

ARTICLE 1. LICENSURE OF DENTISTS AND DENTAL HYGIENISTS

Rule 1. Dentists; Licensure by Examination

828 IAC 1-1-1 Qualifications of applicants; approved dental schools

Authority: IC 25-14-1-13

Affected: IC 25-14-1-16

Sec. 1. All applicants for licensure to practice dentistry must:

(1) have graduated from a dental school accredited by the Commission on Accreditation of the American Dental Association; and

(2) submit certification of having completed, within the prior year, an American Red Cross or American Heart Association cardiopulmonary resuscitation course or another course approved by the board.

(State Board of Dentistry; PT 1, Rule 1; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 48; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 191; filed Nov 7, 1980, 12:45 p.m.: 3 IR 2189; filed Oct 12, 1993, 5:00 p.m.: 17 IR 399; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2539)

828 IAC 1-1-2 Application forms

Authority: IC 4-1-8-1; IC 25-14-1-13

Affected: IC 25-14-1-3; IC 25-14-1-16

Sec. 2. (a) The applicant for licensure must complete the application on forms prescribed and provided by the board. All statements contained in the application must be verified by the applicant. The verified application, fees, and other documents that the board may require must be submitted to the board.

(b) The following proof that the applicant is a graduate of a dental school that is recognized by the board must be submitted:

(1) An official transcript showing the date the degree was conferred.

(2) An official diploma or a certificate of completion signed by the:

(A) dean of the applicant's professional school; and

(B) registrar of the university or college.

(c) Additional documents to be submitted by the applicant for a license include the following:

(1) Where the name on any document differs from the applicant's name, one (1) of the following:

(A) A notarized or certified copy of a marriage certificate.

(B) Legal proof of a name change.

(2) Two (2) recent passport-type photographs of the applicant, taken within eight (8) weeks before filing of the application.

(3) If the applicant has been convicted of a criminal offense, excluding minor traffic violations, the applicant shall submit a notarized statement detailing all criminal offenses, excluding minor traffic violations, for which the applicant has been convicted. This notarized statement must include the following:

(A) The offense of which the applicant was convicted.

(B) The court in which the applicant was convicted.

(C) The cause number under which the applicant was convicted.

(D) The penalty imposed by the court.

(4) An applicant who is now, or has been, licensed to practice any health profession in another state or Canadian province must submit verification of license status. This information must be sent by the state or province that issued the license directly to the Indiana board.

(5) An applicant who is now, or has been, licensed to practice any health profession in another state shall submit a self-query form completed by the following:

(A) The National Practitioner Data Bank (NPDB).

(B) The Healthcare Integrity and Protection Data Bank (HIPDB) data bank.

(d) All applicants must submit the applicant's United States Social Security number in order to be eligible for licensure. *(State Board of Dentistry; PT 1, Rule 2; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 49; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 191; filed Oct 16, 1985, 3:57 p.m.: 9 IR 520; filed Oct 12, 1993, 5:00 p.m.: 17 IR 400; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2239; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2540)*

828 IAC 1-1-3 Examinations required for licensure

Authority: IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 3. In order to obtain an Indiana license to practice dentistry, each applicant must pass an examination that includes the following:

(1) All sections of the national dental board examination.

(2) A clinical examination.

(3) A written examination covering Indiana law relating to the practice of dentistry and dental hygiene.

(State Board of Dentistry; PT 1, Rule 3; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 49; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1726; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2239; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2278; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2540)

828 IAC 1-1-4 Supervision of examinations; candidate identification numbers (Repealed)

Sec. 4. *(Repealed by State Board of Dentistry; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2246)*

828 IAC 1-1-5 Written examination; scope (Repealed)

Sec. 5. *(Repealed by State Board of Dentistry; filed Nov 7, 1986, 9:00 am: 10 IR 432)*

828 IAC 1-1-6 National board examination; dental and dental hygiene law examinations

Authority: IC 25-14-1-13

Affected: IC 25-14-1-13

Sec. 6. (a) A passing score on a national board dental examination, as approved by the board, must be achieved by the applicant before the applicant will be permitted to take the written examination covering Indiana law relating to the practice of dentistry and dental hygiene.

(b) Passage of the Indiana dental and dental hygiene law examination with a score of at least seventy-five (75) is mandatory before the applicant may be licensed. Applicants failing the law examination may retake the law examination at a time, date, and place to be set by the board not sooner than thirty (30) days from the time the law examination was last taken. *(State Board of Dentistry; PT 1, Rule 6; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; filed Apr 12, 1984, 8:34 a.m.: 7 IR 1520; filed Nov 7, 1986, 9:00 a.m.: 10 IR 431; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1726; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2240; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2279; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2541)*

828 IAC 1-1-7 Clinical examination

Authority: IC 25-1-8-5; IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 7. To be eligible for licensure by examination, an applicant must meet any one (1) of the following clinical examination requirements:

(1) Have passed all parts of one (1) of the following examinations within the five (5) year period immediately before the date of the board's receipt of the applicant's application:

(A) The Central Regional Dental Testing Service (CRDTS) examination.

(B) The North East Regional Board (NERB) examination.

(C) The Southern Regional Testing Agency (SRTA) examination.

(D) The Western Regional Examining Board (WREB) examination.

(2) Have taken an examination administered by the board and received a passing score as established by the board.

(State Board of Dentistry; PT 1, Rule 7; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; filed Oct 12, 1993, 5:00 p.m.: 17 IR 400; filed Sep 11, 2000, 2:23 p.m.: 24 IR 377; readopted filed

Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2279; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2541)

828 IAC 1-1-8 Supplies for examinations; duty to provide (Repealed)

Sec. 8. *(Repealed by State Board of Dentistry; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2545)*

828 IAC 1-1-9 Conduct during written examinations

Authority: IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 9. The candidates are not allowed to leave the room nor move about in the room during a written examination without permission. No other paper or books, other than the written examination and answer sheet, shall be used in examination room for any purpose whatsoever. *(State Board of Dentistry; PT 1, Rule 9; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2240)*

828 IAC 1-1-10 Dismissal of candidate for use of unfair assistance

Authority: IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 10. The board reserves the right to dismiss any candidate who may be detected in using, or attempting to use, any unfair assistance for himself or herself or another candidate. *(State Board of Dentistry; PT 1, Rule 10; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2240)*

828 IAC 1-1-11 Other considerations in grading examinations (Repealed)

Sec. 11. *(Repealed by State Board of Dentistry; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2246)*

828 IAC 1-1-12 Failure; reexamination (Repealed)

Sec. 12. *(Repealed by State Board of Dentistry; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2545)*

828 IAC 1-1-12.1 Invalid license; reapplication (Repealed)

Sec. 12.1. *(Repealed by State Board of Dentistry; filed Oct 29, 1991, 3:00 p.m.: 15 IR 242)*

828 IAC 1-1-13 Registration of office addresses; notice of discontinuance; duplicate licenses

Authority: IC 25-14-1-12; IC 25-14-1-13

Affected: IC 25-14-1

Sec. 13. (a) Dentists licensed and practicing in the state of Indiana must register the address(es) of all their offices located within the state with the state board of dental examiners within thirty (30) days of the establishment of such office(s) and notify the board of the discontinuation of an office(s) within thirty (30) days.

(b) A duplicate license to practice dentistry or dental hygiene in Indiana will be issued upon written, verified request and payment of the required fee. The request shall state the address(es) at which the license will be used. *(State Board of Dentistry; 828 IAC 1-1-13; filed Nov 7, 1980, 12:45 pm: 3 IR 2190; filed Oct 16, 1985, 3:57 pm: 9 IR 521; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)*

828 IAC 1-1-14 Advertising

Authority: IC 25-14-1-12; IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-1; IC 25-14-4

Sec. 14. (a) Any advertisement for dental treatment shall include the names of the licensed dentists associated with such treatment or treatment facility or employed by the treatment facility or another dentist.

