



February 15, 2013

## SENATE BILL No. 590

DIGEST OF SB 590 (Updated February 14, 2013 9:04 am - DI 104)

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

**Synopsis:** Dental matters. 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. Repeals provisions requiring that continuing education courses for dental hygienists and dentists be made available in all Indiana geographic regions. Sets forth requirements for dental applicants who have graduated from an unaccredited dental college located outside the United States. Sets forth requirements that a person who is not a licensed dentist must meet in order to own, operate, conduct, or maintain a dental office. Removes a requirement that dentures must include a patient's Social Security number.

**Effective:** July 1, 2013.

**Mishler**

January 15, 2013, read first time and referred to Committee on Health and Provider Services.  
February 14, 2013, amended, reported favorably — Do Pass.

C  
O  
P  
Y

SB 590—LS 7347/DI 104+



February 15, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C  
O  
P  
Y

## SENATE BILL No. 590

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

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

- 1 SECTION 1. IC 25-13-1-4.5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 4.5. (a) The board may issue a limited voluntary  
4 charitable permit for a dental hygienist. An applicant for a permit  
5 under this section must meet the following requirements:**  
6 (1) **The applicant must be:**  
7 (A) **licensed under this article;**  
8 (B) **the holder of an inactive license under section 17.2 of  
9 this chapter; or**  
10 (C) **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;**  
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**

SB 590—LS 7347/DI 104+



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**need, or uninsured.**  
**(b) A permit issued under this section expires ninety (90) days after issuance.**

SECTION 2. IC 25-13-1-6, AS AMENDED BY P.L.103-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. An applicant:

- (1) must not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently;
- (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 25-13-1-11, AS AMENDED BY P.L.134-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. A person is deemed to be practicing dental hygiene within the meaning of this chapter who:

- (1) uses the titles "Licensed Dental Hygienist", "Dental Hygienist", or the letters "L.D.H.", ~~or "R.D.H.", or "D.H."~~ in connection with his or her name;
- (2) holds himself or herself out to the public in any manner that he or she can or will render services as a dental hygienist;
- (3) removes calcific deposits or accretions from the surfaces of human teeth or cleans or polishes such teeth;
- (4) applies and uses within the patient's mouth such antiseptic sprays, washes, or medicaments for the control or prevention of dental caries as his or her employer dentist may direct;
- (5) treats gum disease;
- (6) uses impressions and x-ray photographs for treatment purposes; or
- (7) administers local dental anesthetics, except for the administration of local dental anesthetics by:
  - (A) a dentist as provided in IC 25-14-1-23(a)(6); or
  - (B) a physician licensed under IC 25-22.5.

SECTION 4. IC 25-13-2-14 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 14. Continuing education courses must be made available in all geographical regions of Indiana.~~

C  
o  
p  
y



1 SECTION 5. IC 25-14-1-3, AS AMENDED BY P.L.103-2011,  
 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2013]: Sec. 3. (a) A person desiring to begin the practice of  
 4 dentistry in Indiana shall procure from the board a license to practice  
 5 dentistry in Indiana. **Except as provided in section 4.5 of this**  
 6 **chapter**, to procure the license, the applicant must submit to the board  
 7 proof of graduation from a dental college recognized by the board. The  
 8 board may recognize dental schools accredited by the Commission on  
 9 Dental Accreditation of the American Dental Association, if the board  
 10 is satisfied that the recognition is consistent with the board's  
 11 requirements. Every applicant must pass an examination administered  
 12 by an entity approved by the board and may not take ~~any portion~~ of the  
 13 examination more than three (3) times.

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

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

- 21 (1) IC 25-1-9 concerning an individual licensed under IC 25-13  
 22 or this article;  
 23 (2) IC 25-13; and  
 24 (3) this article.

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

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

- 29 **(1) compliance fees paid under IC 25-13-1-8 and section 10(a)**  
 30 **of this chapter; and**  
 31 **(2) fines and civil penalties collected through investigations of**  
 32 **violations of:**

- 33 ~~(1)~~ **(A)** IC 25-1-9 concerning individuals licensed under  
 34 IC 25-13 or this article;  
 35 ~~(2)~~ **(B)** IC 25-13; and  
 36 ~~(3)~~ **(C)** this article;

37 conducted by the board or the attorney general.

