

# SENATE BILL No. 330

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-0.5; IC 25-14; IC 25-14.1; IC 25-22.5-1-2; IC 25-23-1-27.1; IC 35-52-25-13.2.

**Synopsis:** Dental therapists. Adds dental therapists and advanced dental therapists to the dental practitioners who are eligible for grants under the Indiana dental recruitment fund. Provides for the licensure of dental therapists and the certification of licensed dental therapists as advanced dental therapists. Requires a dental therapist and an advanced dental therapist to practice in an underserved area or a setting that serves low-income, uninsured, and underserved patients. Specifies the services and procedures that may be performed by a dental therapist and an advanced dental therapist. Requires a dental therapist and an advanced dental therapist to operate under a collaborative agreement or advanced collaborative agreement with a dentist. Allows a dental therapist and an advanced dental therapist to dispense and administer analgesics, anti-inflammatories, and antibiotics under certain parameters. Establishes penalties. Makes conforming changes.

**Effective:** July 1, 2021.

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## Grooms

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January 11, 2021, read first time and referred to Committee on Health and Provider Services.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 330

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 25-0.5-1-5.1 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2021]: **Sec. 5.1. IC 25-1-1.1-4 applies to an**  
4 **individual licensed or certified under IC 25-14.1 (dental therapists**  
5 **and advanced dental therapists).**

6 SECTION 2. IC 25-0.5-2-10.5 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2021]: **Sec. 10.5. IC 25-1-2-2.1 applies to**  
9 **licenses and certificates held by dental therapists and advanced**  
10 **dental therapists.**

11 SECTION 3. IC 25-14-1-1 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as  
13 permitted under this chapter, it is unlawful for any person to practice  
14 dentistry in Indiana who is not licensed under this chapter.

15 (b) This chapter does not prohibit:  
16 (1) a hospital;  
17 (2) a public health clinic;



- 1 (3) a federally qualified health center;  
 2 (4) a rural health center;  
 3 (5) a charitable health clinic;  
 4 (6) a governmental entity;  
 5 (7) a contractor or subcontractor of a governmental entity; or  
 6 (8) another entity specified by a rule of the board;  
 7 from providing dental health services if the dental health services are  
 8 provided by dentists (licensed under this chapter), ~~or~~ dental hygienists  
 9 (licensed under IC 25-13), **dental therapists (licensed under**  
 10 **IC 25-14.1-2), or advanced dental therapists (certified under**  
 11 **IC 25-14.1-3).**

12 SECTION 4. IC 25-14-1-23, AS AMENDED BY P.L.264-2013,  
 13 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2021]: Sec. 23. (a) A person is practicing dentistry within the  
 15 meaning of this chapter if the person does any of the following:

- 16 (1) Uses the word "dentist" or "dental surgeon", the letters  
 17 "D.D.S." or "D.M.D.", or other letters or titles in connection with  
 18 dentistry.  
 19 (2) Directs and controls the treatment of patients within a place  
 20 where dental services are performed.  
 21 (3) Advertises or permits to be advertised by sign, card, circular,  
 22 handbill, newspaper, radio, or otherwise that the person can or  
 23 will attempt to perform dental operations of any kind.  
 24 (4) Offers to diagnose or professes to diagnose or treats or  
 25 professes to treat any of the lesions or diseases of the human oral  
 26 cavity, teeth, gingiva, or maxillary or mandibular structures.  
 27 (5) Extracts human teeth or corrects malpositions of the teeth or  
 28 jaws.  
 29 (6) Except as provided in IC 25-13-1-10.5 and IC 25-13-1-10.6,  
 30 administers dental anesthetics.  
 31 (7) Uses x-ray pictures for dental diagnostic purposes.  
 32 (8) Makes:  
 33 (A) oral images for the fabrication of a final restoration,  
 34 impression, or cast;  
 35 (B) impressions; or  
 36 (C) casts of any oral tissues or structures;  
 37 for the purpose of diagnosis or treatment thereof or for the  
 38 construction, repair, reproduction, or duplication of any prosthetic  
 39 device to alleviate or cure any oral lesion or replace any lost oral  
 40 structures, tissue, or teeth.  
 41 (9) Advertises to the public by any method, except trade and  
 42 professional publications, to furnish, supply, construct, reproduce,



1 repair, or adjust any prosthetic denture, bridge, appliance, or other  
2 structure to be worn in the human mouth.

3 (10) Is the employer of a dentist who is hired to provide dental  
4 services.

5 (11) Directs or controls the use of dental equipment or dental  
6 material while the equipment or material is being used to provide  
7 dental services. However, a person may lease or provide advice  
8 or assistance concerning dental equipment or dental material if  
9 the person does not restrict or interfere with the custody, control,  
10 or use of the equipment or material by the dentist. This  
11 subdivision does not prevent:

12 (A) a dental hygienist who is licensed under IC 25-13;

13 (B) a dental therapist who is licensed under IC 25-14.2-2;  
14 or

15 (C) an advanced dental therapist who is certified under  
16 IC 25-14.2-3;

17 from owning dental equipment or dental materials within the  
18 dental hygienist's, **dental therapist's, or advanced dental**  
19 **therapist's** scope of practice.

