



February 14, 2007

HOUSE BILL No. 1376

DIGEST OF HB 1376 (Updated February 12, 2007 2:40 pm - DI 77)

Citations Affected: IC 16-20; IC 16-22; IC 25-13.

Synopsis: Services performed by dental hygienists. Allows a dental hygienist employed by a local health department or the health and hospital corporation to provide certain services under specified circumstances.

Effective: July 1, 2007.

**Mays, Welch, Brown C, Tyler,
Frizzell**

January 16, 2007, read first time and referred to Committee on Public Health.
February 13, 2007, amended, reported — Do Pass.

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HB 1376—LS 7423/DI 104+



February 14, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1376

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 16-20-1-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Local health
3 officers may appoint and employ public health nurses, environmental
4 health specialists, computer programmers, clerks, other personnel, and
5 an administrator of public health, subject to the confirmation of the
6 local board of health, as is necessary and reasonable to carry out and
7 perform the duties of the local health department.
8 (b) Except as provided in subsection (d), the employees of local
9 health departments shall perform any of the duties of the health officer
10 delegated by the health officer, with the approval of the local board of
11 health, on the basis of an agent-principal relation.
12 (c) The public health personnel of local health departments:
13 (1) must meet the minimum qualification requirements of the
14 local board of health;
15 (2) by local ordinance, become part of the county classification
16 system for the respective public health personnel positions; and
17 (3) shall perform additional duties prescribed by the rules of the

HB 1376—LS 7423/DI 104+



1 state department and local board of health under the general
2 supervision of the local health officer.

3 (d) If an appointee or employee of a local health officer is not a
4 licensed water well driller under IC 25-39-3, the appointee or employee
5 may not inspect the drilling of a water well.

6 (e) **After a dentist licensed under IC 25-14 who is employed by
7 a local health department examines a child enrolled in any grade
8 up to and including grade 12 and prescribes a treatment plan in
9 writing for the child, a licensed dental hygienist employed by the
10 local health department may, without supervision by the dentist,
11 provide the child with the following treatment in accordance with
12 the treatment plan:**

- 13 (1) **Prophylaxis.**
- 14 (2) **Fluoride application.**
- 15 (3) **Sealants.**

16 **However, the treatment must be completed not more than ninety
17 (90) days after the dentist prescribes the treatment plan.**

18 SECTION 2. IC 16-22-8-34, AS AMENDED BY P.L.88-2006,
19 SECTION 5, AND AS AMENDED BY P.L.145-2006, SECTION 133,
20 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2007]: Sec. 34. (a) The board or corporation
22 may do all acts necessary or reasonably incident to carrying out the
23 purposes of this chapter, including the following:

- 24 (1) As a municipal corporation, sue and be sued in any court with
25 jurisdiction.
- 26 (2) To serve as the exclusive local board of health and local
27 department of health within the county with the powers and duties
28 conferred by law upon local boards of health and local
29 departments of health.
- 30 (3) To adopt and enforce ordinances consistent with Indiana law
31 and administrative rules for the following purposes:
 - 32 (A) To protect property owned or managed by the corporation.
 - 33 (B) To determine, prevent, and abate public health nuisances.
 - 34 (C) To establish quarantine regulations, impose restrictions on
35 persons having infectious or contagious diseases and contacts
36 of the persons, and regulate the disinfection of premises.
 - 37 (D) To license, regulate, and establish minimum sanitary
38 standards for the operation of a business handling, producing,
39 processing, preparing, manufacturing, packing, storing,
40 selling, distributing, or transporting articles used for food,
41 drink, confectionery, or condiment in the interest of the public
42 health.