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

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



C  
O  
P  
Y

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

- 5 (1) IC 25-1-9 if the individual is licensed under IC 25-13 or this  
 6 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 7. IC 25-14-1-4.5 IS ADDED TO THE INDIANA CODE  
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 14 1, 2013]: **Sec. 4.5. (a) An applicant for a license under this article  
 15 who has been awarded a doctoral degree in dentistry from an  
 16 unaccredited dental college located outside the United States must  
 17 meet the following requirements in order to be granted a license:**

- 18 (1) **The applicant must apply for a license on a form  
 19 prescribed by the board.**  
 20 (2) **The applicant must pass an English proficiency  
 21 examination approved by the board.**  
 22 (3) **The applicant must be at least twenty-two (22) years of  
 23 age.**  
 24 (4) **The applicant must not have been convicted of a crime  
 25 that has a direct bearing on the applicant's ability to practice  
 26 competently.**  
 27 (5) **The applicant must pass the following examinations:**  
 28 (A) **Part I and Part II of the United States National Board  
 29 Dental Examination and a written jurisprudence  
 30 examination.**  
 31 (B) **A basic science and laboratory examination, at the  
 32 discretion of the board.**  
 33 (6) **The applicant must have successfully completed a clinical  
 34 training program of at least two (2) years in one (1) of the  
 35 following:**  
 36 (A) **An accredited institution that reasonably assures a  
 37 level of competency equal to that of graduates of  
 38 accredited dental colleges, as determined by the board.**  
 39 (B) **A general practice residency program at an accredited  
 40 institution.**  
 41 (C) **An advanced education in a general dentistry program  
 42 from an accredited institution.**

C  
 o  
 p  
 y



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

3           **(A) Receive a passing score on a clinical examination that**  
 4           **has been approved by the board.**

5           **(B) Possess a license in good standing from another state**  
 6           **and legally engaged in the practice of dentistry in:**

7           **(i) the other state;**

8           **(ii) the United States Armed Services;**

9           **(iii) the United States Public Health Service; or**

10           **(iv) the United States Department of Veterans Affairs;**

11           **for the immediate five (5) years preceding the application.**

12           **(b) The board, at its discretion, may waive the requirements of**  
 13           **subsection (a)(2).**

14           SECTION 8. IC 25-14-1-5.5, AS ADDED BY P.L.103-2011,  
 15           SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16           JULY 1, 2013]: Sec. 5.5. (a) The board may issue a limited dental  
 17           faculty ~~permit~~ **license**. An applicant for a ~~permit~~ **license** under this  
 18           section must meet the following requirements:

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

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

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

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

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

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

29           (B) reciprocity or endorsement under this article.

30           (c) The board shall set the ~~permit~~ **license** fee under section 13 of  
 31           this chapter.

32           SECTION 9. IC 25-14-1-5.7 IS ADDED TO THE INDIANA CODE  
 33           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 34           1, 2013]: Sec. 5.7. (a) **The board may issue a limited voluntary**  
 35           **charitable permit. An applicant for a permit under this section**  
 36           **must meet the following requirements:**

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

38           **(A) licensed under this article;**

39           **(B) the holder of an inactive license under section 27.1 of**  
 40           **this chapter; or**

41           **(C) licensed as a dentist in another state and be in good**  
 42           **standing with that state's licensing agency.**

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

- (2) **An applicant must provide proof that either:**
    - (A) **the individual; or**
    - (B) **the clinic;****has malpractice insurance that covers the individual.**
  - (3) **An applicant must plan to provide, without compensation, dental care to individuals who are indigent, in critical need, or uninsured.**
  - (b) **An individual practicing under a permit issued under this section may not distribute, dispense, or administer a controlled substance.**
  - (c) **A permit issued under this section expires ninety (90) days from issuance.**
  - (d) **The board shall set the permit fee under section 13 of this chapter.**
- SECTION 10. IC 25-14-1-10, AS AMENDED BY P.L.105-2008, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) Unless renewed, a license issued by the board expires on a date specified by the agency under IC 25-1-5-4(k). An applicant for renewal shall pay the renewal fee set by the board under section 13 of this chapter on or before the renewal date specified by the agency. **In addition to the renewal fee set by the board, an applicant for renewal shall pay a compliance fee of twenty dollars (\$20) to be deposited in the dental compliance fund established by section 3.7 of this chapter.**
- (b) The license shall be properly displayed at all times in the office of the person named as the holder of the license, and a person may not be considered to be in legal practice if the person does not possess the license and renewal card.
  - (c) If a holder of a dental license does not renew the license on or before the renewal date specified by the agency, without any action by the board the license together with any related renewal card is invalidated.
  - (d) Except as provided in section 27.1 of this chapter, a license invalidated under subsection (c) may be reinstated by the board in three (3) years or less after its invalidation if the holder of the license meets the requirements under IC 25-1-8-6(c).
  - (e) Except as provided in section 27.1 of this chapter, if a license remains invalid under subsection (c) for more than three (3) years, the holder of the invalid license may obtain a reinstated license by satisfying the requirements for reinstatement under IC 25-1-8-6(d).
  - (f) The board may require the holder of an invalid license who files an application under this subsection to appear before the board and