(b) Advertisements listed in telephone directories, or other such advertisements which are listed once a year, must include the names of the licensed dentists associated with the treatment or treatment facility or employed by the treatment facility or another dentist as of the date the contract is made to run the advertisement.

(c) A referral service shall not engage in false, misleading, or deceptive advertising as such may be determined by the board. (*State Board of Dentistry; 828 IAC 1-1-14; filed Nov 7, 1980, 12:45 p.m.: 3 IR 2190; filed Oct 16, 1985, 3:57 p.m.: 9 IR 521; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2866; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-1-15 Professional conduct, competency; physical or mental examination

Authority: IC 25-14-1-13

Affected: IC 25-1-9-9

Sec. 15. (a) Dental incompetence or improper conduct of a dentist includes, but is not limited to, any one (1) or any combination of the following acts:

- (1) Practicing while under the influence of alcohol or other drugs which impair skill or judgment.
 - (2) Practicing with a physical disability, mental disability, disease, or disorder which impairs skill or judgment for the dental procedure being performed.
 - (3) Practicing while knowingly afflicted with a serious disease which could be transmitted to the patient.
 - (4) Operating an office or treatment facility which is lacking the necessary equipment and generally prevailing standards of sanitary or sterilization procedures.
 - (5) Providing drugs or access to drugs to someone for use other than in the proper course of dental diagnosis or treatment.
 - (6) Performing a treatment or procedure which violates acceptable standards of practice and results in failure or is detrimental to the patient.
 - (7) Engaging in conduct constituting gross negligence or repeatedly failing to meet minimum standards of performance in diagnosis or treatment as measured against generally prevailing professional standards.
 - (8) Practicing or offering to practice beyond the scope permitted by law.
 - (9) Permitting or delegating the performance of a procedure to one not qualified by education, training, or licensure to undertake such procedure.
 - (10) Failing to inspect:
 - (A) dental services during the course of their performance;
 - (B) completed and delivered dental prosthetic appliances; or
 - (C) completed dental restorations.
 - (11) Failing to be present in the dental facility to properly supervise treatment of patients, provided that such supervision has not been delegated to another dentist.
 - (12) Failing to keep adequate dental records.
 - (13) Failing to submit a complete report to the board as required by section 22 of this rule.
 - (14) Performing professional services which have not been duly authorized by the patient or the patient's legal guardian.
 - (15) Providing treatment for a patient if the dentist is not prepared to handle any emergencies resulting from such treatment or failing to refer the patient to a practitioner willing to perform such emergency treatment.
 - (16) Failing to maintain records of an examination, diagnosis, or treatment performed. Such information must be entered in the patient's records within ten (10) days after the examination, diagnosis, or treatment is performed.
 - (17) Signing an incomplete prescription form.
 - (18) Entering a contract with a third party in which the dentist may not inform the patient about the diagnosis and the treatments possible.
- (b) Any dentist holding a general anesthesia-deep sedation or light parenteral conscious sedation permit:
- (1) who fails to comply with 828 IAC 3; or

(2) who lacks the ability, skill, or knowledge to competently use general anesthesia, deep sedation, or light parenteral conscious sedation;

is subject to disciplinary action under IC 25-1-9-9.

(c) Any dentist who utilizes general anesthesia-deep sedation or light parenteral conscious sedation without a permit is subject to disciplinary action by the board under IC 25-1-9-9. The fact that the patient was not injured by the use of general anesthesia, deep sedation, or light parenteral conscious sedation is not a defense to this subsection.

(d) The board may order a licensed dentist to submit to a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is at issue in a disciplinary proceeding. The choice of the practitioner is subject to approval by the board.

(e) Dentists shall exercise reasonable care and diligence in the conduct of research and shall utilize generally accepted scientific principles and current professional theory and practice. New or experimental procedures, techniques, and theories shall be utilized only with proper research safeguards, informed consent, and peer review of the procedures or techniques. (*State Board of Dentistry; 828 IAC 1-1-15; filed Apr 25, 1983, 8:52 a.m.: 6 IR 1085; errata, 7 IR 700; filed Oct 16, 1985, 3:57 p.m.: 9 IR 521; filed Aug 29, 1986, 2:30 p.m.: 10 IR 20; filed Dec 2, 1987, 9:34 a.m.: 11 IR 1286; filed Jun 8, 1992, 5:00 p.m.: 15 IR 2236; filed Oct 12, 1993, 5:00 p.m.: 17 IR 400; filed Oct 14, 1993, 5:00 p.m.: 17 IR 402; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-1-16 Advertising; definitions

Authority: IC 25-13-1-5; IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-1; IC 25-14-4

Sec. 16. (a) As used in this rule, “advertise” means the act of attempting to direct any communication to the public by any means for the purpose of inducing the public to obtain the services of a particular practitioner or group of practitioners.

(b) As used in this rule, “dental service” means any diagnostic or treatment material or procedure which involves oral or related supporting structures and is restricted to the use or performance by licensed personnel.

(c) As used in this rule, “person” means an individual, partnership, corporation, or other legal entity.

(d) As used in this rule, “referral service” means a person, firm, partnership, association, corporation, agent, or employee that engages in, for profit, any business or service that in whole or in part includes cooperative advertising on behalf of certain Indiana dentists and the subsequent referral or recommendation of interested consumers to certain dentists for any form of dental service or treatment.

(e) As used in this rule, “routine”, or any other term conveying a similar concept, when used to describe any dental service, means any service which includes all of those procedures comprising the usual steps taken by a majority of Indiana dentists in the performance of that service. (*State Board of Dentistry; 828 IAC 1-1-16; filed Apr 14, 1983, 9:40 a.m.: 6 IR 1083; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2866; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-1-17 Advertising; forms of media used

Authority: IC 25-13-1-5; IC 25-14-1-13

Affected: IC 25-1-9; IC 25-14-1; IC 25-14-4

Sec. 17. (a) Advertising of dental services is permitted by any media whatsoever, whether written, spoken, or pictorial, and to cover any geographic area. Specific vehicles include, but are not limited to, the following:

- (1) Signs.
- (2) Newspapers.
- (3) Magazines.
- (4) Circulars.
- (5) Newsletters.
- (6) Television.
- (7) Radio.
- (8) Public appearance.
- (9) Public directories.

However, section 16 of this rule, this section, and sections 18 and 19 of this rule shall apply to all forms of advertising, including cooperative advertising provided by a referral service, whose audience or potential audience includes citizens of Indiana.

- (b) The responsibility for an advertisement of a dental service shall be borne by:
 - (1) any and all practitioners on whose behalf the advertising was conducted;
 - (2) any dentist responsible for placing the advertisement; and
 - (3) if placed by a referral service, the referral service shall also bear responsibility.

(State Board of Dentistry; 828 IAC 1-1-17; filed Apr 14, 1983, 9:40 a.m.: 6 IR 1083; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2866; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)

828 IAC 1-1-18 Advertising; content

Authority: IC 25-13-1-5; IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-1; IC 25-14-4-4

Sec. 18. (a) Fees for any or all dental services may be advertised; however, violation of any of the provisions in this section may be construed as false, misleading, or deceptive.

(b) An advertisement of a fee for a dental service must include a specified period for which that fee shall be in effect, or that service must remain available at or below that fee for a minimum period of ninety (90) days following the final advertisement for that service, unless that service is found to be detrimental to the health of the public.

(c) A service advertised as routine or with a stated fee must include all components of providing that service without additional charges added thereto or without additional unstated restrictions.

(d) Discount offers for a dental service are permissible for advertising only when:

- (1) the nondiscounted or full price and the final discounted price are also disclosed in the advertisement; and
- (2) such discount is not contingent upon the procurement of additional patients, potential patients, or the purchase of additional services.

The dates a discount will be in force must be clearly identified.

(e) When an office charges a range of fees for a dental service, any advertisement of the fee for that service must disclose the range and include a listing of all of the factors which cause the fee to vary.

