



Reprinted
March 1, 2016

ENGROSSED HOUSE BILL No. 1156

DIGEST OF HB 1156 (Updated February 29, 2016 4:41 pm - DI 104)

Citations Affected: IC 25-13; noncode.

Synopsis: Dental hygienists. Increases from 45 days to 90 days the period during which a written order for specific dental care is valid under prescriptive supervision. Increases from 14 hours to 19 hours the continuing education that a dental hygienist must receive during a license period. Requires a dentist to consult with a dental hygienist or a dental assistant if the dental hygienist or dental assistant request the consult after determining that treatment of the patient by the dental hygienist or dental assistant would result in physical danger to the dental hygienist or dental assistant. Urges the legislative council to assign to an interim study committee the topic of loan forgiveness for dentists and dental hygienists who treat Medicaid patients. Makes technical corrections.

Effective: Upon passage; July 1, 2016.

Frizzell, Klinker, Bacon

(SENATE SPONSORS — LEISING, FORD, RANDOLPH LONNIE M)

January 7, 2016, read first time and referred to Committee on Public Health.

January 28, 2016, amended, reported — Do Pass.

February 1, 2016, read second time, amended, ordered engrossed.

February 2, 2016, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Commerce & Technology.

February 22, 2016, reported favorably — Do Pass.

February 29, 2016, read second time, amended, ordered engrossed.

EH 1156—LS 6450/DI 77



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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1156

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.140-2015,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: 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 the licensed dentist practices
15 the profession of dentistry and who employs at least one (1) licensed
16 dentist or dental hygienist to supplement the licensed dentist's
17 operation and conduct of the licensed dentist's dental office.

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

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

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

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

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

15 (j) "Prescriptive supervision" means that a licensed dentist is not
 16 required to be physically present in the facility when patient care is
 17 provided by the dental hygienist if:

18 (1) the dental hygienist has completed, with at least an average of
 19 twenty (20) hours per week, at least two (2) years of active
 20 practice as a dental hygienist under the direct supervision of a
 21 licensed dentist;

22 (2) a licensed dentist:

23 (A) has:

24 (i) in a dental office setting, provided the patient with a
 25 comprehensive oral examination and any appropriate care in
 26 the previous seven (7) months; ~~and~~

27 (ii) issued a written order for the specific care to be provided
 28 that is valid for not more than ~~forty-five (45)~~ **ninety (90)**
 29 days and provided in a dental office; and

30 (iii) notified the patient that the licensed dentist will not be
 31 present when the dental hygienist is providing the patient
 32 care; or

33 (B) has:

34 (i) in a setting other than a dental office, provided the patient
 35 with a comprehensive oral examination; and

36 (ii) issued to the patient, on the same day the licensed dentist
 37 provided the patient with a comprehensive oral examination,
 38 a written order for the specific care to be provided that is
 39 valid for not more than ~~forty-five (45)~~ **ninety (90)** days; and

40 (3) the patient has provided a current medical history.

41 Nothing in ~~subdivisions~~ **subdivision** (2)(A)(i) or (2)(B)(i) prohibits a
 42 dental hygienist from providing patient care before the licensed dentist



1 provides the comprehensive oral examination if the licensed dentist
 2 provides the comprehensive oral examination on the same day that the
 3 dental hygienist has provided the patient care.

4 (k) "Licensed dentist" refers to a dentist licensed under IC 25-14.

5 SECTION 2. IC 25-13-1-12.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2016]: **Sec. 12.5. If a dental hygienist or a**
 8 **dental assistant determines that treatment of a patient would result**
 9 **in physical danger to the dental hygienist or dental assistant, the**
 10 **dental hygienist or dental assistant may request, and the**
 11 **supervising dentist must grant, a consultation between the dentist**
 12 **and the dental hygienist or the dental assistant to consult on the**
 13 **proper treatment plan for the patient that will result in the least**
 14 **amount of physical danger to the dental hygienist or dental**
 15 **assistant.**

16 SECTION 3. IC 25-13-1-17 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The board
 18 may issue a license upon payment of the fee set by the board under
 19 section 5 of this chapter by an applicant who furnishes satisfactory
 20 proof that the applicant:

- 21 (1) is a dental hygienist;
- 22 (2) is currently licensed in some other state that has licensing
- 23 requirements substantially equal to those in effect in Indiana on
- 24 the date of application;
- 25 (3) has been in satisfactory practice for at least two (2) years out
- 26 of the preceding five (5) years;
- 27 (4) passes the law examination; and
- 28 (5) has completed at least ~~fourteen (14)~~ **nineteen (19)** hours of
- 29 continuing education in the previous two (2) years.

