

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 590**

**Citations Affected:** IC 25-13; IC 25-14; IC 35-51-25-1.

**Synopsis:** Dental matters. Conference committee report for ESB 590. Establishes a limited voluntary charitable permit for dental hygienists and dentists. Adds "R.D.H." to the titles to be used for a dental hygienist. Adds a \$20 compliance fee that a dental hygienist must pay at license renewal. Repeals provisions requiring that continuing education courses for dental hygienists and dentists be made available in all Indiana geographic regions. Requires the attorney general and the Indiana professional licensing agency to enter into a memorandum of understanding concerning investigations of dental hygienists and dentists. Sets forth requirements for dental applicants who have graduated from an unaccredited dental college located outside the United States. Establishes discontinuation of dental practice procedures. Provides that a person who intentionally prevents a dentist from complying with the discontinuation requirements commits a Class A misdemeanor and allows for the office of the attorney general to bring a civil action suit against the person to enjoin a violation. Removes a provision that dentures may be marked with a patient's Social Security number. Requires the health finance commission to study, during the 2013 legislative interim, issues concerning the delivery of dental practices and options and procedures concerning consumer protections for dental care services. **(This conference committee report: (1) clarifies language concerning oral imaging related to the fabrication of a final restoration, impression, or cast; (2) adds language specifying actions a court may take in a civil action suit brought against a person who prevents a dentist from complying with notification requirements when retiring, discontinuing practice, moving, or leaving a community; (3) removes language concerning establishing an interim committee to study issues concerning health and dental care service consumer protection issues; and (4) adds language requiring a study by the health finance commission during the 2013 legislative interim concerning the delivery of dental practices by persons other than dentists and current options in Indiana and other states concerning consumer protections for dental care services.)**

**Effective:** July 1, 2013.

Adopted      Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 590 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1            Delete everything after the enacting clause and insert the following:  
2            SECTION 1. IC 25-13-1-4.5 IS ADDED TO THE INDIANA CODE  
3            AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4            1, 2013]: **Sec. 4.5. (a) The board may issue a limited voluntary  
5            charitable permit for a dental hygienist. An applicant for a permit  
6            under this section must meet the following requirements:**  
7            **(1) The applicant must be:**  
8            **(A) the holder of an inactive license under section 17.2 of  
9            this chapter; or**  
10            **(B) licensed as a dental hygienist in another state and be in  
11            good standing with that state's licensing agency.**  
12            **(2) The applicant must provide proof that either:**  
13            **(A) the individual; or**  
14            **(B) the clinic at which the individual will practice;  
15            has malpractice insurance that covers the individual.**  
16            **(3) The applicant must plan to provide, without compensation,  
17            dental hygiene care to individuals who are indigent, in critical  
18            need, or uninsured.**  
19            **(b) A permit issued under this section expires sixty (60) days  
20            after issuance.**  
21            SECTION 2. IC 25-13-1-6, AS AMENDED BY P.L.103-2011,  
22            SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2013]: Sec. 6. An applicant:

- 2 (1) must not have been convicted of a crime that has a direct  
 3 bearing on the applicant's ability to practice competently;  
 4 (2) must be a graduate of a school for dental hygienists that:  
 5 (A) is accredited by the Commission on Dental Accreditation  
 6 of the American Dental Association;  
 7 (B) is recognized by the board; and  
 8 (C) requires a formal course of training of not less than two (2)  
 9 years of eight (8) months each;  
 10 (3) must pass an examination administered by an entity approved  
 11 by the board; and  
 12 (4) may not take ~~any part of~~ the examination described in  
 13 subdivision (3) more than three (3) times.

14 SECTION 3. IC 25-13-1-8, AS AMENDED BY P.L.103-2011,  
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2013]: Sec. 8. (a) A license to practice dental hygiene in  
 17 Indiana may be issued to candidates who pass an examination  
 18 administered by an entity that has been approved by the board. The  
 19 license shall be valid for the remainder of the renewal period in effect  
 20 on the date the license was issued.

