



Reprinted
February 19, 2013

SENATE BILL No. 590

DIGEST OF SB 590 (Updated February 18, 2013 3:19 pm - 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. 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. 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, Breaux

January 15, 2013, read first time and referred to Committee on Health and Provider Services.
February 14, 2013, amended, reported favorably — Do Pass.
February 18, 2013, read second time, amended, ordered engrossed.

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SB 590—LS 7347/DI 104+



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.

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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) the holder of an inactive license under section 17.2 of**
8 **this chapter; or**
9 **(B) licensed as a dental hygienist in another state and be in**
10 **good standing with that state's licensing agency.**
11 **(2) The applicant must provide proof that either:**
12 **(A) the individual; or**
13 **(B) the clinic;**
14 **has malpractice insurance that covers the individual.**
15 **(3) The applicant must plan to provide, without compensation,**
16 **dental hygiene care to individuals who are indigent, in critical**
17 **need, or uninsured.**

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1 **(b) A permit issued under this section expires sixty (60) days**
 2 **after issuance.**

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

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

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

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

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

- 31 (1) Pay:
 32 (A) the renewal fee set by the board under section 5 of this
 33 chapter on or before the renewal date specified by the Indiana
 34 professional licensing agency in each even-numbered year;
 35 **and**
 36 **(B) a compliance fee of twenty dollars (\$20) to be deposited**
 37 **in the dental compliance fund established by**
 38 **IC 25-14-1-3.7.**
 39 (2) Subject to IC 25-1-4-3, provide the board with a sworn
 40 statement signed by the applicant attesting that the applicant has
 41 fulfilled the continuing education requirements under IC 25-13-2.
 42 (3) Be currently certified or successfully complete a course in

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- 1 basic life support through a program approved by the board. The
 2 board may waive the basic life support requirement for applicants
 3 who show reasonable cause.
- 4 (d) If the holder of a license does not renew the license on or before
 5 the renewal date specified by the Indiana professional licensing agency,
 6 the license expires and becomes invalid without any action by the
 7 board.
- 8 (e) A license invalidated under subsection (d) may be reinstated by
 9 the board in three (3) years or less after such invalidation if the holder
 10 of the license meets the requirements under IC 25-1-8-6(c).
- 11 (f) If a license remains invalid under subsection (d) for more than
 12 three (3) years, the holder of the invalid license may obtain a reinstated
 13 license by meeting the requirements for reinstatement under
 14 IC 25-1-8-6(d). The board may require the licensee to participate in
 15 remediation or pass an examination administered by an entity approved
 16 by the board.
- 17 (g) The board may require the holder of an invalid license who files
 18 an application under this subsection to appear before the board and
 19 explain why the holder failed to renew the license.
- 20 (h) The board may adopt rules under section 5 of this chapter
 21 establishing requirements for the reinstatement of a license that has
 22 been invalidated for more than three (3) years.
- 23 (i) The license to practice must be displayed at all times in plain
 24 view of the patients in the office where the holder is engaged in
 25 practice. No person may lawfully practice dental hygiene who does not
 26 possess a license and its current renewal.
- 27 (j) Biennial renewals of licenses are subject to the provisions of
 28 IC 25-1-2.
- 29 SECTION 4. IC 25-13-1-11, AS AMENDED BY P.L.134-2008,
 30 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2013]: Sec. 11. A person is deemed to be practicing dental
 32 hygiene within the meaning of this chapter who:
- 33 (1) uses the titles "Licensed Dental Hygienist", "Dental
 34 Hygienist", or the letters "L.D.H.", ~~or~~ "R.D.H.", or "D.H." in
 35 connection with his or her name;
- 36 (2) holds himself or herself out to the public in any manner that
 37 he or she can or will render services as a dental hygienist;
- 38 (3) removes calcific deposits or accretions from the surfaces of
 39 human teeth or cleans or polishes such teeth;
- 40 (4) applies and uses within the patient's mouth such antiseptic
 41 sprays, washes, or medicaments for the control or prevention of
 42 dental caries as his or her employer dentist may direct;

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1 (5) treats gum disease;

2 (6) uses impressions and x-ray photographs for treatment
3 purposes; or

4 (7) administers local dental anesthetics, except for the
5 administration of local dental anesthetics by:

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

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

8 SECTION 5. IC 25-13-2-14 IS REPEALED [EFFECTIVE JULY 1,
9 2013]. ~~Sec. 14. Continuing education courses must be made available
10 in all geographical regions of Indiana:~~

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

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

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

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

33 (2) IC 25-13; and

34 (3) this article.

