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## **TITLE 828 STATE BOARD OF DENTISTRY**

### **Proposed Rule** LSA Document #05-226

#### **DIGEST**

Amends 828 IAC 0.5-2-3 and 828 IAC 0.5-2-4 concerning fees for licensure to practice dentistry and dental hygiene. Amends 828 IAC 1-1-1 through 828 IAC 1-1-3, 828 IAC 1-1-6, and 828 IAC 1-1-7 concerning the requirements for licensure of dentists by examination to facilitate the outsourcing of the administration of the examinations. Amends 828 IAC 1-2-1 through 828 IAC 1-2-3 and 828 IAC 1-2-6 concerning the requirements for licensure of dental hygienists by examination to facilitate the outsourcing of the administration of the examination. Amends 828 IAC 1-3-1.1, 828 IAC 1-3-1.5, and 828 IAC 1-3-2 concerning licensure to practice dentistry and dental hygiene by endorsement. Repeals 828 IAC 1-1-8, 828 IAC 1-1-12, 828 IAC 1-1-21, 828 IAC 1-2-7; 828 IAC 1-2-8, 828 IAC 1-2-9, 828 IAC 1-2-12, and 828 IAC 1-2-14. Effective 30 days after filing with the Secretary of State.

#### **IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

##### **Estimated Number of Small Businesses Affected:**

NAICS 621210 – Offices of Dentists

The State Board of Dentistry (Board) estimates that some small businesses will be directly affected by this rule. In 2004, the following numbers of applicants were licensed by the State Board of Dentistry:

Dentists: 101

Dental Hygienists: 192

##### **Estimated Administrative Costs That Small Businesses Will Incur:**

The State Board of Dentistry proposes to adopt rules that will permit applicants for licensure to take any one of four regional clinical examinations in order to qualify for licensure. Currently, the board administers its own state-prepared examination two times per year. The intent of the rule is to utilize examinations that are continuously updated and verified for content and validity. The regional examination bodies are made up of various state boards of dentistry. Not only are high quality examinations available from the regional boards, but the acceptance of regional boards will promote the mobility of dentists and dental hygienists.

The application fee for dentists to take the Northeast Regional Board (the examination that will be available at Indiana schools of dentistry and dental hygiene) is \$1,300. The examination fee for dental hygienists is \$700.

##### **Estimated Total Annual Economic Impact On Small Businesses:**

Dentists:

$(\$1,300 \text{ examination fee} + \$250 \text{ application fee}) \times 101 \text{ dental applicants} = \$156,550 \text{ per year.}$

Current examination fees  $(\$250 \text{ application fee} + \$105 \text{ dental model} + \$250 \text{ facility fee}) \times 101 \text{ dental students} = \$61,105.$  Impact = \$95,445 annually on total number of dental applicants.

Impact per individual applicant = \$945.

Dental Hygienists:

$(\$700 \text{ examination fee} + \$100 \text{ application fee}) \times 192 \text{ dental hygiene applicants} = \$153,600 \text{ per year.}$

Current examination fees  $(\$100 \text{ application fee} + \$100 \text{ facility fee}) \times 192 \text{ applicants} = \$38,400.$

Impact = \$115,000 annually on total number of dental hygiene applicants.

Impact per individual application = \$600.

##### **Justification of Requirements or Costs**

The Board has the authority to promulgate rules in accordance with IC 25-13-1-5 and IC 25-14-1-13. Examinations for licensure are required by statute: IC 25-13-1-4, IC 25-13-1-5, and IC 25-14-1-3. The board may utilize the regional examinations pursuant to IC 25-1-8-5.

##### **Consideration of Alternative Methods of Achieving the Purpose of the Proposed Rule and Explanation of Determination:**

The board considered accepting the examination of only one region. However, the board determined that in order to promote mobility of dentists and dental hygienists between the states, all four regional examinations should be accepted.

##### **Supporting Data, Studies, or Analyses:**

According to the American Association of Dental Examiners only ten states, including Indiana, maintain their status as independent testing agencies. All other states have joined at least one regional board.