(f) A dentist may advertise as being a specialist in, or limiting practice to, a particular field of dentistry in:

- (1) dental public health;
- (2) endodontics;
- (3) oral and maxillofacial pathology;
- (4) oral and maxillofacial radiology;
- (5) oral and maxillofacial surgery;
- (6) orthodontics and dentofacial orthopedics;
- (7) pediatric dentistry;
- (8) periodontics; or
- (9) prosthodontics;

provided the dentist has graduated from an accredited advanced dental educational program.

(g) An accredited advanced dental educational program is one that meets the requirements and standards of:

- (1) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in General Dentistry published in 2001.
- (2) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in General Practice Residency published in 2001.
- (3) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Dental Public Health, published in 2001.
- (4) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Endodontics published in 2001.
- (5) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Oral and Maxillofacial Pathology published in 2001.
- (6) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Oral and Maxillofacial Radiology published in 2001.
- (7) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Oral and Maxillofacial Surgery published in 2001.

(8) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Orthodontics and Dentofacial Orthopedics published in 2001.

(9) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Pediatric Dentistry published in 2001.

(10) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Periodontics published in 2001.

(11) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Prosthodontics published in 2001.

These standards are hereby incorporated by reference and made applicable to this section. Copies of the standards are available for public inspection at the offices of the Health Professions Bureau, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204. Copies of the standards are available from the entity originally issuing the incorporated matter, the Commission on Dental Accreditation, American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611.

(h) As used in this section, "specialist" pertains to this section only for the purpose of defining advertising and must not be randomly applied to any other law or rule of IC 25-14.

(i) This section does not preclude or limit any dentist from offering and performing any treatment to any patient as prescribed by IC 25-14.

(j) All dentists who have claimed to be dental specialists, or hold themselves out to be engaged in a dental practice limited to any of the dental specialties in subsection (f), without regard to the matter incorporated by reference in subsection (f), and can document such claim to have acted as such prior to January 1, 1965, may continue to act as such under the protection of this rule.

(k) A dentist who is not considered a specialist by this section and who wishes to announce the services available in his or her practice may announce the availability of those services so long as he or she avoids any communications that express or imply specialization. The dentist shall also state that the services are being provided by a general dentist. No dentist shall announce available services in any way that would be false or misleading in any material respect.

(l) The factors of availability such as hours of practice and office locations may be advertised provided that any such advertisement must include the names of all practitioners providing dental services at each location.

(m) An advertisement indicating that superior services, better materials, or more skillful care are available in a particular office or by a group of practitioners may be deceptive.

(n) Guarantees or warranties, whether expressed or implied, regarding the successful outcome of treatment, length of service, or durability of materials may be deceptive if advertised. Any testimonials or endorsements such as character witness, benefits of treatment, or expressions of appreciation may be misleading when advertised.

(o) A referral service shall only advertise a dentist as a specialist if such dentist has complied with subsections (f) through (k) and has presented such referral service with verification of compliance. An advertisement for a dentist not complying with subsections (f) through (k) may only claim the dentist may provide routine dental services and other services and that the dentist is not to be considered a specialist.

(p) Referral services shall provide disclaimers in compliance with IC 25-14-4-4. A disclaimer shall be written for advertisements placed in written media, audio for radio advertisements, and both audio and visual for television advertisements.

(q) Advertising in any media by a referral service must not lead consumers to believe that they are receiving an impartial referral based on all dentists in the area instead of only those dentists participating in the referral service. (*State Board of Dentistry; 828 IAC 1-1-18; filed Apr 14, 1983, 9:40 a.m.: 6 IR 1084; filed Jan 16, 1986, 3:17 p.m.: 9 IR 1364; filed Aug 29, 1986, 2:30 p.m.: 10 IR 21; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2867; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2241*)

828 IAC 1-1-19 Advertising; records

Authority: IC 25-13-1-5; IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-1; IC 25-14-4

Sec. 19. It shall be the responsibility of the dentist or group of practitioners on whose behalf an advertisement appears to keep records of any and all advertisements placed. Copies of written advertisements, scripts, or transcripts of radio and television announcements, and appropriate copies of any other forms of advertisements must be retained by the practitioner for a period of six (6) months following the last appearance of an advertisement. It shall further be the responsibility of a practitioner to submit to the board an appropriate copy of each advertisement used in the past six (6) months upon written request of the board. (*State Board of*

Dentistry; 828 IAC 1-1-19; filed Apr 14, 1983, 9:40 a.m.: 6 IR 1084; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2868; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)

828 IAC 1-1-19.1 Referral services; dental fees; services provided

Authority: IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-4

Sec. 19.1. (a) A dentist participating with a referral service shall not charge patients referred by such referral service any fee that exceeds the usual, customary, and reasonable fee charged patients of the participating dentist, but not referred by such referral service.

(b) A dentist participating with a referral service shall not reduce the amount of service or lower the quality of the service provided to patients referred by a referral service that the dentist would provide for the dentist's patients who were not referred by such referral service. *(State Board of Dentistry; 828 IAC 1-1-19.1; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2868; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)*

828 IAC 1-1-19.2 Referral services; solicitation

Authority: IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-4

Sec. 19.2. (a) Any communication between a prospective patient and a referral service must be initiated by such prospective patient.

(b) A referral service shall not charge any individual contacting the referral service a fee for obtaining information from the referral service. *(State Board of Dentistry; 828 IAC 1-1-19.2; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2868; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)*

828 IAC 1-1-19.3 Referral services; complaints

Authority: IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-4

Sec. 19.3. A referral service that receives a complaint with regard to a dentist participating in its service must notify the complaining party that such party has the right to notify the consumer protection division of the office of the attorney general and must be provided with the address and telephone number of the office of the attorney general. *(State Board of Dentistry; 828 IAC 1-1-19.3; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2868; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)*

828 IAC 1-1-19.4 Referral service; patient referral

Authority: IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-4

Sec. 19.4. (a) A referral service may not refer to participating dentists who are specialists or participating dentists that purport to provide special services unless the patient specifically requests a specialist or the special service. The fact that the patient purports to have a condition or necessity notwithstanding, unless a specific specialty or service is requested, without prompting by the referral service, the patient will be referred to a general dentist.

(b) Any fee paid to a referral service from a dentist shall not be dependent upon the number of referrals received by that dentist from such referral service.

(c) A referral service shall not designate an exclusive geographic area to a specific dentist from which all patients shall be referred.

(d) If requested, and where possible, the referral service will provide multiple names of participating dentists in the patient's geographic area as determined by the patient's need.

(e) A referral service shall not limit the number of participating dentists who can enroll in the referral service in a given geographic region. *(State Board of Dentistry; 828 IAC 1-1-19.4; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2869; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)*

828 IAC 1-1-19.5 Referral services; compensation

Authority: IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-4

Sec. 19.5. A referral service shall charge dentists participating in the same program within the same advertising market the same fee for such service provided. Varying charges may be charged upon the introduction of new advertising rates in an advertising market provided all dentists participating in the same program are charged the same rate within six (6) months of the initial change in rates. (*State Board of Dentistry; 828 IAC 1-1-19.5; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2869; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-1-19.6 Referral services; verification of licensure

Authority: IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-4

Sec. 19.6. (a) A referral service shall ascertain the credentials of all participating dentists with regard to the following:

(1) Licensure status.

(2) Compliance with the requirements of section 18(f) through 18(j) of this rule if the participating dentist claims to be a specialist.

(b) The referral service shall disclose to all participating dentists in all contracts, whether oral or written, that, in addition to the referral service, the participating dentist may also be held responsible for the violation if an advertisement is found to be in violation of IC 25-14-4 and this rule. (*State Board of Dentistry; 828 IAC 1-1-19.6; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2869; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-1-20 Costs of disciplinary proceedings

Authority: IC 25-14-1-12; IC 25-14-1-13

Affected: IC 25-14-1-19.1

Sec. 20. Persons who have been subjected to disciplinary sanctions by the board of dental examiners shall be responsible for the payment of costs of such disciplinary proceedings including, but not limited to, costs for:

(1) court reporters;

(2) transcriptions;

(3) certifications; notarizations;

(4) photoduplication;

(5) witness attendance and mileage fees;

(6) postage for mailings required by law;

(7) expert witnesses;

(8) depositions.

