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**TITLE 828 STATE BOARD OF DENTISTRY**

**Administrative Rules Oversight Committee Notice  
One Year Requirement ([IC 4-22-2-25](#))  
LSA Document #08-609**

March 18, 2009

Honorable Senator R. Michael Young, Chairperson  
Administrative Rules Oversight Committee  
Indiana Legislative Services Agency  
200 West Washington Street, Suite 301  
Indianapolis, IN 46204-2789  
Attn: Sarah Burkman

RE: LSA Document Number 08-609

Dear Senator Young:

On behalf of the State Board of Dentistry, I am submitting this letter to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#). This rulemaking action amends [828 IAC 0.5-1](#) to implement rules based on House Enrolled Act 1172 (P.L.134-2008) concerning definitions of "direct supervision" and "prescriptive supervision", definitions concerning dental assistants, definitions related to the administration of local anesthesia by dental hygienists, and definitions related to coronal polishing and application of caries prevention agents. This rulemaking action also amends [828 IAC 1-1](#) to implement rule changes based on House Enrolled Act 1172 (P.L.134-2008) concerning professional conduct and competency of dentists, the supervision of dental hygienists and dental assistants, and responsibility for supervision. In addition, it amends [828 IAC 1-2](#) to implement rule changes based on House Enrolled Act 1172 (P.L.134-2008) concerning professional conduct and competency of dental hygienists, the practice of dental hygiene, the direct supervision of and prescriptive supervision granted to dental hygienists, and the locations for the practice of dental hygiene. The rulemaking action adds [828 IAC 3-2](#) to implement rules based on House Enrolled Act 1172 (P.L.134-2008), including establishing education and training requirements, application requirements, renewal requirements, continuing education requirements for the issuance and renewal of a dental hygiene anesthetic permit, and the administration of local anesthetics. Finally, this rulemaking action adds [828 IAC 6](#) to establish requirements for coronal polishing by dental assistants, application of caries prevention agents by dental assistants, and supervision of dental assistants.

The board submitted the Notice of Intent to Adopt a Rule to the Indiana Register, and it was published on August 6, 2008, within the sixty (60) day period required under [IC 4-22-2-19](#). The drafting of the rule is taking longer than anticipated. This has resulted in the possibility that the promulgation process will not be completed within one year after publication of the Notice of Intent to Adopt a Rule as required by [IC 4-22-2-25](#).

The board requires additional time to communicate with all interested parties in the development of the proposed rules. To date, the Proposed Rule has not been published, and a hearing date has not been set. The Board expects to publish the Proposed Rule in June 2009 and hold a public hearing in September 2009. In order to provide ample time to review comments received at the public hearing and for the appropriate review times, the Board expects to have the Final Rule approved by December 31, 2009. The two hundred fiftieth day after publication of the Notice of Intent to Adopt a Rule is April 13, 2009.

If you need additional information, please feel free to contact me at [cvaught@pla.in.gov](mailto:cvaught@pla.in.gov) or (317) 234-2003.

Sincerely,

Cindy Vaught, Director  
State Board of Dentistry

Cc: Frances Kelly, Director, Indiana Professional Licensing Agency

*Posted: 03/25/2009 by Legislative Services Agency*  
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