

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:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 25-13-1-4.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: **Sec. 4.5. (a) The board may issue a
5 limited voluntary charitable permit for a dental hygienist. An
6 applicant for a permit under this section must meet the following
7 requirements:**
8 **(1) The applicant must be:**
9 **(A) licensed under this article;**
10 **(B) the holder of an inactive license under section 17.2 of
11 this chapter; or**
12 **(C) licensed as a dental hygienist in another state and be in
13 good standing with that state's licensing agency.**
14 **(2) The applicant must provide proof that either:**
15 **(A) the individual; or**
16 **(B) the clinic;**
17 **has malpractice insurance that covers the individual.**
18 **(3) The applicant must plan to provide, without compensation,
19 dental hygiene care to individuals who are indigent, in critical
20 need, or uninsured.**
21 **(b) A permit issued under this section expires ninety (90) days**

1 **after issuance.**

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

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

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

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

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

- 1 Page 3, line 9, strike "any portion of".
- 2 Page 4, line 12, delete "is a graduate of" and insert "**has been**
- 3 **awarded a doctoral degree in dentistry from**".
- 4 Page 4, line 15, delete "Apply" and insert "**The applicant must**
- 5 **apply**".
- 6 Page 4, line 16, delete "Pass" and insert "**The applicant must pass**".
- 7 Page 4, line 18, delete "Is" and insert "**The applicant must be**".
- 8 Page 4, line 18, delete "eighteen (18)" and insert "**twenty-two (22)**".
- 9 Page 4, line 19, delete "Has not" and insert "**The applicant must**
- 10 **not have**".
- 11 Page 4, line 21, delete "Pass" and insert "**The applicant must pass**".
- 12 Page 4, line 21, delete "examinations administered by the" and
- 13 insert "**examinations:**".
- 14 Page 4, delete line 22.
- 15 Page 4, line 23, delete "A" and insert "**Part I and Part II of the**
- 16 **United States National Board Dental Examination and a**".
- 17 Page 4, line 24, delete "examination described" and insert
- 18 "**examination, at the discretion of the board.**".
- 19 Page 4, delete line 25.
- 20 Page 4, line 26, delete "Has" and insert "**The applicant must have**".
- 21 Page 4, line 35, delete "Meets" and insert "**The applicant must**
- 22 **satisfy**".
- 23 Page 4, line 36, delete "Has taken" and insert "**Receive a passing**
- 24 **score on**".
- 25 Page 4, line 37, delete "and has received a passing score on" and
- 26 insert ".".
- 27 Page 4, delete lines 38 through 40.
- 28 Page 4, line 41, delete "(C) Possesses" and insert "**(B) Possess**".
- 29 Page 4, line 42, delete "has".
- 30 Page 5, delete lines 8 through 29.
- 31 Page 5, line 33, strike "permit." and insert "**license.**".
- 32 Page 5, line 33, after "a" strike "permit" and insert "**license**".
- 33 Page 5, line 38, strike "permit" and insert "**license**".
- 34 Page 5, line 40, strike "permit" and insert "**license**".
- 35 Page 6, line 1, strike "permit" and insert "**license**".
- 36 Page 6, line 4, strike "permit" and insert "**license**".
- 37 Page 6, line 11, delete "Is:" and insert "**An applicant must be:**".

- 1 Page 6, line 15, delete "is" and insert "**be**".
- 2 Page 6, line 17, delete "Provides" and insert "**An applicant must**
- 3 **provide**".
- 4 Page 6, line 21, delete "Plans" and insert "**An applicant must plan**".
- 5 Page 6, between lines 27 and 28, begin a new paragraph and insert:
- 6 "**(d) The board shall set the permit fee under section 13 of this**
- 7 **chapter**".
- 8 Page 6, line 36, delete "compliance officer" and insert "**dental**
- 9 **compliance**".
- 10 Page 10, delete lines 29 through 42, begin a new paragraph and
- 11 insert:
- 12 "**(i) The following are not subject to subsection (j) and are not**
- 13 **considered to be practicing dentistry solely because the person**
- 14 **owns, operates, conducts, or maintains a dental practice, office, or**
- 15 **clinic**:
- 16 (1) **The Indiana University School of Dentistry.**
- 17 (2) **A unit (as defined in IC 36-1-2-23).**
- 18 (3) **An institution or program accredited by the Commission**
- 19 **on Dental Accreditation of the American Dental Association**
- 20 **for the purposes of providing education and training.**
- 21 (j) **A person that owns, operates, conducts, or maintains a dental**
- 22 **practice, office, mobile unit, or clinic and is not a dentist licensed**
- 23 **under this article or is not described in subsection (i) must do the**
- 24 **following**:
- 25 (1) **Register each office with the board, including as part of**
- 26 **the registration for each location the name of any individual**
- 27 **not licensed under this article who oversees, manages, or**
- 28 **otherwise exercises supervision or control over a dentist**
- 29 **licensed under this article or a dental hygienist licensed under**
- 30 **IC 25-13 at the dental practice, office, mobile unit, or clinic.**
- 31 **The registration required under this subdivision must be**
- 32 **renewed every two (2) years in a manner determined by the**
- 33 **board.**
- 34 (2) **Designate and name an active dentist licensed under this**
- 35 **article who has agreed to act as the dental director with the**
- 36 **responsibilities for the clinical practice of dentistry, including**
- 37 **the following**:
- 38 (A) **Diagnosing of conditions within the human oral cavity**