(*State Board of Dentistry; 828 IAC 1-1-20; filed Oct 16, 1985, 3:57 pm: 9 IR 522; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-1-21 Remedial education (Repealed)

Sec. 21. (*Repealed by State Board of Dentistry; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2545*)

828 IAC 1-1-22 Mandatory reporting

Authority: IC 25-14-1-3.1; IC 25-14-1-13

Affected: IC 25-1-9; IC 25-14-1

Sec. 22. (a) A report must be submitted to the board when:

(1) a mortality occurs in connection with dental procedures performed in a dentist's office;

(2) a procedure performed in the dentist's office results in permanent injury; or

(3) a procedure performed in a dentist's office results in hospitalization other than for the continuing treatment of infection that was the cause of the procedure or as a direct result of the patient's oral-facial pathology.

(b) The report must be submitted to the board within seven (7) days after the incident occurs or the injury manifests itself.

(c) The information provided to the board must include the following:

(1) Name, age, and address of the patient.

(2) Name of the dentist and other personnel present during the incident.

(3) Address of the facility or office where the incident took place.

(4) Technique, if any, of general anesthesia or sedation being utilized at the time of the incident.

(5) Dosages, if any, of drugs administered to the patient.

(6) A narrative description of the incident, including approximate times and evolution of symptoms.

(d) Violation of this rule subjects the practitioner to disciplinary action under IC 25-1-9. (*State Board of Dentistry; 828 IAC 1-1-22; filed Sep 21, 1992, 9:00 a.m.: 16 IR 718; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-1-23 Illegal, unlawful, incompetent, or fraudulent conduct; reporting procedures

Authority: IC 25-14-1-13

Affected: IC 25-1-9; IC 25-14-1

Sec. 23. (a) A dentist who has a reasonable belief based upon personal knowledge that another dentist has engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of dentistry shall promptly report such conduct to a peer review committee, as defined in IC 34-4-12.6-1(c) [*IC 34-4 was repealed by P.L.1-1998, SECTION 221, effective July 1, 1998.*], having jurisdiction over the offending dentist and the matter. This subsection does not prohibit a dentist from promptly reporting the conduct directly to the board or to the consumer protection division of the office of the attorney general of Indiana.

(b) A dentist who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of dentistry shall promptly report such conduct to the board or to the consumer protection division of the office of the attorney general of Indiana.

(c) A dentist who voluntarily submits to, or is otherwise undergoing, a course of treatment for addiction, severe dependency upon alcohol, other drugs, or controlled substances, or psychiatric impairment, where such treatment is sponsored or supervised by an impaired practitioner's committee of a state, regional, or local organization of professional health care providers, or where such treatment is sponsored or supervised by an impaired practitioner's committee of a hospital, shall be exempt from reporting to a peer review committee as set forth in subsection (a) or to the board or to the consumer protection division of the office of the attorney general of Indiana for so long as:

(1) the dentist is complying with the course of treatment;

(2) the dentist is making satisfactory progress; and

(3) the dentist has not engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of dentistry beyond the practitioner's addiction, severe dependency upon alcohol, other drugs, or controlled substances, or psychiatric impairment.

(d) If the dentist fails to comply with, or fails to make satisfactory progress in, the course of treatment, the chief administrative officer, the designee of the chief administrative officer, or any member of the impaired practitioner's committee shall promptly report such facts and circumstances to the board or to the consumer protection division of the office of the attorney general of Indiana.

(e) This section shall not, in any manner whatsoever, directly or indirectly, be deemed or construed to prohibit, restrict, limit, or otherwise preclude the board from taking such action as it deems appropriate or as may otherwise be provided by law. (*State Board of Dentistry; 828 IAC 1-1-23; filed Oct 5, 1993, 5:00 p.m.: 17 IR 199; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2242*)

828 IAC 1-1-24 Discontinuation of practice

Authority: IC 25-14-1-13

Affected: IC 16-39; IC 25-14

Sec. 24. (a) Upon retirement, discontinuation of practice, or leaving or moving from a community, a dentist shall:

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

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

(b) This section does not apply to dentists engaged solely in internship, residency, preceptorship, fellowship, teaching, or other postgraduate dental education or training programs.

(c) The dentist shall make reasonable arrangements with the dentist's active patients for the transfer of the dentist's records, or copies thereof, to the succeeding practitioner, or, at the written request of the patient, to the patient, in compliance with IC 16-39.

(d) As used in this section, "active patient" applies and refers to a person whom the dentist has examined, treated, cared for, or otherwise consulted with during the two (2) year period prior to retirement, discontinuation of practice, or moving from or leaving the community.

(e) Nothing in this section supersedes the requirements of IC 16-39. (*State Board of Dentistry; 828 IAC 1-1-24; filed May 21, 2001, 4:11 p.m.: 24 IR 3066*)

Rule 2. Dental Hygienists; Licensure by Examination

828 IAC 1-2-1 Qualifications of applicants; accredited and approved dental hygiene schools

Authority: IC 25-13-1-5

Affected: IC 25-13-1-6

Sec. 1. All applicants for licensure to practice dental hygiene must:

(1) have graduated from a school of dental hygiene that is accredited by the Commission on Dental Accreditation of the American Dental Association; and

(2) submit certification of having completed within the prior year an American Red Cross or American Heart Association cardiopulmonary resuscitation course or another course approved by the board.

(*State Board of Dentistry; PT 2, Rule 1; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 51; filed Nov 7, 1980, 12:45 p.m.: 3 IR 2190; filed Oct 12, 1993, 5:00 p.m.: 17 IR 401; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2243; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2541*)

828 IAC 1-2-2 Application forms

Authority: IC 4-1-8-1; IC 25-13-1-5

Affected: IC 25-13-1-4

Sec. 2. (a) The applicant for licensure must complete the application on forms prescribed and provided by the board. The applicant shall verify all statements contained in the application. The verified application, fees, and other documents that the board may require must be submitted to the board.

(b) The following proof that the applicant is a graduate of a school of dental hygiene that is recognized by the board must be submitted to the board as follows:

(1) An official transcript showing the date the degree was conferred.

(2) An official diploma or a certificate of completion signed by the dean and the registrar of the applicant's school.

(c) Additional documents to be submitted by the applicant for a license include the following:

(1) Where the name on any document differs from the applicant's name, one (1) of the following:

(A) A notarized or certified copy of a marriage certificate.

(B) Legal proof of a name change.

(2) Two (2) recent passport-type photographs of the applicant, taken within eight (8) weeks before filing of the application.

(3) If the applicant has been convicted of a criminal offense, excluding minor traffic violations, the applicant shall submit a notarized statement detailing all criminal offenses, excluding minor traffic violations, for which the applicant has been convicted. This notarized statement must include the following:

(A) The offense of which the applicant was convicted.

(B) The court in which the applicant was convicted.

(C) The cause number under which the applicant was convicted.

(D) The penalty imposed by the court.

(4) An applicant who is now, or has been, licensed to practice any health profession in another state or Canadian province must submit verification of license status. This information must be sent by the state or province that issued the license directly to

the Indiana board.

(5) An applicant who is now, or has been, licensed to practice any health profession in another state shall submit a self-query form completed by the following:

(A) The National Practitioner Data Bank (NPDB).

(B) The Healthcare Integrity and Protection Data Bank (HIPDB) data bank.

(d) All applicants must submit the applicant's United States Social Security number in order to be eligible for licensure. (*State Board of Dentistry; PT 2, Rule 2; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 52; filed Oct 16, 1985, 3:57 p.m.: 9 IR 522; filed Oct 12, 1993, 5:00 p.m.: 17 IR 401; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2243; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2542*)

828 IAC 1-2-3 Examinations required for licensure

Authority: IC 25-1-8-5; IC 25-13-1-5

Affected: IC 25-13-1-4; IC 25-13-1-7

Sec. 3. (a) In order to obtain an Indiana license to practice dental hygiene, each applicant must pass an examination that includes the following:

(1) All sections of the national dental hygiene board examination.