20 (12) Directs, controls, or interferes with a dentist's clinical  
21 judgment.

22 (13) Exercises direction or control over a dentist through a written  
23 contract concerning the following areas of dental practice:

24 (A) The selection of a patient's course of treatment.

25 (B) Referrals of patients, except for requiring referrals to be  
26 within a specified provider network, subject to the exceptions  
27 under IC 27-13-36-5.

28 (C) Content of patient records.

29 (D) Policies and decisions relating to refunds, if the refund  
30 payment would be reportable under federal law to the National  
31 Practitioner Data Bank, and warranties.

32 (E) The clinical content of advertising.

33 (F) Final decisions relating to the employment of dental office  
34 personnel.

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

40 However, a person does not have to be a dentist to be a manufacturer  
41 of dental prostheses.

42 (b) In addition to subsection (a), a person is practicing dentistry who



1 directly or indirectly by any means or method furnishes, supplies,  
2 constructs, reproduces, repairs, or adjusts any prosthetic denture,  
3 bridge, appliance, or any other structure to be worn in the human  
4 mouth and delivers the resulting product to any person other than the  
5 duly licensed dentist upon whose written work authorization the work  
6 was performed. A written work authorization shall include the  
7 following:

- 8 (1) The name and address of the dental laboratory to which it is  
9 directed.
- 10 (2) The case identification.
- 11 (3) A specification of the materials to be used.
- 12 (4) A description of the work to be done and, if necessary,  
13 diagrams thereof.
- 14 (5) The date of issuance of the authorization.
- 15 (6) The signature and address of the licensed dentist or other  
16 dental practitioner by whom the work authorization is issued.

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

20 (c) This section shall not apply to those procedures which a legally  
21 licensed and practicing dentist may delegate to a dental assistant as to  
22 which procedures the dentist exercises direct supervision and  
23 responsibility.

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

- 25 (1) Those procedures which require professional judgment and  
26 skill such as diagnosis, treatment planning, the cutting of hard or  
27 soft tissues, or any intraoral impression which would lead to the  
28 fabrication of a final prosthetic appliance.
- 29 (2) Except for procedures described in subsections (g) and (h),  
30 procedures delegated to a dental assistant may not include  
31 procedures allocated under IC 25-13-1 to a licensed dental  
32 hygienist.

33 (e) This chapter shall not prevent dental students from performing  
34 dental operations under the supervision of competent instructors within  
35 the dental school or a university recognized by the board or in any  
36 public clinic under the supervision of the authorized superintendent of  
37 such clinic authorized under the authority and general direction of the  
38 board of health or school board of any city or town in Indiana.

39 (f) Licensed pharmacists of this state may fill prescriptions of  
40 licensed dentists of this state for any drug necessary in the practice of  
41 dentistry.

42 (g) Notwithstanding IC 25-13-1-11(4), a dental assistant who has



1 completed a board approved curriculum may apply medicaments for  
 2 the control or prevention of dental caries under the direct supervision  
 3 of a licensed dentist. The curriculum must include instruction on the  
 4 following:

- 5 (1) Ethics and jurisprudence.
- 6 (2) Reasons for fluorides.
- 7 (3) Systemic fluoride.
- 8 (4) Topical fluoride.
- 9 (5) Fluoride application.
- 10 (6) Laboratory work on topical fluoride applications and patient  
 11 competency.

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

- 16 (1) Ethics and jurisprudence.
- 17 (2) Plaque and materia alba.
- 18 (3) Intrinsic and extrinsic stain.
- 19 (4) Abrasive agents.
- 20 (5) Use of a slow speed hand piece, prophy cup, and occlusal  
 21 polishing brush.
- 22 (6) Theory of selective polishing.
- 23 (7) Laboratory work concerning slow speed hand piece, hand  
 24 dexterity, and patient competency.

25 SECTION 5. IC 25-14-5-3, AS ADDED BY P.L.177-2009,  
 26 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2021]: Sec. 3. As used in this chapter, "underserved area"  
 28 means a county, city, town, census tract, or township designated by the  
 29 state department of health under IC 16-46-5-7 or by the committee as  
 30 underserved by general dentists, pediatric dentists, oral surgeons, ~~or~~  
 31 dental hygienists, **dental therapists, or advanced dental therapists.**

32 SECTION 6. IC 25-14-5-5, AS ADDED BY P.L.177-2009,  
 33 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2021]: Sec. 5. (a) The Indiana dental recruitment fund is  
 35 established. The purpose of the fund is to provide grants to dentists,  
 36 ~~and~~ dental hygienists, **dental therapists, and advanced dental**  
 37 **therapists** to encourage the full-time delivery of dental care in  
 38 underserved areas and to increase the number of minority dentists, ~~and~~  
 39 dental hygienists, **dental therapists, and advanced dental therapists**  
 40 in Indiana. The board shall administer the fund.

