

SENATE BILL No. 183

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-14-1-23.

Synopsis: Practice of dentistry. Provides that a person practices dentistry if the person offers to diagnose, professes to diagnose, treats, or professes to treat any lesion or disease of the oral and maxillofacial region or associated and adjacent structures.

Effective: July 1, 2018.

Merritt

January 3, 2018, read first time and referred to Committee on Health and Provider Services.



Second Regular Session 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.

SENATE BILL No. 183

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 25-14-1-23, AS AMENDED BY P.L.264-2013,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 23. (a) A person is practicing dentistry within the
4 meaning of this chapter if the person does any of the following:
5 (1) Uses the word "dentist" or "dental surgeon", the letters
6 "D.D.S." or "D.M.D.", or other letters or titles in connection with
7 dentistry.
8 (2) Directs and controls the treatment of patients within a place
9 where dental services are performed.
10 (3) Advertises or permits to be advertised by sign, card, circular,
11 handbill, newspaper, radio, or otherwise that the person can or
12 will attempt to perform dental operations of any kind.
13 (4) Offers to diagnose, ~~or~~ professes to diagnose, ~~or~~ treats, or
14 professes to treat any ~~of the lesions~~ **lesion** or ~~diseases~~ **disease** of
15 the human oral cavity, teeth, gingiva, or ~~maxillary or mandibular~~
16 **structures: oral and maxillofacial region or associated and**
17 **adjacent structures.**



- 1 (5) Extracts human teeth or corrects malpositions of the teeth or
2 jaws.
- 3 (6) Except as provided in IC 25-13-1-10.5 and IC 25-13-1-10.6,
4 administers dental anesthetics.
- 5 (7) Uses x-ray pictures for dental diagnostic purposes.
- 6 (8) Makes:
- 7 (A) oral images for the fabrication of a final restoration,
8 impression, or cast;
- 9 (B) impressions; or
- 10 (C) casts of any oral tissues or structures;
- 11 for the purpose of diagnosis or treatment thereof or for the
12 construction, repair, reproduction, or duplication of any prosthetic
13 device to alleviate or cure any oral lesion or replace any lost oral
14 structures, tissue, or teeth.
- 15 (9) Advertises to the public by any method, except trade and
16 professional publications, to furnish, supply, construct, reproduce,
17 repair, or adjust any prosthetic denture, bridge, appliance, or other
18 structure to be worn in the human mouth.
- 19 (10) Is the employer of a dentist who is hired to provide dental
20 services.
- 21 (11) Directs or controls the use of dental equipment or dental
22 material while the equipment or material is being used to provide
23 dental services. However, a person may lease or provide advice
24 or assistance concerning dental equipment or dental material if
25 the person does not restrict or interfere with the custody, control,
26 or use of the equipment or material by the dentist. This
27 subdivision does not prevent a dental hygienist who is licensed
28 under IC 25-13 from owning dental equipment or dental materials
29 within the dental hygienist's scope of practice.
- 30 (12) Directs, controls, or interferes with a dentist's clinical
31 judgment.
- 32 (13) Exercises direction or control over a dentist through a written
33 contract concerning the following areas of dental practice:
- 34 (A) The selection of a patient's course of treatment.
- 35 (B) Referrals of patients, except for requiring referrals to be
36 within a specified provider network, subject to the exceptions
37 under IC 27-13-36-5.
- 38 (C) Content of patient records.
- 39 (D) Policies and decisions relating to refunds, if the refund
40 payment would be reportable under federal law to the National
41 Practitioner Data Bank, and warranties.
- 42 (E) The clinical content of advertising.



1 (F) Final decisions relating to the employment of dental office
2 personnel.

3 However, this subdivision does not prohibit a person from
4 providing advice or assistance concerning the areas of dental
5 practice referred to in this subdivision or an insurer (as defined in
6 IC 27-1-26-1) from carrying out the applicable provisions of
7 IC 27 under which the insurer is licensed.

8 However, a person does not have to be a dentist to be a manufacturer
9 of dental prostheses.

10 (b) In addition to subsection (a), a person is practicing dentistry who
11 directly or indirectly by any means or method furnishes, supplies,
12 constructs, reproduces, repairs, or adjusts any prosthetic denture,
13 bridge, appliance, or any other structure to be worn in the human
14 mouth and delivers the resulting product to any person other than the
15 duly licensed dentist upon whose written work authorization the work
16 was performed. A written work authorization shall include the
17 following:

18 (1) The name and address of the dental laboratory to which it is
19 directed.

20 (2) The case identification.

21 (3) A specification of the materials to be used.

22 (4) A description of the work to be done and, if necessary,
23 diagrams thereof.

24 (5) The date of issuance of the authorization.

25 (6) The signature and address of the licensed dentist or other
26 dental practitioner by whom the work authorization is issued.

27 A separate work authorization shall be issued for each patient of the
28 issuing licensed dentist or other dental practitioner for whom dental
29 technological work is to be performed.

30 (c) This section shall not apply to those procedures which a legally
31 licensed and practicing dentist may delegate to a dental assistant as to
32 which procedures the dentist exercises direct supervision and
33 responsibility.

34 (d) Procedures delegated by a dentist may not include the following:

35 (1) Those procedures which require professional judgment and
36 skill such as diagnosis, treatment planning, the cutting of hard or
37 soft tissues, or any intraoral impression which would lead to the
38 fabrication of a final prosthetic appliance.

39 (2) Except for procedures described in subsections (g) and (h),
40 procedures delegated to a dental assistant may not include
41 procedures allocated under IC 25-13-1 to a licensed dental
42 hygienist.



1 (e) This chapter shall not prevent dental students from performing
2 dental operations under the supervision of competent instructors within
3 the dental school or a university recognized by the board or in any
4 public clinic under the supervision of the authorized superintendent of
5 such clinic authorized under the authority and general direction of the
6 board of health or school board of any city or town in Indiana.

7 (f) Licensed pharmacists of this state may fill prescriptions of
8 licensed dentists of this state for any drug necessary in the practice of
9 dentistry.

10 (g) Notwithstanding IC 25-13-1-11(4), a dental assistant who has
11 completed a board approved curriculum may apply medicaments for
12 the control or prevention of dental caries under the direct supervision
13 of a licensed dentist. The curriculum must include instruction on the
14 following:

- 15 (1) Ethics and jurisprudence.
- 16 (2) Reasons for fluorides.
- 17 (3) Systemic fluoride.
- 18 (4) Topical fluoride.
- 19 (5) Fluoride application.
- 20 (6) Laboratory work on topical fluoride applications and patient
21 competency.

22 (h) Notwithstanding IC 25-13-1-11(3), a dental assistant who has
23 completed a board approved curriculum may polish the coronal surface
24 of teeth under the direct supervision of a licensed dentist. The
25 curriculum must include instruction on the following:

- 26 (1) Ethics and jurisprudence.
- 27 (2) Plaque and materia alba.
- 28 (3) Intrinsic and extrinsic stain.
- 29 (4) Abrasive agents.
- 30 (5) Use of a slow speed hand piece, prophy cup, and occlusal
31 polishing brush.
- 32 (6) Theory of selective polishing.
- 33 (7) Laboratory work concerning slow speed hand piece, hand
34 dexterity, and patient competency.

