

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.

HOUSE ENROLLED ACT No. 1376

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-20-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Local health officers may appoint and employ public health nurses, environmental health specialists, computer programmers, clerks, other personnel, and an administrator of public health, subject to the confirmation of the local board of health, as is necessary and reasonable to carry out and perform the duties of the local health department.

(b) Except as provided in subsection (d), the employees of local health departments shall perform any of the duties of the health officer delegated by the health officer, with the approval of the local board of health, on the basis of an agent-principal relation.

(c) The public health personnel of local health departments:

- (1) must meet the minimum qualification requirements of the local board of health;
- (2) by local ordinance, become part of the county classification system for the respective public health personnel positions; and
- (3) shall perform additional duties prescribed by the rules of the state department and local board of health under the general supervision of the local health officer.

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

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

- (1) Prophylaxis.
- (2) Fluoride application.
- (3) Sealants.

However, the treatment must be completed not more than ninety (90) days after the dentist prescribes the treatment plan. This subsection expires June 30, 2009.

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

- (1) As a municipal corporation, sue and be sued in any court with jurisdiction.
- (2) To serve as the exclusive local board of health and local department of health within the county with the powers and duties conferred by law upon local boards of health and local departments of health.
- (3) To adopt and enforce ordinances consistent with Indiana law and administrative rules for the following purposes:
 - (A) To protect property owned or managed by the corporation.
 - (B) To determine, prevent, and abate public health nuisances.
 - (C) To establish quarantine regulations, impose restrictions on persons having infectious or contagious diseases and contacts of the persons, and regulate the disinfection of premises.
 - (D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.
 - (E) To control:
 - (i) rodents, mosquitos, and other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals; and

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(ii) the ~~animal's~~ **animals'** breeding places.

(F) To require persons to connect to available sewer systems and to regulate the disposal of domestic or sanitary sewage by private methods. However, the board and corporation have no jurisdiction over publicly owned or financed sewer systems or sanitation and disposal plants.

(G) To control rabies.

(H) For the sanitary regulation of water supplies for domestic use.

(I) To protect, promote, or improve public health. For public health activities and to enforce public health laws, the state health data center described in IC 16-19-10 shall provide health data, medical information, and epidemiological information to the corporation.

(J) To detect, report, prevent, and control disease affecting public health.

(K) To investigate and diagnose health problems and health hazards.

(L) To regulate the sanitary and structural conditions of residential and nonresidential buildings and unsafe premises.

(M) To license and regulate the design, construction, and operation of public pools, spas, and beaches.

(N) To regulate the storage, containment, handling, use, and disposal of hazardous materials.

(O) To license and regulate tattoo parlors and body piercing facilities.

(4) To manage the corporation's hospitals, medical facilities, and mental health facilities.

(5) To furnish health and nursing services to elementary and secondary schools within the county.

(6) To furnish medical care to the indigent within the county unless medical care is furnished to the indigent by the division of family ~~and children~~ resources.

(7) To furnish dental services to the insured and uninsured residents of the county, including the services as provided in subsection (c) until the expiration of subsection (c).

~~(7)~~ **(8)** To determine the public health policies and programs to be carried out and administered by the corporation.

~~(8)~~ **(9)** To adopt an annual budget ordinance and levy taxes.

~~(9)~~ **(10)** To incur indebtedness in the name of the corporation.

~~(10)~~ **(11)** To organize the personnel and functions of the corporation into divisions and subdivisions to carry out the

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corporation's powers and duties and to consolidate, divide, or abolish the divisions and subdivisions.

~~(11)~~ **(12)** To acquire and dispose of property.

~~(12)~~ **(13)** To receive *charitable contributions* and ~~make~~ gifts as provided in 26 U.S.C. 170.

~~(13)~~ **(14)** To make *charitable contributions and gifts*.

~~(14)~~ **(15)** To establish a *charitable foundation as provided in 26 U.S.C. 501*.

~~(13)~~ ~~(15)~~ **(16)** To receive and distribute federal, state, local, or private grants.

~~(16)~~ **(17)** To receive and distribute grants from *charitable foundations*.

~~(17)~~ **(18)** To establish *nonprofit corporations to carry out the purposes of the corporation*.

~~(14)~~ ~~(18)~~ **(19)** To erect buildings or structures or improvements to existing buildings or structures.

~~(15)~~ ~~(19)~~ **(20)** To determine matters of policy regarding internal organization and operating procedures.

~~(16)~~ ~~(20)~~ **(21)** To do the following:

(A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.

(B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.

(C) Require security for the payment of the charges.

~~(17)~~ ~~(21)~~ **(22)** To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.

~~(18)~~ ~~(22)~~ **(23)** To enforce Indiana laws, administrative rules, and the code of the health and hospital corporation of the county.