41 (b) The fund consists of the following:

- 42 (1) Payments made under section 6(3) of this chapter.



- 1           (2) Gifts to the fund.  
 2           (3) Grants from public or private sources.  
 3           (c) The treasurer of state shall invest the money in the fund not  
 4 currently needed to meet the obligations of the fund.  
 5           (d) Money in the fund at the end of a state fiscal year does not revert  
 6 to the state general fund.  
 7           (e) The fund shall be used to do the following:  
 8               (1) Provide grants under this chapter.  
 9               (2) Pay the costs incurred by the committee in administering this  
 10 chapter.  
 11           SECTION 7. IC 25-14-5-6, AS AMENDED BY P.L.1-2010,  
 12 SECTION 106, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2021]: Sec. 6. To be eligible for a grant, a  
 14 dentist, **or dental therapist, advanced dental therapist, or** dental  
 15 hygienist must meet all the following conditions:  
 16           (1) Hold a:  
 17               (A) license to practice as a dentist under this article;  
 18               (B) **license to practice as a dental therapist under**  
 19               **IC 25-14.1-2;**  
 20               (C) **certificate to practice as an advanced dental therapist**  
 21               **under IC 25-14.1-3;** or  
 22               (D) **license** as a dental hygienist under IC 25-13-1.  
 23           (2) Has entered into an agreement with the committee to:  
 24               (A) either:  
 25                   (i) commit to working five (5) years in an underserved area  
 26                   or as a minority dentist, **dental therapist, advanced dental**  
 27                   **therapist,** or dental hygienist in Indiana for a yearly grant of  
 28                   thirty-five thousand dollars (\$35,000); or  
 29                   (ii) commit to working two (2) years in an underserved area  
 30                   or as a minority dentist, **dental therapist, advanced dental**  
 31                   **therapist,** or dental hygienist in Indiana for a yearly grant of  
 32                   thirty thousand dollars (\$30,000) with the option by the  
 33                   dentist, **dental therapist, advanced dental therapist,** or  
 34                   dental hygienist to serve up to three (3) additional years for  
 35                   a yearly grant of thirty-five thousand dollars (\$35,000);  
 36               (B) provide an average of at least forty (40) hours of dentistry  
 37               per week in underserved areas or as a minority dentist, **a**  
 38               **dental therapist, an advanced dental therapist,** or **a** dental  
 39               hygienist in Indiana;  
 40               (C) maintain a patient base that includes at least thirty percent  
 41               (30%) as Medicaid patients; and  
 42               (D) provide a sliding fee scale, as approved by the committee,



- 1 for low income patients.
- 2 (3) Has entered into an agreement with the committee that if the
- 3 dentist, **dental therapist, advanced dental therapist**, or dental
- 4 hygienist does not comply with the requirements in subdivision
- 5 (2) that the dentist, **dental therapist, advanced dental therapist**,
- 6 or dental hygienist will pay back to the committee seven thousand
- 7 five hundred dollars (\$7,500), plus interest, for each month that
- 8 the dentist, **dental therapist, advanced dental therapist**, or
- 9 dental hygienist did not serve or had left to serve under the terms
- 10 of the agreement.
- 11 SECTION 8. IC 25-14-5-7, AS ADDED BY P.L.177-2009,
- 12 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2021]: Sec. 7. A dentist, **a dental therapist, an advanced**
- 14 **dental therapist**, or **a** dental hygienist must apply for a grant on an
- 15 application form supplied by the committee.
- 16 SECTION 9. IC 25-14.1 IS ADDED TO THE INDIANA CODE AS
- 17 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 18 2021]:
- 19 **ARTICLE 14.1. DENTAL THERAPISTS**
- 20 **Chapter 1. Definitions**
- 21 **Sec. 1. The definitions in this chapter apply throughout this**
- 22 **article.**
- 23 **Sec. 2. "Advanced collaborative agreement" means an**
- 24 **agreement entered into between a dentist and an advanced dental**
- 25 **therapist that meets the requirements under IC 25-14.1-3.**
- 26 **Sec. 3. "Advanced dental therapist" means an individual who is:**
- 27 **(1) licensed as a dental therapist under IC 16-14.1-2; and**
- 28 **(2) certified under IC 25-14.1-3.**
- 29 **Sec. 4. "Board" means the state board of dentistry established**
- 30 **by IC 25-14-1.**
- 31 **Sec. 5. "Collaborating dentist" means a dentist who:**
- 32 **(1) has entered into a collaborative agreement with a dental**
- 33 **therapist or advanced dental therapist under this article; and**
- 34 **(2) is responsible for the dental therapist or advanced dental**
- 35 **therapist.**
- 36 **Sec. 6. "Collaborative agreement" means an agreement entered**
- 37 **into between a dentist and a dental therapist that meets the**
- 38 **requirements under IC 25-14.1-2.**
- 39 **Sec. 7. "Dental therapist" means an individual licensed under**
- 40 **IC 16-14.1-2.**
- 41 **Sec. 8. "Dentist" means an individual who holds a license to**
- 42 **practice dentistry in Indiana issued under IC 25-14-1.**





1           **Sec. 9. "General supervision"** means the supervision of tasks or  
 2 procedures that do not require the presence of the dentist on the  
 3 premises at the time the tasks or procedures are being performed  
 4 but require the tasks be performed with the prior knowledge and  
 5 consent of the dentist.

