



February 14, 2020

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# ENGROSSED HOUSE BILL No. 1067

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DIGEST OF HB 1067 (Updated February 12, 2020 12:08 pm - DI 104)

**Citations Affected:** IC 25-13.

**Synopsis:** Dental hygienists. Amends the definition of "prescriptive supervision" concerning circumstances under which a licensed dentist is not required to be present in a facility when patient care is provided by a dental hygienist. Restates restrictions on use of a laser by a dental hygienist. Provides that a dental hygienist may administer topical local dental anesthetics, other than nitrous oxide or similar analgesics, without supervision. Prescribes requirements for administration of nitrous oxide by a dental hygienist or a dental assistant. Provides, for purposes of regulation of dental hygienists, that a person, other than a dentist or a physician, who administers nitrous oxide is considered to be practicing dental hygiene. Removes a limitation on the number of credit hours earned for certification in basic life support that may be applied to a dental hygienist's continuing education requirement. Provides that there is no limit on the number of credit hours a dental hygienist may earn for completion of an approved course offered by another dental hygienist.

**Effective:** July 1, 2020.

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## Zent, Clere, Fleming, Shackelford

(SENATE SPONSORS — LEISING, GROOMS)

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January 6, 2020, read first time and referred to Committee on Public Health.

January 9, 2020, amended, reported — Do Pass.

January 13, 2020, read second time, ordered engrossed. Engrossed.

January 14, 2020, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 5, 2020, read first time and referred to Committee on Health and Provider Services.

February 13, 2020, amended, reported favorably — Do Pass.

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EH 1067—LS 6482/DI 119





February 14, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1067

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1           SECTION 1. IC 25-13-1-2, AS AMENDED BY P.L.155-2016,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 2. As used in this article:  
4           (a) "Dental hygienist" means one who is especially educated and  
5 trained in the science and art of maintaining the dental health of the  
6 individual or community through prophylactic or preventive measures  
7 applied to the teeth and adjacent structures.  
8           (b) "License" means the license to practice dental hygiene issued by  
9 the state board of dentistry to dental hygienist candidates who  
10 satisfactorily pass the board's examinations.  
11           (c) "Board" means the state board of dentistry established by  
12 IC 25-14-1.  
13           (d) "Proprietor dentist" means a licensed dentist who is the owner  
14 and operator of the dental office in which the licensed dentist practices  
15 the profession of dentistry and who employs at least one (1) licensed  
16 dentist or dental hygienist to supplement the licensed dentist's  
17 operation and conduct of the licensed dentist's dental office.

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1 (e) "Employer dentist" means a proprietor dentist who employs at  
 2 least one (1) dental hygienist to supplement the proprietor dentist's  
 3 dental service to the proprietor dentist's clientele.

4 (f) "Referral" means a recommendation that a patient seek further  
 5 dental care from a licensed dentist, but not a specific dentist.

6 (g) "Screening" means to identify and assess the health of the hard  
 7 or soft tissues of the human oral cavity.

8 (h) "Public health setting" means a location, including a mobile  
 9 health care vehicle, where the public is invited for health care,  
 10 information, and services by a program sponsored or endorsed by a  
 11 governmental entity or charitable organization.

12 (i) "Direct supervision" means that a licensed dentist is physically  
 13 present in the facility when patient care is provided by the dental  
 14 hygienist.

15 (j) "Prescriptive supervision" means that a licensed dentist is not  
 16 required to be physically present in the facility when patient care is  
 17 provided by the dental hygienist if:

18 (1) the dental hygienist has completed, with at least an average of  
 19 twenty (20) hours per week, at least two (2) years of active  
 20 practice as a dental hygienist under the direct supervision of a  
 21 licensed dentist;

22 (2) a licensed dentist:

23 (A) has:

24 (i) in a dental office setting, provided the patient with a  
 25 comprehensive **or periodic** oral examination and any  
 26 appropriate care in the previous seven (7) months;

27 (ii) issued a written **or electronic** order for the specific care  
 28 to be provided that is valid for not more than ninety (90)  
 29 days and provided in a dental office; and

30 (iii) notified the patient that the licensed dentist will not be  
 31 present when the dental hygienist is providing the patient  
 32 care; or

33 (B) has:

34 (i) in a setting other than a dental office, provided the patient  
 35 with a comprehensive **or periodic** oral examination; and

36 (ii) issued to the patient, on the same day the licensed dentist  
 37 provided the patient with a comprehensive **or periodic** oral  
 38 examination, a written order for the specific care to be  
 39 provided that is valid for not more than ninety (90) days; and

40 (3) the patient has provided a current medical history.

41 Nothing in subdivision (2)(A)(i) or (2)(B)(i) prohibits a dental  
 42 hygienist from providing patient care before the licensed dentist



1 provides the comprehensive **or periodic** oral examination if the  
 2 licensed dentist provides the comprehensive **or periodic** oral  
 3 examination on the same day that the dental hygienist has provided the  
 4 patient care.

