

HOUSE BILL No. 1110

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-14-1-3.2; IC 25-22.5-1-1.1.

Synopsis: Dental anesthesia. Provides that any rule adopted by the medical licensing board concerning standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia to be administered does not apply to a dental office setting if the dentist who performs the dental services on a patient holds a permit to administer general anesthesia or moderate sedation issued by the state board of dentistry. Allows a licensed dentist who has completed all education requirements in a dental specialty area recognized by the American Dental Association to use a designation or term in conjunction with the dentist's practice. (Current law allows a licensed dentist who has completed a dental anesthesiology residency recognized by the American Dental Board of Anesthesiology before July 1, 2025, to use a designation or term in conjunction with the dentist's practice.)

Effective: July 1, 2023.

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January 10, 2023, read first time and referred to Committee on Public Health.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1110

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 25-14-1-3.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]: **Sec. 3.2. (a) Any rule adopted under IC 25-22.5-2-7(a)(10)**
4 **concerning standards for office based procedures that require**
5 **moderate sedation, deep sedation, or general anesthesia to be**
6 **administered does not apply to this section.**

7 (b) **If a dentist who performs dental services on a patient holds**
8 **a permit issued under section 3.1 of this chapter, a physician**
9 **anesthesiologist or a certified registered nurse anesthetist acting**
10 **under the direction of and in the immediate presence of a physician**
11 **may administer moderate sedation, deep sedation, or general**
12 **anesthesia to the patient in a dental office.**

13 SECTION 2. IC 25-22.5-1-1.1, AS AMENDED BY
14 P.L.178-2022(ts), SECTION 15, IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.1. As used in this
16 article:

17 (a) "Practice of medicine or osteopathic medicine" means any one



- 1 (1) or a combination of the following:
- 2 (1) Holding oneself out to the public as being engaged in:
- 3 (A) the diagnosis, treatment, correction, or prevention of any
- 4 disease, ailment, defect, injury, infirmity, deformity, pain, or
- 5 other condition of human beings;
- 6 (B) the suggestion, recommendation, or prescription or
- 7 administration of any form of treatment, without limitation;
- 8 (C) the performing of any kind of surgical operation upon a
- 9 human being, including tattooing (except for providing a tattoo
- 10 as defined in IC 35-45-21-4(a)), in which human tissue is cut,
- 11 burned, or vaporized by the use of any mechanical means,
- 12 laser, or ionizing radiation, or the penetration of the skin or
- 13 body orifice by any means, for the intended palliation, relief,
- 14 or cure; or
- 15 (D) the prevention of any physical, mental, or functional
- 16 ailment or defect of any person.
- 17 (2) The maintenance of an office or a place of business for the
- 18 reception, examination, or treatment of persons suffering from
- 19 disease, ailment, defect, injury, infirmity, deformity, pain, or other
- 20 conditions of body or mind.
- 21 (3) Attaching to a name, either alone or in connection with other
- 22 words, the designation or term:
- 23 (A) "doctor of medicine";
- 24 (B) "M.D.";
- 25 (C) "doctor of osteopathy";
- 26 (D) "D.O.";
- 27 (E) "physician";
- 28 (F) "osteopath";
- 29 (G) "osteopathic medical physician";
- 30 (H) "surgeon";
- 31 (I) "physician and surgeon";
- 32 (J) "anesthesiologist";
- 33 (K) "cardiologist";
- 34 (L) "dermatologist";
- 35 (M) "endocrinologist";
- 36 (N) "gastroenterologist";
- 37 (O) "gynecologist";
- 38 (P) "hematologist";
- 39 (Q) "internist";
- 40 (R) "laryngologist";
- 41 (S) "nephrologist";
- 42 (T) "neurologist";



- 1 (U) "obstetrician";
 2 (V) "oncologist";
 3 (W) "ophthalmologist";
 4 (X) "orthopedic surgeon";
 5 (Y) "orthopedist";
 6 (Z) "otologist";
 7 (AA) "otolaryngologist";
 8 (BB) "otorhinolaryngologist";
 9 (CC) "pathologist";
 10 (DD) "pediatrician";
 11 (EE) "primary care physician";
 12 (FF) "proctologist";
 13 (GG) "psychiatrist";
 14 (HH) "radiologist";
 15 (II) "rheumatologist";
 16 (JJ) "rhinologist";
 17 (KK) "urologist";
 18 (LL) "medical doctor";
 19 (MM) "family practice physician"; or
 20 (NN) "physiatrist".