6           **Sec. 10. "Indirect supervision"** means the dentist is on the  
 7 premises, authorizes the procedures, and remains on the premises  
 8 while the procedures are being performed.

9           **Sec. 11. "Underserved area"** means the following:

10           (1) A county, city, town, census tract, or township designated  
 11 by the state department of health under IC 16-46-5-7 or by  
 12 the dental recruitment committee as underserved by dentists,  
 13 dental therapists, or advanced dental therapists.

14           (2) An area designated as a dental health professional  
 15 shortage area under 42 U.S.C. 254e.

16           (3) A collaborative practice setting that is located in the  
 17 following:

18           (A) A federally qualified health center (as defined in 42  
 19 U.S.C. 1396d(l)(2)(B)).

20           (B) A rural health clinic (as defined in 42 U.S.C.  
 21 1396d(l)(1)).

22           (C) A nonprofit health clinic that provides dental care to  
 23 patients who are indigent, uninsured, or underinsured.

24           (D) A health facility licensed under IC 16-28.

25           (E) A hospital licensed under IC 16-21.

26           (F) A hospital subject to IC 16-22 or IC 16-23.

27           (G) Another entity specified by a rule of the board.

28           (4) Military and veterans administration hospitals, clinics, and  
 29 care settings.

30           (5) A patient's residence or home when the patient is  
 31 homebound or receiving or eligible to receive home care  
 32 services or home and community based waiver services,  
 33 regardless of the patient's income.

34           (6) Oral health educational institutions.

35           (7) Any other clinic or practice setting, including mobile  
 36 dental units, in which at least fifty percent (50%) of the total  
 37 patient base of the dental therapist or advanced dental  
 38 therapist consists of patients who:

39           (A) are enrolled in a state operated health care program;

40           (B) have a medical disability or chronic condition that  
 41 creates a significant barrier to receiving dental care; or

42           (C) do not have dental health coverage, either through a



- 1                   public health care program or private insurance, and have  
2                   an annual gross family income equal to or less than two  
3                   hundred percent (200%) of the federal poverty guidelines.
- 4           **Chapter 2. Dental Therapists**
- 5           **Sec. 1. (a) To practice as a dental therapist an individual must**  
6 **be licensed under this chapter.**
- 7           **(b) The board shall issue a license to practice as a dental**  
8 **therapist to an individual who:**
- 9                   **(1) completes a dental therapy education program that has**  
10 **been approved by the board;**
- 11                   **(2) passes an examination to demonstrate competency to**  
12 **practice dental therapy; and**
- 13                   **(3) submits an application and fee for licensure as prescribed**  
14 **by the board.**
- 15           **Sec. 2. A dental therapist must practice under the supervision**  
16 **of a dentist and under the requirements of this chapter.**
- 17           **Sec. 3. A dental therapist may practice only in:**
- 18                   **(1) a setting that serves low-income, uninsured, and**  
19 **underserved patients; or**
- 20                   **(2) an underserved area.**
- 21           **Sec. 4. (a) Before performing any service authorized under this**  
22 **chapter, a dental therapist must enter into a written collaborative**  
23 **agreement with a dentist.**
- 24           **(b) The collaborative agreement must include the following:**
- 25                   **(1) Practice settings where services may be provided and the**  
26 **patient populations to be served.**
- 27                   **(2) Any limitations on the services that may be provided by**  
28 **the dental therapist, including the level of supervision**  
29 **required by the collaborating dentist.**
- 30                   **(3) Age and procedure specific practice protocols, including**  
31 **case selection criteria, assessment guidelines, and imaging**  
32 **frequency.**
- 33                   **(4) A procedure for creating and maintaining dental records**  
34 **for the patients that are treated by the dental therapist.**
- 35                   **(5) A plan to manage medical emergencies in each practice**  
36 **setting where the dental therapist provides care.**
- 37                   **(6) A quality assurance plan for monitoring care provided by**  
38 **the dental therapist, including patient care review, referral**  
39 **follow up, and a quality assurance chart review.**
- 40                   **(7) Protocols for administering and dispensing medications**  
41 **authorized under this chapter, including the specific**  
42 **conditions and circumstances under which the medications**



1           may be dispensed and administered.