C  
O  
P  
Y



1 explain why the holder failed to renew the license.

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

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

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

11 SECTION 11. IC 25-14-1-23, AS AMENDED BY P.L.134-2008,  
12 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2013]: Sec. 23. (a) A person is practicing dentistry within the  
14 meaning of this chapter if the person does any of the following:

15 (1) Uses the word "dentist" or "dental surgeon", the letters  
16 "D.D.S." or "D.M.D.", or other letters or titles in connection with  
17 dentistry.

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

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

23 (4) Offers to diagnose or professes to diagnose or treats or  
24 professes to treat any of the lesions or diseases of the human oral  
25 cavity, teeth, ~~gums~~, **gingiva**, or maxillary or mandibular  
26 structures.

27 (5) Extracts human teeth or corrects malpositions of the teeth or  
28 jaws.

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

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

32 (8) Makes **oral images**, impressions, or casts of any oral tissues  
33 or structures for the purpose of diagnosis or treatment thereof or  
34 for the construction, repair, reproduction, or duplication of any  
35 prosthetic device to alleviate or cure any oral lesion or replace any  
36 lost oral structures, tissue, or teeth.

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

41 (10) **Except as provided in subsection (i), owns, operates,**  
42 **conducts, or maintains a dental practice, office, or clinic, or is**

C  
o  
p  
y



1 the employer of a dentist who is hired to provide dental services.  
 2 (11) Directs or controls the use of dental equipment or dental  
 3 material while the equipment or material is being used to provide  
 4 dental services. However, a person may lease or provide advice  
 5 or assistance concerning dental equipment or dental material if  
 6 the person does not restrict or interfere with the custody, control,  
 7 or use of the equipment or material by the dentist. This  
 8 subdivision does not prevent a dental hygienist who is licensed  
 9 under IC 25-13 from owning dental equipment or dental materials  
 10 within the dental hygienist's scope of practice.

11 (12) Directs, controls, or interferes with a dentist's clinical  
 12 judgment.

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

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

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

19 (C) Content of patient records.

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

23 (E) The clinical content of advertising.

24 (F) Final decisions relating to the employment of dental office  
 25 personnel.

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

31 However, a person does not have to be a dentist to be a manufacturer  
 32 of dental prostheses.

33 (b) In addition to subsection (a), a person is practicing dentistry who  
 34 directly or indirectly by any means or method furnishes, supplies,  
 35 constructs, reproduces, repairs, or adjusts any prosthetic denture,  
 36 bridge, appliance, or any other structure to be worn in the human  
 37 mouth and delivers the resulting product to any person other than the  
 38 duly licensed dentist upon whose written work authorization the work  
 39 was performed. A written work authorization shall include the  
 40 following:

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

C  
O  
P  
Y



- 1 (2) The case identification.  
 2 (3) A specification of the materials to be used.  
 3 (4) A description of the work to be done and, if necessary,  
 4 diagrams thereof.  
 5 (5) The date of issuance of the authorization.  
 6 (6) The signature and address of the licensed dentist or other  
 7 dental practitioner by whom the work authorization is issued.  
 8 A separate work authorization shall be issued for each patient of the  
 9 issuing licensed dentist or other dental practitioner for whom dental  
 10 technological work is to be performed.  
 11 (c) This section shall not apply to those procedures which a legally  
 12 licensed and practicing dentist may delegate to a dental assistant as to  
 13 which procedures the dentist exercises direct supervision and  
 14 responsibility.  
 15 (d) Procedures delegated by a dentist may not include the following:  
 16 (1) Those procedures which require professional judgment and  
 17 skill such as diagnosis, treatment planning, the cutting of hard or  
 18 soft tissues, or any intraoral impression which would lead to the  
 19 fabrication of a final prosthetic appliance.  
 20 (2) Except for procedures described in subsections (g) and (h),  
 21 procedures delegated to a dental assistant may not include  
 22 procedures allocated under IC 25-13-1 to a licensed dental  
 23 hygienist.  
 24 (e) This chapter shall not prevent dental students from performing  
 25 dental operations under the supervision of competent instructors within  
 26 the dental school or a university recognized by the board or in any  
 27 public clinic under the supervision of the authorized superintendent of  
 28 such clinic authorized under the authority and general direction of the  
 29 board of health or school board of any city or town in Indiana.  
 30 (f) Licensed pharmacists of this state may fill prescriptions of  
 31 licensed dentists of this state for any drug necessary in the practice of  
 32 dentistry.  
 33 (g) Notwithstanding IC 25-13-1-11(4), a dental assistant who has  
 34 completed a board approved curriculum may apply medicaments for  
 35 the control or prevention of dental caries under the direct supervision  
 36 of a licensed dentist. The curriculum must include instruction on the  
 37 following:  
 38 (1) Ethics and jurisprudence.  
 39 (2) Reasons for fluorides.  
 40 (3) Systemic fluoride.  
 41 (4) Topical fluoride.  
 42 (5) Fluoride application.

C  
o  
p  
y

- 1 (6) Laboratory work on topical fluoride applications and patient
- 2 competency.
- 3 (h) Notwithstanding IC 25-13-1-11(3), a dental assistant who has
- 4 completed a board approved curriculum may polish the coronal surface
- 5 of teeth under the direct supervision of a licensed dentist. The
- 6 curriculum must include instruction on the following:
- 7 (1) Ethics and jurisprudence.
- 8 (2) Plaque and materia alba.
- 9 (3) Intrinsic and extrinsic stain.
- 10 (4) Abrasive agents.
- 11 (5) Use of a slow speed hand piece, prophylaxis cup, and occlusal
- 12 polishing brush.
- 13 (6) Theory of selective polishing.
- 14 (7) Laboratory work concerning slow speed hand piece, hand
- 15 dexterity, and patient competency.
- 16 (i) **The following are not subject to subsection (j) and are not**
- 17 **considered to be practicing dentistry solely because the person**
- 18 **owns, operates, conducts, or maintains a dental practice, office, or**
- 19 **clinic:**
- 20 (1) **The Indiana University School of Dentistry.**
- 21 (2) **A unit (as defined in IC 36-1-2-23).**
- 22 (3) **An institution or program accredited by the Commission**
- 23 **on Dental Accreditation of the American Dental Association**
- 24 **for the purposes of providing education and training.**
- 25 (j) **A person that owns, operates, conducts, or maintains a dental**
- 26 **practice, office, mobile unit, or clinic and is not a dentist licensed**
- 27 **under this article or is not described in subsection (i) must do the**
- 28 **following:**
- 29 (1) **Register each office with the board, including as part of**
- 30 **the registration for each location the name of any individual**
- 31 **not licensed under this article who oversees, manages, or**
- 32 **otherwise exercises supervision or control over a dentist**
- 33 **licensed under this article or a dental hygienist licensed under**
- 34 **IC 25-13 at the dental practice, office, mobile unit, or clinic.**
- 35 **The registration required under this subdivision must be**
- 36 **renewed every two (2) years in a manner determined by the**
- 37 **board.**
- 38 (2) **Designate and name an active dentist licensed under this**
- 39 **article who has agreed to act as the dental director with the**
- 40 **responsibilities for the clinical practice of dentistry, including**
- 41 **the following:**
- 42 (A) **Diagnosing of conditions within the human oral cavity**

COPY



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

- and the adjacent tissues and structures.
- (B) Prescribing drugs that are administered to patients within the scope of practice of a dentist.
- (C) Providing a treatment plan for a dental patient.
- (D) Overseeing quality of patient care that is rendered or performed in the practice of dentistry.
- (E) Supervising dental hygienists, dental assistants, and other personnel involved in direct patient care, including authorization of the provision for procedures performed by these individuals.
- (F) Retaining patient dental records in accordance with laws and rules.
- (G) Ensuring that each dental patient receiving services has a dentist of record.

