



January 24, 2014

---

---

## HOUSE BILL No. 1061

---

DIGEST OF HB 1061 (Updated January 22, 2014 7:16 pm - DI 77)

**Citations Affected:** IC 25-13.

**Synopsis:** Dental hygiene practice. Allows a dental hygienist to practice under prescriptive supervision in: (1) a dental office if the patient has a current medical history on file and has received a comprehensive oral examination; or (2) a setting where a written prescription for care has been issued by the dentist within the previous 45 days. Removes certain provisions that limit a dental hygienist to practice in specific settings under prescriptive supervision. Prohibits a dental hygienist from using a laser to provide care under a prescription. Requires three years of active practice before a dental hygienist can provide care under a prescription. Requires the board of dentistry to report certain information to the health finance commission. Allows a dental hygienist who has received certain training to administer nitrous oxide under the direct supervision of a licensed dentist. Removes a dental hygienist authority to administer nitrous oxide after July 1, 2018.

**Effective:** July 1, 2014.

---

---

### Frizzell, Slager

---

---

January 7, 2014, read first time and referred to Committee on Public Health.  
January 23, 2014, amended, reported — Do Pass.

---

---

HB 1061—LS 6291/DI 77





January 24, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1061

---

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 25-13-1-2, AS AMENDED BY P.L.134-2008,  
2 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 2. As used in this article:  
4 (a) "Dental hygienist" means one who is especially educated and  
5 trained in the science and art of maintaining the dental health of the  
6 individual or community through prophylactic or preventive measures  
7 applied to the teeth and adjacent structures.  
8 (b) "License" means the license to practice dental hygiene issued by  
9 the state board of dentistry to dental hygienist candidates who  
10 satisfactorily pass the board's examinations.  
11 (c) "Board" means the state board of dentistry established by  
12 IC 25-14-1.  
13 (d) "Proprietor dentist" means a licensed dentist who is the owner  
14 and operator of the dental office in which ~~he~~ **the licensed dentist**  
15 practices the profession of dentistry and who employs at least one (1)  
16 dentist or dental hygienist to supplement ~~his~~ **the licensed dentist's**

HB 1061—LS 6291/DI 77



1 operation and conduct of ~~his~~ **the licensed dentist's** dental office.

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

5 (f) "Referral" means a recommendation that a patient seek further  
6 dental care from a licensed dentist, but not a specific dentist.

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

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

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

16 (j) "Prescriptive supervision" means that a licensed dentist is not  
17 required to be physically present in the facility when patient care is  
18 provided by the dental hygienist. ~~if a licensed dentist has examined the~~  
19 ~~patient and has prescribed the patient care within the previous~~  
20 ~~forty-five (45) days.~~

21 SECTION 2. IC 25-13-1-10, AS AMENDED BY P.L.134-2008,  
22 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2014]: Sec. 10. (a) A licensed dental hygienist may practice  
24 dental hygiene in Indiana in the following:

25 (1) A dental office ~~or clinical setting, except as described in~~  
26 ~~subdivisions (3) through (5);~~ where the dental hygienist is  
27 practicing under:

- 28 (A) the direct supervision of a legally practicing dentist; ~~or~~  
29 (B) **the prescriptive supervision of a legally practicing**  
30 **dentist, if the patient has a current medical history on file**  
31 **and the patient has received a comprehensive oral**  
32 **examination.**

33 (2) A dental school or dental hygiene school to teach and  
34 demonstrate the practice of dental hygiene if direct supervision by  
35 a licensed dentist is provided for training on providing local  
36 anesthetics by injection.

37 (3) ~~The dental clinic of any public, parochial, or private school or~~  
38 ~~other institution supported by public or private funds in which the~~  
39 ~~licensee is employed by the state department of health or any~~  
40 ~~county or city board of health or board of education or school~~  
41 ~~trustee or parochial authority or the governing body of any private~~  
42 ~~school~~ **Any setting** where the dental hygienist is practicing under



1 the direct or prescriptive supervision of a licensed dentist.  
 2 **However, if the dental hygienist is practicing under**  
 3 **prescriptive supervision, a written prescription for care must**  
 4 **have been issued by the dentist within the previous forty-five**  
 5 **(45) days and the care must be limited to the care prescribed**  
 6 **by the dentist.**

7 (4) The dental clinic of a bona fide hospital, sanitarium, or  
 8 charitable institution duly established and being operated under  
 9 the laws of Indiana in which the licensee is employed by the  
 10 directors or governing board of such hospital, sanitarium, or  
 11 institution. However, such practice must be under the direct or  
 12 prescriptive supervision at all times of a licensed dentist who is  
 13 a staff member of the hospital or sanitarium or a member of the  
 14 governing board of the institution.