2           **(8) Criteria relating to the provision of care to patients with**

3           **specific medical conditions or complex medication histories,**

4           **including requirements for consultation before initiating care.**

5           **(9) Supervision criteria of dental assistants.**

6           **(10) A plan for the provision of clinical resources and**

7           **referrals in situations that are beyond the capabilities of the**

8           **dental therapist.**

9           **(c) A collaborating dentist is responsible for all services**

10          **authorized and performed by the dental therapist under the**

11          **collaborative agreement.**

12          **Sec. 5. (a) A collaborating dentist may not permit a dental**

13          **therapist to perform a dental service other than those authorized**

14          **under this chapter or by the board.**

15          **(b) A dental therapist may not perform a service that is not**

16          **allowed under this chapter, by the board, or under the**

17          **collaborative agreement.**

18          **(c) A collaborating dentist may not enter into a collaborative**

19          **agreement with more than five (5) dental therapists or advanced**

20          **dental therapists at the same time.**

21          **Sec. 6. A collaborative agreement must be signed and**

22          **maintained by the collaborating dentist and the dental therapist.**

23          **The collaborative agreement must be reviewed, updated, and**

24          **submitted to the board on an annual basis.**

25          **Sec. 7. (a) A dental therapist may perform dental services as**

26          **authorized under this section within the parameters of the**

27          **collaborative agreement.**

28          **(b) The services that may be performed by a dental therapist**

29          **include the oral health services:**

30                  **(1) specified in subsections (c) and (d); and**

31                  **(2) within the parameters of the collaborative agreement.**

32          **(c) A dental therapist may perform the following services under**

33          **general supervision of the collaborating dentist, unless restricted**

34          **or prohibited in the collaborative agreement:**

35                  **(1) Oral health instruction and disease prevention education,**

36                  **including nutritional counseling and dietary analysis.**

37                  **(2) Preliminary charting of the oral cavity.**

38                  **(3) Making radiographs.**

39                  **(4) Mechanical polishing.**

40                  **(5) Application of topical preventive or prophylactic agents,**

41                  **including fluoride varnishes and pit and fissure sealants.**

42                  **(6) Pulp vitality testing.**



- 1           **(7) Application of desensitizing medication or resin.**  
 2           **(8) Fabrication of athletic mouthguards.**  
 3           **(9) Placement of temporary restorations.**  
 4           **(10) Fabrication of soft occlusal guards.**  
 5           **(11) Tissue conditioning and soft relines.**  
 6           **(12) Atraumatic restorative therapy.**  
 7           **(13) Dressing changes.**  
 8           **(14) Tooth reimplantation.**  
 9           **(15) Administration of local anesthetic.**  
 10          **(16) Administration of nitrous oxide.**  
 11          **(d) A licensed dental therapist may perform the following**  
 12 **services under indirect supervision:**  
 13           **(1) Emergency palliative treatment of dental pain.**  
 14           **(2) The placement and removal of space maintainers.**  
 15           **(3) Cavity preparation.**  
 16           **(4) Restoration of primary and permanent teeth.**  
 17           **(5) Placement of temporary crowns.**  
 18           **(6) Preparation and placement of preformed crowns.**  
 19           **(7) Pulpotomies on primary teeth.**  
 20           **(8) Indirect and direct pulp capping on primary and**  
 21 **permanent teeth.**  
 22           **(9) Stabilization of reimplanted teeth.**  
 23           **(10) Extractions of primary teeth.**  
 24           **(11) Suture removal.**  
 25           **(12) Brush biopsies.**  
 26           **(13) Repair of defective prosthetic devices.**  
 27           **(14) Recementing of permanent crowns.**  
 28          **Sec. 8. (a) A dental therapist may dispense and administer the**  
 29 **following categories of drugs within the parameters of the**  
 30 **collaborative agreement and within the scope of practice of the**  
 31 **dental therapist:**  
 32           **(1) Analgesics.**  
 33           **(2) Anti-inflammatories.**  
 34           **(3) Antibiotics.**  
 35          **(b) The authority to dispense and administer drugs extends only**  
 36 **to the categories of drugs identified in this section, and may be**  
 37 **further limited by the collaborative agreement.**  
 38          **(c) The authority to dispense includes the authority to dispense**  
 39 **sample drugs within the categories specified in subsection (a) if**  
 40 **dispensing is permitted by the collaborative agreement.**  
 41          **(d) A licensed dental therapist may not dispense or administer**  
 42 **a narcotic drug (as defined in IC 35-48-1-20).**



1           **Sec. 9. (a) Subject to subsection (b) and to the extent permitted**  
 2 **in the collaborative agreement, a dental therapist may supervise**  
 3 **dental assistants (as defined in IC 25-14-1-1.5(4)).**

4           **(b) A dental therapist may not supervise more than four (4)**  
 5 **dental assistants at the same time.**

6           **Chapter 3. Advanced Dental Therapists**

7           **Sec. 1. (a) To practice as an advanced dental therapist an**  
 8 **individual must be certified under this chapter.**

9           **(b) The board shall issue a certificate to practice as an advanced**  
 10 **dental therapist to an individual who:**

11           **(1) is licensed as a dental therapist under IC 25-14.1-2;**

12           **(2) has completed at least two thousand (2,000) hours of**  
 13 **dental therapy clinical practice under direct or indirect**  
 14 **supervision;**