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

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

39 **(1) compliance fees paid under IC 25-13-1-8 and section 10(a)
40 of this chapter; and**

41 **(2) fines and civil penalties collected through investigations of
42 violations of:**

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1 (+) (A) IC 25-1-9 concerning individuals licensed under
 2 IC 25-13 or this article;
 3 (2) (B) IC 25-13; and
 4 (3) (C) this article;
 5 conducted by the board or the attorney general.

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

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

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

- 15 (1) IC 25-1-9 if the individual is licensed under IC 25-13 or this
 16 article;
- 17 (2) IC 25-13; and
- 18 (3) this article.

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

22 SECTION 8. IC 25-14-1-4.5 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2013]: **Sec. 4.5. (a) An applicant for a license under this article
 25 who has been awarded a doctoral degree in dentistry from an
 26 unaccredited dental college located outside the United States must
 27 meet the following requirements in order to be granted a license:**

- 28 **(1) The applicant must apply for a license on a form
 29 prescribed by the board.**
- 30 **(2) The applicant must pass an English proficiency
 31 examination approved by the board.**
- 32 **(3) The applicant must be at least twenty-two (22) years of
 33 age.**
- 34 **(4) The applicant must not have been convicted of a crime
 35 that has a direct bearing on the applicant's ability to practice
 36 competently.**
- 37 **(5) The applicant must pass the following examinations:**
 - 38 **(A) Part I and Part II of the United States National Board
 39 Dental Examination and a written jurisprudence
 40 examination.**
 - 41 **(B) A basic science and laboratory examination, at the
 42 discretion of the board.**

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

4 (A) An accredited institution that reasonably assures a
 5 level of competency equal to that of graduates of
 6 accredited dental colleges, as determined by the board.

7 (B) A general practice residency program at an accredited
 8 institution.

9 (C) An advanced education in a general dentistry program
 10 from an accredited institution.

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

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

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

17 (i) the other state;

18 (ii) the United States Armed Services;

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

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

21 for the immediate five (5) years preceding the application.

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

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

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

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

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

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

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

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

39 (B) reciprocity or endorsement under this article.

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

42 SECTION 10. IC 25-14-1-5.7 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: **Sec. 5.7. (a) The board may issue a**
 3 **limited voluntary charitable permit. An applicant for a permit**
 4 **under this section must meet the following requirements:**

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

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

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

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

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

12 **(B) the clinic;**

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

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

17 **(b) An individual practicing under a permit issued under this**
 18 **section may not distribute, dispense, or administer a controlled**
 19 **substance.**

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

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

32 **(b) The license shall be properly displayed at all times in the office**
 33 **of the person named as the holder of the license, and a person may not**
 34 **be considered to be in legal practice if the person does not possess the**
 35 **license and renewal card.**

36 **(c) If a holder of a dental license does not renew the license on or**
 37 **before the renewal date specified by the agency, without any action by**
 38 **the board the license together with any related renewal card is**
 39 **invalidated.**

40 **(d) Except as provided in section 27.1 of this chapter, a license**
 41 **invalidated under subsection (c) may be reinstated by the board in three**
 42 **(3) years or less after its invalidation if the holder of the license meets**

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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 explain why the holder failed to renew the license.

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

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

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

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

- (1) Uses the word "dentist" or "dental surgeon", the letters "D.D.S." or "D.M.D.", or other letters or titles in connection with dentistry.
- (2) Directs and controls the treatment of patients within a place where dental services are performed.
- (3) Advertises or permits to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that the person can or will attempt to perform dental operations of any kind.
- (4) Offers to diagnose or professes to diagnose or treats or professes to treat any of the lesions or diseases of the human oral cavity, teeth, ~~gums~~, **gingiva**, or maxillary or mandibular structures.
- (5) Extracts human teeth or corrects malpositions of the teeth or jaws.
- (6) Except as provided in IC 25-13-1-10.5 and IC 25-13-1-10.6, administers dental anesthetics.
- (7) Uses x-ray pictures for dental diagnostic purposes.
- (8) Makes **oral images**, impressions, or casts of any oral tissues or structures for the purpose of diagnosis or treatment thereof or for the construction, repair, reproduction, or duplication of any prosthetic device to alleviate or cure any oral lesion or replace any