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- 1 (E) To control:
- 2 (i) rodents, mosquitos, and other animals, including insects,
- 3 capable of transmitting microorganisms and disease to
- 4 humans and other animals; and
- 5 (ii) the ~~animal's~~ **animals'** breeding places.
- 6 (F) To require persons to connect to available sewer systems
- 7 and to regulate the disposal of domestic or sanitary sewage by
- 8 private methods. However, the board and corporation have no
- 9 jurisdiction over publicly owned or financed sewer systems or
- 10 sanitation and disposal plants.
- 11 (G) To control rabies.
- 12 (H) For the sanitary regulation of water supplies for domestic
- 13 use.
- 14 (I) To protect, promote, or improve public health. For public
- 15 health activities and to enforce public health laws, the state
- 16 health data center described in IC 16-19-10 shall provide
- 17 health data, medical information, and epidemiological
- 18 information to the corporation.
- 19 (J) To detect, report, prevent, and control disease affecting
- 20 public health.
- 21 (K) To investigate and diagnose health problems and health
- 22 hazards.
- 23 (L) To regulate the sanitary and structural conditions of
- 24 residential and nonresidential buildings and unsafe premises.
- 25 (M) To license and regulate the design, construction, and
- 26 operation of public pools, spas, and beaches.
- 27 (N) To regulate the storage, containment, handling, use, and
- 28 disposal of hazardous materials.
- 29 (O) To license and regulate tattoo parlors and body piercing
- 30 facilities.
- 31 (4) To manage the corporation's hospitals, medical facilities, and
- 32 mental health facilities.
- 33 (5) To furnish health and nursing services to elementary and
- 34 secondary schools within the county.
- 35 (6) To furnish medical care to the indigent within the county
- 36 unless medical care is furnished to the indigent by the division of
- 37 family ~~and children~~ resources.
- 38 **(7) To furnish dental services to the insured and uninsured**
- 39 **residents of the county, including the services as provided in**
- 40 **subsection (c).**
- 41 ~~(7)~~ **(8)** To determine the public health policies and programs to be
- 42 carried out and administered by the corporation.

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- 1 ~~(8)~~ **(9)** To adopt an annual budget ordinance and levy taxes.
- 2 ~~(9)~~ **(10)** To incur indebtedness in the name of the corporation.
- 3 ~~(10)~~ **(11)** To organize the personnel and functions of the
- 4 corporation into divisions and subdivisions to carry out the
- 5 corporation's powers and duties and to consolidate, divide, or
- 6 abolish the divisions and subdivisions.
- 7 ~~(11)~~ **(12)** To acquire and dispose of property.
- 8 ~~(12)~~ **(13)** To receive *charitable contributions* and ~~make~~ gifts as
- 9 *provided in 26 U.S.C. 170.*
- 10 ~~(13)~~ **(14)** *To make charitable contributions and gifts.*
- 11 ~~(14)~~ **(15)** *To establish a charitable foundation as provided in 26*
- 12 *U.S.C. 501.*
- 13 ~~(13)~~ ~~(15)~~ **(16)** To receive and distribute federal, state, local, or
- 14 private grants.
- 15 ~~(16)~~ **(17)** *To receive and distribute grants from charitable*
- 16 *foundations.*
- 17 ~~(17)~~ **(18)** *To establish nonprofit corporations to carry out the*
- 18 *purposes of the corporation.*
- 19 ~~(14)~~ ~~(18)~~ **(19)** To erect buildings or structures or improvements to
- 20 existing buildings or structures.
- 21 ~~(15)~~ ~~(19)~~ **(20)** To determine matters of policy regarding internal
- 22 organization and operating procedures.
- 23 ~~(16)~~ ~~(20)~~ **(21)** To do the following:
- 24 (A) Adopt a schedule of reasonable charges for nonresidents
- 25 of the county for medical and mental health services.
- 26 (B) Collect the charges from the patient or from the
- 27 governmental unit where the patient resided at the time of the
- 28 service.
- 29 (C) Require security for the payment of the charges.
- 30 ~~(17)~~ ~~(21)~~ **(22)** To adopt a schedule of and to collect reasonable
- 31 charges for patients able to pay in full or in part.
- 32 ~~(18)~~ ~~(22)~~ **(23)** To enforce Indiana laws, administrative rules, and
- 33 the code of the health and hospital corporation of the county.
- 34 ~~(19)~~ ~~(23)~~ **(24)** To purchase supplies, materials, and equipment for
- 35 the corporation.
- 36 ~~(20)~~ ~~(24)~~ **(25)** To employ personnel and establish personnel
- 37 policies to carry out the duties, functions, and powers of the
- 38 corporation.
- 39 ~~(21)~~ ~~(25)~~ **(26)** To employ attorneys admitted to practice law in
- 40 Indiana.
- 41 ~~(22)~~ ~~(26)~~ **(27)** To acquire, erect, equip, and operate the
- 42 corporation's hospitals, medical facilities, and mental health

