**TITLE 828 STATE BOARD OF DENTISTRY**

Final Rule

LSA Document #10-237(F)

Effective January 2, 2011

**828 IAC 0.5-1-6.3 "Charitable dental care clinic" defined**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-10**

 Sec. 6.3. "Charitable dental care clinic" means a fixed dental clinic operated by a charitable

organization within the meaning of Section 501(c)(3) of the Internal Revenue Code that:

 (1) has as its primary purpose the sponsorship or support of programs designed to improve the

 quality, awareness, and availability of health care, including dental services; and

 (2) serves as a funding mechanism for providing those services.

*(State Board of Dentistry; 828 IAC 0.5-1-6.3)*

**828 IAC 0.5-1-6.6 "Coronal polishing" defined**

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

**Affected: IC 25-14-1-23**

 Sec. 6.6. "Coronal polishing" means the use of a prophylaxis cup or occlusal polishing brush attached

to a slow speed hand piece to polish the coronal surface of teeth.

*(State Board of Dentistry; 828 IAC 0.5-1-6.6)*

**828 IAC 0.5-1-7.1 "Dental assistant" defined**

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

**Affected: IC 25-14-1-1.5; IC 25-14-1-23**

 Sec. 7.1. "Dental assistant" has the meaning set forth in IC 25-14-1-1.5.

*(State Board of Dentistry; 828 IAC 0.5-1-7.1)*

**828 IAC 0.5-1-7.2 "Dental hygiene anesthetic permit" defined**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-14-1-3.1; IC 25-13-1-10.6; IC 25-13-1-11**

 Sec. 7.2. "Dental hygiene anesthetic permit" means a credential issued to a licensed dental hygienist

to administer local dental anesthetics under the direct supervision of a licensed dentist.

*(State Board of Dentistry; 828 IAC 0.5-1-7.2)*

**828 IAC 0.5-1-7.3 "Dental hygienist" defined**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-2; IC 25-14-1-1.5**

 Sec. 7.3. "Dental hygienist" has the meaning set forth in IC 25-13-1-2(a).

*(State Board of Dentistry; 828 IAC 0.5-1-7.3)*

**828 IAC 0.5-1-7.4 "Direct supervision" defined**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-2; IC 25-13-1-10; IC 25-14-1-1.5**

 Sec. 7.4. "Direct supervision" has the meaning set forth in:

 (1) IC 25-13-1-2(i) for dental hygienists; and

 (2) IC 25-14-1-1.5 for dental assistants.

*(State Board of Dentistry; 828 IAC 0.5-1-7.4)*

**828 IAC 0.5-1-9.1 "Local dental anesthetics" defined**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-10.6**

 Sec. 9.1. "Local dental anesthetics" means a drug or drugs administered by an intraoral block or

infiltration injection into the oral tissues of a patient for elimination of sensation, especially pain. The

term does not include nitrous oxide or similar analgesics.

 *(State Board of Dentistry; 828 IAC 0.5-1-9.1)*

**828 IAC 0.5-1-9.2 "Prescriptive supervision" defined**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-2; IC 25-13-1-10**

 Sec. 9.2. "Prescriptive supervision" has the meaning set forth in IC 25-13-1-2(j).

*(State Board of Dentistry; 828 IAC 0.5-1-9.2)*

**828 IAC 0.5-1-9.3 "Public health setting" defined**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-2**

 Sec. 9.3. "Public health setting" has the meaning set forth in IC 25-13-1-2(h).

*(State Board of Dentistry; 828 IAC 0.5-1-9.3)*

**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 25-13-1-10.6; 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) Application for licensure $100

 (2) Repeat law examination only $25

 (3) License renewal $50 biennially

 (4) Dental hygiene intern permit application $50

 (5) Dental hygiene intern permit renewal $25

 (6) Verification of dental hygiene licensure to another state $10

 (7) Duplicate wall license $10

 (8) Reinstatement of inactive license $100

 (9) Application for dental hygiene anesthetic permit $25

 (10) Renewal of dental hygiene anesthetic permit $25

*(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; filed Mar 23, 2006, 10:15 a.m.: 29 IR 2539)*

**828 IAC 1-1-15 Professional conduct, competency; physical or mental examination**

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

**Affected: IC 25-1-9-9**

 Sec. 15. (a) Dental incompetence or improper conduct of a dentist includes, but is not limited to, any one (1) or

any combination of the following acts:

 (1) Practicing while under the influence of alcohol or other drugs that impair skill or judgment.

