



PRELIMINARY DRAFT
No. 3293

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DIGEST

Citations Affected: IC 25-14-1-23; IC 35-51-25-1.

Synopsis: Registration of dental offices. Sets forth requirements that a person who is not a licensed dentist must meet in order to own, operate, conduct, or maintain a dental office.

Effective: July 1, 2014.



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 25-14-1-23, AS AMENDED BY P.L.264-2013,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 23. (a) A person is practicing dentistry within the
4 meaning of this chapter if the person does any of the following:

5 (1) Uses the word "dentist" or "dental surgeon", the letters
6 "D.D.S." or "D.M.D.", or other letters or titles in connection with
7 dentistry.

8 (2) Directs and controls the treatment of patients within a place
9 where dental services are performed.

10 (3) Advertises or permits to be advertised by sign, card, circular,
11 handbill, newspaper, radio, or otherwise that the person can or
12 will attempt to perform dental operations of any kind.

13 (4) Offers to diagnose or professes to diagnose or treats or
14 professes to treat any of the lesions or diseases of the human oral
15 cavity, teeth, gingiva, or maxillary or mandibular structures.

16 (5) Extracts human teeth or corrects malpositions of the teeth or
17 jaws.

18 (6) Except as provided in IC 25-13-1-10.5 and IC 25-13-1-10.6,
19 administers dental anesthetics.

20 (7) Uses x-ray pictures for dental diagnostic purposes.

21 (8) Makes:

22 (A) oral images for the fabrication of a final restoration,
23 impression, or cast;

24 (B) impressions; or

25 (C) casts of any oral tissues or structures;

26 for the purpose of diagnosis or treatment thereof or for the
27 construction, repair, reproduction, or duplication of any prosthetic
28 device to alleviate or cure any oral lesion or replace any lost oral
29 structures, tissue, or teeth.

30 (9) Advertises to the public by any method, except trade and
31 professional publications, to furnish, supply, construct, reproduce,



- 1 repair, or adjust any prosthetic denture, bridge, appliance, or other
 2 structure to be worn in the human mouth.
- 3 **(10) Except as provided in subsection (i), owns, operates,**
 4 **conducts, or maintains a dental practice, office, mobile unit,**
 5 **or clinic, or** is the employer of a dentist who is hired to provide
 6 dental services.
- 7 (11) Directs or controls the use of dental equipment or dental
 8 material while the equipment or material is being used to provide
 9 dental services. However, a person may lease or provide advice
 10 or assistance concerning dental equipment or dental material if
 11 the person does not restrict or interfere with the custody, control,
 12 or use of the equipment or material by the dentist. This
 13 subdivision does not prevent a dental hygienist who is licensed
 14 under IC 25-13 from owning dental equipment or dental materials
 15 within the dental hygienist's scope of practice.
- 16 (12) Directs, controls, or interferes with a dentist's clinical
 17 judgment.
- 18 (13) Exercises direction or control over a dentist through a written
 19 contract concerning the following areas of dental practice:
- 20 (A) The selection of a patient's course of treatment.
- 21 (B) Referrals of patients, except for requiring referrals to be
 22 within a specified provider network, subject to the exceptions
 23 under IC 27-13-36-5.
- 24 (C) Content of patient records.
- 25 (D) Policies and decisions relating to refunds, if the refund
 26 payment would be reportable under federal law to the National
 27 Practitioner Data Bank, and warranties.
- 28 (E) The clinical content of advertising.
- 29 (F) Final decisions relating to the employment of dental office
 30 personnel.
- 31 However, this subdivision does not prohibit a person from
 32 providing advice or assistance concerning the areas of dental
 33 practice referred to in this subdivision or an insurer (as defined in
 34 IC 27-1-26-1) from carrying out the applicable provisions of
 35 IC 27 under which the insurer is licensed.
- 36 However, a person does not have to be a dentist to be a manufacturer
 37 of dental prostheses.
- 38 (b) In addition to subsection (a), a person is practicing dentistry who
 39 directly or indirectly by any means or method furnishes, supplies,
 40 constructs, reproduces, repairs, or adjusts any prosthetic denture,
 41 bridge, appliance, or any other structure to be worn in the human
 42 mouth and delivers the resulting product to any person other than the
 43 duly licensed dentist upon whose written work authorization the work
 44 was performed. A written work authorization shall include the
 45 following:
- 46 (1) The name and address of the dental laboratory to which it is