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1 lost oral structures, tissue, or teeth.
 2 (9) Advertises to the public by any method, except trade and
 3 professional publications, to furnish, supply, construct, reproduce,
 4 repair, or adjust any prosthetic denture, bridge, appliance, or other
 5 structure to be worn in the human mouth.
 6 (10) **Except as provided in subsection (i), owns, operates,**
 7 **conducts, or maintains a dental practice, office, or clinic, or**
 8 the employer of a dentist who is hired to provide dental services.
 9 (11) Directs or controls the use of dental equipment or dental
 10 material while the equipment or material is being used to provide
 11 dental services. However, a person may lease or provide advice
 12 or assistance concerning dental equipment or dental material if
 13 the person does not restrict or interfere with the custody, control,
 14 or use of the equipment or material by the dentist. This
 15 subdivision does not prevent a dental hygienist who is licensed
 16 under IC 25-13 from owning dental equipment or dental materials
 17 within the dental hygienist's scope of practice.
 18 (12) Directs, controls, or interferes with a dentist's clinical
 19 judgment.
 20 (13) Exercises direction or control over a dentist through a written
 21 contract concerning the following areas of dental practice:
 22 (A) The selection of a patient's course of treatment.
 23 (B) Referrals of patients, except for requiring referrals to be
 24 within a specified provider network, subject to the exceptions
 25 under IC 27-13-36-5.
 26 (C) Content of patient records.
 27 (D) Policies and decisions relating to refunds, if the refund
 28 payment would be reportable under federal law to the National
 29 Practitioner Data Bank, and warranties.
 30 (E) The clinical content of advertising.
 31 (F) Final decisions relating to the employment of dental office
 32 personnel.
 33 However, this subdivision does not prohibit a person from
 34 providing advice or assistance concerning the areas of dental
 35 practice referred to in this subdivision or an insurer (as defined in
 36 IC 27-1-26-1) from carrying out the applicable provisions of
 37 IC 27 under which the insurer is licensed.
 38 However, a person does not have to be a dentist to be a manufacturer
 39 of dental prostheses.
 40 (b) In addition to subsection (a), a person is practicing dentistry who
 41 directly or indirectly by any means or method furnishes, supplies,
 42 constructs, reproduces, repairs, or adjusts any prosthetic denture,

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1 bridge, appliance, or any other structure to be worn in the human
2 mouth and delivers the resulting product to any person other than the
3 duly licensed dentist upon whose written work authorization the work
4 was performed. A written work authorization shall include the
5 following:

- 6 (1) The name and address of the dental laboratory to which it is
7 directed.
- 8 (2) The case identification.
- 9 (3) A specification of the materials to be used.
- 10 (4) A description of the work to be done and, if necessary,
11 diagrams thereof.
- 12 (5) The date of issuance of the authorization.
- 13 (6) The signature and address of the licensed dentist or other
14 dental practitioner by whom the work authorization is issued.

15 A separate work authorization shall be issued for each patient of the
16 issuing licensed dentist or other dental practitioner for whom dental
17 technological work is to be performed.

18 (c) This section shall not apply to those procedures which a legally
19 licensed and practicing dentist may delegate to a dental assistant as to
20 which procedures the dentist exercises direct supervision and
21 responsibility.

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

- 23 (1) Those procedures which require professional judgment and
24 skill such as diagnosis, treatment planning, the cutting of hard or
25 soft tissues, or any intraoral impression which would lead to the
26 fabrication of a final prosthetic appliance.
- 27 (2) Except for procedures described in subsections (g) and (h),
28 procedures delegated to a dental assistant may not include
29 procedures allocated under IC 25-13-1 to a licensed dental
30 hygienist.

31 (e) This chapter shall not prevent dental students from performing
32 dental operations under the supervision of competent instructors within
33 the dental school or a university recognized by the board or in any
34 public clinic under the supervision of the authorized superintendent of
35 such clinic authorized under the authority and general direction of the
36 board of health or school board of any city or town in Indiana.