~~(19)~~ ~~(23)~~ **(24)** To purchase supplies, materials, and equipment for the corporation.

~~(20)~~ ~~(24)~~ **(25)** To employ personnel and establish personnel policies to carry out the duties, functions, and powers of the corporation.

~~(21)~~ ~~(25)~~ **(26)** To employ attorneys admitted to practice law in Indiana.

~~(22)~~ ~~(26)~~ **(27)** To acquire, erect, equip, and operate the corporation's hospitals, medical facilities, and mental health facilities.

~~(23)~~ ~~(27)~~ **(28)** To dispose of surplus property in accordance with a policy by the board.

~~(24)~~ ~~(28)~~ **(29)** To determine the duties of officers and division

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directors.

~~(25)~~ ~~(29)~~ **(30)** To fix the compensation of the officers and division directors.

~~(26)~~ ~~(30)~~ **(31)** To carry out the purposes and object of the corporation.

~~(27)~~ ~~(31)~~ **(32)** To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.

~~(28)~~ ~~(32)~~ **(33)** To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees.

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

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

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

However, the treatment must be completed not more than ninety (90) days after the dentist prescribes the treatment plan. This subsection expires June 30, 2009.

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

- (1) The office of a legally practicing proprietor dentist.
- (2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene.
- (3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private school. However, institutional practice, other than dental hygiene instruction and dental prophylaxis for children up to and

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including grade 12 pupils at all times must be under the supervision of a licensed dentist.

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

(5) The dental clinic of an industrial or a commercial establishment in which the licensee's services are under the supervision of a licensed dentist.

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

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

(2) Dental prophylaxis for children up to and including grade 12 if the dental hygienist is employed by any of the following:

(A) The state department of health.

(B) The department of education.

(C) The elementary or secondary school where the services are provided.

(3) Screening and referrals for any person in a public health setting.

(4) Services as provided in IC 16-20-1-14 and IC 16-22-8-34.

SECTION 4. IC 25-13-1-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.5. A student pursuing a course of study in dental hygiene may administer dental anesthetics during an educational course on the practice of dental anesthetics if the course is:**

(1) supervised by a dentist trained in the administration of dental anesthetics; and

(2) conducted at a school described in section 6(2) of this chapter.

SECTION 5. IC 25-14-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) A person is practicing dentistry within the meaning of this chapter if the person does any of the following:

(1) Uses the word "dentist" or "dental surgeon", the letters "D.D.S." or "D.M.D.", or other letters or titles in connection with

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dentistry.

(2) Directs and controls the treatment of patients within a place where dental services are performed.

(3) Advertises or permits to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that he can or will attempt to perform dental operations of any kind.

(4) Offers to diagnose or professes to diagnose or treats or professes to treat any of the lesions or diseases of the human oral cavity, teeth, gums, or maxillary or mandibular structures.

(5) Extracts human teeth or corrects malpositions of the teeth or jaws.

(6) **Except as provided in IC 25-13-1-10.5**, administers dental anesthetics.

(7) Uses x-ray pictures for dental diagnostic purposes.

(8) Makes impressions or casts of any oral tissues or structures for the purpose of diagnosis or treatment thereof or for the construction, repair, reproduction, or duplication of any prosthetic device to alleviate or cure any oral lesion or replace any lost oral structures, tissue, or teeth.

(9) Advertises to the public by any method, except trade and professional publications, to furnish, supply, construct, reproduce, repair, or adjust any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.

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

(11) Directs or controls the use of dental equipment or dental material while the equipment or material is being used to provide dental services. However, a person may lease or provide advice or assistance concerning dental equipment or dental material if the person does not restrict or interfere with the custody, control, or use of the equipment or material by the dentist. This subdivision does not prevent a dental hygienist who is licensed under IC 25-13 from owning dental equipment or dental materials within the dental hygienist's scope of practice.

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

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

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

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

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- (C) Content of patient records.
- (D) Policies and decisions relating to refunds, if the refund payment would be reportable under federal law to the National Practitioner Data Bank, and warranties.
- (E) The clinical content of advertising.
- (F) Final decisions relating to the employment of dental office personnel.

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

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

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

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

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

(c) This section shall not apply to those procedures which a legally licensed and practicing dentist may delegate to competent office personnel as to which procedures the dentist exercises supervision and responsibility. Delegated procedures may not include either:

- (1) those procedures which require professional judgment and skill such as diagnosis, treatment planning, and the cutting of hard or soft tissues or any intraoral impression which would lead to the fabrication of an appliance, which, when worn by the patient,

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would come in direct contact with hard or soft tissues and which could result in tissue irritation or injury; or

(2) those procedures allocated under IC 25-13-1 to licensed dental hygienists.

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

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

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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HEA 1376 — Concur+