15           **(3) has graduated from a master's advanced dental therapy**  
 16 **education program;**

17           **(4) has passed a board approved certification examination to**  
 18 **demonstrate competency to practice as an advanced dental**  
 19 **therapist; and**

20           **(5) has submitted an application and fee for certification as**  
 21 **prescribed by the board.**

22           **Sec. 2. (a) An advanced dental therapist may perform the**  
 23 **following services and procedures under the written advanced**  
 24 **collaborative agreement:**

25           **(1) The services and procedures that are allowed to be**  
 26 **performed by a dental therapist under IC 25-14.1-2.**

27           **(2) An oral evaluation and assessment of dental disease and**  
 28 **the formulation of an individualized treatment plan**  
 29 **authorized by the collaborating dentist.**

30           **(3) Subject to section 3(a) of this chapter, nonsurgical**  
 31 **extractions of permanent teeth.**

32           **(b) The services and procedures described under this section**  
 33 **may be performed under general supervision.**

34           **(c) An advanced practice dental therapist may not perform any**  
 35 **service or procedure described in this section except as authorized**  
 36 **by the collaborating dentist.**

37           **Sec. 3. (a) An advanced dental therapist may perform**  
 38 **nonsurgical extractions of periodontally diseased permanent teeth**  
 39 **with tooth mobility of plus three (+3) to plus four (+4) under**  
 40 **general supervision if authorized in advance by the collaborating**  
 41 **dentist. The advanced dental therapist may not extract a tooth for**  
 42 **a patient if the tooth is unerupted, impacted, fractured, or needs to**



1 be sectioned for removal.

2 (b) The collaborating dentist is responsible for directly  
3 providing or arranging for another dentist or specialist to provide  
4 any necessary advanced services needed by the patient.

5 (c) An advanced dental therapist in accordance with the  
6 advanced collaborative agreement must refer patients to another  
7 qualified dental or health care professional to receive any needed  
8 services that exceed the scope of practice of the advanced dental  
9 therapist.

10 (d) In addition to the advanced collaborative agreement  
11 requirements under this chapter, an advanced collaborative  
12 agreement must include specific written protocols to govern  
13 situations in which the advanced dental therapist encounters a  
14 patient who requires treatment that exceeds the authorized scope  
15 of practice of the advanced dental therapist. The collaborating  
16 dentist must ensure that a dentist is available to the advanced  
17 dental therapist for timely consultation during treatment if needed  
18 and must either provide or arrange with another dentist or  
19 specialist to provide the necessary treatment to any patient who  
20 requires more treatment than the advanced dental therapist is  
21 authorized to provide.

22 Sec. 4. (a) An advanced dental therapist may dispense and  
23 administer the following categories of drugs within the parameters  
24 of the advanced collaborative agreement and within the scope of  
25 practice of the advanced dental therapist:

26 (1) Analgesics.

27 (2) Anti-inflammatories.

28 (3) Antibiotics.

29 (b) The authority to dispense and administer drugs extends only  
30 to the categories of drugs identified in this section, and may be  
31 further limited by the advanced collaborative agreement.

32 (c) The authority to dispense includes the authority to dispense  
33 sample drugs within the categories specified in subsection (a) if  
34 dispensing is permitted by the advanced collaborative agreement.

35 (d) An advanced dental therapist may not dispense or  
36 administer a narcotic drug (as defined in IC 35-48-1-20).

37 Chapter 4. Rules; Violations

38 Sec. 1. (a) The board shall enforce this article.

39 (b) The board may adopt rules under IC 4-22-2 that are  
40 consistent with this chapter that are necessary for:

41 (1) the proper enforcement and administration of this article;

42 (2) the examination of dental therapists and advanced dental



1           therapists; and  
2           (3) the standards of the practice of dental therapists and  
3           advanced dental therapists.  
4       **Sec. 2. The board may discipline:**  
5           (1) a dental therapist who violates the collaborative  
6           agreement; or  
7           (2) an advanced dental therapist who violates the advanced  
8           collaborative agreement;  
9       **under IC 25-1-9.**  
10       **Sec. 3. An individual may not:**  
11           (1) practice as:  
12                (A) a dental therapist; or  
13                (B) an advanced dental therapist; or  
14           (2) use the title:  
15                (A) "dental therapist"; or  
16                (B) "advanced dental therapist";  
17       **unless the individual has a license or certificate issued by the board**  
18       **authorizing the individual to practice in Indiana.**  
19       **(b) An individual who knowingly or intentionally violates this**  
20       **section commits a Class B misdemeanor.**  
21       SECTION 10. IC 25-22.5-1-2, AS AMENDED BY P.L.180-2018,  
22       SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23       JULY 1, 2021]: Sec. 2. (a) This article, as it relates to the unlawful or  
24       unauthorized practice of medicine or osteopathic medicine, does not  
25       apply to any of the following:  
26           (1) A student in training in a medical school approved by the  
27           board, or while performing duties as an intern or a resident in a  
28           hospital under the supervision of the hospital's staff or in a  
29           program approved by the medical school.  
30           (2) A person who renders service in case of emergency where no  
31           fee or other consideration is contemplated, charged, or received.  
32           (3) A paramedic (as defined in IC 16-18-2-266), an advanced  
33           emergency medical technician (as defined in IC 16-18-2-6.5), an  
34           emergency medical technician (as defined in IC 16-18-2-112), or  
35           a person with equivalent certification from another state who  
36           renders advanced life support (as defined in IC 16-18-2-7), or  
37           basic life support (as defined in IC 16-18-2-33.5):  
38                (A) during a disaster emergency declared by the governor  
39                under IC 10-14-3-12 in response to an act that the governor in  
40                good faith believes to be an act of terrorism (as defined in  
41                IC 35-31.5-2-329); and  
42                (B) in accordance with the rules adopted by the Indiana