- 1 **and the adjacent tissues and structures.**
- 2 **(B) Prescribing drugs that are administered to patients**
- 3 **within the scope of practice of a dentist.**
- 4 **(C) Providing a treatment plan for a dental patient.**
- 5 **(D) Overseeing quality of patient care that is rendered or**
- 6 **performed in the practice of dentistry.**
- 7 **(E) Supervising dental hygienists, dental assistants, and**
- 8 **other personnel involved in direct patient care, including**
- 9 **authorization of the provision for procedures performed**
- 10 **by these individuals.**
- 11 **(F) Retaining patient dental records in accordance with**
- 12 **laws and rules.**
- 13 **(G) Ensuring that each dental patient receiving services**
- 14 **has a dentist of record.**
- 15 **(3) Comply with:**
- 16 **(A) the discontinuation of practice procedures set forth in**
- 17 **828 IAC 1-1-24 if the dental practice, office, or clinic is**
- 18 **going to be discontinued or leaves the community; and**
- 19 **(B) any other dental rule determined by the board and**
- 20 **communicated to a person registered under this**
- 21 **subsection.**
- 22 **(4) Maintain current records of the names of licensed dentists**
- 23 **who supervise the clinical activities of dental hygienists,**
- 24 **dental assistants, and other personnel who are involved in**
- 25 **direct patient care at the entity and make these records**
- 26 **available to the board upon the board's request.**

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

30 Page 11, delete lines 1 through 25.
 31 Page 11, delete lines 36 through 42.
 32 Delete page 12.
 33 Page 13, delete lines 1 through 16.
 34 Page 13, after line 24, begin a new paragraph and insert:
 35 "SECTION 14. IC 35-51-25-1, AS ADDED BY P.L.70-2011,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:
 38 IC 25-2.1-13-3 (Concerning accountants).

- 1 IC 25-2.5-3-4 (Concerning acupuncturists).
- 2 IC 25-5.1-4-2 (Concerning athletic trainers).
- 3 IC 25-5.2-2-12 (Concerning athlete agents).
- 4 IC 25-6.1-7-1 (Concerning auctioneers and auctions).
- 5 IC 25-6.1-7-2 (Concerning auctioneers and auctions).
- 6 IC 25-8-15.4-25 (Concerning beauty culture).
- 7 IC 25-10-1-11 (Concerning chiropractors).
- 8 IC 25-11-1-12 (Concerning collection agencies).
- 9 IC 25-13-1-3 (Concerning dental hygienists).
- 10 **IC 25-14-1-23 (Concerning dentists).**
- 11 IC 25-14-1-25 (Concerning dentists).
- 12 IC 25-14-4-6 (Concerning dentists).
- 13 IC 25-14.5-7-2 (Concerning dietitians).
- 14 IC 25-16-1-18 (Concerning employment services).
- 15 IC 25-17.3-5-3 (Concerning genetic counselors).
- 16 IC 25-17.6-8-2 (Concerning geologists).
- 17 IC 25-18-1-19 (Concerning distress sales).
- 18 IC 25-20-1-21 (Concerning hearing aid dealers).
- 19 IC 25-20.7-5-1 (Concerning interior designers).
- 20 IC 25-21.5-5-10 (Concerning land surveyors).
- 21 IC 25-21.5-13-2 (Concerning land surveyors).
- 22 IC 25-21.8-7-1 (Concerning massage therapists).
- 23 IC 25-22.5-8-2 (Concerning physicians).
- 24 IC 25-22.5-8-3 (Concerning physicians).
- 25 IC 25-23-1-27 (Concerning nurses).
- 26 IC 25-23.5-3-2 (Concerning occupational therapists).
- 27 IC 25-23.6-3-3 (Concerning marriage and family therapists).
- 28 IC 25-23.6-4-4 (Concerning marriage and family therapists).
- 29 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
- 30 ~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and
- 31 family therapists).
- 32 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
- 33 IC 25-23.6-11-1 (Concerning marriage and family therapists).
- 34 IC 25-23.6-11-2 (Concerning marriage and family therapists).
- 35 IC 25-23.6-11-3 (Concerning marriage and family therapists).
- 36 IC 25-23.7-7-5 (Concerning manufactured home installers).
- 37 IC 25-24-1-18 (Concerning optometrists).
- 38 IC 25-24-3-17 (Concerning optometrists).

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

- 1 IC 25-39-5-7 (Concerning water well drilling contractors).
- 2 IC 25-41-1-2 (Concerning behavior analysts)."
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 590 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

Miller Patricia

Chairperson