- (3) Comply with:
  - (A) the discontinuation of practice procedures set forth in 828 IAC 1-1-24 if the dental practice, office, or clinic is going to be discontinued or leaves the community; and
  - (B) any other dental rule determined by the board and communicated to a person registered under this subsection.
- (4) Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental assistants, and other personnel who are involved in direct patient care at the entity and make these records available to the board upon the board's request.

The board may adopt rules under IC 4-22-2 necessary to implement this subsection. A person that violates this subsection commits a Class A misdemeanor.

(k) This section does not preclude a person or entity that is not licensed by the board from any of the following:

- (1) Ownership or leasehold of a tangible or intangible asset used in a dental office or clinic, including real property, furnishings, equipment, and inventory, but not including patients' dental records relating to clinical dental care.
- (2) Employment of or contracting for the services of personnel other than licensed dentists.
- (3) Management of the business aspects of a dental office or clinic that are not related to the clinical practice of dentistry.

SECTION 12. IC 25-14-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. Each denture and each partial denture covered by section 2 or 3 of this chapter shall be

C  
o  
p  
y



1 marked at the patient's option, with either the patient's name. or his  
2 social security number:

3 SECTION 13. IC 25-14-3-16 IS REPEALED [EFFECTIVE JULY  
4 1, 2013]. ~~Sec. 16. Continuing education courses must be made~~  
5 ~~available in all geographical regions of Indiana:~~

6 SECTION 14. IC 35-51-25-1, AS ADDED BY P.L.70-2011,  
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:

- 9 IC 25-2.1-13-3 (Concerning accountants).
- 10 IC 25-2.5-3-4 (Concerning acupuncturists).
- 11 IC 25-5.1-4-2 (Concerning athletic trainers).
- 12 IC 25-5.2-2-12 (Concerning athlete agents).
- 13 IC 25-6.1-7-1 (Concerning auctioneers and auctions).
- 14 IC 25-6.1-7-2 (Concerning auctioneers and auctions).
- 15 IC 25-8-15.4-25 (Concerning beauty culture).
- 16 IC 25-10-1-11 (Concerning chiropractors).
- 17 IC 25-11-1-12 (Concerning collection agencies).
- 18 IC 25-13-1-3 (Concerning dental hygienists).
- 19 **IC 25-14-1-23 (Concerning dentists).**
- 20 IC 25-14-1-25 (Concerning dentists).
- 21 IC 25-14-4-6 (Concerning dentists).
- 22 IC 25-14.5-7-2 (Concerning dietitians).
- 23 IC 25-16-1-18 (Concerning employment services).
- 24 IC 25-17.3-5-3 (Concerning genetic counselors).
- 25 IC 25-17.6-8-2 (Concerning geologists).
- 26 IC 25-18-1-19 (Concerning distress sales).
- 27 IC 25-20-1-21 (Concerning hearing aid dealers).
- 28 IC 25-20.7-5-1 (Concerning interior designers).
- 29 IC 25-21.5-5-10 (Concerning land surveyors).
- 30 IC 25-21.5-13-2 (Concerning land surveyors).
- 31 IC 25-21.8-7-1 (Concerning massage therapists).
- 32 IC 25-22.5-8-2 (Concerning physicians).
- 33 IC 25-22.5-8-3 (Concerning physicians).
- 34 IC 25-23-1-27 (Concerning nurses).
- 35 IC 25-23.5-3-2 (Concerning occupational therapists).
- 36 IC 25-23.6-3-3 (Concerning marriage and family therapists).
- 37 IC 25-23.6-4-4 (Concerning marriage and family therapists).
- 38 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
- 39 ~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and
- 40 family therapists).
- 41 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
- 42 IC 25-23.6-11-1 (Concerning marriage and family therapists).