21 This subdivision does not apply to a practitioner if the practitioner
 22 has a special area of practice and the practitioner uses the
 23 following format: "[The name or title of the practitioner's
 24 profession] specializing in [name of specialty]".

25 (4) Nothing in subdivision (3) prevents the following:

26 (A) A practitioner from using the name or title of the
 27 practitioner's profession that is allowed under the practitioner's
 28 practice act or under a law in the Indiana Code.

29 (B) A practitioner who is a chiropractor (as defined in
 30 IC 25-10-1-1) and who has attained diplomate status in a
 31 chiropractic specialty area recognized by the American
 32 Chiropractic Association, International Chiropractors
 33 Association, or International Academy of Clinical Neurology
 34 before July 1, 2025, from using a designation or term included
 35 in subdivision (3) in conjunction with the name or title of the
 36 practitioner's profession.

37 (C) A practitioner who is a dentist licensed under IC 25-14-1
 38 and who has completed a ~~dental anesthesiology residency~~ **all**
 39 **education requirements in a dental specialty area**
 40 recognized by the ~~American Dental Board of Anesthesiology~~
 41 ~~before July 1, 2025;~~ **American Dental Association** from using
 42 a designation or term included in subdivision (3) in



1 conjunction with the name or title of the practitioner's
2 profession.

3 (5) Providing diagnostic or treatment services to a person in
4 Indiana when the diagnostic or treatment services:

5 (A) are transmitted through electronic communications; and

6 (B) are on a regular, routine, and nonepisodic basis or under
7 an oral or written agreement to regularly provide medical
8 services.

9 In addition to the exceptions described in section 2 of this chapter,
10 a nonresident physician who is located outside Indiana does not
11 practice medicine or osteopathy in Indiana by providing a second
12 opinion to a licensee or diagnostic or treatment services to a
13 patient in Indiana following medical care originally provided to
14 the patient while outside Indiana.

15 (b) "Board" refers to the medical licensing board of Indiana.

16 (c) "Diagnose or diagnosis" means to examine a patient, parts of a
17 patient's body, substances taken or removed from a patient's body, or
18 materials produced by a patient's body to determine the source or
19 nature of a disease or other physical or mental condition, or to hold
20 oneself out or represent that a person is a physician and is so examining
21 a patient. It is not necessary that the examination be made in the
22 presence of the patient; it may be made on information supplied either
23 directly or indirectly by the patient.

24 (d) "Drug or medicine" means any medicine, compound, or
25 chemical or biological preparation intended for internal or external use
26 of humans, and all substances intended to be used for the diagnosis,
27 cure, mitigation, or prevention of diseases or abnormalities of humans,
28 which are recognized in the latest editions published of the United
29 States Pharmacopoeia or National Formulary, or otherwise established
30 as a drug or medicine.

31 (e) "Licensee" means any individual holding a valid unlimited
32 license issued by the board under this article.

33 (f) "Prescribe or prescription" means to direct, order, or designate
34 the use of or manner of using a drug, medicine, or treatment, by spoken
35 or written words or other means and in accordance with IC 25-1-9.3.

36 (g) "Physician" means any person who holds the degree of doctor of
37 medicine or doctor of osteopathy or its equivalent and who holds a
38 valid unlimited license to practice medicine or osteopathic medicine in
39 Indiana.

40 (h) "Medical school" means a nationally accredited college of
41 medicine or of osteopathic medicine approved by the board.

42 (i) "Physician assistant" means an individual who:



- 1 (1) has a collaborative agreement with a physician;
- 2 (2) graduated from an approved physician assistant program
- 3 described in IC 25-27.5-2-2;
- 4 (3) passed the examination administered by the National
- 5 Commission on Certification of Physician Assistants (NCCPA)
- 6 and maintains certification; and
- 7 (4) has been licensed by the physician assistant committee under
- 8 IC 25-27.5.
- 9 (j) "Agency" refers to the Indiana professional licensing agency
- 10 under IC 25-1-5.
- 11 (k) "INSPECT program" means the Indiana scheduled prescription
- 12 electronic collection and tracking program established by IC 25-1-13-4.