(2) A clinical examination.

(3) A written examination covering Indiana law relating to the practice of dentistry and dental hygiene.

(b) To be eligible for licensure by examination, an applicant must meet any one (1) of the following clinical examination requirements:

(1) Have passed all parts of one (1) of the following examinations within the five (5) year period immediately before the date of the board's receipt of the applicant's application:

(A) The Central Regional Dental Testing Service (CRDTS) examination.

(B) The North East Regional Board (NERB) examination.

(C) The Southern Regional Testing Agency (SRTA) examination.

(D) The Western Regional Examining Board (WREB) examination.

(2) Have taken an examination administered by the board and received a passing score as established by the board.

(*State Board of Dentistry; PT 2, Rule 3; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 52; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1727; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2244; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2279; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2542*)

828 IAC 1-2-4 Supervision of examinations; candidate identification numbers (Repealed)

Sec. 4. (*Repealed by State Board of Dentistry; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2246*)

828 IAC 1-2-5 Written examination; scope (Repealed)

Sec. 5. (*Repealed by State Board of Dentistry; filed Nov 7, 1986, 9:00 am: 10 IR 432*)

828 IAC 1-2-6 National board examination; dental and dental hygiene law examination

Authority: IC 25-13-1-5

Affected: IC 25-13-1-4; IC 25-13-1-7

Sec. 6. (a) A passing score on a national board dental hygiene examination, as approved by the board, must be achieved by the applicant before the applicant will be permitted to take the written examination covering Indiana law relating to the practice of dentistry and dental hygiene.

(b) Passage of the Indiana dental and dental hygiene law examination with a score of at least seventy-five (75) is mandatory before the applicant may be licensed. Applicants failing the law examination may retake the law examination at a time, date, and place to be set by the board not sooner than thirty (30) days from the time the law examination was last taken. (*State Board of Dentistry; PT 2, Rule 6; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 52; filed Apr 12, 1984, 8:34 a.m.: 7 IR 1521; filed*

Nov 7, 1986, 9:00 a.m.: 10 IR 431; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1727; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1014; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2244; filed Feb 26, 2004, 3:45 p.m.: 27 IR 2280; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2543)

828 IAC 1-2-7 Clinical examination; two sections; required score (Repealed)

Sec. 7. (Repealed by State Board of Dentistry; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2545)

828 IAC 1-2-8 Supplies for examinations; duty to provide (Repealed)

Sec. 8. (Repealed by State Board of Dentistry; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2545)

828 IAC 1-2-9 Conduct during examinations (Repealed)

Sec. 9. (Repealed by State Board of Dentistry; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2545)

828 IAC 1-2-10 Dismissal of candidate for use of unfair assistance

Authority: IC 25-13-1-5

Affected: IC 25-13-1-7

Sec. 10. The board reserves the right to dismiss any applicant who may be detected in using, or attempting to use, any unfair assistance for herself or himself or another candidate. *(State Board of Dentistry; PT 2, Rule 10; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 53; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2244)*

828 IAC 1-2-11 Other considerations in grading examinations (Repealed)

Sec. 11. (Repealed by State Board of Dentistry; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2246)

828 IAC 1-2-12 Failure; reexamination (Repealed)

Sec. 12. (Repealed by State Board of Dentistry; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2545)

828 IAC 1-2-12.1 Invalid license; reapplication (Repealed)

Sec. 12.1. (Repealed by State Board of Dentistry; filed Oct 29, 1991, 3:00 p.m.: 15 IR 242)

828 IAC 1-2-13 Competency; physical or mental examination

Authority: IC 25-13-1-5; IC 25-14-1-13

Affected: IC 25-14-1-19.1

Sec. 13. (a) The board may determine “dental hygiene competency” on a case by case basis using comparable or equal standards as used in determining qualifications for initial licensure.

(b) “Dental hygiene incompetency or improper conduct of dental hygienists” includes but is not limited to any one (1) or any combination of the following acts:

- (1) Practicing while under the influence of alcohol or other drugs which impair skill or judgment.
- (2) Practicing with a physical disability, mental disability, disease, or disorder which impairs skill or judgment.
- (3) Practicing while knowingly [*sic.*] afflicted with a serious disease which could be transmitted to the patient.
- (4) Repeatedly performing a treatment or procedure which is beyond the skill or knowledge of the practitioner with the results being detrimental to the patient.
- (5) Repeatedly performing a treatment or procedure which violates acceptable standards of practice and results in failure or is detrimental to the patient.

(6)(A) Engaging in conduct constituting gross negligence; or (B) repeatedly failing to meet standards of performance in treatment as measured against generally prevailing peer performance.

(7) Practicing or offering to practice beyond the scope permitted by law.

(c) The Indiana state board of dental examiners may order a dental hygienist to submit to a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is at issue in a disciplinary proceeding. The choice of the practitioner to administer the examination is subject to approval by the board.

(d) As a condition of reinstatement of a suspended or revoked license the board may, at its discretion, require the applicant for reinstatement to submit to all or part of the examination for initial licensure or to a similar examination. (*State Board of Dentistry; 828 IAC 1-2-13; filed Apr 25, 1983, 8:52 am: 6 IR 1086; errata, 7 IR 700; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-2-14 Remedial education (Repealed)

Sec. 14. (*Repealed by State Board of Dentistry; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2545*)

Rule 3. Dentists and Dental Hygienists; Licensure by Endorsement

828 IAC 1-3-1 Licensure by endorsement; credentials; examination and interview (Repealed)

Sec. 1. (*Repealed by State Board of Dentistry; filed Sep 27, 2002, 2:38 p.m.: 26 IR 375*)

828 IAC 1-3-1.1 Dental licensure by endorsement; credentials

Authority: IC 4-1-8-1; IC 25-14-1-13

Affected: IC 25-14-1-16

Sec. 1.1. (a) Persons seeking licensure to practice dentistry by endorsement shall do the following:

(1) File an application on a form supplied by the board.

(2) Submit the fees required by 828 IAC 0.5-2-3.

(b) The applicant for a license shall provide the following:

(1) Where the name on any document differs from the applicant's name, one (1) of the following:

(A) A notarized or certified copy of a marriage certificate.

(B) Legal proof of a name change.

(2) Two (2) recent passport-type photographs of the applicant, taken within eight (8) weeks before filing of the application.

(3) An original transcript of the applicant's dental education, including the following:

(A) The degree or degrees conferred.

(B) The date each degree was conferred.

(4) If the applicant has been convicted of a criminal offense, excluding minor traffic violations, the applicant shall submit a notarized statement detailing all criminal offenses, excluding minor traffic violations, for which the applicant has been convicted. This notarized statement must include the following:

(A) The offense of which the applicant was convicted.

(B) The court in which the applicant was convicted.

(C) The cause number under which the applicant was convicted.

(D) The penalty imposed by the court.

(5) An applicant who is now, or has been, licensed to practice any health profession in another state or Canadian province must submit verification of license status. This information must be sent by the state or province that issued the license directly to the Indiana board.

(6) The applicant shall submit a self-query form completed by the following:

(A) The National Practitioner Data Bank (NPDB).

(B) The Healthcare Integrity and Protection Data Bank (HIPDB) data bank.

(7) The applicant shall submit proof of the following:

(A) Completion of at least twenty (20) hours of continuing dental education taken in the previous two (2) years. No more than two (2) hours of training in basic life support shall count toward this requirement.