C  
o  
p  
y



- 1 IC 25-23.6-11-2 (Concerning marriage and family therapists).  
 2 IC 25-23.6-11-3 (Concerning marriage and family therapists).  
 3 IC 25-23.7-7-5 (Concerning manufactured home installers).  
 4 IC 25-24-1-18 (Concerning optometrists).  
 5 IC 25-24-3-17 (Concerning optometrists).  
 6 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug  
 7 stores).  
 8 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug  
 9 stores).  
 10 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug  
 11 stores).  
 12 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug  
 13 stores).  
 14 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug  
 15 stores).  
 16 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug  
 17 stores).  
 18 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug  
 19 stores).  
 20 IC 25-27-1-12 (Concerning physical therapists).  
 21 IC 25-27.5-7-2 (Concerning physician assistants).  
 22 IC 25-28.5-1-31 (Concerning plumbers).  
 23 IC 25-29-9-1 (Concerning podiatrists).  
 24 IC 25-30-1-21 (Concerning private investigator firms, security  
 25 guards, and polygraph examiners).  
 26 IC 25-30-1.3-23 (Concerning private investigator firms, security  
 27 guards, and polygraph examiners).  
 28 IC 25-31-1-13 (Concerning engineers).  
 29 IC 25-31-1-27 (Concerning engineers).  
 30 IC 25-31.5-8-7 (Concerning soil scientists).  
 31 IC 25-33-1-15 (Concerning psychologists).  
 32 IC 25-34.5-3-2 (Concerning respiratory care specialists).  
 33 IC 25-35.6-3-10 (Concerning speech pathologists and  
 34 audiologists).  
 35 IC 25-36.1-1-2 (Concerning surgical technologists).  
 36 IC 25-36.5-1-10 (Concerning timber buyers).  
 37 IC 25-36.5-1-15 (Concerning timber buyers).  
 38 IC 25-38.1-4-10 (Concerning veterinarians).  
 39 IC 25-38.1-4-11 (Concerning veterinarians).  
 40 IC 25-39-5-1 (Concerning water well drilling contractors).  
 41 IC 25-39-5-7 (Concerning water well drilling contractors).  
 42 IC 25-41-1-2 (Concerning behavior analysts).

C  
O  
P  
Y

## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 590, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 25-13-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4.5. (a) The board may issue a limited voluntary charitable permit for a dental hygienist. An applicant for a permit under this section must meet the following requirements:**

**(1) The applicant must be:**

**(A) licensed under this article;**

**(B) the holder of an inactive license under section 17.2 of this chapter; or**

**(C) licensed as a dental hygienist in another state and be in good standing with that state's licensing agency.**

**(2) The applicant must provide proof that either:**

**(A) the individual; or**

**(B) the clinic;**

**has malpractice insurance that covers the individual.**

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

**(b) A permit issued under this section expires ninety (90) days after issuance.**

SECTION 2. IC 25-13-1-6, AS AMENDED BY P.L.103-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. An applicant:

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

(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

C  
O  
P  
Y



subdivision (3) more than three (3) times."

Page 2, delete lines 1 through 36, begin a new paragraph and insert:

"SECTION 3. IC 25-13-1-11, AS AMENDED BY P.L.134-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. A person is deemed to be practicing dental hygiene within the meaning of this chapter who:

- (1) uses the titles "Licensed Dental Hygienist", "Dental Hygienist", or the letters "L.D.H.", **or "R.D.H.", or "D.H."** in connection with his or her name;
- (2) holds himself or herself out to the public in any manner that he or she can or will render services as a dental hygienist;
- (3) removes calcific deposits or accretions from the surfaces of human teeth or cleans or polishes such teeth;
- (4) applies and uses within the patient's mouth such antiseptic sprays, washes, or medicaments for the control or prevention of dental caries as his or her employer dentist may direct;
- (5) treats gum disease;
- (6) uses impressions and x-ray photographs for treatment purposes; or
- (7) administers local dental anesthetics, except for the administration of local dental anesthetics by:
  - (A) a dentist as provided in IC 25-14-1-23(a)(6); or
  - (B) a physician licensed under IC 25-22.5."

Page 3, line 9, strike "any portion of".

Page 4, line 12, delete "is a graduate of" and insert "**has been awarded a doctoral degree in dentistry from**".

Page 4, line 15, delete "Apply" and insert "**The applicant must apply**".

Page 4, line 16, delete "Pass" and insert "**The applicant must pass**".

Page 4, line 18, delete "Is" and insert "**The applicant must be**".

Page 4, line 18, delete "eighteen (18)" and insert "**twenty-two (22)**".