 (2) Practicing with a physical disability, mental disability, disease, or disorder that impairs skill or

 judgment for the dental procedure being performed.

 (3) Practicing while knowingly afflicted with a serious disease that could be transmitted to the patient.

 (4) Operating an office or treatment facility that is lacking the necessary equipment and generally

 prevailing standards of sanitary or sterilization procedures.

 (5) Providing drugs or access to drugs to someone for use other than in the proper course of dental diagnosis

 or treatment.

 (6) Performing a treatment or procedure that violates acceptable standards of practice and results in

 failure or is detrimental to the patient.

 (7) Engaging in conduct constituting gross negligence or repeatedly failing to meet minimum standards of

 performance in diagnosis or treatment as measured against generally prevailing professional standards.

 (8) Practicing or offering to practice beyond the scope permitted by law.

 (9) Permitting or delegating the performance of a procedure to one not qualified by education, training, or

 licensure to undertake the procedure.

 (10) Failing to inspect:

 (A) dental services during the course of their performance;

 (B) completed and delivered dental prosthetic appliances; or

 (C) completed dental restorations.

 (11) Failing to be present in the dental facility to properly supervise treatment of patients, provided that the

 supervision has not been delegated to another dentist.

 (12) Failing to keep adequate dental records.

 (13) Failing to submit a complete report to the board as required by section 22 of this rule.

 (14) Performing professional services that have not been duly authorized by the patient or the patient's

 legal guardian.

 (15) Providing treatment for a patient if the dentist is not prepared to handle any emergencies resulting from

 the treatment or failing to refer the patient to a practitioner willing to perform the emergency

 treatment.

 (16) Failing to maintain records of an examination, diagnosis, or treatment performed. Such information must

 be entered in the patient's records within ten (10) days after the examination, diagnosis, or treatment is

 performed.

 (17) Signing an incomplete prescription form.

 (18) Entering a contract with a third party in which the dentist may not inform the patient about the diagnosis

 and the treatments possible.

 (19) Failing to provide the required direct or prescriptive supervision of a dental hygienist or dental

 assistant.

 (20) Failing to maintain documentation of the examination and prescribed dental care for patient care

 provided by a licensed dental hygienist under the dentist's prescriptive supervision.

 (21) Permitting a dental assistant to perform coronal polishing or apply medicaments for the control or

 prevention of dental caries without first verifying that the dental assistant has completed the

 requirement in 828 IAC 6.

 (b) Any dentist holding a general anesthesia-deep sedation or light parenteral conscious sedation permit who:

 (1) fails to comply with 828 IAC 3; or

 (2) lacks the ability, skill, or knowledge to competently use general anesthesia, deep sedation, or light

 parenteral conscious sedation;

is subject to disciplinary action under IC 25-1-9-9.

 (c) Any dentist who utilizes general anesthesia-deep sedation or light parenteral conscious sedation without a

permit is subject to disciplinary action by the board under IC 25-1-9-9. The fact that the patient was not injured by

the use of general anesthesia, deep sedation, or light parenteral conscious sedation is not a defense to this

subsection.

 (d) The board may order a licensed dentist to submit to a reasonable physical or mental examination if his or

her physical or mental capacity to practice safely is at issue in a disciplinary proceeding. The choice of the

practitioner is subject to approval by the board.

 (e) Dentists shall:

 (1) exercise reasonable care and diligence in the conduct of research; and

 (2) utilize generally accepted scientific principles and current professional theory and practice.

New or experimental procedures, techniques, and theories shall be utilized only with proper research safeguards,

informed consent, and peer review of the procedures or techniques.