- 1 directed.
- 2 (2) The case identification.
- 3 (3) A specification of the materials to be used.
- 4 (4) A description of the work to be done and, if necessary,
- 5 diagrams thereof.
- 6 (5) The date of issuance of the authorization.
- 7 (6) The signature and address of the licensed dentist or other
- 8 dental practitioner by whom the work authorization is issued.
- 9 A separate work authorization shall be issued for each patient of the
- 10 issuing licensed dentist or other dental practitioner for whom dental
- 11 technological work is to be performed.
- 12 (c) This section shall not apply to those procedures which a legally
- 13 licensed and practicing dentist may delegate to a dental assistant as to
- 14 which procedures the dentist exercises direct supervision and
- 15 responsibility.
- 16 (d) Procedures delegated by a dentist may not include the following:
- 17 (1) Those procedures which require professional judgment and
- 18 skill such as diagnosis, treatment planning, the cutting of hard or
- 19 soft tissues, or any intraoral impression which would lead to the
- 20 fabrication of a final prosthetic appliance.
- 21 (2) Except for procedures described in subsections (g) and (h),
- 22 procedures delegated to a dental assistant may not include
- 23 procedures allocated under IC 25-13-1 to a licensed dental
- 24 hygienist.
- 25 (e) This chapter shall not prevent dental students from performing
- 26 dental operations under the supervision of competent instructors within
- 27 the dental school or a university recognized by the board or in any
- 28 public clinic under the supervision of the authorized superintendent of
- 29 such clinic authorized under the authority and general direction of the
- 30 board of health or school board of any city or town in Indiana.
- 31 (f) Licensed pharmacists of this state may fill prescriptions of
- 32 licensed dentists of this state for any drug necessary in the practice of
- 33 dentistry.
- 34 (g) Notwithstanding IC 25-13-1-11(4), a dental assistant who has
- 35 completed a board approved curriculum may apply medicaments for
- 36 the control or prevention of dental caries under the direct supervision
- 37 of a licensed dentist. The curriculum must include instruction on the
- 38 following:
- 39 (1) Ethics and jurisprudence.
- 40 (2) Reasons for fluorides.
- 41 (3) Systemic fluoride.
- 42 (4) Topical fluoride.
- 43 (5) Fluoride application.
- 44 (6) Laboratory work on topical fluoride applications and patient
- 45 competency.
- 46 (h) Notwithstanding IC 25-13-1-11(3), a dental assistant who has



1 completed a board approved curriculum may polish the coronal surface
 2 of teeth under the direct supervision of a licensed dentist. The
 3 curriculum must include instruction on the following:

- 4 (1) Ethics and jurisprudence.
- 5 (2) Plaque and materia alba.
- 6 (3) Intrinsic and extrinsic stain.
- 7 (4) Abrasive agents.
- 8 (5) Use of a slow speed hand piece, prophy cup, and occlusal
 9 polishing brush.
- 10 (6) Theory of selective polishing.
- 11 (7) Laboratory work concerning slow speed hand piece, hand
 12 dexterity, and patient competency.

13 **(i) The following are not subject to subsection (j) and are not**
 14 **considered to be practicing dentistry solely because the person**
 15 **owns, operates, conducts, or maintains a dental practice, office,**
 16 **mobile unit, or clinic:**

- 17 (1) The Indiana University School of Dentistry.
- 18 (2) A unit (as defined in IC 36-1-2-23).
- 19 (3) An institution or program accredited by the Commission
 20 on Dental Accreditation of the American Dental Association
 21 for the purposes of providing education and training.