- (B) That the applicant successfully completed the:
 - (i) National Board Dental Examination provided by the Joint Commission on Dental Examinations; or
 - (ii) National Dental Examining Board of Canada Written Examination provided by the National Dental Examining Board of Canada.
- (C) That the applicant satisfactorily completed a national, regional, state, or provincial clinical licensing examination in any other state or Canadian province having and maintaining a standard of examination for licensure and laws regulating the practice of dentistry within that state or province that is substantially equivalent to the examination and licensing requirements of Indiana.
- (D) That the applicant has been engaged in the active practice of dentistry for not less than two (2) years out of the three (3) years immediately preceding the submission of the application.
- (8) The applicant shall submit the following:
 - (A) Written statements from at least three (3) practicing dentists verifying the applicant's active, moral, and ethical practice of dentistry. The statements must:
 - (i) be originals; and
 - (ii) have been written not more than eight (8) weeks before the submission of the application.
 - (B) Proof that the applicant is currently certified in one (1) of the following:
 - (i) Basic life support.
 - (ii) Advanced cardiac life support.
- (9) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.
- (c) All applicants must submit the applicant's United States Social Security number in order to be eligible for licensure. (*State Board of Dentistry; 828 IAC 1-3-1.1; filed Sep 27, 2002, 2:38 p.m.: 26 IR 373; errata filed Sep 27, 2002, 2:59 p.m.: 26 IR 383; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2543*)

828 IAC 1-3-1.5 Licensure to practice dental hygiene by endorsement; credentials

Authority: IC 4-1-8-1; IC 25-13-1-5; IC 25-14-1-13

Affected: IC 25-13-1-7; IC 25-13-1-17

Sec. 1.5. (a) Persons seeking licensure to practice dental hygiene by endorsement shall do the following:

- (1) File an application on a form supplied by the board.
- (2) Submit the fees required by 828 IAC 0.5-2-4.
- (b) The applicant for a license shall provide the following:
 - (1) Where the name on any document differs from the applicant's name, one (1) of the following:
 - (A) A notarized or certified copy of a marriage certificate.
 - (B) Legal proof of a name change.
 - (2) Two (2) recent passport-type photographs of the applicant, taken within eight (8) weeks before filing of the application.
 - (3) An original transcript of the applicant's dental hygiene education, including the following:
 - (A) The degree or degrees conferred.
 - (B) The date each degree was conferred.
 - (4) If the applicant has been convicted of a criminal offense, excluding minor traffic violations, the applicant shall submit a notarized statement detailing all criminal offenses, excluding minor traffic violations, for which the applicant has been convicted. This notarized statement must include the following:
 - (A) The offense of which the applicant was convicted.
 - (B) The court in which the applicant was convicted.
 - (C) The cause number under which the applicant was convicted.
 - (D) The penalty imposed by the court.
 - (5) An applicant who is now, or has been, licensed to practice any health profession in another state must submit verification of license status. This information must be sent by the state that issued the license directly to the Indiana board.
 - (6) The applicant shall submit the following:
 - (A) A self-query form completed by the following:
 - (i) The National Practitioner Data Bank (NPDB).
 - (ii) The Healthcare Integrity and Protection Data Bank (HIPDB) data bank.

- (B) Proof of completion of at least fourteen (14) hours of continuing dental hygiene education taken within the previous two (2) years. No more than two (2) hours of training in basic life support shall count toward this requirement.
- (7) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.
- (8) The applicant shall submit the following proof that the applicant:
 - (A) Satisfactorily completed the following:
 - (i) The National Board Dental Hygiene Examination provided by the Joint Commission on Dental Examinations.
 - (ii) A national, regional, or state clinical licensing examination in any other state having and maintaining a standard of examination for licensure and laws regulating the practice of dental hygiene within that state or province that is substantially equivalent to the examination and licensing requirements of Indiana.
 - (B) Has been engaged in the active practice of dental hygiene for not less than two (2) years out of the five (5) years immediately preceding the submission of the application.
- (9) The applicant shall submit the following:
 - (A) Written statements from at least three (3) practicing dentists verifying the applicant's active, moral, and ethical practice of dental hygiene. The statements must:
 - (i) be originals; and
 - (ii) have been written not more than eight (8) weeks before the submission of the application.
 - (B) Proof that the applicant is currently certified in basic life support.
- (c) An applicant who has previously failed an examination for licensure administered by the board is not eligible to apply for a license by endorsement until the applicant:
 - (1) has passed all portions of the examination in which he or she failed; or
 - (2) provides the board with proof that additional training has been received in the subjects of the failure.
- (d) All applicants must submit the applicant's United States Social Security number in order to be eligible for licensure. (*State Board of Dentistry; 828 IAC 1-3-1.5; filed Sep 27, 2002, 2:38 p.m.: 26 IR 374; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2544*)

828 IAC 1-3-2 "Practice of dentistry" defined

Authority: IC 25-14-1-13

Affected: IC 25-14-1-16

Sec. 2. (a) Under IC 25-14-1-16(b)(2), an applicant for licensure by endorsement must have practiced dentistry for at least two (2) out of the three (3) years preceding the date of application.

(b) "Practice of dentistry" means that the applicant has actively engaged in clinical patient contact for at least an average of twenty (20) hours per week for two (2) years. A maximum of one (1) year of the two (2) year requirement may have been in postdoctoral training in a program approved by the board. (*State Board of Dentistry; 828 IAC 1-3-2; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1728; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Sep 27, 2002, 2:38 p.m.: 26 IR 375; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2545*)

828 IAC 1-3-3 "Satisfactory practice of dental hygiene" defined

Authority: IC 25-13-1-5

Affected: IC 25-13-1-17

Sec. 3. (a) An applicant for a dental hygiene license under IC 25-13-1-17(a) must have engaged in the satisfactory practice of dental hygiene for at least two (2) years out of the preceding five (5) years.

(b) As used in this section, "satisfactory practice of dental hygiene" means that the applicant has actively engaged in practicing dental hygiene for at least an average of twenty (20) hours per week for two (2) years. A maximum of one (1) year of the two (2) year requirement may have been in post associate degree training in dental hygiene in a program approved by the board. (*State Board of Dentistry; 828 IAC 1-3-3; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1728; filed Feb 4, 1994, 5:00 p.m.: 17 IR 1094; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Sep 27, 2002, 2:38 p.m.: 26 IR 375*)

828 IAC 1-3-4 Dental licensure by endorsement; failure to renew expired license

Authority: IC 25-14-1-13

Affected: IC 25-14-1-10; IC 25-14-1-16

Sec. 4. The holder of a license that has expired under IC 25-14-1-10 for failure to renew may not apply for licensure by endorsement under IC 25-14-1-16(b) and this rule if the holder of the license has practiced dentistry in Indiana during the period of time while the license was expired. (*State Board of Dentistry; 828 IAC 1-3-4; filed Feb 4, 1994, 5:00 p.m.: 17 IR 1094; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2246*)

828 IAC 1-3-5 Dental hygiene licensure by endorsement; failure to renew expired license

Authority: IC 25-13-1-5

Affected: IC 25-13-1-8; IC 25-13-1-17

Sec. 5. The holder of a license that has expired under IC 25-13-1-8 for failure to renew may not apply for licensure by endorsement under IC 25-13-1-17(a) and this rule if the holder of the license has practiced dental hygiene in Indiana during the period of time while the license was expired. (*State Board of Dentistry; 828 IAC 1-3-5; filed Feb 4, 1994, 5:00 p.m.: 17 IR 1094; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Feb 28, 2002, 3:17 p.m.: 25 IR 2246*)

Rule 4. Practice of Dentistry

828 IAC 1-4-1 Definitions

Authority: IC 25-14-1-13

Affected: IC 25-14-1

Sec. 1. Definitions. The following terms as used in this rule [828 IAC 1-4] only shall mean:

(1) Dentists. Any person licensed to practice dentistry in any of the various states of the United States.

(2) Unlicensed Person. Any person not holding a valid license to practice dentistry.

(3) Dental Diagnostic Materials. Any device, models, impressions, or dental radiographs of a dental patient which are prepared and used by a dentist in the diagnosis or treatment of any lesion or disease of the human oral cavity, teeth, gums, maxillary or mandibular structures. Claim forms are not dental diagnostic materials.