The intent of the use of regional board examinations is to facilitate the licensure process for candidates and to eliminate the need for repetition of state board clinical examinations (taking a licensing examination in each state in which the practitioner desires to hold a license). Each regional board is comprised of a consortium of multiple state dental boards. Each regional board develops, administers, scores, and reports the results of its examinations in Dentistry and Dental Hygiene to states which accept the results in lieu of the state's own individually administered clinical examination.

|                 |                 |
|-----------------|-----------------|
| 828 IAC 0.5-2-3 | 828 IAC 1-2-2   |
| 828 IAC 0.5-2-4 | 828 IAC 1-2-3   |
| 828 IAC 1-1-1   | 828 IAC 1-2-6   |
| 828 IAC 1-1-2   | 828 IAC 1-2-7   |
| 828 IAC 1-1-3   | 828 IAC 1-2-8   |
| 828 IAC 1-1-6   | 828 IAC 1-2-9   |
| 828 IAC 1-1-7   | 828 IAC 1-2-12  |
| 828 IAC 1-1-8   | 828 IAC 1-2-14  |
| 828 IAC 1-1-12  | 828 IAC 1-3-1.1 |
| 828 IAC 1-1-21  | 828 IAC 1-3-1.5 |
| 828 IAC 1-2-1   | 828 IAC 1-3-2   |

SECTION 1. 828 IAC 0.5-2-3, AS AMENDED AT 28 IR 2713, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**828 IAC 0.5-2-3 Dental fees**

**Authority:** IC 23-1.5-2-9; IC 23-1.5-2-10; IC 25-1-8-2; IC 25-13-1-5; IC 25-14-1-13; IC 25-14-1-27.5

**Affected:** IC 25-13-1-8; IC 25-14-1-10

Sec. 3. The board shall charge and collect the following fees related to the practice of dentistry:

|   |   |
|---|---|
| (1) <del>Examination administration</del> <b>Application for licensure</b>  | \$250 <del>plus the cost of supplies, models, and the use of the examination facility</del>             |
| (2) <del>Reexamination administration</del> <b>Repeat law examination only</b>  | <del>\$150 plus the cost of supplies, models, and the use of the examination facility</del> <b>\$25</b> |
| <del>(3) Licensure by endorsement</del>   | <del>\$250</del>  |
| <del>(4) (3) License renewal</del>  | <del>\$100 biennially</del>   |
| <del>(5) (4) Dental intern permit application</del>   | <del>\$100</del>  |
| <del>(6) (5) Dental intern permit renewal</del>   | <del>\$50</del>   |
| <del>(7) (6) Verification of dental licensure to another state</del>  | <del>\$10</del>   |
| <del>(8) (7) Duplicate wall license</del>   | <del>\$10</del>   |
| <del>(9) (8) Professional corporation registration application</del>  | <del>\$25</del>   |
| <del>(10) (9) Professional corporation registration renewal</del>   | <del>\$20 biennially</del>  |
| <del>(11) (10) Application fees for the following permits:</del>  | <del>\$50</del>   |
| (A) General anesthesia, deep sedation (GADS)  |   |
| (B) Light parenteral conscious sedation (LPCS)  |   |
| <del>(12) (11) Renewal fees for the following permits:</del>  | <del>\$50 biennially</del>  |
| (A) General anesthesia-deep sedation (GADS)   |   |
| (B) Light parenteral conscious sedation (LPCS)  |   |
| <del>(13) (12) Registration of an additional office in which to administer general anesthesia, deep sedation, GADS, or light parenteral conscious sedation (LPCS)</del> | <del>\$25</del>   |
| <del>(14) (13) Reinstatement of inactive license</del>  | <del>\$250</del>  |
| <del>(15) (14) Instructor's license application</del>   | <del>\$250</del>  |
| <del>(16) (15) Instructor's license renewal</del>   | <del>\$50 annually</del>  |
| <del>(17) (16) Instructor's application for the following permits:</del>  | <del>\$50</del>   |
| (A) GADS  |   |
| (B) LPCS  |   |
| <del>(18) (17) Renewal fee for instructor's GADS/LPCS permit</del>  | <del>\$25 annually</del>  |