- 1 emergency medical services commission or the disaster  
2 emergency declaration of the governor.
- 3 (4) Commissioned medical officers or medical service officers of  
4 the armed forces of the United States, the United States Public  
5 Health Service, and medical officers of the United States  
6 Department of Veterans Affairs in the discharge of their official  
7 duties in Indiana.
- 8 (5) An individual who is not a licensee who resides in another  
9 state or country and is authorized to practice medicine or  
10 osteopathic medicine there, who is called in for consultation by an  
11 individual licensed to practice medicine or osteopathic medicine  
12 in Indiana.
- 13 (6) A person administering a domestic or family remedy to a  
14 member of the person's family.
- 15 (7) A member of a church practicing the religious tenets of the  
16 church if the member does not make a medical diagnosis,  
17 prescribe or administer drugs or medicines, perform surgical or  
18 physical operations, or assume the title of or profess to be a  
19 physician.
- 20 (8) A school corporation and a school employee who acts under  
21 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 22 (9) A chiropractor practicing the chiropractor's profession under  
23 IC 25-10 or to an employee of a chiropractor acting under the  
24 direction and supervision of the chiropractor under IC 25-10-1-13.
- 25 (10) A dental hygienist practicing the dental hygienist's profession  
26 under IC 25-13.
- 27 (11) A dentist practicing the dentist's profession under IC 25-14.
- 28 (12) A hearing aid dealer practicing the hearing aid dealer's  
29 profession under IC 25-20.
- 30 (13) A nurse practicing the nurse's profession under IC 25-23.  
31 However, a certified registered nurse anesthetist (as defined in  
32 IC 25-23-1-1.4) may administer anesthesia if the certified  
33 registered nurse anesthetist acts under the direction of and in the  
34 immediate presence of a physician.
- 35 (14) An optometrist practicing the optometrist's profession under  
36 IC 25-24.
- 37 (15) A pharmacist practicing the pharmacist's profession under  
38 IC 25-26.
- 39 (16) A physical therapist practicing the physical therapist's  
40 profession under IC 25-27.
- 41 (17) A podiatrist practicing the podiatrist's profession under  
42 IC 25-29.





- 1 (18) A psychologist practicing the psychologist's profession under  
 2 IC 25-33.
- 3 (19) A speech-language pathologist or audiologist practicing the  
 4 pathologist's or audiologist's profession under IC 25-35.6.
- 5 (20) An employee of a physician or group of physicians who  
 6 performs an act, a duty, or a function that is customarily within  
 7 the specific area of practice of the employing physician or group  
 8 of physicians, if the act, duty, or function is performed under the  
 9 direction and supervision of the employing physician or a  
 10 physician of the employing group within whose area of practice  
 11 the act, duty, or function falls. An employee may not make a  
 12 diagnosis or prescribe a treatment and must report the results of  
 13 an examination of a patient conducted by the employee to the  
 14 employing physician or the physician of the employing group  
 15 under whose supervision the employee is working. An employee  
 16 may not administer medication without the specific order of the  
 17 employing physician or a physician of the employing group.  
 18 Unless an employee is licensed or registered to independently  
 19 practice in a profession described in subdivisions (9) through  
 20 (18), nothing in this subsection grants the employee independent  
 21 practitioner status or the authority to perform patient services in  
 22 an independent practice in a profession.
- 23 (21) A hospital licensed under IC 16-21 or IC 12-25.
- 24 (22) A health care organization whose members, shareholders, or  
 25 partners are individuals, partnerships, corporations, facilities, or  
 26 institutions licensed or legally authorized by this state to provide  
 27 health care or professional services as:
- 28 (A) a physician;
  - 29 (B) a psychiatric hospital;
  - 30 (C) a hospital;
  - 31 (D) a health maintenance organization or limited service  
 32 health maintenance organization;
  - 33 (E) a health facility;
  - 34 (F) a dentist;
  - 35 (G) a registered or licensed practical nurse;
  - 36 (H) a certified nurse midwife or a certified direct entry  
 37 midwife;
  - 38 (I) an optometrist;
  - 39 (J) a podiatrist;
  - 40 (K) a chiropractor;
  - 41 (L) a physical therapist; or
  - 42 (M) a psychologist.