*(State Board of Dentistry; 828 IAC 1-1-15; filed Apr 25, 1983, 8:52 a.m.: 6 IR 1085; errata, 7 IR 700; filed Oct 16,*

*1985, 3:57 p.m.: 9 IR 521; filed Aug 29, 1986, 2:30 p.m.: 10 IR 20; filed Dec 2, 1987, 9:34 a.m.: 11 IR 1286; filed*

*Jun 8, 1992, 5:00 p.m.: 15 IR 2236; filed Oct 12, 1993, 5:00 p.m.: 17 IR 400; filed Oct 14, 1993, 5:00 p.m.: 17 IR*

*402; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; readopted filed Oct 4, 2007, 3:36 p.m.:*

*20071031-IR-828070047RFA)*

**828 IAC 1-2-13 Competency; physical or mental examination**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-10; IC 25-14-1-19.1**

 Sec. 13. (a) The board may determine dental hygiene competency on a case by case basis using comparable

or equal standards as used in determining qualifications for initial licensure.

 (b) "Dental hygiene incompetency or improper conduct of dental hygienists" includes, but is not limited to, any

one (1) or any combination of the following acts:

 (1) Practicing while under the influence of alcohol or other drugs that impair skill or judgment.

 (2) Practicing with a physical disability, mental disability, disease, or disorder that impairs skill or

 judgment.

 (3) Practicing while knowingly afflicted with a serious disease that could be transmitted to

 the patient.

 (4) Repeatedly performing a treatment or procedure that is beyond the skill or knowledge of the

 practitioner with the results being detrimental to the patient.

 (5) Repeatedly performing a treatment or procedure that violates acceptable standards of practice and

 results in failure or is detrimental to the patient.

 (6) Engaging in conduct constituting gross negligence or repeatedly failing to meet standards of

 performance in treatment as measured against generally prevailing peer performance.

 (7) Practicing or offering to practice beyond the scope permitted by law.

 (8) Administering local dental anesthetics without first being issued a dental hygiene anesthetic permit

 from the board.

 (9) Providing patient care without the required direct or prescriptive supervision of a licensed dentist

 as required by IC 25-13-1-10.

 (c) The Indiana state board of dental examiners may order a dental hygienist to submit to a reasonable

physical or mental examination if his or her physical or mental capacity to practice safely is at issue in a

disciplinary proceeding. The choice of the practitioner to administer the examination is subject to approval by the

board.

 (d) As a condition of reinstatement of a suspended or revoked license, the board may, at its discretion, require

the applicant for reinstatement to submit to all or part of the examination for initial licensure or to a similar

examination.

*(State Board of Dentistry; 828 IAC 1-2-13; filed Apr 25, 1983, 8:52 a.m.: 6 IR 1086; errata, 7 IR 700; readopted*

*filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896; readopted filed Oct 4, 2007, 3:36 p.m.: 20071031-IR-828070047RFA)*

**Rule 2. Dental Hygiene Local Anesthetic Permit**

**828 IAC 3-2-1 Administration of local dental anesthetics; requirements**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-10.6; IC 25-13-1-11**

 Sec. 1. (a) A dental hygienist currently licensed to practice dental hygiene in Indiana may be issued a

permit to administer local dental anesthetics under the direct supervision of a licensed dentist if the

following requirements are met:

 (1) Successfully completed the educational requirements set forth in section 2 of this rule or a

 substantially equivalent educational program approved by the board.

 (2) Submitted an application for a dental hygiene anesthetic permit in the form and manner required by

 the board.

 (3) Submitted the fee set forth in 828 IAC 0.5-2-4(9).

 (4) Furnished evidence satisfactory to the board that all qualifying requirements have been met,

 including the following:

 (A) An official diploma or certificate showing completion of the educational requirements in

 subdivision (1).

 (B) An official document showing the date that the diploma was issued by the education institution

 or certificate with the date of the course given.

 (C) An official report showing the score attained on the local anesthesia examination required in

 section 2(b) of this rule.

 (D) Submit verification of their dental hygiene license and registration to administer local anesthesia

 from any and all states.

 (b) A permit issued under this rule:

 (1) expires on the same date as the dental hygiene license issued to the dental hygienist under 828

 IAC 1; and

 (2) must be renewed by submitting:

 (A) an application for renewal in the form and manner required by the board; and

 (B) the fee set forth in 828 IAC 0.5-2-4(10).