15 (5) A:

16 (A) fixed charitable dental care clinic;

17 (B) public health setting; or

18 (C) correctional institution;

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

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

24 (1) Dental hygiene instruction and in-service training without  
 25 restriction on location.

26 (2) Screening and referrals for any person in a public health  
 27 setting.

28 (c) A dental hygienist who is practicing under a written  
 29 prescription of a dentist may not use a laser to provide treatment  
 30 to a patient.

31 (d) Notwithstanding subsection (a)(3), a dental hygienist must  
 32 have at least three (3) years of active practice as a dental hygienist  
 33 before practicing under a written prescription of a dentist.

34 (e) The board shall adopt rules under IC 4-22-2 to implement  
 35 this section.

36 (f) Before October 1, 2017, the board, with assistance from the  
 37 professional licensing agency, shall report to the health finance  
 38 commission on the following:

39 (1) The effectiveness of the prescriptive supervision laws and  
 40 rules and any changes that are needed in the law concerning  
 41 prescriptive supervision.

42 (2) The effectiveness of dental hygienists administering



1            **nitrous oxide and any changes that are needed in the law**  
2            **concerning the administration of nitrous oxide.**  
3            **This subsection expires December 31, 2017.**  
4            SECTION 3. IC 25-13-1-10.6, AS AMENDED BY P.L.103-2011,  
5            SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6            JULY 1, 2014]: Sec. 10.6. (a) A licensed dental hygienist may  
7            administer local dental anesthetics, **including nitrous oxide**, under the  
8            direct supervision of a licensed dentist under IC 25-14 if the dental  
9            hygienist has:  
10            (1) completed board approved educational requirements,  
11            including cardiopulmonary resuscitation and emergency care  
12            training; ~~and~~  
13            **(2) completed training in administration of local anesthetics**  
14            **and analgesics from an institution accredited by the**  
15            **Commission on Dental Accreditation of the American Dental**  
16            **Association; and**  
17            ~~(3)~~ (3) received a board issued dental hygiene anesthetic permit.  
18            ~~(b) Local dental anesthetics do not include nitrous oxide or similar~~  
19            ~~analgesics. Notwithstanding subsection (a), a dental hygienist may~~  
20            **not administer nitrous oxide after July 1, 2018.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1061, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 32, delete "within the previous year."

Page 3, line 3, after "a" insert "**written**".

Page 3, line 4, delete "ninety (90)" and insert "**forty-five (45)**".

Page 3, line 5, delete "." and insert "**and the care must be limited to the care prescribed by the dentist.**".

Page 3, between lines 26 and 27, begin a new paragraph and insert:

**"(c) A dental hygienist who is practicing under a written prescription of a dentist may not use a laser to provide treatment to a patient.**

**(d) Notwithstanding subsection (a)(3), a dental hygienist must have at least three (3) years of active practice as a dental hygienist before practicing under a written prescription of a dentist.**

**(e) The board shall adopt rules under IC 4-22-2 to implement this section.**

**(f) Before October 1, 2017, the board, with assistance from the professional licensing agency, shall report to the health finance commission on the following:**

**(1) The effectiveness of the prescriptive supervision laws and rules and any changes that are needed in the law concerning prescriptive supervision.**

**(2) The effectiveness of dental hygienists administering nitrous oxide and any changes that are needed in the law concerning the administration of nitrous oxide.**

**This subsection expires December 31, 2017."**

Page 3, line 29, reset in roman "(a)".

Page 3, line 35, strike "and".

Page 3, between lines 35 and 36, begin a new line block indented and insert:

**"(2) completed training in administration of local anesthetics and analgesics from an institution accredited by the Commission on Dental Accreditation of the American Dental Association; and"**

Page 3, line 36, strike "(2)" and insert "(3)".

Page 3, line 37, reset in roman "(b)".



Page 3, line 38, after "analgesics." insert **"Notwithstanding subsection (a), a dental hygienist may not administer nitrous oxide after July 1, 2018."**

Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1061 as introduced.)

CLERE, Chair

Committee Vote: yeas 11, nays 0.