37 (f) Licensed pharmacists of this state may fill prescriptions of
38 licensed dentists of this state for any drug necessary in the practice of
39 dentistry.

40 (g) Notwithstanding IC 25-13-1-11(4), a dental assistant who has
41 completed a board approved curriculum may apply medicaments for
42 the control or prevention of dental caries under the direct supervision

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1 of a licensed dentist. The curriculum must include instruction on the
2 following:

- 3 (1) Ethics and jurisprudence.
- 4 (2) Reasons for fluorides.
- 5 (3) Systemic fluoride.
- 6 (4) Topical fluoride.
- 7 (5) Fluoride application.
- 8 (6) Laboratory work on topical fluoride applications and patient
9 competency.

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

- 14 (1) Ethics and jurisprudence.
- 15 (2) Plaque and materia alba.
- 16 (3) Intrinsic and extrinsic stain.
- 17 (4) Abrasive agents.
- 18 (5) Use of a slow speed hand piece, prophyl cup, and occlusal
19 polishing brush.
- 20 (6) Theory of selective polishing.
- 21 (7) Laboratory work concerning slow speed hand piece, hand
22 dexterity, and patient competency.

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

- 27 **(1) The Indiana University School of Dentistry.**
- 28 **(2) A unit (as defined in IC 36-1-2-23).**
- 29 **(3) An institution or program accredited by the Commission**
30 **on Dental Accreditation of the American Dental Association**
31 **for the purposes of providing education and training.**

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

- 36 **(1) Register each office with the board, including as part of**
37 **the registration for each location the name of any individual**
38 **not licensed under this article who oversees, manages, or**
39 **otherwise exercises supervision or control over a dentist**
40 **licensed under this article or a dental hygienist licensed under**
41 **IC 25-13 at the dental practice, office, mobile unit, or clinic.**
42 **The registration required under this subdivision must be**

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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 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.

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1 **(2) Employment of or contracting for the services of personnel**
 2 **other than licensed dentists.**
 3 **(3) Management of the business aspects of a dental office or**
 4 **clinic that are not related to the clinical practice of dentistry.**
 5 **(l) The attorney general may seek injunctive relief in any circuit**
 6 **or superior court to restrain a person from continuing to violate**
 7 **subsection (j).**
 8 SECTION 13. IC 25-14-2-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. Each denture and
 10 each partial denture covered by section 2 or 3 of this chapter shall be
 11 marked ~~at the patient's option, with either the patient's name. or his~~
 12 social security number.
 13 SECTION 14. IC 25-14-3-16 IS REPEALED [EFFECTIVE JULY
 14 1, 2013]. ~~Sec. 16. Continuing education courses must be made~~
 15 available in all geographical regions of Indiana.
 16 SECTION 15. IC 35-51-25-1, AS ADDED BY P.L.70-2011,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:
 19 IC 25-2.1-13-3 (Concerning accountants).
 20 IC 25-2.5-3-4 (Concerning acupuncturists).
 21 IC 25-5.1-4-2 (Concerning athletic trainers).
 22 IC 25-5.2-2-12 (Concerning athlete agents).
 23 IC 25-6.1-7-1 (Concerning auctioneers and auctions).
 24 IC 25-6.1-7-2 (Concerning auctioneers and auctions).
 25 IC 25-8-15.4-25 (Concerning beauty culture).
 26 IC 25-10-1-11 (Concerning chiropractors).
 27 IC 25-11-1-12 (Concerning collection agencies).
 28 IC 25-13-1-3 (Concerning dental hygienists).
 29 **IC 25-14-1-23 (Concerning dentists).**
 30 IC 25-14-1-25 (Concerning dentists).
 31 IC 25-14-4-6 (Concerning dentists).
 32 IC 25-14.5-7-2 (Concerning dietitians).
 33 IC 25-16-1-18 (Concerning employment services).
 34 IC 25-17.3-5-3 (Concerning genetic counselors).
 35 IC 25-17.6-8-2 (Concerning geologists).
 36 IC 25-18-1-19 (Concerning distress sales).
 37 IC 25-20-1-21 (Concerning hearing aid dealers).
 38 IC 25-20.7-5-1 (Concerning interior designers).
 39 IC 25-21.5-5-10 (Concerning land surveyors).
 40 IC 25-21.5-13-2 (Concerning land surveyors).
 41 IC 25-21.8-7-1 (Concerning massage therapists).
 42 IC 25-22.5-8-2 (Concerning physicians).

