37 SECTION 29. IC 25-14-1-3 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A person desiring  
 39 to begin the practice of dentistry in Indiana shall procure from the  
 40 board a license to practice dentistry in Indiana. To procure the license,  
 41 the applicant must submit to the board proof of graduation from a  
 42 dental college recognized by the board. The board may recognize  
 43 dental schools accredited by the Commission on Dental Accreditation  
 44 of the American Dental Association, if the board is satisfied that the  
 45 recognition is consistent with the board's requirements. Every applicant  
 46 ~~shall pay to the board a fee, set by the board under section 13 of this~~

1 chapter, at the time of making the application and must pass an  
 2 examination before the board at the time and place to be fixed by the  
 3 board **administered by an entity approved by the board and may**  
 4 **not take any portion of the examination more than three (3) times.**  
 5 The applicant must purchase examination supplies and pay a fee for the  
 6 use of the examination facility.

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

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

17 SECTION 30. IC 25-14-1-3.1 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.1. (a) A dentist must  
 19 have a permit to administer:

- 20 (1) general anesthesia; **anesthesia/deep sedation; or**  
 21 (2) ~~deep moderate~~ **sedation using a parenteral route of**  
 22 **administration; or**  
 23 (3) ~~light parenteral conscious~~ **sedation;**

24 to a patient.

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

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

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

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

37 SECTION 31. IC 25-14-1-3.5, AS AMENDED BY P.L.1-2006,  
 38 SECTION 431, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2011]: Sec. 3.5. (a) Under IC 25-1-8 the board  
 40 shall establish, under IC 25-13-1-5 and section 13 of this chapter, fees  
 41 sufficient to implement IC 25-13 and IC 25-14.

42 (b) **Except for the fee collected in subsection (c),** all money  
 43 received by the board under this chapter shall be paid to the agency,  
 44 which shall:

- 45 (1) give a proper receipt for the same; and  
 46 (2) at the end of each month:

- 1 (A) report to the auditor of state the total amount received  
 2 from all sources; and  
 3 (B) deposit the entire amount of such receipts with the state  
 4 treasurer to be deposited by the treasurer in the general fund  
 5 of the state.

6 **Except as provided in subsection (c) and section 3.7 of this chapter,**  
 7 all expenses incurred in the administration of this chapter shall be paid  
 8 from the general fund upon appropriation being made therefor in the  
 9 manner provided by law for making such appropriations.

10 **(c) In addition to the fee to issue or renew a license, the board**  
 11 **shall establish a fee of twenty dollars (\$20) to be paid when an**  
 12 **individual applies for the issuance or renewal of a license under:**

- 13 (1) IC 25-13; or  
 14 (2) this article;

15 **to provide funds for administering and enforcing the provisions of**  
 16 **IC 25-13 and this article, including investigating and taking action**  
 17 **against individuals who violate IC 25-13 or this article. All funds**  
 18 **collected under this subsection shall be deposited into the dental**  
 19 **compliance fund established by section 3.7 of this chapter.**

20 SECTION 32. IC 25-14-1-3.7 IS ADDED TO THE INDIANA  
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2011]: **Sec. 3.7. (a) The dental compliance**  
 23 **fund is established to provide funds for administering and**  
 24 **enforcing the provisions of this article, including investigating and**  
 25 **taking enforcement action against violators of:**

- 26 (1) IC 25-1-9 concerning an individual licensed under  
 27 IC 25-13 or this article;  
 28 (2) IC 25-13; and  
 29 (3) this article.

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

32 **(b) The expenses of administering the fund shall be paid from**  
 33 **the money in the fund. The fund consists of:**

- 34 (1) proceeds of the fee collected under section 3.5(c) of this  
 35 chapter; and  
 36 (2) fines and civil penalties collected through investigations of  
 37 violations of:

- 38 (A) IC 25-1-9 concerning individuals licensed under  
 39 IC 25-13 or this article;  
 40 (B) IC 25-13; and  
 41 (C) this article;

42 **conducted by the board or the attorney general.**

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

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

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

- 5           (1) IC 25-1-9 if the individual is licensed under IC 25-13 or  
6 this article;  
7           (2) IC 25-13; and  
8           (3) this article.

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

12           SECTION 33. IC 25-14-1-5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The board may  
14 at its discretion issue a ~~dental intern~~ **limited dental residency** permit  
15 or dental hygienist intern permit to a school for use by any person  
16 student or former student to whom it has not issued a license but who  
17 is attending or is a graduate of a dental college or school of dental  
18 hygiene recognized by the board and is otherwise qualified to take the  
19 regular examination for a license given by the board. **completing a**  
20 **residency program.** However, an applicant the school for a dental  
21 intern permit or dental hygienist intern permit shall furnish the board  
22 with satisfactory evidence that the applicant has been:

- 23           (1) appointed to a dental or a dental hygiene internship in a  
24 hospital or similar institution operated under the laws of Indiana;  
25 or  
26           (2) employed as:  
27           (A) an instructor in a dental school recognized and approved  
28 by the Indiana dental board; or  
29           (B) a teacher or operator in a clinic in a public or parochial  
30 school; college; or university.

31 **student or former student is enrolled in an accredited dental**  
32 **residency or fellowship program and is using the permit only for**  
33 **school purposes. The school shall maintain the permit at the school.**

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

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

43           (d) The permit:

- 44           (1) shall be:  
45           (A) valid for only one (1) year from date of issue; and shall be  
46           (B) renewable in the discretion of the board upon the payment

1 of a fee determined by the board under section 13 of this  
2 chapter; and

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

4 SECTION 34. IC 25-14-1-5.5 IS ADDED TO THE INDIANA  
5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2011]: **Sec. 5.5. (a) The board may issue a  
7 limited dental faculty permit. An applicant for a permit under this  
8 section must meet the following requirements:**

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

11 **(2) Be employed by an accredited dental school.**

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

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

17 **(2) may not use the permit to obtain:**

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

19 **(B) reciprocity or endorsement under this article.**

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

22 SECTION 35. IC 25-14-1-12, AS AMENDED BY P.L.1-2006,  
23 SECTION 433, IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) The board shall hold not less  
25 than two (2) regular meetings in each year at such place as may be  
26 fixed by the board and as often in addition as may be necessary for the  
27 transaction of such business as may properly come under the provisions  
28 of this chapter, and it shall have power to make all necessary rules in  
29 accordance with this chapter. Additional meetings may be called at any  
30 time by the president or any six (6) members of the board to be held at  
31 such time and place as may be designated in the call. Six (6) members  
32 of the board constitute a quorum. A majority of the quorum may  
33 transact business. The board shall elect a president and a secretary. For  
34 their services, the members shall receive per diem and travel expenses  
35 as otherwise provided by law.

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

46 (c) The board may affiliate with the American Association of Dental

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

13 SECTION 36. IC 25-14-1-15 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. ~~In case~~ **If** judgment  
 15 is rendered in favor of the plaintiff in any action brought under the  
 16 provisions of this chapter, the court rendering the ~~same~~ **judgment** shall  
 17 also render judgment for reasonable attorney's fees in ~~such the~~ **action**  
 18 in favor of the plaintiff and against the defendant, ~~therein~~, and when  
 19 collected ~~such the~~ fees shall be paid to the attorney or the attorneys of  
 20 the plaintiff ~~therein~~, ~~which~~ **and** if paid to the attorney general or to any  
 21 prosecuting attorney shall be additional to any compensation otherwise  
 22 allowed by law.

23 SECTION 37. IC 25-14-1-16, AS AMENDED BY P.L.46-2005,  
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2011]: Sec. 16. (a) An applicant ~~for examination~~ under this  
 26 article must submit to the board ~~at least forty-five (45) days before the~~  
 27 ~~examination date an application in a form and manner prescribed by~~  
 28 ~~the board and~~ proof satisfactory to the board that the applicant has not  
 29 been convicted of a crime that has a direct bearing on the applicant's  
 30 ability to practice competently. ~~An applicant must submit proof to the~~  
 31 ~~board at least seven (7) days before the examination date that the~~  
 32 ~~applicant is a graduate of a dental school that is recognized by the~~  
 33 ~~board.~~

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

- 37 (1) is licensed in another state or a province of Canada that has  
 38 licensing requirements substantially equal to those in effect in  
 39 Indiana on the date of application;
- 40 (2) has practiced dentistry for at least two (2) of the three (3)  
 41 years preceding the date of application;
- 42 (3) passes the law examination administered by **the board or an**  
 43 **entity approved** by the board;
- 44 (4) has completed ~~at least twenty (20)~~ **the required** hours of  
 45 continuing education in the previous two (2) years; and
- 46 (5) meets all other requirements of this chapter.

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

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

5 SECTION 38. IC 25-14-1-27.1 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27.1. (a) The board  
7 may classify a license as inactive if the board receives written  
8 notification from a licensed dentist stating that the dentist will not  
9 practice as a dentist in Indiana.

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

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

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

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

15 **and**

16 **(4) meets competency standards set by the board.**

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

21 SECTION 39. IC 25-14-1-25 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. (a) It is a Class D  
23 felony for a person to do any of the following:

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

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

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

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

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

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

46 (4) Practice dentistry under a false name, under a name intended

- 1 to mislead the public, under the license of another person of the
- 2 same name, or hold ~~himself~~ **the person** out to the public under
- 3 such a name as a practitioner of dentistry.
- 4 (5) Assume the title or degree of "Bachelor of Dental Surgery",
- 5 append the letters "B.D.S.", "D.D.S.", "M.D.S.", or "D.M.D.", to
- 6 ~~his~~ **the person's** name, or make use of the same, or prefix to his
- 7 name the title of "Doctor", or any abbreviation thereof, not having
- 8 had duly conferred upon ~~him~~ **the person** by diploma from some
- 9 college, school, or board of examiners legally empowered to
- 10 confer the same, the right to assume such a title.
- 11 (6) Assume any title or append or prefix any words to ~~his~~ **the**
- 12 **person's** name, with intent to represent falsely that ~~he~~ **the person**
- 13 has received a dental degree or license.
- 14 (7) Not having been licensed to practice dentistry under the laws
- 15 of this state, represent that ~~he~~ **the person** is entitled so to practice
- 16 (a dental licensee may use the prefix "Doctor" or "Dr." to his
- 17 name).
- 18 (8) Falsely personate another at any examination ~~held by the~~
- 19 ~~board~~ to ascertain the preliminary professional education of
- 20 candidates for dental certificates, dental degrees, or dental
- 21 licenses or knowingly avail ~~himself~~ **the person** of the benefit of
- 22 false personation.
- 23 ~~(9)~~ **(8)** Otherwise violate this chapter.
- 24 (c) Each date that a person violates this section constitutes a
- 25 separate offense.
- 26 SECTION 40. IC 25-14-1-27.5, AS AMENDED BY P.L.49-2008,
- 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2011]: Sec. 27.5. (a) The board may issue an instructor's
- 29 license to an individual who is not otherwise licensed to practice
- 30 dentistry in Indiana if the individual meets the following conditions:
- 31 (1) The individual has been licensed or has had the equivalent of
- 32 a license for five (5) of the preceding nine (9) years to practice
- 33 dentistry in the United States or in any country, territory, or other
- 34 recognized jurisdiction.
- 35 (2) The individual has been approved under the credentialing
- 36 process of an Indiana school of dentistry or an affiliated medical
- 37 center of an Indiana school of dentistry that is accredited by:
- 38 (A) the American Dental Association Commission on Dental
- 39 Accreditation; or
- 40 (B) the Joint Commission on Accreditation of Health Care
- 41 Organizations.
- 42 (3) The individual has successfully documented or demonstrated
- 43 clinical and academic competency to the board.
- 44 (4) The individual is fluent in the English language.
- 45 (5) The individual passes the written law examination
- 46 administered by the board.

- 1 (6) The individual meets the continuing education requirements  
2 required by IC 25-14-3.
- 3 (7) The individual pays the licensing fee set by the board under  
4 subsection (f).
- 5 (b) A license issued under this section must be held by the Indiana  
6 school of dentistry for which the licensee is employed.
- 7 (c) A license issued under this section does not meet the  
8 requirements of section 16 of this chapter and may not be used to  
9 obtain a general dentistry license under this article.
- 10 (d) A licensee under this section may teach and practice dentistry  
11 only at or on behalf of an Indiana school of dentistry or an affiliated  
12 medical center of an Indiana school of dentistry.
- 13 (e) An instructor's license is valid only during the time the licensee  
14 is employed or has a valid employment contract for a full-time faculty  
15 position at the Indiana school of dentistry or an affiliated medical  
16 center. The Indiana school of dentistry or the affiliated medical center  
17 shall notify the board in writing upon the termination of the  
18 employment contract of an individual who is issued a license under this  
19 section and surrender the license not later than thirty (30) days after the  
20 licensee's employment ceases.
- 21 (f) The board shall set a fee for the issuance and renewal of a license  
22 under this section.
- 23 (g) Unless renewed, a license issued by the board under this section  
24 expires annually on a date specified by the agency under IC 25-1-5-4.  
25 An applicant for renewal must pay the renewal fee set by the board on  
26 or before the renewal date specified by the agency.
- 27 (h) Not more than ~~five~~ **ten** percent (~~5%~~) (**10%**) of the Indiana  
28 school of dentistry's full-time faculty may be individuals licensed under  
29 this section.
- 30 (i) The board shall adopt rules under IC 4-22-2 necessary to  
31 implement this section.
- 32 ~~(j) This section expires June 30, 2013.~~
- 33 SECTION 41. IC 25-14-1-30 IS ADDED TO THE INDIANA  
34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2011]: **Sec. 30. (a) An individual who:**  
36 **(1) is licensed under; and**  
37 **(2) fails to comply with;**  
38 **this article or rules adopted under this article is subject to**  
39 **discipline under IC 25-1-9.**  
40 **(b) An individual who is licensed under this article is responsible**  
41 **for knowing the standards of conduct and practice established by**  
42 **this article and rules adopted under this article.**
- 43 SECTION 42. IC 25-14-3-8 IS AMENDED TO READ AS  
44 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) A dentist must  
45 complete at least twenty (20) credit hours in continuing education  
46 courses each license period. **At least half of the required minimum**

- 1     **credit hours must be from live presentations or live workshops.**
- 2         (b) Credit hours may be applied under this section only toward the
- 3     credit hour requirement for the license period during which the credit
- 4     hours are earned.
- 5         (c) During a license period, a dentist may not earn more than five
- 6     (5) credit hours toward the requirements under this section for
- 7     continuing education courses that relate specifically to the area of
- 8     practice management."
- 9         Renumber all SECTIONS consecutively.  
       (Reference is to EHB 1273 as printed April 1, 2011.)

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Senator MISHLER