22 **(j) A person that owns, operates, conducts, or maintains a dental**
 23 **practice, office, mobile unit, or clinic and is not a dentist licensed**
 24 **under this article or is not described in subsection (i) must do the**
 25 **following:**

26 (1) Register each office with the board, including as part of
 27 the registration for each location the name of any individual
 28 not licensed under this article who oversees, manages, or
 29 otherwise exercises supervision or control over a dentist
 30 licensed under this article or a dental hygienist licensed under
 31 IC 25-13 at the dental practice, office, mobile unit, or clinic.
 32 The registration required under this subdivision must be
 33 renewed every two (2) years in a manner determined by the
 34 board.

35 (2) Designate and name an active dentist licensed under this
 36 article who has agreed to act as the dental director with the
 37 responsibilities for the clinical practice of dentistry, including
 38 the following:

- 39 (A) Diagnosing of conditions within the human oral cavity
 40 and the adjacent tissues and structures.
- 41 (B) Prescribing drugs that are administered to patients
 42 within the scope of practice of a dentist.
- 43 (C) Providing a treatment plan for a dental patient.
- 44 (D) Overseeing quality of patient care that is rendered or
 45 performed in the practice of dentistry.
- 46 (E) Supervising dental hygienists, dental assistants, and



- 1 other personnel involved in direct patient care, including
2 authorization of the provision for procedures performed
3 by these individuals.
4 (F) Retaining patient dental records in accordance with
5 laws and rules.
6 (G) Ensuring that each dental patient receiving services
7 has a dentist of record.
8 **(3) Comply with:**
9 (A) the discontinuation of practice procedures set forth in
10 828 IAC 1-1-24 if the dental practice, office, mobile unit, or
11 clinic is going to be discontinued or leaves the community;
12 and
13 (B) any other dental rule determined by the board and
14 communicated to a person registered under this
15 subsection.
16 **(4) Maintain current records of the names of licensed dentists**
17 **who supervise the clinical activities of dental hygienists,**
18 **dental assistants, and other personnel involved in direct**
19 **patient care at the dental practice, office, mobile unit, or clinic**
20 **and make these records available to the board upon the**
21 **board's request.**

22 **The board may adopt rules under IC 4-22-2 necessary to**
23 **implement this subsection. A person that violates this subsection**
24 **commits a Class A misdemeanor.**

25 **(k) This section does not preclude a person or entity that is not**
26 **licensed by the board from any of the following:**

- 27 **(1) Ownership or leasehold of a tangible or intangible asset**
28 **used in a dental office, mobile unit, or clinic, including real**
29 **property, furnishings, equipment, and inventory, but not**
30 **including patients' dental records relating to clinical dental**
31 **care.**
32 **(2) Employment of or contracting for the services of personnel**
33 **other than licensed dentists.**
34 **(3) Management of the business aspects of a dental office,**
35 **mobile unit, or clinic that are not related to the clinical**
36 **practice of dentistry.**
37 **(l) The attorney general may seek injunctive relief in any circuit**
38 **or superior court to restrain a person from continuing to violate**
39 **subsection (j).**

40 SECTION 2. IC 35-51-25-1, AS AMENDED BY P.L.232-2013,
41 SEC.26, AND AS AMENDED BY P.L.264-2013, SEC.16, IS
42 AMENDED AND CORRECTED TO READ AS FOLLOWS
43 [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define
44 crimes in IC 25:

- 45 IC 25-2.1-13-3 (Concerning accountants).
46 IC 25-2.5-3-4 (Concerning acupuncturists).