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- 1 IC 25-22.5-8-3 (Concerning physicians).
 2 IC 25-23-1-27 (Concerning nurses).
 3 IC 25-23.5-3-2 (Concerning occupational therapists).
 4 IC 25-23.6-3-3 (Concerning marriage and family therapists).
 5 IC 25-23.6-4-4 (Concerning marriage and family therapists).
 6 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
 7 ~~IC 25-23.6-4.7-7~~ IC 25-23.6-7-7 (Concerning marriage and
 8 family therapists).
 9 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
 10 IC 25-23.6-11-1 (Concerning marriage and family therapists).
 11 IC 25-23.6-11-2 (Concerning marriage and family therapists).
 12 IC 25-23.6-11-3 (Concerning marriage and family therapists).
 13 IC 25-23.7-7-5 (Concerning manufactured home installers).
 14 IC 25-24-1-18 (Concerning optometrists).
 15 IC 25-24-3-17 (Concerning optometrists).
 16 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug
 17 stores).
 18 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug
 19 stores).
 20 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug
 21 stores).
 22 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug
 23 stores).
 24 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug
 25 stores).
 26 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug
 27 stores).
 28 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug
 29 stores).
 30 IC 25-27-1-12 (Concerning physical therapists).
 31 IC 25-27.5-7-2 (Concerning physician assistants).
 32 IC 25-28.5-1-31 (Concerning plumbers).
 33 IC 25-29-9-1 (Concerning podiatrists).
 34 IC 25-30-1-21 (Concerning private investigator firms, security
 35 guards, and polygraph examiners).
 36 IC 25-30-1.3-23 (Concerning private investigator firms, security
 37 guards, and polygraph examiners).
 38 IC 25-31-1-13 (Concerning engineers).
 39 IC 25-31-1-27 (Concerning engineers).
 40 IC 25-31.5-8-7 (Concerning soil scientists).
 41 IC 25-33-1-15 (Concerning psychologists).
 42 IC 25-34.5-3-2 (Concerning respiratory care specialists).

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- 1 IC 25-35.6-3-10 (Concerning speech pathologists and
- 2 audiologists).
- 3 IC 25-36.1-1-2 (Concerning surgical technologists).
- 4 IC 25-36.5-1-10 (Concerning timber buyers).
- 5 IC 25-36.5-1-15 (Concerning timber buyers).
- 6 IC 25-38.1-4-10 (Concerning veterinarians).
- 7 IC 25-38.1-4-11 (Concerning veterinarians).
- 8 IC 25-39-5-1 (Concerning water well drilling contractors).
- 9 IC 25-39-5-7 (Concerning water well drilling contractors).
- 10 IC 25-41-1-2 (Concerning behavior analysts).

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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

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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.

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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:

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(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

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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).

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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).

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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.

SENATE MOTION

Madam President: I move that Senate Bill 590 be amended to read as follows:

Page 1, delete line 7.

Page 1, line 8, delete "(B)" and insert "(A)".

Page 1, line 10, delete "(C)" and insert "(B)".

Page 2, line 2, delete "ninety (90)" and insert "**sixty (60)**".

Page 2, between lines 18 and 19, begin a new paragraph and insert:

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

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

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

(1) Pay:

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

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

(2) Subject to IC 25-1-4-3, provide the board with a sworn statement signed by the applicant attesting that the applicant has

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fulfilled the continuing education requirements under IC 25-13-2.

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

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

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

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

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

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

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

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

Page 5, delete line 38.

Page 5, line 39, delete "(B)" and insert "(A)".

Page 5, line 41, delete "(C)" and insert "(B)".

Page 6, line 11, delete "ninety (90)" and insert "**sixty (60)**".

Page 6, delete lines 13 through 14.

Page 11, between lines 39 and 40, begin a new paragraph and insert:

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"(l) The attorney general may seek injunctive relief in any circuit or superior court to restrain a person from continuing to violate subsection (j)."

Renumber all SECTIONS consecutively.

(Reference is to SB 590 as printed February 15, 2013.)

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