(State Board of Dentistry; 828 IAC 0.5-2-3; filed Dec 2, 2001, 12:35 p.m.; 25 IR 1180; filed Oct 8, 2002, 12:40 p.m.; 26 IR 376; filed

Apr 18, 2005, 2:00 p.m.: 28 IR 2713)

SECTION 2. 828 IAC 0.5-2-4 IS AMENDED TO READ AS FOLLOWS:

**828 IAC 0.5-2-4 Dental hygiene fees**

**Authority:** IC 23-1.5-2-9; IC 23-1.5-2-10; IC 25-1-8-2; IC 25-13-1-5; IC 25-14-1-13

**Affected:** IC 25-13-1-8; IC 25-14-1-10

Sec. 4. The board shall charge and collect the following fees related to the practice of dental hygiene:

|  |   |
|--|---|
| (1) <del>Examination and/or reexamination</del> <b>Application for licensure</b> | \$100 plus the cost of supplies and the use of the examination facility |
| (2) <b>Repeat</b> law examination only   | \$ 25   |
| <del>(3) Licensure by endorsement</del>  | <del>\$100</del>  |
| <del>(4)</del> (3) License renewal   | \$ 50 biennially  |
| <del>(5)</del> (4) Dental hygiene intern permit application                      | \$ 50   |
| <del>(6)</del> (5) Dental hygiene intern permit renewal                          | \$ 25   |
| <del>(7)</del> (6) Verification of dental hygiene licensure to another state     | \$ 10   |
| <del>(8)</del> (7) Duplicate wall license  | \$ 10   |
| <del>(9)</del> (8) Reinstatement of inactive license                             | \$100   |

(State Board of Dentistry; 828 IAC 0.5-2-4; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1181; filed Oct 8, 2002, 12:40 p.m.: 26 IR 376)

SECTION 3. 828 IAC 1-1-1 IS AMENDED TO READ AS FOLLOWS:

**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 ~~an accredited and approved~~ a dental school **accredited by the Commission on Accreditation of the American Dental Association; and must**

(2) submit certification of having completed, within the prior year, an American Red Cross or American Heart Association cardiopulmonary resuscitation course or ~~such another course as may be approved by the board. An approved dental school is one which requires the following:~~

~~(1) Graduation from high school, or equivalent training.~~

~~(2) The successful completion of two (2) full academic years of work in a college of liberal arts or sciences. This college course must include at least one (1) year of college credit in English, biology, physics, and inorganic chemistry and one-half (1/2) year of college credit in organic chemistry. All courses in science shall include both class and laboratory instruction. Formal credit in biology and physics, but not in English and chemistry, may be waived in the case of an exceptional student with three (3) years of college credit or a student holding a bachelor's or other degree from an accredited college.~~

~~(3) Four (4) academic years in a dental school which presents a curriculum, including at least the following subjects:~~

~~(A) Anatomy, macroscopic and microscopic.~~

~~(B) Oral surgery.~~

~~(C) Bacteriology.~~

~~(D) Pharmacology and materia medica.~~

~~(E) Operative dentistry.~~

~~(F) Physiology.~~

~~(G) Oral anatomy.~~

~~(H) Periodontia.~~

~~(I) Endodontia.~~

~~(J) Prosthodontia.~~

~~(K) Anesthesia, general and local.~~

~~(L) Preventive dentistry.~~

~~(M) Pathology.~~

~~(N) Medicine.~~

~~(O) Diagnosis.~~

- (P) Radiology.
- (Q) Orthodontia.
- (R) Dentistry for children.
- (S) Dental materials.
- (T) Public health.
- (U) Hygiene.
- (V) History of dentistry.
- (W) Practice management.
- (X) Ethics.
- (Y) Jurisprudence.