1	IC 25-5.1-4-2 (Concerning athletic trainers).
2	IC 25-5.2-2-12 (Concerning athlete agents).
3	IC 25-6.1-7-1 (Concerning auctioneers and auctions).
4	IC 25-6.1-7-2 (Concerning auctioneers and auctions).
5	IC 25-8-15.4-25 (Concerning beauty culture).
6	IC 25-10-1-11 (Concerning chiropractors).
7	IC 25-11-1-12 (Concerning collection agencies).
8	IC 25-13-1-3 (Concerning dental hygienists).
9	IC 25-14-1-23 (Concerning dentists).
10	IC 25-14-1-25 (Concerning dentists).
11	<i>IC 25-14-1-25.5 (Concerning dentists).</i>
12	IC 25-14-4-6 (Concerning dentists).
13	IC 25-14.5-7-2 (Concerning dietitians).
14	IC 25-16-1-18 (Concerning employment services).
15	IC 25-17.3-5-3 (Concerning genetic counselors).
16	IC 25-17.6-8-2 (Concerning geologists).
17	IC 25-18-1-19 (Concerning distress sales).
18	IC 25-20-1-21 (Concerning hearing aid dealers).
19	IC 25-20.7-5-1 (Concerning interior designers).
20	IC 25-21.5-5-10 (Concerning professional surveyors).
21	IC 25-21.5-13-2 (Concerning professional surveyors).
22	IC 25-21.8-7-1 (Concerning massage therapists).
23	IC 25-22.5-8-2 (Concerning physicians).
24	IC 25-22.5-8-3 (Concerning physicians).
25	IC 25-23-1-27 (Concerning nurses).
26	<i>IC 25-23.4-3-7 (Concerning certified direct entry midwives).</i>
27	IC 25-23.5-3-2 (Concerning occupational therapists).
28	IC 25-23.6-3-3 (Concerning marriage and family therapists).
29	IC 25-23.6-4-4 (Concerning marriage and family therapists).
30	IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
31	IC 25-23.6-7-7 (Concerning marriage and family therapists).
32	IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
33	IC 25-23.6-11-1 (Concerning marriage and family therapists).
34	IC 25-23.6-11-2 (Concerning marriage and family therapists).
35	IC 25-23.6-11-3 (Concerning marriage and family therapists).
36	IC 25-23.7-7-5 (Concerning manufactured home installers).
37	IC 25-24-1-18 (Concerning optometrists).
38	IC 25-24-3-17 (Concerning optometrists).
39	IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug
40	stores).
41	IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug
42	stores).
43	IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug
44	stores).
45	IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug
46	stores).



- 1 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug
- 2 stores).
- 3 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug
- 4 stores).
- 5 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug
- 6 stores).
- 7 IC 25-27-1-12 (Concerning physical therapists).
- 8 IC 25-27.5-7-2 (Concerning physician assistants).
- 9 IC 25-28.5-1-31 (Concerning plumbers).
- 10 IC 25-29-9-1 (Concerning podiatrists).
- 11 IC 25-30-1-21 (Concerning private investigator firms, security
- 12 guards, and polygraph examiners).
- 13 IC 25-30-1.3-23 (Concerning private investigator firms, security
- 14 guards, and polygraph examiners).
- 15 IC 25-31-1-13 (Concerning engineers).
- 16 IC 25-31-1-27 (Concerning engineers).
- 17 IC 25-31.5-8-7 (Concerning soil scientists).
- 18 IC 25-33-1-15 (Concerning psychologists).
- 19 IC 25-34.5-3-2 (Concerning respiratory care specialists).
- 20 IC 25-35.6-3-10 (Concerning speech pathologists and
- 21 audiologists).
- 22 IC 25-36.1-1-2 (Concerning surgical technologists).
- 23 IC 25-36.5-1-10 (Concerning timber buyers).
- 24 IC 25-36.5-1-15 (Concerning timber buyers).
- 25 IC 25-38.1-4-10 (Concerning veterinarians).
- 26 IC 25-38.1-4-11 (Concerning veterinarians).
- 27 IC 25-39-5-1 (Concerning water well drilling contractors).
- 28 IC 25-39-5-7 (Concerning water well drilling contractors).
- 29 IC 25-41-1-2 (Concerning behavior analysts).