(4) Dental Treatment Plan. Any course of dental treatment prescribed by a dentist.

(5) Dental Benefits. Any funds, money, or reimbursement, paid either to a dentist or to a dentist's patient by a third party, that compensates in-full or in part for the cost of dental treatment.

(*State Board of Dentistry; 828 IAC 1-4-1; filed Apr 8, 1982, 11:00 am: 5 IR 992; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-4-2 Practice of dentistry; license

Authority: IC 25-14-1-13

Affected: IC 25-14-1-23

Sec. 2. Practice of Dentistry—License Required. Any person using dental diagnostic materials for the purpose of recommending changes in the treatment plan upon which benefits are based is practicing dentistry and must be a dentist. (*State Board of Dentistry; 828 IAC 1-4-2; filed Apr 8, 1982, 11:00 am: 5 IR 992; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-4-3 Unauthorized practice of dentistry

Authority: IC 25-14-1-13

Affected: IC 25-14-1-19.1

Sec. 3. Assisting the Unauthorized Practice of Dentistry Prohibited. Indiana dentists shall not knowingly submit dental diagnostic materials to any party involved in the Unauthorized Practice of Dentistry. (*State Board of Dentistry; 828 IAC 1-4-3; filed Apr 8, 1982, 11:00 am: 5 IR 993; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

828 IAC 1-4-4 Board members; duties

Authority: IC 25-14-1-13

Affected: IC 25-14-1-12

Sec. 4. (a) Board members who are not trained and licensed as dentists may not assume duties which require the expertise of a dentist.

(b) The president of the board or his representative shall assign duties to members of the board. If a board member objects to one of these assignments, a majority vote of the board members present shall be taken to resolve the issue. (*State Board of Dentistry; 828 IAC 1-4-4; filed Apr 25, 1983, 8:52 am: 6 IR 1084; errata, 7 IR 700; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

Rule 5. Continuing Education for Renewal of License

828 IAC 1-5-1 Application for approval of study clubs

Authority: IC 25-13-2-10; IC 25-14-3-12

Affected: IC 25-13-2; IC 25-14-3

Sec. 1. (a) Study clubs must submit an application and a fee for approval of the study club as a sponsor of continuing education credit for dentists and/or dental hygienists. Programs presented:

- (1) prior to the receipt of approval; or
- (2) after the withdrawal or termination of approval of the study club;

by the board shall not count toward continuing education requirements.

(b) The application for approval shall include the following:

- (1) The name of the study club.
- (2) The address of the study club.
- (3) A statement that the study club is organized for the purpose of scientific study.
- (4) A statement that the study club operates under the direction of elected officers.
- (5) The names and addresses of each officer.
- (6) A copy of the study club's bylaws.
- (7) The names of at least five (5) members of the study club.
- (8) A statement that the study club will conduct regular meetings.
- (9) A statement that the study club will maintain written attendance records of all meetings, which shall be submitted to the board upon request.
- (10) A description of the types of programs or activities the study club intends to present.

(c) The application for approval must be signed by an officer of the study club. (*State Board of Dentistry; 828 IAC 1-5-1; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1015; filed Mar 26, 1993, 5:00 p.m.: 16 IR 1952; filed Sep 1, 2000, 2:20 p.m.: 24 IR 22; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Oct 8, 2002, 12:43 p.m.: 26 IR 371*)

828 IAC 1-5-1.5 Study club sponsor approval; expiration

Authority: IC 25-13-2-10; IC 25-14-3-12

Affected: IC 25-13-2-2; IC 25-14-3-2

Sec. 1.5. (a) A study club continuing education sponsor approval issued by the board shall be valid for the remainder of the approval period in effect on the date the approval was issued.

(b) The approval issued by the board expires on March 2 of even-numbered years.

(c) The approval is not renewable. A new application and fee for study club continuing education sponsor approval must be filed for each license period.

(d) The approval of a study club sponsor issued by the board:

- (1) prior to the effective date of this rule; and
- (2) that is current and good standing;

shall remain valid until March 2, 2004. (*State Board of Dentistry; 828 IAC 1-5-1.5; filed Oct 8, 2002, 12:43 p.m.: 26 IR 371*)

828 IAC 1-5-2 Application for approval of organizations or individuals

Authority: IC 25-13-2-10; IC 25-14-3-12

Affected: IC 25-13-2-2; IC 25-14-3-2

Sec. 2. (a) This section applies to organizations or individuals referred to in IC 25-13-2-2(18) and IC 25-14-3-2(18).

(b) Individuals or organizations applying for approval must submit an application and a fee for approval as a sponsor of continuing education credit for dentists and/or dental hygienists. Programs presented:

- (1) prior to the receipt of approval; or
- (2) after the withdrawal or termination of approval of the individual or organization;

by the board shall not count toward continuing education requirements.

(c) The application for approval shall include the following:

- (1) The name of the sponsoring individual or organization.
- (2) The address and telephone number of the individual or organization.

(3) The following for organizations:

(A) A copy of all documents relating to the formation and continued existence of the organization.

(B) A description of the specific purposes for which the organization was formed.

(C) For each individual in the organization with direct responsibility for teaching and conducting an educational program of the organization, a vita or resume listing all educational and relevant work experience.

(4) For individuals, a vita or resume listing all educational and relevant work experience.

(5) A list of each educational program presented or sponsored by the individual or organization for five (5) years prior to the date of the request for approval.

(6) The following for each program listed under subdivision (5) given in the prior two (2) years:

(A) The date and location of the program.

(B) A brief summary of the content of the program.

(C) The name and the academic and professional background of the lecturer.

(D) The number of clock hours of continuing education credit granted by a state licensing or similar regulatory authority for the program.

(7) A description of the course evaluation technique utilized for all educational programs.

(8) A sample of the certificate awarded for the completion of all educational programs, if available.

(9) A list of all anticipated programs to be presented or sponsored during the requested approval period, if available.

(10) A description of the types of programs or activities the individual or organization intends to present.

(11) A description of the method to be used for monitoring attendance.

(d) The individual or organization is responsible for monitoring attendance in such a way that verification of attendance throughout the program can be reliably assured. (*State Board of Dentistry; 828 IAC 1-5-2; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1015; filed Mar 26, 1993, 5:00 p.m.: 16 IR 1953; filed Sep 1, 2000, 2:20 p.m.: 24 IR 22; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Oct 8, 2002, 12:43 p.m.: 26 IR 372*)

828 IAC 1-5-2.5 Individual or organization sponsor approval; expiration

Authority: IC 25-13-2-10; IC 25-14-3-12

Affected: IC 25-13-2-2; IC 25-14-3-2

Sec. 2.5. (a) Approval of an individual or organization as a sponsor of continuing education issued by the board shall be valid for the remainder of the approval period in effect on the date the approval was issued.

(b) The approval issued by the board expires on March 2 of even-numbered years.

(c) The approval is not renewable. A new application and fee for an individual or organization continuing education sponsor approval must be filed for each license period.

(d) The approval of a sponsor issued by the board:

(1) prior to the effective date of this rule; and

(2) that is current and in good standing;

shall remain valid until March 2, 2004. (*State Board of Dentistry; 828 IAC 1-5-2.5; filed Oct 8, 2002, 12:43 p.m.: 26 IR 372*)

828 IAC 1-5-3 Verification of attendance

Authority: IC 25-13-2-10; IC 25-14-3-12

Affected: IC 25-13-2-2; IC 25-14-3-2

Sec. 3. Organizations, individuals, or study clubs approved under IC 25-13-2-2 or IC 25-14-3-2, shall provide each attendee with verification of attendance which shall include the following:

- (1) A record of the number of hours spent in the continuing education course.
- (2) The name of the course or a description of the subject matter presented.
- (3) The name of the sponsoring approved organization, individual, or study club.
- (4) The date and location of the program.

