

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1156

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

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

SECTION 1. IC 25-13-1-2, AS AMENDED BY P.L.140-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this article:

(a) "Dental hygienist" means one who is especially educated and trained in the science and art of maintaining the dental health of the individual or community through prophylactic or preventive measures applied to the teeth and adjacent structures.

(b) "License" means the license to practice dental hygiene issued by the state board of dentistry to dental hygienist candidates who satisfactorily pass the board's examinations.

(c) "Board" means the state board of dentistry established by IC 25-14-1.

(d) "Proprietor dentist" means a licensed dentist who is the owner and operator of the dental office in which the licensed dentist practices the profession of dentistry and who employs at least one (1) licensed dentist or dental hygienist to supplement the licensed dentist's operation and conduct of the licensed dentist's dental office.

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

(f) "Referral" means a recommendation that a patient seek further



dental care from a licensed dentist, but not a specific dentist.

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

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

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

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

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

(2) a licensed dentist:

(A) has:

(i) in a dental office setting, provided the patient with a comprehensive oral examination and any appropriate care in the previous seven (7) months; ~~and~~

(ii) issued a written order for the specific care to be provided that is valid for not more than ~~forty-five (45)~~ **ninety (90)** days and provided in a dental office; and

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

(B) has:

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

(ii) issued to the patient, on the same day the licensed dentist provided the patient with a comprehensive oral examination, a written order for the specific care to be provided that is valid for not more than ~~forty-five (45)~~ **ninety (90)** days; and

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

Nothing in ~~subdivisions~~ **subdivision** (2)(A)(i) or (2)(B)(i) prohibits a dental hygienist from providing patient care before the licensed dentist provides the comprehensive oral examination if the licensed dentist provides the comprehensive oral examination on the same day that the dental hygienist has provided the patient care.

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



SECTION 2. IC 25-13-1-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12.5. If a dental hygienist or a dental assistant determines that treatment of a patient would result in harm to the patient, dental hygienist, or dental assistant, the dental hygienist or dental assistant may request, and the supervising dentist may grant, a consultation between the dentist and the dental hygienist or the dental assistant to consult on the proper treatment plan for the patient to reduce the potential harm to the patient, dental hygienist, and dental assistant.**

SECTION 3. IC 25-13-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The board may issue a license upon payment of the fee set by the board under section 5 of this chapter by an applicant who furnishes satisfactory proof that the applicant:

- (1) is a dental hygienist;
- (2) is currently licensed in some other state that has licensing requirements substantially equal to those in effect in Indiana on the date of application;
- (3) has been in satisfactory practice for at least two (2) years out of the preceding five (5) years;
- (4) passes the law examination; and
- (5) has completed at least ~~fourteen (14)~~ **nineteen (19)** hours of continuing education in the previous two (2) years.

However, all other requirements of this chapter must be met and the licensing requirements of the law and the board of the state from which such candidate comes may not be less than those prescribed in this chapter.

(b) An applicant who, before September 1, 1987, graduated from a school for dental hygienists that was recognized by the board at the time the degree was conferred and that required a course of training of only one (1) year, and who has completed:

- (1) one (1) year of internship in a dental clinic of an accepted hospital;
 - (2) one (1) year of teaching, after graduation, in a school for dental hygienists; or
 - (3) five (5) years of actual dental practice as a dental hygienist;
- may apply for licensure under this section if all other requirements of this section are met.

SECTION 4. IC 25-13-2-6, AS AMENDED BY P.L.103-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A dental hygienist must complete at



least ~~fourteen (14)~~ **nineteen (19)** credit hours in continuing education courses each license period.

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

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

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

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

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The general assembly urges the legislative council to assign to an appropriate study committee established under IC 2-5-1.3-4 the topic of loan forgiveness for dentists and dental hygienists who treat Medicaid patients.

(b) If the legislative council assigns the topic described in subsection (a), the study committee shall complete the study required by this SECTION and report its findings and recommendations, if any, to the legislative council before November 1, 2016, and as required in IC 2-5-1.2-15.

(c) This SECTION expires January 1, 2017.

SECTION 6. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