- 1 (23) A physician assistant practicing the physician assistant  
2 profession under IC 25-27.5.
- 3 (24) A physician providing medical treatment under section 2.1  
4 of this chapter.
- 5 (25) An attendant who provides attendant care services (as  
6 defined in IC 16-18-2-28.5).
- 7 (26) A personal services attendant providing authorized attendant  
8 care services under IC 12-10-17.1.
- 9 (27) A respiratory care practitioner practicing the practitioner's  
10 profession under IC 25-34.5.
- 11 **(28) A dental therapist or an advanced dental therapist**  
12 **practicing the therapist's profession under IC 25-14.1.**
- 13 (b) A person described in subsection (a)(9) through (a)(18) is not  
14 excluded from the application of this article if:
- 15 (1) the person performs an act that an Indiana statute does not  
16 authorize the person to perform; and
- 17 (2) the act qualifies in whole or in part as the practice of medicine  
18 or osteopathic medicine.
- 19 (c) An employment or other contractual relationship between an  
20 entity described in subsection (a)(21) through (a)(22) and a licensed  
21 physician does not constitute the unlawful practice of medicine or  
22 osteopathic medicine under this article if the entity does not direct or  
23 control independent medical acts, decisions, or judgment of the  
24 licensed physician. However, if the direction or control is done by the  
25 entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity  
26 is excluded from the application of this article as it relates to the  
27 unlawful practice of medicine or osteopathic medicine.
- 28 (d) This subsection does not apply to a prescription or drug order for  
29 a legend drug that is filled or refilled in a pharmacy owned or operated  
30 by a hospital licensed under IC 16-21. A physician licensed in Indiana  
31 who permits or authorizes a person to fill or refill a prescription or drug  
32 order for a legend drug except as authorized in IC 16-42-19-11 through  
33 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A  
34 person who violates this subsection commits the unlawful practice of  
35 medicine or osteopathic medicine under this chapter.
- 36 (e) A person described in subsection (a)(8) shall not be authorized  
37 to dispense contraceptives or birth control devices.
- 38 SECTION 11. IC 25-23-1-27.1, AS AMENDED BY P.L.141-2006,  
39 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2021]: Sec. 27.1. (a) As used in this section,  
41 "licensed health professional" means:  
42 (1) a registered nurse;



- 1 (2) a licensed practical nurse;  
 2 (3) a physician with an unlimited license to practice medicine or  
 3 osteopathic medicine;  
 4 (4) a licensed dentist;  
 5 (5) a licensed chiropractor;  
 6 (6) a licensed optometrist;  
 7 (7) a licensed pharmacist;  
 8 (8) a licensed physical therapist;  
 9 (9) a licensed psychologist;  
 10 (10) a licensed podiatrist; or  
 11 (11) a licensed speech-language pathologist or audiologist.  
 12 (b) This chapter does not prohibit:  
 13 (1) furnishing nursing assistance in an emergency;  
 14 (2) the practice of nursing by any student enrolled in a board  
 15 approved nursing education program where such practice is  
 16 incidental to the student's program of study;  
 17 (3) the practice of any nurse who is employed by the government  
 18 of the United States or any of its bureaus, divisions, or agencies  
 19 while in the discharge of the nurse's official duties;  
 20 (4) the gratuitous care of sick, injured, or infirm individuals by  
 21 friends or the family of that individual;  
 22 (5) the care of the sick, injured, or infirm in the home for  
 23 compensation if the person assists only:  
 24 (A) with personal care;  
 25 (B) in the administration of a domestic or family remedy; or  
 26 (C) in the administration of a remedy that is ordered by a  
 27 licensed health professional and that is within the scope of  
 28 practice of the licensed health professional under Indiana law;  
 29 (6) performance of tasks by persons who provide health care  
 30 services which are delegated or ordered by licensed health  
 31 professionals, if the delegated or ordered tasks do not exceed the  
 32 scope of practice of the licensed health professionals under  
 33 Indiana law;  
 34 (7) a physician with an unlimited license to practice medicine or  
 35 osteopathic medicine in Indiana, a licensed dentist, chiropractor,  
 36 **dental therapist, advanced dental therapist**, dental hygienist,  
 37 optometrist, pharmacist, physical therapist, podiatrist,  
 38 psychologist, speech-language pathologist, or audiologist from  
 39 practicing the person's profession;  
 40 (8) a school corporation or school employee from acting under  
 41 IC 34-30-14;  
 42 (9) a personal services attendant from providing authorized



1           attendant care services under IC 12-10-17.1; or  
2           (10) an attendant who provides attendant care services (as defined  
3           in IC 16-18-2-28.5).

4           SECTION 12. IC 35-52-25-13.2 IS ADDED TO THE INDIANA  
5           CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
6           [EFFECTIVE JULY 1, 2021]: **Sec. 13.2. IC 25-14.1-4-3 defines a**  
7           **crime concerning dental therapists and advanced dental therapists.**