30 However, all other requirements of this chapter must be met and the
 31 licensing requirements of the law and the board of the state from which
 32 such candidate comes may not be less than those prescribed in this
 33 chapter.

34 (b) An applicant who, before September 1, 1987, graduated from a
 35 school for dental hygienists that was recognized by the board at the
 36 time the degree was conferred and that required a course of training of
 37 only one (1) year, and who has completed:

- 38 (1) one (1) year of internship in a dental clinic of an accepted
- 39 hospital;
- 40 (2) one (1) year of teaching, after graduation, in a school for
- 41 dental hygienists; or
- 42 (3) five (5) years of actual dental practice as a dental hygienist;



1 may apply for licensure under this section if all other requirements of
2 this section are met.

3 SECTION 4. IC 25-13-2-6, AS AMENDED BY P.L.103-2011,
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 6. (a) A dental hygienist must complete at
6 least ~~fourteen (14)~~ **nineteen (19)** credit hours in continuing education
7 courses each license period.

8 (b) Credit hours may be applied under this section only toward the
9 credit hour requirement for the license period during which the credit
10 hours are earned.

11 (c) During a license period, a dental hygienist may not earn more
12 than five (5) credit hours toward the requirements under this section for
13 continuing education courses that relate specifically to the area of
14 practice management.

15 (d) Not more than two (2) credit hours for certification programs in
16 basic life support required under IC 25-13-1-8(c)(3) may be applied
17 toward the credit hour requirement during each license period.

18 (e) During a license period, at least half of the required minimum
19 credit hours must be earned through live presentations or live
20 workshops.

21 SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) The general**
22 **assembly urges the legislative council to assign to an appropriate**
23 **study committee established under IC 2-5-1.3-4 the topic of loan**
24 **forgiveness for dentists and dental hygienists who treat Medicaid**
25 **patients.**

26 **(b) If the legislative council assigns the topic described in**
27 **subsection (a), the study committee shall complete the study**
28 **required by this SECTION and report its findings and**
29 **recommendations, if any, to the legislative council before**
30 **November 1, 2016, and as required in IC 2-5-1.2-15.**

31 **(c) This SECTION expires January 1, 2017.**

32 SECTION 6. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1156, 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 39, delete "two hundred seventy" and insert "**ninety**".

Page 2, line 40, delete "(270)" and insert "**(90)**".

Page 3, delete lines 6 through 17.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1156 as introduced.)

KIRCHHOFER

Committee Vote: yeas 10, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1156 be amended to read as follows:

Page 2, line 26, strike "and".

Page 2, line 28, strike "forty-five (45)" and insert "**ninety (90)**".

Page 2, line 41, strike "subdivisions" and insert "**subdivision**".

(Reference is to HB 1156 as printed January 29, 2016.)

FRIZZELL

 COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred House Bill No. 1156, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1156 as reprinted February 2, 2016.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 0

EH 1156—LS 6450/DI 77



SENATE MOTION

Madam President: I move that Engrossed House Bill 1156 be amended to read as follows:

Page 3, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 25-13-1-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12.5. If a dental hygienist or a dental assistant determines that treatment of a patient would result in physical danger to the dental hygienist or dental assistant, the dental hygienist or dental assistant may request, and the supervising dentist must grant, a consultation between the dentist and the dental hygienist or the dental assistant to consult on the proper treatment plan for the patient that will result in the least amount of physical danger to the dental hygienist or dental assistant.**"

Renumber all SECTIONS consecutively.

(Reference is to EHB 1156 as printed February 23, 2016.)

LEISING

