

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1376, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1           Page 2, line 17, after "plan." insert "**This subsection expires June**  
2           **30, 2009.**".

3           Page 3, line 40, delete "." and insert "**until the expiration of**  
4           **subsection (c).**".

5           Page 5, line 31, after "plan." insert "**This subsection expires June**  
6           **30, 2009.**".

7           Page 6, after line 29, begin a new paragraph and insert:

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

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

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

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

- 1 (1) Uses the word "dentist" or "dental surgeon", the letters  
2 "D.D.S." or "D.M.D.", or other letters or titles in connection with  
3 dentistry.
- 4 (2) Directs and controls the treatment of patients within a place  
5 where dental services are performed.
- 6 (3) Advertises or permits to be advertised by sign, card, circular,  
7 handbill, newspaper, radio, or otherwise that he can or will  
8 attempt to perform dental operations of any kind.
- 9 (4) Offers to diagnose or professes to diagnose or treats or  
10 professes to treat any of the lesions or diseases of the human oral  
11 cavity, teeth, gums, or maxillary or mandibular structures.
- 12 (5) Extracts human teeth or corrects malpositions of the teeth or  
13 jaws.
- 14 (6) **Except as provided in IC 25-13-1-10.5**, administers dental  
15 anesthetics.
- 16 (7) Uses x-ray pictures for dental diagnostic purposes.
- 17 (8) Makes impressions or casts of any oral tissues or structures for  
18 the purpose of diagnosis or treatment thereof or for the  
19 construction, repair, reproduction, or duplication of any prosthetic  
20 device to alleviate or cure any oral lesion or replace any lost oral  
21 structures, tissue, or teeth.
- 22 (9) Advertises to the public by any method, except trade and  
23 professional publications, to furnish, supply, construct, reproduce,  
24 repair, or adjust any prosthetic denture, bridge, appliance, or other  
25 structure to be worn in the human mouth.
- 26 (10) Is the employer of a dentist who is hired to provide dental  
27 services.
- 28 (11) Directs or controls the use of dental equipment or dental  
29 material while the equipment or material is being used to provide  
30 dental services. However, a person may lease or provide advice  
31 or assistance concerning dental equipment or dental material if  
32 the person does not restrict or interfere with the custody, control,  
33 or use of the equipment or material by the dentist. This  
34 subdivision does not prevent a dental hygienist who is licensed  
35 under IC 25-13 from owning dental equipment or dental materials  
36 within the dental hygienist's scope of practice.
- 37 (12) Directs, controls, or interferes with a dentist's clinical  
38 judgment.
- 39 (13) Exercises direction or control over a dentist through a written  
40 contract concerning the following areas of dental practice:
  - 41 (A) The selection of a patient's course of treatment.
  - 42 (B) Referrals of patients, except for requiring referrals to be

1 within a specified provider network, subject to the exceptions  
2 under IC 27-13-36-5.

3 (C) Content of patient records.

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

7 (E) The clinical content of advertising.

8 (F) Final decisions relating to the employment of dental office  
9 personnel.

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

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

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

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

27 (2) The case identification.

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

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

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

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

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

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

41 (1) those procedures which require professional judgment and  
42 skill such as diagnosis, treatment planning, and the cutting of hard

1 or soft tissues or any intraoral impression which would lead to the  
2 fabrication of an appliance, which, when worn by the patient,  
3 would come in direct contact with hard or soft tissues and which  
4 could result in tissue irritation or injury; or  
5 (2) those procedures allocated under IC 25-13-1 to licensed dental  
6 hygienists.

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

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

16 Renumber all SECTIONS consecutively.

(Reference is to HB 1376 as printed February 14, 2007.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 9, Nays 0.

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**Senator Miller, Chairperson**