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

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

27 (1) Pay:

28 (A) the renewal fee set by the board under section 5 of this  
 29 chapter on or before the renewal date specified by the Indiana  
 30 professional licensing agency in each even-numbered year;

31 **and**

32 **(B) a compliance fee of twenty dollars (\$20) to be deposited**  
 33 **in the dental compliance fund established by**  
 34 **IC 25-14-1-3.7.**

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

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

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

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

49 (f) If a license remains invalid under subsection (d) for more than  
 50 three (3) years, the holder of the invalid license may obtain a reinstated  
 51 license by meeting the requirements for reinstatement under

1 IC 25-1-8-6(d). The board may require the licensee to participate in  
2 remediation or pass an examination administered by an entity approved  
3 by the board.

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

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

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

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

16 SECTION 4. IC 25-13-1-11, AS AMENDED BY P.L.134-2008,  
17 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2013]: Sec. 11. A person is deemed to be practicing dental  
19 hygiene within the meaning of this chapter who:

20 (1) uses the titles "Licensed Dental Hygienist", "Dental  
21 Hygienist", or the letters "L.D.H.", ~~or~~ "R.D.H.", or "D.H." in  
22 connection with his or her name;

23 (2) holds himself or herself out to the public in any manner that  
24 he or she can or will render services as a dental hygienist;

25 (3) removes calcific deposits or accretions from the surfaces of  
26 human teeth or cleans or polishes such teeth;

27 (4) applies and uses within the patient's mouth such antiseptic  
28 sprays, washes, or medicaments for the control or prevention of  
29 dental caries as his or her employer dentist may direct;

30 (5) treats gum disease;

31 (6) uses impressions and x-ray photographs for treatment  
32 purposes; or

33 (7) administers local dental anesthetics, except for the  
34 administration of local dental anesthetics by:

35 (A) a dentist as provided in IC 25-14-1-23(a)(6); or

36 (B) a physician licensed under IC 25-22.5.

37 SECTION 5. IC 25-13-2-14 IS REPEALED [EFFECTIVE JULY 1,  
38 2013]. ~~Sec. 14. Continuing education courses must be made available  
39 in all geographical regions of Indiana.~~

40 SECTION 6. IC 25-14-1-3, AS AMENDED BY P.L.103-2011,  
41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2013]: Sec. 3. (a) A person desiring to begin the practice of  
43 dentistry in Indiana shall procure from the board a license to practice  
44 dentistry in Indiana. **Except as provided in section 4.5 of this**  
45 **chapter**, to procure the license, the applicant must submit to the board  
46 proof of graduation from a dental college recognized by the board. The  
47 board may recognize dental schools accredited by the Commission on  
48 Dental Accreditation of the American Dental Association, if the board  
49 is satisfied that the recognition is consistent with the board's  
50 requirements. Every applicant must pass an examination administered

1 by an entity approved by the board and may not take ~~any portion~~ of the  
2 examination more than three (3) times.

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

4 SECTION 7. IC 25-14-1-3.7, AS ADDED BY P.L.103-2011,  
5 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2013]: Sec. 3.7. (a) The dental compliance fund is established  
7 to provide funds for administering and enforcing the provisions of this  
8 article, including investigating and taking enforcement action against  
9 violators of:

- 10 (1) IC 25-1-9 concerning an individual licensed under IC 25-13  
11 or this article;  
12 (2) IC 25-13; and  
13 (3) this article.

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

16 (b) The expenses of administering the fund shall be paid from the  
17 money in the fund. The fund consists of:

- 18 **(1) compliance fees paid under IC 25-13-1-8 and section 10(a)**  
19 **of this chapter; and**  
20 **(2) fines and civil penalties collected through investigations of**  
21 **violations of:**

- 22 ~~(1)~~ **(A)** IC 25-1-9 concerning individuals licensed under  
23 IC 25-13 or this article;  
24 ~~(2)~~ **(B)** IC 25-13; and  
25 ~~(3)~~ **(C)** this article;

26 conducted by the board or the attorney general.

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

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

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

- 36 (1) IC 25-1-9 if the individual is licensed under IC 25-13 or this  
37 article;  
38 (2) IC 25-13; and  
39 (3) this article.