5 (k) "Licensed dentist" refers to a dentist licensed under IC 25-14.

6 SECTION 2. IC 25-13-1-10, AS AMENDED BY P.L.10-2019,  
 7 SECTION 109, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) A licensed dental hygienist  
 9 may practice dental hygiene in Indiana in the following:

10 (1) A dental office, clinical setting, or health facility where the  
 11 dental hygienist is practicing under the direct supervision or  
 12 prescriptive supervision of a licensed dentist.

13 (2) A dental school or dental hygiene school to teach and  
 14 demonstrate the practice of dental hygiene if direct supervision by  
 15 a licensed dentist is provided for training on providing local  
 16 anesthetics by injection.

17 (3) The dental clinic of any public, parochial, or private school or  
 18 other institution supported by public or private funds in which the  
 19 licensee is employed by the state department of health or any  
 20 county or city board of health or board of education or school  
 21 trustee or parochial authority or the governing body of any private  
 22 school where the dental hygienist is practicing under the direct or  
 23 prescriptive supervision of a licensed dentist.

24 (4) The dental clinic of a bona fide hospital, sanitarium, or  
 25 charitable institution duly established and being operated under  
 26 the laws of Indiana in which the licensee is employed by the  
 27 directors or governing board of such hospital, sanitarium, or  
 28 institution. However, such practice must be under the direct or  
 29 prescriptive supervision at all times of a licensed dentist who is  
 30 a staff member of the hospital or sanitarium or a member of the  
 31 governing board of the institution.

32 (5) A:

33 (A) fixed charitable dental care clinic;

34 (B) public health setting;

35 (C) correctional institution; or

36 (D) location other than one described in clauses (A) through  
 37 (C);

38 that has been approved by the board and where the dental  
 39 hygienist is under the direct or prescriptive supervision of a  
 40 licensed dentist.

41 (6) Settings, other than a private dental practice, allowed under an  
 42 access practice agreement that complies with the requirements



- 1 under IC 25-13-3.
- 2 (b) A licensed dental hygienist may provide without supervision the  
3 following:
- 4 (1) Dental hygiene instruction and in-service training without  
5 restriction on location.
- 6 (2) Screening and referrals for any person in a public health  
7 setting.
- 8 (3) Dental hygiene services under an access practice agreement  
9 that complies with the requirements under IC 25-13-3.
- 10 (c) A dental hygienist may **not** use a laser, **except** to cut, ablate, or  
11 cauterize hard or soft tissue to provide treatment to a patient.
- 12 (d) The board may adopt rules under IC 4-22-2 concerning  
13 subsection (a)(5)(D).
- 14 (e) If a dental hygienist practices under the prescriptive supervision  
15 of a licensed dentist, the dentist's written order must be recorded,  
16 signed, and dated in the patient's records.
- 17 SECTION 3. IC 25-13-1-10.6, AS AMENDED BY P.L.103-2011,  
18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2020]: Sec. 10.6. (a) **Except as provided in subsection (b),**  
20 a licensed dental hygienist may administer local dental anesthetics  
21 under the direct supervision of a licensed dentist under IC 25-14 if the  
22 dental hygienist has:
- 23 (1) completed board approved educational requirements,  
24 including cardiopulmonary resuscitation and emergency care  
25 training; and
- 26 (2) received a board issued dental hygiene anesthetic permit.
- 27 **(b) A dental hygienist may administer topical local dental**  
28 **anesthetics without supervision.**
- 29 ~~(b)~~ **(c) For purposes of this section,** local dental anesthetics do not  
30 include nitrous oxide or similar analgesics.
- 31 SECTION 4. IC 25-13-1-10.7 IS ADDED TO THE INDIANA  
32 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.7. (a) **A dental hygienist or**  
33 **dental assistant may administer nitrous oxide under the direct**  
34 **supervision of a licensed dentist if the dental hygienist or dental**  
35 **assistant has:**
- 36 (1) **been employed in a dental practice for at least one (1) year**  
37 **or has graduated from a program accredited by the**  
38 **Commission on Dental Accreditation of the American Dental**  
39 **Association;**
- 40 (2) **satisfactorily completed a three (3) hour didactic nitrous**  
41 **oxide administration course containing curriculum on**  
42



1           **pharmacology, biochemistry, anatomy of nitrous oxide**  
 2           **administration, emergency procedures, and the mechanics of**  
 3           **operating a nitrous unit, accredited by the Commission on**  
 4           **Dental Accreditation of the American Dental Association; and**  
 5           **(3) demonstrated clinical competency on at least five (5)**  
 6           **patients under the direct supervision of a licensed Indiana**  
 7           **dentist whose license is in good standing.**

8           **(b) The licensed Indiana dentist supervising the clinical**  
 9           **competency under subsection (a)(3) shall provide to the dental**  
 10           **hygienist or dental assistant a signed affidavit certifying the**  
 11           **competency.**