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- 1 facilities.
- 2 ~~(23)~~ ~~(27)~~ **(28)** To dispose of surplus property in accordance with
- 3 a policy by the board.
- 4 ~~(24)~~ ~~(28)~~ **(29)** To determine the duties of officers and division
- 5 directors.
- 6 ~~(25)~~ ~~(29)~~ **(30)** To fix the compensation of the officers and division
- 7 directors.
- 8 ~~(26)~~ ~~(30)~~ **(31)** To carry out the purposes and object of the
- 9 corporation.
- 10 ~~(27)~~ ~~(31)~~ **(32)** To obtain loans for hospital expenses in amounts
- 11 and upon terms agreeable to the board. The board may secure the
- 12 loans by pledging accounts receivable or other security in hospital
- 13 funds.
- 14 ~~(28)~~ ~~(32)~~ **(33)** To establish fees for licenses, services, and records.
- 15 The corporation may accept payment by credit card for fees.

16 (b) The board shall exercise the board's powers and duties in a
 17 manner consistent with Indiana law, administrative rules, and the code
 18 of the health and hospital corporation of the county.

19 **(c) After a dentist licensed under IC 25-14 who is employed by**
 20 **a local health department or the health and hospital corporation**
 21 **examines a child enrolled in any grade up to and including grade**
 22 **12 and prescribes a treatment plan in writing for the child, a**
 23 **licensed dental hygienist employed by the local health department**
 24 **or the health and hospital corporation may, without supervision by**
 25 **the dentist, provide the child with the following treatment in**
 26 **accordance with the treatment plan:**

- 27 **(1) Prophylaxis.**
- 28 **(2) Fluoride application.**
- 29 **(3) Sealants.**

30 **However, the treatment must be completed not more than ninety**
 31 **(90) days after the dentist prescribes the treatment plan.**

32 SECTION 3. IC 25-13-1-10 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A licensed
 34 dental hygienist may be employed to practice dental hygiene in Indiana
 35 in the following:

- 36 (1) The office of a legally practicing proprietor dentist.
- 37 (2) A dental school or dental hygiene school to teach and
- 38 demonstrate the practice of dental hygiene.
- 39 (3) The dental clinic of any public, parochial, or private school or
- 40 other institution supported by public or private funds in which the
- 41 licensee is employed by the state department of health or any
- 42 county or city board of health or board of education or school

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1 trustee or parochial authority or the governing body of any private
 2 school. However, institutional practice, other than dental hygiene
 3 instruction and dental prophylaxis for children up to and
 4 including grade 12 pupils at all times must be under the
 5 supervision of a licensed dentist.
 6 (4) The dental clinic of a bona fide hospital, sanitarium, or
 7 eleemosynary institution duly established and being operated
 8 under the laws of Indiana in which the licensee is employed by
 9 the directors or governing board of such hospital, sanitarium, or
 10 institution. However, such practice must be under the supervision
 11 at all times of a licensed dentist who is a staff member of the
 12 hospital or sanitarium or a member of the governing board of the
 13 institution.
 14 (5) The dental clinic of an industrial or a commercial
 15 establishment in which the licensee's services are under the
 16 supervision of a licensed dentist.
 17 (b) A licensed dental hygienist may provide without supervision the
 18 following:
 19 (1) Dental hygiene instruction and in-service training without
 20 restriction on location.
 21 (2) Dental prophylaxis for children up to and including grade 12
 22 if the dental hygienist is employed by any of the following:
 23 (A) The state department of health.
 24 (B) The department of education.
 25 (C) The elementary or secondary school where the services are
 26 provided.
 27 (3) Screening and referrals for any person in a public health
 28 setting.
 29 (4) **Services as provided in IC 16-20-1-14 and IC 16-22-8-34.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1376, 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, between lines 15 and 16, begin a new line blocked left and insert:

"However, the treatment must be completed not more than ninety (90) days after the dentist prescribes the treatment plan."

Page 3, line 36, delete "indigent within" and insert **"insured and uninsured residents of"**.

Page 5, between lines 26 and 27, begin a new line blocked left and insert:

"However, the treatment must be completed not more than ninety (90) days after the dentist prescribes the treatment plan."

and when so amended that said bill do pass.

(Reference is to HB 1376 as introduced.)

BROWN C, Chair

Committee Vote: yeas 10, nays 1.

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