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

43 SECTION 8. IC 25-14-1-4.5 IS ADDED TO THE INDIANA CODE  
44 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
45 1, 2013]: **Sec. 4.5. (a) An applicant for a license under this article**  
46 **who has been awarded a doctoral degree in dentistry or an**  
47 **equivalent degree from an unaccredited dental college located**  
48 **outside the United States must meet the following requirements in**  
49 **order to be granted a license:**

- 50 **(1) The applicant must apply for a license on a form**

1 prescribed by the board.

2 (2) The applicant must pass an English proficiency  
3 examination approved by the board.

4 (3) The applicant must be at least twenty-two (22) years of  
5 age.

6 (4) The applicant must not have been convicted of a crime  
7 that has a direct bearing on the applicant's ability to practice  
8 competently.

9 (5) The applicant must pass the following examinations:

10 (A) Part I and Part II of the United States National Board  
11 Dental Examination and a written jurisprudence  
12 examination.

13 (B) A basic science and laboratory examination, at the  
14 discretion of the board.

15 (6) The applicant must have successfully completed a clinical  
16 training program of at least two (2) years in one (1) of the  
17 following:

18 (A) An accredited institution that reasonably ensures a  
19 level of competency equal to that of graduates of  
20 accredited dental colleges, as determined by the board.

21 (B) A general practice residency program at an accredited  
22 institution.

23 (C) Advanced education in a general dentistry program  
24 from an accredited institution.

25 (7) The applicant must satisfy at least one (1) of the following  
26 requirements:

27 (A) Receive a passing score on a clinical examination that  
28 has been approved by the board.

29 (B) Possess a license in good standing from another state  
30 and be legally engaged in the practice of dentistry in:

31 (i) the other state;

32 (ii) the United States Armed Services;

33 (iii) the United States Public Health Service; or

34 (iv) the United States Department of Veterans Affairs;

35 for the five (5) years immediately preceding the  
36 application.

37 (b) The board, at its discretion, may waive the requirements of  
38 subsection (a)(2).

39 SECTION 9. IC 25-14-1-5.5, AS ADDED BY P.L.103-2011,  
40 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2013]: Sec. 5.5. (a) The board may issue a limited dental  
42 faculty ~~permit~~ **license**. An applicant for a ~~permit~~ **license** under this  
43 section must meet the following requirements:

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

46 (2) Be employed by ~~an accredited~~ **a recognized** dental school.

47 (b) An individual granted a limited dental faculty ~~permit~~ **license**  
48 under this section:

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

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

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

3 (B) reciprocity or endorsement under this article.

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

6 SECTION 10. IC 25-14-1-5.7 IS ADDED TO THE INDIANA  
7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2013]: **Sec. 5.7. (a) The board may issue a  
9 limited voluntary charitable permit. An applicant for a permit  
10 under this section must meet the following requirements:**

11 **(1) An applicant must be:**

12 **(A) the holder of an inactive license under section 27.1 of  
13 this chapter; or**

14 **(B) licensed as a dentist in another state and be in good  
15 standing with that state's licensing agency.**

16 **(2) An applicant must provide proof that either:**

17 **(A) the individual; or**

18 **(B) the clinic at which the individual will practice;  
19 has malpractice insurance that covers the individual.**

20 **(3) An applicant must plan to provide, without compensation,  
21 dental care to individuals who are indigent, in critical need, or  
22 uninsured.**

23 **(b) An individual practicing under a permit issued under this  
24 section may not distribute, dispense, or administer a controlled  
25 substance.**

26 **(c) A permit issued under this section expires sixty (60) days  
27 from issuance.**

28 SECTION 11. IC 25-14-1-10, AS AMENDED BY P.L.105-2008,  
29 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2013]: **Sec. 10. (a) Unless renewed, a license issued by the  
31 board expires on a date specified by the agency under IC 25-1-5-4(k).  
32 An applicant for renewal shall pay the renewal fee set by the board  
33 under section 13 of this chapter on or before the renewal date specified  
34 by the agency. In addition to the renewal fee set by the board, an  
35 applicant for renewal shall pay a compliance fee of twenty dollars  
36 (\$20) to be deposited in the dental compliance fund established by  
37 section 3.7 of this chapter.**

38 (b) The license shall be properly displayed at all times in the office  
39 of the person named as the holder of the license, and a person may not  
40 be considered to be in legal practice if the person does not possess the  
41 license and renewal card.

