

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1116

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 25-13-1-10, AS AMENDED BY P.L.140-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) A licensed dental hygienist may practice dental hygiene in Indiana in the following:

- (1) A dental office, clinical setting, or health facility where the dental hygienist is practicing under the direct supervision or prescriptive supervision of a licensed dentist.
- (2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene if direct supervision by a licensed dentist is provided for training on providing local anesthetics by injection.
- (3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private school where the dental hygienist is practicing under the direct or prescriptive supervision of a licensed dentist.
- (4) The dental clinic of a bona fide hospital, sanitarium, or charitable institution duly established and being operated under the laws of Indiana in which the licensee is employed by the

HEA 1116



directors or governing board of such hospital, sanitarium, or institution. However, such practice must be under the direct or prescriptive supervision at all times of a licensed dentist who is a staff member of the hospital or sanitarium or a member of the governing board of the institution.

(5) A:

- (A) fixed charitable dental care clinic;
- (B) public health setting;
- (C) correctional institution; or
- (D) location other than one described in clauses (A) through (C);

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

(6) Settings, other than a private dental practice, allowed under an access practice agreement that complies with the requirements under IC 25-13-3.

(b) A licensed dental hygienist may provide without supervision the following:

- (1) Dental hygiene instruction and in-service training without restriction on location.
- (2) Screening and referrals for any person in a public health setting.
- (3) Dental hygiene services under an access practice agreement that complies with the requirements under IC 25-13-3.**

(c) A dental hygienist may not use a laser to cut, ablate, or cauterize hard or soft tissue to provide treatment to a patient.

(d) The board may adopt rules under IC 4-22-2 concerning subsection (a)(5)(D).

(e) If a dental hygienist practices under the prescriptive supervision of a licensed dentist, the dentist's written order must be recorded, signed, and dated in the patient's records.

(f) Before October 1, 2017, the board, with assistance from the professional licensing agency, shall report to the legislative council in an electronic format under IC 5-14-6 on the effectiveness of the prescriptive supervision laws and rules and any changes that are needed in the law concerning prescriptive supervision. This subsection expires December 31, 2017.

SECTION 2. IC 25-13-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

HEA 1116



Chapter 3. Access Practice Agreements

Sec. 1. The definitions in IC 25-13-1-2 apply to this chapter.

Sec. 2. As used in this chapter, "access practice agreement" means an agreement that:

- (1) is entered into by a licensed dentist and a dental hygienist that allows the dental hygienist to provide preventive dental hygiene services directly to a patient; and**
- (2) complies with the requirements of this chapter.**

Sec. 3. As used in this chapter, "access practice dentist" means a licensed dentist who is licensed under IC 25-14 and has entered into an access practice agreement under this chapter with a dental hygienist.

Sec. 4. This chapter does not allow a dental hygienist to provide services specifically prohibited in the access practice agreement.

Sec. 5. (a) A dental hygienist who meets the following requirements may provide preventive dental hygiene services directly to a patient without a prior examination, presence, or authorization of the access practice dentist:

- (1) The dental hygienist is licensed under IC 25-13-1.**
- (2) The dental hygienist has at least two thousand (2,000) documented clinical hours of dental hygiene services during two (2) years of active practice under the direct supervision of a dentist.**
- (3) The dental hygienist obtains and maintains a national provider identifier number.**
- (4) The dental hygienist has entered into an access practice agreement that meets the requirements under section 6 of this chapter with a licensed dentist.**
- (5) The dental hygienist maintains liability insurance that meets the requirements under section 10 of this chapter.**
- (6) Before providing dental hygiene services to a patient under an access practice agreement, the dental hygienist has obtained a signed consent form that includes the information under section 11 of this chapter.**
- (7) The dental hygienist has met any other requirements of this chapter.**

(b) A dental hygienist who meets the requirements under subsection (a) and has provided preventive dental hygiene services directly to a patient under an access practice agreement may not perform subsequent therapeutic procedures on the patient under an access practice agreement until after the access practice dentist has performed a clinical evaluation of the patient.



Sec. 6. (a) An access practice agreement between a dental hygienist and an access practice dentist must meet the following requirements:

(1) The access practice agreement must be in writing, dated, and signed by the dental hygienist, the access practice dentist, and a representative of the setting where the access practice services will be performed.

(2) The access practice agreement must contain protocols prepared by the access practice dentist and dental hygienist to be used by the dental hygienist when treating patients.

(3) The access practice agreement must be reviewed by the dental hygienist and access practice dentist at least every two (2) years and signed and dated when the agreement is reviewed.

(b) The dental hygienist and access practice dentist must do the following:

(1) Maintain a copy of the access practice agreement while the agreement is active and for two (2) years after cessation of the access practice agreement.

(2) Provide a copy of the access practice agreement to the board upon request.

Sec. 7. (a) If needed, a dental hygienist shall obtain signed release of information forms allowing the dental hygienist to access the patient's medical and dental records.

(b) A dental hygienist may use or supervise a dental assistant while providing services under an access practice agreement. However, the dental assistant may not provide direct clinical services to a patient.

Sec. 8. An access practice dentist shall reside in the county or adjacent county and be available to provide emergency communication and consultation with the dental hygienist who is providing services under an access practice agreement. The access practice dentist shall appoint another licensed dentist in case the access practice dentist cannot be contacted for emergency communication and consultation.

Sec. 9. (a) An access practice dentist shall maintain the records of the patients who are treated under an access practice agreement. If another licensed dentist provides follow-up treatment, the access practice dentist shall transfer the records to the licensed dentist. The patient's records must be maintained for the period required under IC 16-39-7.

(b) An access practice dentist and dental hygienist shall use



electronic charting to create and maintain the records of the patients who are treated under an access practice agreement.

Sec. 10. A dental hygienist who provides services under an access practice agreement shall maintain malpractice liability insurance.

Sec. 11. (a) A dental hygienist must obtain a signed consent form before providing dental hygiene services under an access practice agreement. The consent form must be signed by:

- (1) the patient; or
- (2) a parent or legal guardian of the patient if the patient is a minor or is an incapacitated person.

(b) A copy of the signed consent form must be provided to the patient or the parent or legal guardian of the patient.

Sec. 12. (a) After providing dental hygiene services to a patient, the dental hygienist shall provide the patient or the parent or legal guardian of the patient with the following written information:

- (1) Complete contact information, including the name, telephone number, and license number, of the dental hygienist who provided the services.
- (2) Emergency contact information of the dental hygienist and the access practice dentist and any necessary protocols in the event of emergency.
- (3) A list of the treatment provided, including, when applicable, billing codes, fees, and tooth numbers.
- (4) A description of any further treatment that is needed or recommended.
- (5) A statement that includes the following:
 - (A) The patient may choose to have dental services at a location where dental care is not normally provided.
 - (B) Dental hygiene services do not include a comprehensive dental examination.

(b) The access practice dental hygienist must recommend that the patient see a dentist and provide a list of at least three (3) dentists for comprehensive dental care. The list must include the access practice dentist.

Sec. 13. A dental hygienist may practice in any setting or facility that is documented in the dental hygienist's access practice agreement.

Sec. 14. (a) Except as provided in subsection (b), the access practice dentist or dental hygienist may terminate an access practice agreement upon:

- (1) providing thirty (30) days written notice to the other



party; and

(2) if applicable, transferring to the access practice dentist all patient records subject to the access practice agreement.

(b) If an immediate termination of the dental hygienist's employment takes place, all patient records subject to the access practice agreement must be transferred to the access practice dentist not more than one (1) business day after the immediate termination.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1116