Page 4, line 19, delete "Has not" and insert "**The applicant must not have**".

Page 4, line 21, delete "Pass" and insert "**The applicant must pass**".

Page 4, line 21, delete "examinations administered by the" and insert "**examinations:**".

Page 4, delete line 22.

Page 4, line 23, delete "A" and insert "**Part I and Part II of the United States National Board Dental Examination and a**".

Page 4, line 24, delete "examination described" and insert "**examination, at the discretion of the board.**".

Page 4, delete line 25.



C  
O  
P  
Y

Page 4, line 26, delete "Has" and insert "**The applicant must have**".

Page 4, line 35, delete "Meets" and insert "**The applicant must satisfy**".

Page 4, line 36, delete "Has taken" and insert "**Receive a passing score on**".

Page 4, line 37, delete "and has received a passing score on" and insert ".".

Page 4, delete lines 38 through 40.

Page 4, line 41, delete "(C) Possesses" and insert "**(B) Possess**".

Page 4, line 42, delete "has".

Page 5, delete lines 8 through 29.

Page 5, line 33, strike "permit." and insert "**license**".

Page 5, line 33, after "a" strike "permit" and insert "**license**".

Page 5, line 38, strike "permit" and insert "**license**".

Page 5, line 40, strike "permit" and insert "**license**".

Page 6, line 1, strike "permit" and insert "**license**".

Page 6, line 4, strike "permit" and insert "**license**".

Page 6, line 11, delete "Is:" and insert "**An applicant must be:**".

Page 6, line 15, delete "is" and insert "**be**".

Page 6, line 17, delete "Provides" and insert "**An applicant must provide**".

Page 6, line 21, delete "Plans" and insert "**An applicant must plan**".

Page 6, between lines 27 and 28, begin a new paragraph and insert:  
**"(d) The board shall set the permit fee under section 13 of this chapter."**

Page 6, line 36, delete "compliance officer" and insert "**dental compliance**".

Page 10, delete lines 29 through 42, begin a new paragraph and insert:

**"(i) The following are not subject to subsection (j) and are not considered to be practicing dentistry solely because the person owns, operates, conducts, or maintains a dental practice, office, or clinic:**

**(1) The Indiana University School of Dentistry.**

**(2) A unit (as defined in IC 36-1-2-23).**

**(3) An institution or program accredited by the Commission on Dental Accreditation of the American Dental Association for the purposes of providing education and training.**

**(j) A person that owns, operates, conducts, or maintains a dental practice, office, mobile unit, or clinic and is not a dentist licensed under this article or is not described in subsection (i) must do the following:**

C  
o  
p  
y



**(1) Register each office with the board, including as part of the registration for each location the name of any individual not licensed under this article who oversees, manages, or otherwise exercises supervision or control over a dentist licensed under this article or a dental hygienist licensed under IC 25-13 at the dental practice, office, mobile unit, or clinic. The registration required under this subdivision must be renewed every two (2) years in a manner determined by the board.**

**(2) Designate and name an active dentist licensed under this article who has agreed to act as the dental director with the responsibilities for the clinical practice of dentistry, including the following:**

**(A) Diagnosing of conditions within the human oral cavity and the adjacent tissues and structures.**

**(B) Prescribing drugs that are administered to patients within the scope of practice of a dentist.**

**(C) Providing a treatment plan for a dental patient.**

**(D) Overseeing quality of patient care that is rendered or performed in the practice of dentistry.**

**(E) Supervising dental hygienists, dental assistants, and other personnel involved in direct patient care, including authorization of the provision for procedures performed by these individuals.**

**(F) Retaining patient dental records in accordance with laws and rules.**

**(G) Ensuring that each dental patient receiving services has a dentist of record.**

**(3) Comply with:**

**(A) the discontinuation of practice procedures set forth in 828 IAC 1-1-24 if the dental practice, office, or clinic is going to be discontinued or leaves the community; and**

**(B) any other dental rule determined by the board and communicated to a person registered under this subsection.**

**(4) Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental assistants, and other personnel who are involved in direct patient care at the entity and make these records available to the board upon the board's request.**

**The board may adopt rules under IC 4-22-2 necessary to implement this subsection. A person that violates this subsection**

C  
O  
P  
Y



**commits a Class A misdemeanor."**

Page 11, delete lines 1 through 25.