*(State Board of Dentistry; 828 IAC 3-2-1)*

**828 IAC 3-2-2 Educational requirements for a dental hygiene local anesthetics permit**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-10.6; IC 25-13-1-11**

 Sec. 2. (a) An applicant for a dental hygiene anesthetic permit shall complete a course in local anesthesia administration in an educational program accredited by the Commission on Dental Accreditation of the American Dental Association that includes, at a minimum, fifteen (15) hours of didactic instruction and fourteen (14) hours of laboratory

work covering the following subject areas:

 (1) Theory of pain control.

 (2) Selection of pain control modalities.

 (3) Anatomy.

 (4) Neurophysiology.

 (5) Pharmacology of local anesthesia.

 (6) Pharmacology of vasoconstrictors.

 (7) Psychological aspects of pain control.

 (8) Systemic complications.

 (9) Techniques of maxillary and mandibular anesthesia.

 (10) Infection control.

 (11) Local anesthesia medical emergencies.

 (12) A demonstration of clinical competency.

 (b) As part of the educational requirement, the dental hygienist will be required to take and pass the North East Regional Board (NERB) local anesthesia examination or a substantially equivalent regional or state examination prior to completion of the program.

*(State Board of Dentistry; 828 IAC 3-2-2)*

**828 IAC 3-2-3 Dental hygienist who attended an out-of-state program**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-10.6; IC 25-13-1-11**

 Sec. 3. A dental hygienist who attended an out-of-state education program or curriculum to administer

local dental anesthetics accredited by the Commission on Dental Accreditation of the American Dental

Association or approved by the board must:

 (1) provide a course description documenting course work, completed by the applicant,

 from the program; and

 (2) have completed requirements that are equal to or greater than the educational requirements as

 specified in sections 1 and 2 of this rule.

*(State Board of Dentistry; 828 IAC 3-2-3)*

**828 IAC 3-2-4 Display of dental hygiene anesthetic permit**

**Authority: IC 25-13-1-5; IC 25-14-1-13**

**Affected: IC 25-13-1-10.6; IC 25-13-1-11**

 Sec. 4. A permit issued under this rule shall be conspicuously displayed in the facility where the

dental hygienist is practicing.

*(State Board of Dentistry; 828 IAC 3-2-4)*

**ARTICLE 6. DENTAL ASSISTANTS**

**Rule 1. Caries Prevention and Coronal Polishing; Requirements; Limitations**

**828 IAC 6-1-1 Caries prevention**

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

**Affected: IC 25-14-1-23**

 Sec. 1. (a) A dental assistant who has been employed in a dental practice for a minimum of one (1)

year or has graduated from a program accredited by the Commission on Dental Accreditation of the

American Dental Association and who has completed the requirements in subsection (b) may apply

medicaments for the control or prevention of dental caries under the direct supervision of a licensed

dentist.

 (b) A dental assistant may not apply medicaments for the control or prevention of dental caries until

satisfactory completion of an educational program or curriculum accredited by the Commission on

Dental Accreditation of the American Dental Association or approved by the board in the following order

that includes, at a minimum:

 (1) Nine (9) hours of didactic instruction covering the following subject areas:

 (A) Ethics and jurisprudence.

 (B) Reasons for fluoride.

 (C) Systemic fluoride.

 (D) Topical fluoride.

 (E) Toxicity of fluoride.

 (F) Fluoride application.

 (G) Infection control.

 (2) Two (2) hours of laboratory work, including a mannequin and two (2) live patients, in topical

 fluoride applications.

 (3) Clinical competency demonstrated on a minimum of five (5) patients under the direct observation

 of an Indiana dentist or dental hygienist whose license is in good standing and an affidavit certifying

 the competency signed by the supervising dentist and a copy given to the employee.

 (4) Upon receipt of the affidavit, signed by the supervising dentist, the education program shall issue a

 certificate of completion to be publicly displayed in the dental office.