(State Board of Dentistry; 828 IAC 1-5-3; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1016; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)

828 IAC 1-5-4 Civil penalties for a dental hygienist

Authority: IC 25-13-2-10

Affected: IC 25-13-2-11; IC 25-13-2-12

Sec. 4. If a dental hygienist is not in compliance with IC 25-13-2 and is assessed a civil penalty under IC 25-13-2-11(b)(1) [IC 25-13-2-11 was repealed by P.L.157-2006, SECTION 76, effective July 1, 2006.] or IC 25-13-2-12(b)(1) [IC 25-13-2-12 was repealed by P.L.157-2006, SECTION 76, effective July 1, 2006.], the amount of the civil penalty shall be based on the number of continuing education credit hours needed per license period to be in compliance as follows:

Number of hours needed to be in compliance:	Civil penalty:
1–2 hours	\$50
3–5 hours	\$100
6–10 hours	\$250
11–14 hours	\$375

(State Board of Dentistry; 828 IAC 1-5-4; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1016; readopted filed Dec 2, 2001, 12:35 p.m.: 25 IR 1306)

828 IAC 1-5-5 Civil penalties for a dentist

Authority: IC 25-14-3-12

Affected: IC 25-14-3-13; IC 25-14-3-14

Sec. 5. If a dentist is not in compliance with IC 25-14-3 and is assessed a civil penalty under IC 25-14-3-13(b)(1) [IC 25-14-3-13 was repealed by P.L.157-2006, SECTION 76, effective July 1, 2006.] or IC 25-14-3-14(b)(1) [IC 25-14-3-14 was repealed by P.L.157-2006, SECTION 76, effective July 1, 2006.], the amount of the civil penalty shall be based on the number of continuing education credit hours needed per license period to be in compliance as follows:

Number of hours needed to be in compliance:	Civil penalty:
1–2 hours	\$100
3–5 hours	\$250
6–10 hours	\$500
11–15 hours	\$750
16–20 hours	\$1,000

(State Board of Dentistry; 828 IAC 1-5-5; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1016; readopted filed Dec 2, 2001, 12:35 p.m.: 25 IR 1307)

828 IAC 1-5-6 Continuing education course requirement

Authority: IC 25-13-1-5; IC 25-13-2-10; IC 25-14-1-13; IC 25-14-3-12

Affected: IC 25-13-2-11; IC 25-13-2-12; IC 25-14-3-13; IC 25-14-3-14

Sec. 6. (a) Effective for the license period ending March 1, 2006, for dentists and dental hygienists, and every license period thereafter, continuing education credit must include two (2) hours which shall cover each of the following subjects:

(1) Ethics.

(2) Professional responsibility.

(3) Indiana statutes and Indiana administrative rules governing the licensure and practice of dentists and dental hygienists.

(b) Ethics and professional responsibility means the aspirational standards by which a profession decides to regulate its behavior in order to distinguish what is legitimate or acceptable in pursuit of their aims from what is not.

(c) The two (2) hours required under subsection (a) are not considered courses that relate specifically to the area of practice management. (*State Board of Dentistry; 828 IAC 1-5-6; filed Mar 18, 2005, 10:00 a.m.: 28 IR 2383*)

Rule 6. Dental Hygienists; License Renewal

828 IAC 1-6-1 Renewal requirements; basic life support certification

Authority: IC 25-13-1-5; IC 25-13-1-8; IC 25-14-1-13

Affected: IC 25-13-2-6; IC 25-13-2-9

Sec. 1. (a) Applicants for dental hygiene license renewal must be certified in or successfully complete a course in basic life support.

(b) Courses on health care provider cardiopulmonary resuscitation or cardiopulmonary resuscitation for the professional rescuer meet the requirements of this rule.

(c) At the time of renewal of the license, the applicant must submit, as a part of the renewal application, a sworn statement signed by the applicant attesting that the applicant has fulfilled the requirement to complete a course in basic life support.

(d) A waiver of the requirement to complete a course in basic life support will only be granted for medical conditions or disabilities that prevent the dental hygienist from complying with the basic life support requirement. All requests for waivers of the basic life support requirement must be submitted in writing with the renewal application. A physician's statement documenting the disability or medical condition must be submitted with the request.

(e) The board will conduct an audit for compliance in conjunction with the audit conducted under IC 25-13-2-9.

(f) In order to comply with IC 25-13-1-8(b)(3), a course in basic life support must be successfully completed during each two (2) year license period.

(g) If a dental hygienist is audited for compliance with the requirement for completion of a basic life support course, at the time of the audit the dental hygienist must submit any of the following:

(1) A copy of the cardiopulmonary resuscitation card showing the date of issuance and the date of expiration or date it is due for renewal.

(2) A copy of the attendance sheet for the course that has been signed by the instructor and includes the date the course was given and certifies that the applicant successfully completed the course.

(3) Proof of reasonable cause for noncompliance. A waiver will only be granted for medical conditions or disabilities that prevent the dental hygienist from complying with the basic life support requirement. All requests for waivers of the basic life support requirement must be submitted in writing. A physician's statement documenting the disability or medical condition must be submitted with the request.

(*State Board of Dentistry; 828 IAC 1-6-1; filed Aug 29, 1997, 8:45 a.m.: 21 IR 107; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Oct 8, 2002, 12:43 p.m.: 26 IR 373*)

Rule 7. Inactive Dental License

828 IAC 1-7-1 Inactive status for dentists

Authority: IC 25-14-1-10; IC 25-14-1-13

Affected: IC 25-14-1-27.1; IC 25-14-3-8

Sec. 1. (a) The board may issue a license to the holder of an inactive license under IC 25-14-1-27.1 if the applicant:

(1) applies in the form and manner required by the board;

(2) pays the renewal fee and reinstatement fee established in 828 IAC 0.5-2-3; and

(3) meets the continuing education requirements established under this section.

(b) The applicant must complete fifty percent (50%) of the continuing education that would have been required for renewal

under IC 25-14-3-8 during each license period or partial license period the license was inactive.

(c) Not more than twenty-five percent (25%) of the continuing education required under this section may be in the area of practice management.

(d) The continuing education submitted must include a certification program in basic life support. Not more than two (2) credit hours for certification programs in basic life support may be applied toward the credit hour requirement. The board may waive the basic life support requirement for applicants who show reasonable cause.

(e) Documentation verifying the completion of the continuing education must be submitted to the board prior to the reactivation of the applicant's license.

(f) If the applicant's license has been inactive for five (5) or more years, the applicant shall make a personal appearance before the board. (*State Board of Dentistry; 828 IAC 1-7-1; filed Sep 11, 2000, 2:20 p.m.: 24 IR 376; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; filed Oct 8, 2002, 12:40 p.m.: 26 IR 376*)

828 IAC 1-7-2 Inactive status for dental hygienists

Authority: IC 25-13-1-5; IC 25-14-1-13

Affected: IC 25-13-1-17.2; IC 25-13-2-6

Sec. 2. (a) The board may issue a license to the holder of an inactive license under IC 25-13-1-17.2 if the applicant:

(1) applies in the form and manner required by the board;

(2) pays the renewal fee and reinstatement fee established in 828 IAC 0.5-2-4; and

(3) meets the continuing education requirements established under this section.

(b) The applicant must complete fifty percent (50%) of the continuing education that would have been required for renewal under IC 25-13-2-6 during each license period or partial license period the license was inactive.

(c) Not more than twenty-five percent (25%) of the continuing education required under this section may be in the area of practice management.

(d) The continuing education submitted must include a certification program in basic life support. Not more than two (2) credit hours for certification programs in basic life support may be applied toward the credit hour requirement. The board may waive the basic life support requirement for applicants who show reasonable cause.

(e) Documentation verifying the completion of the continuing education must be submitted to the board prior to the reactivation of the applicant's license.

(f) If the applicant's license has been inactive for five (5) or more years, the applicant shall make a personal appearance before the board. (*State Board of Dentistry; 828 IAC 1-7-2; filed Oct 8, 2002, 12:40 p.m.: 26 IR 377*)

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