12           **(c) Upon receipt of the affidavit provided to a dental hygienist**  
 13           **or dental assistant under subsection (b), the provider of an**  
 14           **educational program or curriculum described in subsection (a)(2)**  
 15           **shall issue a certificate of completion to the dental hygienist or**  
 16           **dental assistant. The certificate of completion must be publicly**  
 17           **displayed in the dental office of the dental hygienist or dental**  
 18           **assistant.**

19           **(d) Before permitting a dental hygienist or dental assistant to**  
 20           **administer nitrous oxide, the supervising dentist shall verify that**  
 21           **the dental hygienist or dental assistant has completed the**  
 22           **requirements of subsection (a).**

23           SECTION 5. IC 25-13-1-11, AS AMENDED BY P.L.264-2013,  
 24           SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25           JULY 1, 2020]: Sec. 11. A person is deemed to be practicing dental  
 26           hygiene within the meaning of this chapter who:

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



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

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

3 SECTION 6. IC 25-13-2-6, AS AMENDED BY P.L.155-2016,  
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2020]: Sec. 6. (a) A dental hygienist must complete at least  
6 nineteen (19) credit hours in continuing education courses each license  
7 period.

8 (b) Credit hours may be applied under this section only toward the  
9 credit hour requirement for the license period during which the credit  
10 hours are earned.

11 (c) During a license period, a dental hygienist may not earn more  
12 than five (5) credit hours toward the requirements under this section for  
13 continuing education courses that relate specifically to the area of  
14 practice management.

15 ~~(d) Not more than two (2) credit hours for certification programs in~~  
16 ~~basic life support required under IC 25-13-1-8(c)(3) may be applied~~  
17 ~~toward the credit hour requirement during each license period.~~

18 ~~(e)~~ (d) During a license period, at least half of the required  
19 minimum credit hours must be earned through live presentations or live  
20 workshops.

21 SECTION 7. IC 25-13-2-7 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. Credit hours under  
23 section 6 of this chapter must be awarded as follows:

24 (1) A course presented by a college under a regular curriculum is  
25 awarded one (1) credit hour for each lecture hour attended.

26 (2) A course not listed in subdivision (1) is awarded one (1) credit  
27 hour for each lecture hour and two (2) credit hours for each  
28 participation hour of the course.

29 (3) A speech, lecture, or other presentation by a dental hygienist  
30 is awarded two (2) credit hours if the following conditions are  
31 met:

32 (A) The presentation concerns a subject that would be suitable  
33 for a continuing education course.

34 (B) The subject of the presentation is eligible for credit only  
35 one (1) time, regardless of the number of times the subject is  
36 presented.

37 (C) The **presenting** dental hygienist maintains a record of the  
38 time, place, and date of the presentation.

39 (D) The presentation is sponsored by an approved  
40 organization.

41 (E) Not more than four (4) credit hours are awarded to the  
42 dental hygienist under this subdivision during any license





- 1 period.
- 2 (4) Attendance at a state, regional, or national meeting sponsored
- 3 by an approved organization is awarded one (1) credit hour.
- 4 (5) Attendance at a meeting of a study club that uses films, audio
- 5 cassettes, live presentations, or written materials sponsored by the
- 6 American Dental Hygienist Association is awarded one (1) credit
- 7 hour. However, a dental hygienist may not receive credit under
- 8 this subdivision for more than four (4) credit hours during a
- 9 license period.
- 10 (6) Attendance at a meeting of a study club featuring a guest
- 11 speaker whose presentation concerns a subject suitable for a
- 12 continuing education course is awarded one (1) credit hour for
- 13 each hour attended.
- 14 (7) A home study course that is presented by an approved
- 15 organization and meets the requirements under this subdivision
- 16 is awarded the same number of credit hours given to courses
- 17 provided by a college. If the approved organization does not
- 18 assess credit hours to a course under this subdivision, the course
- 19 is awarded one (1) credit hour for each hour of study material.
- 20 Subject matter of the course may be presented by written, audio,
- 21 or video materials.
- 22 **(8) There is no limit on the number of credit hours a dental**
- 23 **hygienist may earn if the course is an approved course offered**
- 24 **by another dental hygienist.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1067, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 42, after "curriculum" insert "**, consisting of pharmacology, biochemistry, anatomy of nitrous oxide administration, and the mechanics of operating a nitrous unit,**".

and when so amended that said bill do pass.

(Reference is to HB 1067 as introduced.)

KIRCHHOFER

Committee Vote: yeas 13, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1067, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 41, after "didactic" insert "**nitrous oxide administration course containing curriculum on**".

Page 4, delete line 42.

Page 5, line 2, after "administration," insert "**emergency procedures,**".

and when so amended that said bill do pass.

(Reference is to HB 1067 as printed January 10, 2020.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 11, Nays 0.

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