42 (c) If a holder of a dental license does not renew the license on or  
43 before the renewal date specified by the agency, without any action by  
44 the board the license together with any related renewal card is  
45 invalidated.

46 (d) Except as provided in section 27.1 of this chapter, a license  
47 invalidated under subsection (c) may be reinstated by the board in three  
48 (3) years or less after its invalidation if the holder of the license meets  
49 the requirements under IC 25-1-8-6(c).

50 (e) Except as provided in section 27.1 of this chapter, if a license  
51 remains invalid under subsection (c) for more than three (3) years, the

1 holder of the invalid license may obtain a reinstated license by  
 2 satisfying the requirements for reinstatement under IC 25-1-8-6(d).

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

6 (g) The board may adopt rules under section 13 of this chapter  
 7 establishing requirements for the reinstatement of a license that has  
 8 been invalidated for more than three (3) years. The fee for a duplicate  
 9 license to practice as a dentist is subject to IC 25-1-8-2.

10 (h) Biennial renewal of licenses is subject to IC 25-1-2.

11 (i) Subject to IC 25-1-4-3, an application for renewal of a license  
 12 under this section must contain a sworn statement signed by the  
 13 applicant attesting that the applicant has fulfilled the continuing  
 14 education requirements under IC 25-14-3.

15 SECTION 12. IC 25-14-1-23, AS AMENDED BY P.L.134-2008,  
 16 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2013]: Sec. 23. (a) A person is practicing dentistry within the  
 18 meaning of this chapter if the person does any of the following:

19 (1) Uses the word "dentist" or "dental surgeon", the letters  
 20 "D.D.S." or "D.M.D.", or other letters or titles in connection with  
 21 dentistry.

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

24 (3) Advertises or permits to be advertised by sign, card, circular,  
 25 handbill, newspaper, radio, or otherwise that the person can or  
 26 will attempt to perform dental operations of any kind.

27 (4) Offers to diagnose or professes to diagnose or treats or  
 28 professes to treat any of the lesions or diseases of the human oral  
 29 cavity, teeth, ~~gums~~, **gingiva**, or maxillary or mandibular  
 30 structures.

31 (5) Extracts human teeth or corrects malpositions of the teeth or  
 32 jaws.

33 (6) Except as provided in IC 25-13-1-10.5 and IC 25-13-1-10.6,  
 34 administers dental anesthetics.

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

36 (8) Makes:

37 **(A) oral images for the fabrication of a final restoration,**  
 38 **impression, or cast;**

39 **(B) impressions;** or

40 **(C) casts of any oral tissues or structures;**

41 for the purpose of diagnosis or treatment thereof or for the  
 42 construction, repair, reproduction, or duplication of any prosthetic  
 43 device to alleviate or cure any oral lesion or replace any lost oral  
 44 structures, tissue, or teeth.

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

49 (10) Is the employer of a dentist who is hired to provide dental  
 50 services.

- 1 (11) Directs or controls the use of dental equipment or dental  
 2 material while the equipment or material is being used to provide  
 3 dental services. However, a person may lease or provide advice  
 4 or assistance concerning dental equipment or dental material if  
 5 the person does not restrict or interfere with the custody, control,  
 6 or use of the equipment or material by the dentist. This  
 7 subdivision does not prevent a dental hygienist who is licensed  
 8 under IC 25-13 from owning dental equipment or dental materials  
 9 within the dental hygienist's scope of practice.
- 10 (12) Directs, controls, or interferes with a dentist's clinical  
 11 judgment.
- 12 (13) Exercises direction or control over a dentist through a written  
 13 contract concerning the following areas of dental practice:
- 14 (A) The selection of a patient's course of treatment.  
 15 (B) Referrals of patients, except for requiring referrals to be  
 16 within a specified provider network, subject to the exceptions  
 17 under IC 27-13-36-5.  
 18 (C) Content of patient records.  
 19 (D) Policies and decisions relating to refunds, if the refund  
 20 payment would be reportable under federal law to the National  
 21 Practitioner Data Bank, and warranties.  
 22 (E) The clinical content of advertising.  
 23 (F) Final decisions relating to the employment of dental office  
 24 personnel.
- 25 However, this subdivision does not prohibit a person from  
 26 providing advice or assistance concerning the areas of dental  
 27 practice referred to in this subdivision or an insurer (as defined in  
 28 IC 27-1-26-1) from carrying out the applicable provisions of  
 29 IC 27 under which the insurer is licensed.
- 30 However, a person does not have to be a dentist to be a manufacturer  
 31 of dental prostheses.
- 32 (b) In addition to subsection (a), a person is practicing dentistry who  
 33 directly or indirectly by any means or method furnishes, supplies,  
 34 constructs, reproduces, repairs, or adjusts any prosthetic denture,  
 35 bridge, appliance, or any other structure to be worn in the human  
 36 mouth and delivers the resulting product to any person other than the  
 37 duly licensed dentist upon whose written work authorization the work  
 38 was performed. A written work authorization shall include the  
 39 following:
- 40 (1) The name and address of the dental laboratory to which it is  
 41 directed.  
 42 (2) The case identification.  
 43 (3) A specification of the materials to be used.  
 44 (4) A description of the work to be done and, if necessary,  
 45 diagrams thereof.  
 46 (5) The date of issuance of the authorization.  
 47 (6) The signature and address of the licensed dentist or other  
 48 dental practitioner by whom the work authorization is issued.
- 49 A separate work authorization shall be issued for each patient of the  
 50 issuing licensed dentist or other dental practitioner for whom dental

1 technological work is to be performed.

2 (c) This section shall not apply to those procedures which a legally  
3 licensed and practicing dentist may delegate to a dental assistant as to  
4 which procedures the dentist exercises direct supervision and  
5 responsibility.

6 (d) Procedures delegated by a dentist may not include the following:

7 (1) Those procedures which require professional judgment and  
8 skill such as diagnosis, treatment planning, the cutting of hard or  
9 soft tissues, or any intraoral impression which would lead to the  
10 fabrication of a final prosthetic appliance.

11 (2) Except for procedures described in subsections (g) and (h),  
12 procedures delegated to a dental assistant may not include  
13 procedures allocated under IC 25-13-1 to a licensed dental  
14 hygienist.

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

21 (f) Licensed pharmacists of this state may fill prescriptions of  
22 licensed dentists of this state for any drug necessary in the practice of  
23 dentistry.

24 (g) Notwithstanding IC 25-13-1-11(4), a dental assistant who has  
25 completed a board approved curriculum may apply medicaments for  
26 the control or prevention of dental caries under the direct supervision  
27 of a licensed dentist. The curriculum must include instruction on the  
28 following:

- 29 (1) Ethics and jurisprudence.
- 30 (2) Reasons for fluorides.
- 31 (3) Systemic fluoride.
- 32 (4) Topical fluoride.
- 33 (5) Fluoride application.
- 34 (6) Laboratory work on topical fluoride applications and patient  
35 competency.

36 (h) Notwithstanding IC 25-13-1-11(3), a dental assistant who has  
37 completed a board approved curriculum may polish the coronal surface  
38 of teeth under the direct supervision of a licensed dentist. The  
39 curriculum must include instruction on the following:

- 40 (1) Ethics and jurisprudence.
- 41 (2) Plaque and materia alba.
- 42 (3) Intrinsic and extrinsic stain.
- 43 (4) Abrasive agents.
- 44 (5) Use of a slow speed hand piece, prophylaxis cup, and occlusal  
45 polishing brush.
- 46 (6) Theory of selective polishing.
- 47 (7) Laboratory work concerning slow speed hand piece, hand  
48 dexterity, and patient competency.

49 SECTION 13. IC 25-14-1-25.5 IS ADDED TO THE INDIANA  
50 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2013]: **Sec. 25.5. (a) As used in this section,**  
 2 **"active patient" applies and refers to a person whom the dentist**  
 3 **has examined, treated, cared for, or otherwise consulted with**  
 4 **during the two (2) year period before retirement, discontinuation**  
 5 **of practice, or moving from or leaving the community.**

6 **(b) This section does not apply to a dentist engaged solely in an**  
 7 **internship, a residency, a preceptorship, a fellowship, teaching, or**  
 8 **another postgraduate dental education or training program.**

9 **(c) Upon retirement, discontinuation of practice, or moving**  
 10 **from or leaving a community, a dentist shall:**

11 **(1) notify all of the dentist's active patients in writing, or by**  
 12 **publication once a week for three (3) consecutive weeks in a**  
 13 **newspaper of general circulation in the community, that the**  
 14 **dentist intends to discontinue the dentist's practice of**  
 15 **dentistry in the community; and**

16 **(2) encourage the dentist's patients to seek the services of**  
 17 **another dentist.**

18 **(d) The dentist who is retiring, discontinuing practice, or**  
 19 **moving from or leaving a community shall make reasonable**  
 20 **arrangements with the dentist's active patients for the transfer of**  
 21 **the dentist's records, or copies of the records, to the succeeding**  
 22 **dentist or, at the written request of the patient, to the patient, in**  
 23 **compliance with IC 16-39.**

24 **(e) Nothing in this section supersedes the requirements of**  
 25 **IC 16-39.**

26 **(f) A person who intentionally prevents a dentist from**  
 27 **complying with the requirements in this section commits a Class A**  
 28 **misdemeanor.**

29 **(g) The attorney general may enforce this section by bringing a**  
 30 **civil action to enjoin a violation of this section.**

31 **(h) In an action brought under subsection (g), the court may:**

32 **(1) issue an injunction;**

33 **(2) order the person to make payment of any money**  
 34 **unlawfully received to be held in escrow for distribution to**  
 35 **any aggrieved consumer;**

36 **(3) order the person to pay the state the reasonable costs of**  
 37 **the state's investigation and prosecution related to the action;**  
 38 **and**

39 **(4) order, for knowing violations, the person to pay a civil**  
 40 **penalty of not more than five thousand dollars (\$5,000) per**  
 41 **violation.**

42 **SECTION 14. IC 25-14-2-4 IS AMENDED TO READ AS**  
 43 **FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. Each denture and**  
 44 **each partial denture covered by section 2 or 3 of this chapter shall be**  
 45 **marked at the patient's option, with either the patient's name. or his**  
 46 **social security number.**

47 **SECTION 15. IC 25-14-3-16 IS REPEALED [EFFECTIVE JULY**  
 48 **1, 2013]. Sec. 16. Continuing education courses must be made**  
 49 **available in all geographical regions of Indiana.**

50 **SECTION 16. IC 35-51-25-1, AS AMENDED BY SEA 558-2013,**  
 51 **SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**