Page 11, delete lines 36 through 42.

Delete page 12.

Page 13, delete lines 1 through 16.

Page 13, after line 24, begin a new paragraph and insert:

"SECTION 14. IC 35-51-25-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:

- IC 25-2.1-13-3 (Concerning accountants).
- IC 25-2.5-3-4 (Concerning acupuncturists).
- IC 25-5.1-4-2 (Concerning athletic trainers).
- IC 25-5.2-2-12 (Concerning athlete agents).
- IC 25-6.1-7-1 (Concerning auctioneers and auctions).
- IC 25-6.1-7-2 (Concerning auctioneers and auctions).
- IC 25-8-15.4-25 (Concerning beauty culture).
- IC 25-10-1-11 (Concerning chiropractors).
- IC 25-11-1-12 (Concerning collection agencies).
- IC 25-13-1-3 (Concerning dental hygienists).
- IC 25-14-1-23 (Concerning dentists).**
- IC 25-14-1-25 (Concerning dentists).
- IC 25-14-4-6 (Concerning dentists).
- IC 25-14.5-7-2 (Concerning dietitians).
- IC 25-16-1-18 (Concerning employment services).
- IC 25-17.3-5-3 (Concerning genetic counselors).
- IC 25-17.6-8-2 (Concerning geologists).
- IC 25-18-1-19 (Concerning distress sales).
- IC 25-20-1-21 (Concerning hearing aid dealers).
- IC 25-20.7-5-1 (Concerning interior designers).
- IC 25-21.5-5-10 (Concerning land surveyors).
- IC 25-21.5-13-2 (Concerning land surveyors).
- IC 25-21.8-7-1 (Concerning massage therapists).
- IC 25-22.5-8-2 (Concerning physicians).
- IC 25-22.5-8-3 (Concerning physicians).
- IC 25-23-1-27 (Concerning nurses).
- IC 25-23.5-3-2 (Concerning occupational therapists).
- IC 25-23.6-3-3 (Concerning marriage and family therapists).
- IC 25-23.6-4-4 (Concerning marriage and family therapists).
- IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
- ~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and family therapists).
- IC 25-23.6-10.1-6 (Concerning marriage and family therapists).

C  
o  
p  
y



IC 25-23.6-11-1 (Concerning marriage and family therapists).  
 IC 25-23.6-11-2 (Concerning marriage and family therapists).  
 IC 25-23.6-11-3 (Concerning marriage and family therapists).  
 IC 25-23.7-7-5 (Concerning manufactured home installers).  
 IC 25-24-1-18 (Concerning optometrists).  
 IC 25-24-3-17 (Concerning optometrists).  
 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug stores).  
 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug stores).  
 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug stores).  
 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug stores).  
 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug stores).  
 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug stores).  
 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug stores).  
 IC 25-27-1-12 (Concerning physical therapists).  
 IC 25-27.5-7-2 (Concerning physician assistants).  
 IC 25-28.5-1-31 (Concerning plumbers).  
 IC 25-29-9-1 (Concerning podiatrists).  
 IC 25-30-1-21 (Concerning private investigator firms, security guards, and polygraph examiners).  
 IC 25-30-1.3-23 (Concerning private investigator firms, security guards, and polygraph examiners).  
 IC 25-31-1-13 (Concerning engineers).  
 IC 25-31-1-27 (Concerning engineers).  
 IC 25-31.5-8-7 (Concerning soil scientists).  
 IC 25-33-1-15 (Concerning psychologists).  
 IC 25-34.5-3-2 (Concerning respiratory care specialists).  
 IC 25-35.6-3-10 (Concerning speech pathologists and audiologists).  
 IC 25-36.1-1-2 (Concerning surgical technologists).  
 IC 25-36.5-1-10 (Concerning timber buyers).  
 IC 25-36.5-1-15 (Concerning timber buyers).  
 IC 25-38.1-4-10 (Concerning veterinarians).  
 IC 25-38.1-4-11 (Concerning veterinarians).  
 IC 25-39-5-1 (Concerning water well drilling contractors).  
 IC 25-39-5-7 (Concerning water well drilling contractors).

C  
O  
P  
Y



IC 25-41-1-2 (Concerning behavior analysts)."  
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 590 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 11, Nays 0.

C  
o  
p  
y

