
Synopsis: Dental hygienist access practice agreements. Allows a dental hygienist to practice dental hygiene in a location and without supervision under an access practice agreement with an access practice dentist. Specifies the requirements to provide dental hygiene services under an access practice agreement. Requires an access practice dentist to be available to provide emergency communication and consultation with the dental hygienist. Establishes record keeping requirements. Requires a dental hygienist who provides services under an access practice agreement to maintain malpractice liability insurance. Requires a signed consent form before providing services under an access practice agreement. Requires that certain written information be provided to the patient or the parent or legal guardian of the patient after providing dental hygiene services. Requires patient records to be transferred to the access practice dentist when an access practice agreement is terminated.

Effective: July 1, 2018.
HOUSE BILL No. 1116

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:

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

2018 IN 1116—LS 6178/DI 77
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 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]:

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
an employer 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 an employer 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.

(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 are not a comprehensive dental diagnosis.

(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.