- 1 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:  
2 IC 25-2.1-13-3 (Concerning accountants).  
3 IC 25-2.5-3-4 (Concerning acupuncturists).  
4 IC 25-5.1-4-2 (Concerning athletic trainers).  
5 IC 25-5.2-2-12 (Concerning athlete agents).  
6 IC 25-6.1-7-1 (Concerning auctioneers and auctions).  
7 IC 25-6.1-7-2 (Concerning auctioneers and auctions).  
8 IC 25-8-15.4-25 (Concerning beauty culture).  
9 IC 25-10-1-11 (Concerning chiropractors).  
10 IC 25-11-1-12 (Concerning collection agencies).  
11 IC 25-13-1-3 (Concerning dental hygienists).  
12 IC 25-14-1-25 (Concerning dentists).  
13 **IC 25-14-1-25.5 (Concerning dentists).**  
14 IC 25-14-4-6 (Concerning dentists).  
15 IC 25-14.5-7-2 (Concerning dietitians).  
16 IC 25-16-1-18 (Concerning employment services).  
17 IC 25-17.3-5-3 (Concerning genetic counselors).  
18 IC 25-17.6-8-2 (Concerning geologists).  
19 IC 25-18-1-19 (Concerning distress sales).  
20 IC 25-20-1-21 (Concerning hearing aid dealers).  
21 IC 25-20.7-5-1 (Concerning interior designers).  
22 IC 25-21.5-5-10 (Concerning professional surveyors).  
23 IC 25-21.5-13-2 (Concerning professional surveyors).  
24 IC 25-21.8-7-1 (Concerning massage therapists).  
25 IC 25-22.5-8-2 (Concerning physicians).  
26 IC 25-22.5-8-3 (Concerning physicians).  
27 IC 25-23-1-27 (Concerning nurses).  
28 IC 25-23.5-3-2 (Concerning occupational therapists).  
29 IC 25-23.6-3-3 (Concerning marriage and family therapists).  
30 IC 25-23.6-4-4 (Concerning marriage and family therapists).  
31 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).  
32 IC 25-23.6-7-7 (Concerning marriage and family therapists).  
33 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).  
34 IC 25-23.6-11-1 (Concerning marriage and family therapists).  
35 IC 25-23.6-11-2 (Concerning marriage and family therapists).  
36 IC 25-23.6-11-3 (Concerning marriage and family therapists).  
37 IC 25-23.7-7-5 (Concerning manufactured home installers).  
38 IC 25-24-1-18 (Concerning optometrists).  
39 IC 25-24-3-17 (Concerning optometrists).  
40 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug  
41 stores).  
42 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug  
43 stores).  
44 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug  
45 stores).  
46 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug  
47 stores).  
48 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug  
49 stores).  
50 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug

- 1 stores).
- 2 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug
- 3 stores).
- 4 IC 25-27-1-12 (Concerning physical therapists).
- 5 IC 25-27.5-7-2 (Concerning physician assistants).
- 6 IC 25-28.5-1-31 (Concerning plumbers).
- 7 IC 25-29-9-1 (Concerning podiatrists).
- 8 IC 25-30-1-21 (Concerning private investigator firms, security
- 9 guards, and polygraph examiners).
- 10 IC 25-30-1.3-23 (Concerning private investigator firms, security
- 11 guards, and polygraph examiners).
- 12 IC 25-31-1-13 (Concerning engineers).
- 13 IC 25-31-1-27 (Concerning engineers).
- 14 IC 25-31.5-8-7 (Concerning soil scientists).
- 15 IC 25-33-1-15 (Concerning psychologists).
- 16 IC 25-34.5-3-2 (Concerning respiratory care specialists).
- 17 IC 25-35.6-3-10 (Concerning speech pathologists and
- 18 audiologists).
- 19 IC 25-36.1-1-2 (Concerning surgical technologists).
- 20 IC 25-36.5-1-10 (Concerning timber buyers).
- 21 IC 25-36.5-1-15 (Concerning timber buyers).
- 22 IC 25-38.1-4-10 (Concerning veterinarians).
- 23 IC 25-38.1-4-11 (Concerning veterinarians).
- 24 IC 25-39-5-1 (Concerning water well drilling contractors).
- 25 IC 25-39-5-7 (Concerning water well drilling contractors).
- 26 IC 25-41-1-2 (Concerning behavior analysts).

27 SECTION 17. [EFFECTIVE JULY 1, 2013] **(a) During the 2013**

28 **legislative interim, the health finance commission established by**

29 **IC 2-5-23-3 shall study issues concerning the delivery of dental**

30 **practices by a person other than an individual licensed under**

31 **IC 25-14 and current options and procedures in Indiana and other**

32 **states concerning consumer protections for dental care services.**

33 **(b) This SECTION expires December 31, 2013.**

(Reference is to ESB 590 as reprinted April 11, 2013.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 590**

**S**igned by:

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Senator Mishler  
Chairperson

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Representative Bacon

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Senator Mrvan

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Representative Brown C

**Senate Conferees**

**House Conferees**