*(State Board of Dentistry; 828 IAC 6-1-1)*

**828 IAC 6-1-2 Coronal polishing**

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

**Affected: IC 25-14-1-23**

 Sec. 2. (a) A dental assistant who has been employed in a dental practice for a minimum of one (1)

year or has graduated from a program accredited by the Commission on Dental Accreditation of the

American Dental Association and who has completed the requirements in subsection (b) may polish the

coronal surface of teeth under the direct supervision of a licensed dentist.

 (b) A dental assistant may not polish the coronal surface of teeth until satisfactory completion of an

educational program or curriculum accredited by the Commission on Dental Accreditation of the

American Dental Association or approved by the board in the following order that includes, at a minimum:

 (1) Five (5) hours of didactic instruction covering the following subject areas:

 (A) Ethics and jurisprudence.

 (B) Plaque and material alba.

 (C) Intrinsic and extrinsic stain.

 (D) Abrasive agents.

 (E) Use of a slow speed hand piece, prophy cup, and occlusal polishing brush.

 (F) Theory of selective polishing.

 (G) Infection control.

 (2) Two (2) hours of laboratory work, including a mannequin and two (2) live patients, in the use of a

 slow speed hand piece, prophy cup, and occlusal polishing brush and hand dexterity.

 (3) Clinical competency demonstrated on a minimum of five (5) patients under the direct observation

 of an Indiana dentist or dental hygienist whose license is in good standing and an affidavit certifying

 the competency signed by the supervising dentist and a copy given to the employee.

 (4) Upon receipt of the affidavit, signed by the supervising dentist, the educational program shall issue

 a certificate of completion to be publicly displayed in the dental office.

*(State Board of Dentistry; 828 IAC 6-1-2)*

**828 IAC 6-1-3 Verification of education by supervising dentist**

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

**Affected: IC 25-14-1-23**

 Sec. 3. (a) Before permitting a dental assistant to apply medicaments for the control or prevention of

dental caries, the supervising dentist shall verify that the dental assistant has completed the educational

requirements for caries prevention set forth in section 1 of this rule.

 (b) Before permitting a dental assistant to polish the coronal surface of teeth, the supervising dentist

shall verify that the dental assistant has completed the educational requirements for coronal polishing

set forth in section 2 of this rule.

 (c) The following shall be publicly displayed in the dental office:

 (1) Documentation that a dental assistant has completed the educational requirements to:

 (A) apply medicaments for the control and prevention of dental caries; or

 (B) polish the coronal surface of teeth.

 (2) The certificate of completion.

 *(State Board of Dentistry; 828 IAC 6-1-3)*

**828 IAC 6-1-4 Limitation on procedures**

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

**Affected: IC 25-13-1; IC 25-14-1-23**

 Sec. 4. Except for the procedures described in sections 1 and 2 of this rule, procedures allocated to a

licensed dental hygienist under IC 25-13-1 may not be delegated to a dental assistant.

*(State Board of Dentistry; 828 IAC 6-1-4)*

828 IAC 6-1-5 Requirements for out-of-state programs

Authority: IC 25-14-1-13

Affected: IC 25-14-1-23

 Sec. 5. (a) A dental assistant who has completed an out-of-state dental assisting program accredited

by the Commission on Dental Accreditation of the American Dental Association or an out-of-state

continuing education program with the equivalent hours and curriculum as stated in sections 1 and 2 of

this rule, to apply medicaments for the control or prevention of dental caries or to polish the coronal

surface of teeth, must provide a syllabus of course work successfully completed by the applicant.

 (b) The course work must be equal to or greater than the requirements specified in sections 1 and 2 of

this rule.

 (c) If the out-of-state curriculum is less than the Indiana requirements to apply medicaments for the

control or prevention of dental caries or to polish the coronal surface of teeth, then the dental assistant

must complete the laboratory work and clinical competency portion of section 1 of this rule at a board

approved course in Indiana and obtain a certificate of completion from the educational program. The

dental assistant shall display the diploma from the program accredited by the Commission on Dental

Accreditation of the American Dental Association or certificate of completion from the board approved

course.

*(State Board of Dentistry; 828 IAC 6-1-5)*