*(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)*

SECTION 4. 828 IAC 1-1-2 IS AMENDED TO READ AS FOLLOWS:

#### **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 ~~examination~~ **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, ~~all examination~~ fees, and other documents that the board may require must be submitted to the board. ~~office at least forty-five (45) days prior to the first day of the examination.~~

(b) ~~The following~~ proof that the applicant is a graduate of a dental school that is recognized by the board must be submitted: ~~to the board at least seven (7) days prior to the examination. The following documents 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 ~~the~~
  - (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)

SECTION 5. 828 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

**828 IAC 1-1-3 Examinations required for licensure**

**Authority:** IC 25-14-1-13

**Affected:** IC 25-14-1-3

Sec. 3. ~~(a)~~ In order to obtain an Indiana license to practice dentistry, each ~~candidate~~ **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.

~~(b) A passing score must be obtained on all sections of the national board dental examination before any candidate may take the clinical or law examinations. (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)~~

SECTION 6. 828 IAC 1-1-6 IS AMENDED TO READ AS FOLLOWS:

**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 ~~attained~~ **achieved** by the ~~candidate~~ **applicant** before the ~~candidate~~ **applicant** will be permitted to take the ~~clinical portion of the examination and 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 ~~candidate~~ **applicant** may be licensed. ~~Candidates~~ **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*)

SECTION 7. 828 IAC 1-1-7 IS AMENDED TO READ AS FOLLOWS:

**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. ~~The clinical~~ **To be eligible for licensure by examination, shall consist an applicant must meet any one (1) of the following sections (or procedures):**

- ~~(1) Oral diagnosis and treatment planning, infection control, and periodontics.~~
- ~~(2) Operative dentistry.~~
- ~~(3) Prosthetic dentistry.~~

The procedure for administering this examination will be determined by the board. Each candidate shall be required to have a score of seventy-five (75) or more in each section to pass the 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)*

SECTION 8. 828 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

**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 an accredited and approved a school of dental hygiene school that is accredited by the Commission on Dental Accreditation of the American Dental Association; and must**

**(2) submit certification of having completed within the prior year an American Red Cross or American Heart Association cardiopulmonary resuscitation course or such another course as may be approved by the board. An accredited and approved dental hygiene school is one that requires the following:**

**(1) Graduation from high school or equivalent training:**

**(2) Two (2) academic years in a dental hygiene school that presents a curriculum, including, at least, the following subjects:**

**(A) Anatomy, general and oral:**

**(B) Pharmacology:**

**(C) Microbiology and immunology:**

**(D) Radiology:**

**(E) Physiology:**

**(F) Preventive dentistry:**

**(G) Dental hygiene science:**

**(H) Histology:**

**(I) Chemistry:**

**(J) Dental materials:**

**(K) Periodontology:**

**(L) Nutrition:**

**(M) Pathology, general and oral:**

**(N) Oral and written communication:**

**(O) Psychology:**

**(P) Sociology:**

**(Q) Community dental health:**

*(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)*

SECTION 9. 828 IAC 1-2-2 IS AMENDED TO READ AS FOLLOWS:

**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 ~~examination~~ **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, ~~all examination~~ fees, and other documents that the board may require must be submitted to the board. ~~office at least forty-five (45) days prior to the first day of the examination:~~

(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: ~~at least seven (7) days prior to the examination: The following documents must be submitted: 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)*

SECTION 10. 828 IAC 1-2-3 IS AMENDED TO READ AS FOLLOWS:

#### **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 ~~candidate~~ **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) A passing score must be obtained on all sections of the national board dental hygiene examination before any candidate may take the clinical or law examinations.~~

**(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)*

SECTION 11. 828 IAC 1-2-6 IS AMENDED TO READ AS FOLLOWS:

**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 ~~attained~~ **achieved** by the ~~candidate~~ **applicant** before the ~~candidate~~ **applicant** will be permitted to take the ~~clinical portion of the examination and 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 ~~candidate~~ **applicant** may be licensed. ~~Candidates~~ **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*)

SECTION 12. 828 IAC 1-3-1.1 IS AMENDED TO READ AS FOLLOWS:

**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. ~~and~~
- (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. ~~or~~
  - (B) Legal proof of a name change.
- (2) Two (2) recent passport-type photographs of the applicant, taken within eight (8) weeks ~~prior to~~ **before** filing of the application.
- (3) An original transcript of the applicant's dental education, including **the following:**
  - (A) The degree or degrees conferred. ~~and~~
  - (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). ~~and~~
  - (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.
  - ~~(8) The applicant shall submit proof~~ (B) That the applicant successfully completed the:
    - (i) National Board Dental Examination provided by the Joint Commission on Dental Examinations; or ~~successfully completed~~ **the**



(ii) National Dental Examining Board of Canada Written Examination provided by the National Dental Examining Board of Canada.

~~(9)~~ The applicant shall submit proof (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 ~~are~~ **is** substantially equivalent to the examination and licensing requirements of Indiana.

~~(10)~~ The applicant shall submit proof (D) That the applicant has been engaged in the active practice of dentistry for not less than ~~five (5)~~ **two (2)** years out of the ~~nine (9)~~ **three (3)** years immediately preceding the submission of the application.

~~(11)~~ (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 ~~must~~

(ii) have been written not more than eight (8) weeks ~~prior to~~ **before** the submission of the application.

~~(12)~~ The applicant shall submit (B) Proof that the applicant is currently certified in **one (1) of the following**:

(i) Basic life support. ~~or~~

(ii) Advanced cardiac life support.

~~(13)~~ (9) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

~~(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 such applicant has passed all portions of the examination in which he or she failed or provides the board with proof that additional training has been received in the subjects of the failure:~~

**(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*)

SECTION 13. 828 IAC 1-3-1.5 IS AMENDED TO READ AS FOLLOWS:

#### **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. ~~and~~

(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. ~~or~~

(B) Legal proof of a name change.

(2) Two (2) recent passport-type photographs of the applicant, taken within eight (8) weeks ~~prior to~~ **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. ~~and~~

(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). ~~and~~

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

~~(7)~~ ~~The applicant shall submit~~ (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.

~~(8)~~ (7) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

~~(9)~~ (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.

~~(10)~~ ~~The applicant shall submit proof that the applicant satisfactorily completed~~ (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 ~~are~~ **is** substantially equivalent to the examination and licensing requirements of Indiana.

~~(11)~~ ~~The applicant shall submit proof that the applicant~~ (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.

~~(12)~~ (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 ~~must~~

(ii) have been written not more than eight (8) weeks ~~prior to~~ **before** the submission of the application.

~~(13)~~ ~~The applicant shall submit~~ (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 ~~such~~ **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)*

SECTION 14. 828 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

### **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 ~~five~~ ~~(5) two (2)~~ out of the ~~nine~~ ~~(9) 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 ~~five~~ ~~(5) two (2)~~ years. A maximum of ~~two (2) years one (1) year~~ of the ~~five~~ ~~(5) 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)*

SECTION 15. THE FOLLOWING ARE REPEALED: 828 IAC 1-1-8; 828 IAC 1-1-12; 828 IAC 1-1-21; 828 IAC 1-2-7; 828 IAC 1-2-8; 828 IAC 1-2-9; 828 IAC 1-2-12; 828 IAC 1-2-14.

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on February 3, 2006 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the State Board of Dentistry will hold a public hearing on proposed amendments concerning fees for licensure to practice dentistry and dental hygiene, the requirements for licensure of dentists by examination to facilitate the outsourcing of the administration of the examinations, the requirements for licensure of dental hygienists by examination to facilitate the outsourcing of the administration of the examination, and licensure to practice dentistry and dental hygiene by endorsement.*

*The State Board of Dentistry has the authority to promulgate rules establishing the fees application for the application and*

*examination for licensure to practice dentistry and dental hygiene. The board has the authority to set examination requirements for licensure and to utilize the examinations of a regional examination entity for the purposes of licensure. This proposed rule will have costs to entities.*

*Copies of these rules are now on file at the Indiana Professional Licensing Agency, Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency