

IC 25-14

ARTICLE 14. DENTISTS

IC 25-14-1

Chapter 1. Regulation of Dentists; Creation of Board

IC 25-14-1-0.5

Repealed

(Repealed by P.L.258-1987, SEC.3.)

IC 25-14-1-1

Necessity for license

Sec. 1. (a) Except as permitted under this chapter, it is unlawful for any person to practice dentistry in Indiana who is not licensed under this chapter.

(b) This chapter does not prohibit:

- (1) a hospital;
- (2) a public health clinic;
- (3) a federally qualified health center;
- (4) a rural health center;
- (5) a charitable health clinic;
- (6) a governmental entity;
- (7) a contractor or subcontractor of a governmental entity; or
- (8) another entity specified by a rule of the board;

from providing dental health services if the dental health services are provided by dentists (licensed under this chapter) or dental hygienists (licensed under IC 25-13).

(Formerly: Acts 1913, c.138, s.1.) As amended by P.L.102-2000, SEC.1.

IC 25-14-1-1.5

Definitions

Sec. 1.5. The following definitions apply throughout this article:

- (1) "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.
- (2) "Board" refers to the state board of dentistry established under this chapter.
- (3) "Deep sedation" means a drug induced depression of consciousness during which cardiovascular function is usually maintained and the individual may:
 - (A) not be easily aroused;
 - (B) be able to respond purposefully following repeated or painful stimulation;
 - (C) have an impaired ability to independently maintain ventilatory function;
 - (D) require assistance in maintaining a patent airway; and
 - (E) have inadequate spontaneous ventilation.
- (4) "Dental assistant" means a qualified dental staff member, other than a licensed dental hygienist, who assists a licensed dentist with patient care while working under the dentist's direct

supervision.

(5) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental assistant.

(6) "Enteral route of administration" means a technique of administering an agent so that it is absorbed through the gastrointestinal tract or oral mucosa.

(7) "General anesthesia" means a drug induced loss of consciousness during which cardiovascular function may be impaired and the individual:

(A) is not arousable, even by painful stimulation;

(B) often has an impaired ability to independently maintain ventilatory function;

(C) often requires assistance in maintaining a patent airway; and

(D) may require positive pressure ventilation because of depressed spontaneous ventilation or drug induced depression of neuromuscular function.

(8) "Moderate sedation" means a drug induced depression of consciousness during which cardiovascular function is usually maintained and the individual:

(A) responds purposefully to verbal commands, either alone or with light tactile stimulation;

(B) does not require intervention to maintain a patent airway; and

(C) has adequate spontaneous ventilation.

(9) "Parenteral route of administration" means a technique of administering an agent by intravenous or intramuscular injection so that it bypasses the gastrointestinal tract.

As added by P.L.258-1987, SEC.1. Amended by P.L.24-1999, SEC.9; P.L.1-2006, SEC.430; P.L.134-2008, SEC.23; P.L.103-2011, SEC.11.

IC 25-14-1-2

State board of dentistry; appointments; districts; examination

Sec. 2. (a) The state board of dentistry is established and consists of:

(1) nine (9) practicing dentists licensed under IC 25-14 who must have been in practice in Indiana for not less than the five (5) years;

(2) one (1) practicing dental hygienist who:

(A) has been practicing in Indiana as a dental hygienist:

(i) in 2011 and 2012, for at least three (3) years; and

(ii) after 2012, for at least five (5) years; and

(B) is licensed under IC 25-13-1; and

(3) one (1) member to represent the general public who must be a resident to this state and in no way associated with the profession of dentistry other than as a consumer.

All eleven (11) members of the board shall be appointed by the governor for a term of three (3) years each. Any member of the board

may serve until the member's successor is appointed and qualified under this chapter. A member may serve consecutive terms, but no member may serve more than three (3) terms or a total of nine (9) years.

(b) The appointment of the dentist members shall be made in a manner that, at all times, each dentist member on the board represents and is a resident of one (1) of nine (9) examiner districts set forth in this subsection. Each dentist member shall be chiefly responsible in the performance of his or her duties with regard to the district from which he or she is appointed. The nine (9) dentist members' districts consist of the following counties:

(1) District 1. Tipton, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson, and Shelby.

(2) District 2. Lake, Porter, LaPorte, and Jasper.

(3) District 3. St. Joseph, Elkhart, Starke, Marshall, Kosciusko, and Fulton.

(4) District 4. LaGrange, Steuben, Jay, Noble, Whitley, Allen, Huntington, Wells, DeKalb, and Adams.

(5) District 5. Knox, Daviess, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, Spencer, and Perry.

(6) District 6. Newton, Benton, White, Pulaski, Cass, Miami, Wabash, Grant, Howard, Carroll, Warren, Tippecanoe, and Clinton.

(7) District 7. Vermillion, Parke, Fountain, Montgomery, Boone, Putnam, Vigo, Clay, Sullivan, Owen, Greene, and Martin.

(8) District 8. Madison, Delaware, Blackford, Randolph, Rush, Fayette, Union, Henry, and Wayne.

(9) District 9. Monroe, Brown, Bartholomew, Decatur, Franklin, Lawrence, Jackson, Jennings, Ripley, Dearborn, Orange, Washington, Scott, Jefferson, Switzerland, Ohio, Crawford, Harrison, Floyd, and Clark.

(c) The board may issue licenses to applicants who pass an examination administered by an entity that has been approved by the board.

(Formerly: Acts 1913, c.138, s.2; Acts 1931, c.169, s.1; Acts 1935, c.90, s.1; Acts 1949, c.248, s.1; Acts 1963, c.151, s.1; Acts 1971, P.L.372, SEC.1.) As amended by Acts 1977, P.L.2, SEC.76; Acts 1977, P.L.172, SEC.11; Acts 1981, P.L.222, SEC.120; Acts 1982, P.L.113, SEC.51; P.L.169-1985, SEC.46; P.L.24-1999, SEC.10; P.L.103-2011, SEC.12.

IC 25-14-1-3

Examination; fees

Sec. 3. (a) A person desiring to begin the practice of dentistry in Indiana shall procure from the board a license to practice dentistry in Indiana. Except as provided in section 4.5 of this chapter, to procure the license, the applicant must submit to the board proof of graduation from a dental college recognized by the board. The board may recognize dental schools accredited by the Commission on

Dental Accreditation of the American Dental Association, if the board is satisfied that the recognition is consistent with the board's requirements. Every applicant must pass an examination administered by an entity approved by the board and may not take the examination more than three (3) times.

(b) A fee paid under this article may not be refunded.

(Formerly: Acts 1913, c.138, s.3; Acts 1931, c.169, s.2; Acts 1949, c.248, s.2; Acts 1963, c.151, s.2; Acts 1971, P.L.372, SEC.2.) As amended by Acts 1977, P.L.172, SEC.12; Acts 1981, P.L.222, SEC.121; P.L.169-1985, SEC.47; P.L.7-1987, SEC.119; P.L.354-1989(ss), SEC.2; P.L.103-2011, SEC.13; P.L.264-2013, SEC.6.

IC 25-14-1-3.1

Anesthesia or sedation; permit to administer; requirements; renewal

Sec. 3.1. (a) A dentist must have a permit to administer:

- (1) general anesthesia/deep sedation; or
- (2) moderate sedation using a parenteral route of administration;

to a patient.

(b) The board shall establish by rule the educational and training requirements for the issuance and renewal of a permit required by subsection (a).

(c) The board shall establish the requirements for a program of education and training for pediatric anesthesiology.

(d) The requirements for a permit issued under this section must be based on the current American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students", as adopted by the American Dental Association House of Delegates.

(e) A permit issued under this section must be renewed biennially. *As added by P.L.258-1987, SEC.2. Amended by P.L.33-1993, SEC.21; P.L.103-2011, SEC.14; P.L.6-2012, SEC.171.*

IC 25-14-1-3.5

Fees; establishment; disposition

Sec. 3.5. (a) Under IC 25-1-8 the board shall establish, under IC 25-13-1-5 and section 13 of this chapter, fees sufficient to implement IC 25-13 and IC 25-14.

(b) All money received by the board under this chapter shall be paid to the agency, which shall:

- (1) give a proper receipt for the same; and
- (2) at the end of each month:
 - (A) report to the auditor of state the total amount received from all sources; and
 - (B) deposit the entire amount of such receipts with the state treasurer to be deposited by the treasurer in the general fund of the state.

All expenses incurred in the administration of this chapter shall be

paid from the general fund upon appropriation being made therefor in the manner provided by law for making such appropriations.

(Formerly: Acts 1971, P.L.372, SEC.3.) As amended by Acts 1976, P.L.119, SEC.12; Acts 1977, P.L.172, SEC.13; Acts 1981, P.L.222, SEC.122; P.L.169-1985, SEC.48; P.L.1-2006, SEC.431.

IC 25-14-1-3.7

Dental compliance fund; administration of fund; funds; memorandum of understanding for use of funds

Sec. 3.7. (a) The dental compliance fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of:

- (1) IC 25-1-9 concerning an individual licensed under IC 25-13 or this article;
- (2) IC 25-13; and
- (3) this article.

The fund shall be administered by the Indiana professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of:

- (1) compliance fees paid under IC 25-13-1-8 and section 10(a) of this chapter; and
- (2) fines and civil penalties collected through investigations of violations of:
 - (A) IC 25-1-9 concerning individuals licensed under IC 25-13 or this article;
 - (B) IC 25-13; and
 - (C) this article;

conducted by the board or the attorney general.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The attorney general and the Indiana professional licensing agency shall enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of:

- (1) IC 25-1-9 if the individual is licensed under IC 25-13 or this article;
- (2) IC 25-13; and
- (3) this article.

(f) The attorney general and the Indiana professional licensing agency shall present any memorandum of understanding under subsection (e) annually to the board for review.

As added by P.L.103-2011, SEC.15. Amended by P.L.264-2013, SEC.7.

IC 25-14-1-4

Repealed

(Repealed by Acts 1977, P.L.172, SEC.56.)

IC 25-14-1-4.5

Requirements if degree is from unaccredited dental college outside of United States

Sec. 4.5. (a) An applicant for a license under this article who has been awarded a doctoral degree in dentistry or an equivalent degree from an unaccredited dental college located outside the United States must meet the following requirements in order to be granted a license:

- (1) The applicant must apply for a license on a form prescribed by the board.
- (2) The applicant must pass an English proficiency examination approved by the board.
- (3) The applicant must be at least twenty-two (22) years of age.
- (4) The applicant must not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently.
- (5) The applicant must pass the following examinations:
 - (A) Part I and Part II of the United States National Board Dental Examination and a written jurisprudence examination.
 - (B) A basic science and laboratory examination, at the discretion of the board.
- (6) The applicant must have successfully completed a clinical training program of at least two (2) years in one (1) of the following:
 - (A) An accredited institution that reasonably ensures a level of competency equal to that of graduates of accredited dental colleges, as determined by the board.
 - (B) A general practice residency program at an accredited institution.
 - (C) Advanced education in a general dentistry program from an accredited institution.
- (7) The applicant must satisfy at least one (1) of the following requirements:
 - (A) Receive a passing score on a clinical examination that has been approved by the board.
 - (B) Possess a license in good standing from another state and be legally engaged in the practice of dentistry in:
 - (i) the other state;
 - (ii) the United States Armed Services;
 - (iii) the United States Public Health Service; or
 - (iv) the United States Department of Veterans Affairs;for the five (5) years immediately preceding the application.
- (b) The board, at its discretion, may waive the requirements of subsection (a)(2).

As added by P.L.264-2013, SEC.8.

IC 25-14-1-5

Limited dental residency permit for students; fee; practice under permit

Sec. 5. (a) The board may at its discretion issue a limited dental residency permit to a school for use by any student or former student to whom it has not issued a license but who is attending or is a graduate of a dental college recognized by the board and is completing a residency program. However, the school shall furnish the board with satisfactory evidence that the student or former student is enrolled in an accredited dental residency or fellowship program and is using the permit only for school purposes. The school shall maintain the permit at the school.

(b) The fee for the permit shall be set by the board under section 13 of this chapter.

(c) Any person using a school's limited dental residency permit may practice dentistry only in a hospital or other board approved institution designated in the permit and only under the direction of a licensed dentist who is a member of the dental staff of the hospital or other institution. The dental practice shall be limited to bona fide patients of the hospital or other institution.

(d) The permit:

(1) shall be:

(A) valid for only one (1) year from date of issue; and

(B) renewable in the discretion of the board upon the payment of a fee determined by the board under section 13 of this chapter; and

(2) may be recalled at any time by the board.

(Formerly: Acts 1913, c.138, s.4a; Acts 1949, c.248, s.3; Acts 1963, c.151, s.4; Acts 1971, P.L.372, SEC.5.) As amended by Acts 1977, P.L.172, SEC.14; P.L.169-1985, SEC.49; P.L.103-2011, SEC.16.

IC 25-14-1-5.5

Limited dental faculty license; requirements; use of license; fee

Sec. 5.5. (a) The board may issue a limited dental faculty license. An applicant for a license under this section must meet the following requirements:

(1) Be a graduate of an American Dental Association recognized dental program, as determined by the board.

(2) Be employed by a recognized dental school.

(b) An individual granted a limited dental faculty license under this section:

(1) may use the license only to practice at the school where the individual is employed and as a part of the individual's research or teaching responsibilities; and

(2) may not use the license to obtain:

(A) a license under section 3 of this chapter; or

(B) reciprocity or endorsement under this article.

(c) The board shall set the license fee under section 13 of this chapter.

As added by P.L.103-2011, SEC.17. Amended by P.L.264-2013,

SEC.9.

IC 25-14-1-5.7

Limited voluntary charitable permit; requirements; prohibition on controlled substances; expiration

Sec. 5.7. (a) The board may issue a limited voluntary charitable permit. An applicant for a permit under this section must meet the following requirements:

(1) An applicant must be:

(A) the holder of an inactive license under section 27.1 of this chapter; or

(B) licensed as a dentist in another state and be in good standing with that state's licensing agency.

(2) An applicant must provide proof that either:

(A) the individual; or

(B) the clinic at which the individual will practice; has malpractice insurance that covers the individual.

(3) An applicant must plan to provide, without compensation, dental care to individuals who are indigent, in critical need, or uninsured.

(b) An individual practicing under a permit issued under this section may not distribute, dispense, or administer a controlled substance.

(c) A permit issued under this section expires sixty (60) days from issuance.

As added by P.L.264-2013, SEC.10.

IC 25-14-1-6

Repealed

(Repealed by Acts 1977, P.L.172, SEC.56.)

IC 25-14-1-7

Repealed

(Repealed by Acts 1977, P.L.172, SEC.56.)

IC 25-14-1-8

Repealed

(Repealed by Acts 1977, P.L.172, SEC.56.)

IC 25-14-1-9

Repealed

(Repealed by P.L.169-1985, SEC.97.)

IC 25-14-1-10

Expiration of license; renewal; fee; display of license; reinstatement; rules

Sec. 10. (a) Unless renewed, a license issued by the board expires on a date specified by the agency under IC 25-1-5-4(k). An applicant for renewal shall pay the renewal fee set by the board under section 13 of this chapter on or before the renewal date specified by the

agency. In addition to the renewal fee set by the board, an applicant for renewal shall pay a compliance fee of twenty dollars (\$20) to be deposited in the dental compliance fund established by section 3.7 of this chapter.

(b) The license shall be properly displayed at all times in the office of the person named as the holder of the license, and a person may not be considered to be in legal practice if the person does not possess the license and renewal card.

(c) If a holder of a dental license does not renew the license on or before the renewal date specified by the agency, without any action by the board the license together with any related renewal card is invalidated.

(d) Except as provided in section 27.1 of this chapter, a license invalidated under subsection (c) may be reinstated by the board in three (3) years or less after its invalidation if the holder of the license meets the requirements under IC 25-1-8-6(c).

(e) Except as provided in section 27.1 of this chapter, if a license remains invalid under subsection (c) for more than three (3) years, the holder of the invalid license may obtain a reinstated license by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(f) The board may require the holder of an invalid license who files an application under this subsection to appear before the board and explain why the holder failed to renew the license.

(g) The board may adopt rules under section 13 of this chapter establishing requirements for the reinstatement of a license that has been invalidated for more than three (3) years. The fee for a duplicate license to practice as a dentist is subject to IC 25-1-8-2.

(h) Biennial renewal of licenses is subject to IC 25-1-2.

(i) Subject to IC 25-1-4-3, an application for renewal of a license under this section must contain a sworn statement signed by the applicant attesting that the applicant has fulfilled the continuing education requirements under IC 25-14-3.

(Formerly: Acts 1913, c.138, s.9; Acts 1931, c.169, s.5; Acts 1935, c.90, s.4; Acts 1949, c.248, s.4; Acts 1951, c.120, s.1; Acts 1963, c.151, s.5; Acts 1971, P.L.372, SEC.7.) As amended by Acts 1977, P.L.172, SEC.15; Acts 1981, P.L.222, SEC.124; P.L.169-1985, SEC.50; P.L.149-1987, SEC.32; P.L.185-1991, SEC.6; P.L.235-1995, SEC.6; P.L.44-2000, SEC.3; P.L.269-2001, SEC.9; P.L.1-2006, SEC.432; P.L.105-2008, SEC.29; P.L.264-2013, SEC.11.

IC 25-14-1-11

Board of examiners; removal of members; filling vacancies

Sec. 11. The governor shall have the power to remove any member of the board for incompetency, gross immorality, for any abuse of his official power or for any other good cause and may fill any vacancy occasioned by removal, death, resignation or otherwise, by appointment. Any person appointed to fill any vacancy of such board, whether caused by death, resignation, removal or otherwise, shall hold for the unexpired term of the member whose place he is

appointed to fill and all vacancies shall be filled in the manner prescribed for the regular appointments to said board.

(Formerly: Acts 1913, c.138, s.10; Acts 1963, c.151, s.6.)

IC 25-14-1-12

Meetings of board; records; affiliation

Sec. 12. (a) The board shall hold not less than two (2) regular meetings in each year at such place as may be fixed by the board and as often in addition as may be necessary for the transaction of such business as may properly come under the provisions of this chapter, and it shall have power to make all necessary rules in accordance with this chapter. Additional meetings may be called at any time by the president or any six (6) members of the board to be held at such time and place as may be designated in the call. Six (6) members of the board constitute a quorum. A majority of the quorum may transact business. The board shall elect a president and a secretary. For their services, the members shall receive per diem and travel expenses as otherwise provided by law.

(b) It shall be the duty of the board through the agency to keep a record of all applications for licenses for a period of time designated by the board, subject to the final approval of the oversight committee on public records under IC 5-15-5.1-19. Such records shall contain all the facts set forth in the application, including the action of the board. The agency shall carry out the administrative functions of the board and shall provide necessary personnel to enable the board to properly carry out and enforce this chapter.

(c) The board may affiliate with the American Association of Dental Boards as an active member thereof and may pay the regular annual dues of the association out of any available funds of the board, which are obtained by examination fees or registration renewal fees as provided by law. However, the affiliation with the American Association of Dental Boards shall not impair, restrict, enlarge, or modify any of the rights, powers, duties, or functions of the board as prescribed by the laws of this state. The board may designate one (1) of its members as a delegate of any meeting of the association, and such delegate member shall receive the regular per diem paid to members of the board for their services on the board and the member's necessary expenses while traveling to and from and attending such meetings.

(Formerly: Acts 1913, c.138, s.11; Acts 1917, c.160, s.1; Acts 1949, c.248, s.5; Acts 1951, c.120, s.2; Acts 1963, c.151, s.7; Acts 1971, P.L.372, SEC.8; Acts 1972, P.L.10, SEC.7.) As amended by Acts 1977, P.L.2, SEC.77; Acts 1977, P.L.172, SEC.16; Acts 1981, P.L.222, SEC.125; P.L.169-1985, SEC.51; P.L.149-1987, SEC.33; P.L.1-2006, SEC.433; P.L.103-2011, SEC.18.

IC 25-14-1-13

Powers and duties of board; complaints; hearings

Sec. 13. (a) The board is charged with the duty of administering and enforcing the laws pertaining to the practice of dentistry and of

dental hygiene. The board may adopt and enforce rules for the administration and enforcement of this article in accordance with IC 4-22-2. The board shall adopt a code of professional conduct and shall adopt rules establishing standards for the competent practice of dentistry or dental hygiene. The board may adopt rules concerning assessment of costs in disciplinary proceedings before the board.

(b) Complaints against persons licensed under this article or IC 25-13 are subject to IC 25-1-7. The board may conduct hearings concerning these complaints in accordance with IC 4-21.5.

(Formerly: Acts 1913, c.138, s.12; Acts 1935, c.90, s.5; Acts 1949, c.248, s.6; Acts 1963, c.151, s.8.) As amended by Acts 1981, P.L.222, SEC.126; P.L.169-1985, SEC.52; P.L.149-1987, SEC.34.

IC 25-14-1-14

Injunction

Sec. 14. The attorney general, prosecuting attorney, the state board of dentistry, or any citizen of any county where any person shall engage in the practice of dentistry, as herein defined, without possessing a valid license so to do, may, in accordance with the laws of the state of Indiana governing injunctions, maintain an action in the name of the state of Indiana to enjoin such person from engaging in the practice of dentistry, as herein defined, until a valid license to practice dentistry be secured. And any person who has been so enjoined who shall violate such injunction shall be punished for contempt of court: Provided, That such injunction shall not relieve such person so practicing dentistry without a valid license from a criminal prosecution therefor as is now provided by law, but such remedy by injunction shall be in addition to any remedy now provided for the criminal prosecution of such offender. In charging any person in a complaint for injunction, or in an affidavit, information or indictment, with a violation of this law by practicing dentistry without a valid license, it shall be sufficient to charge that such person did, upon a certain day and in a certain county, engage in the practice of dentistry, he not having a valid license so to do, without averring any further or more particular facts concerning the same.

(Formerly: Acts 1913, c.138, s.12a; Acts 1931, c.169, s.6.) As amended by P.L.24-1999, SEC.11.

IC 25-14-1-15

Attorney's fees

Sec. 15. If judgment is rendered in favor of the plaintiff in any action brought under the provisions of this chapter, the court rendering the judgment shall also render judgment for reasonable attorney's fees in the action in favor of the plaintiff and against the defendant, and when collected the fees shall be paid to the attorney or the attorneys of the plaintiff and if paid to the attorney general or to any prosecuting attorney shall be additional to any compensation otherwise allowed by law.

(Formerly: Acts 1913, c.138, s.12b; Acts 1931, c.169, s.7.) As

amended by Acts 1982, P.L.154, SEC.49; P.L.103-2011, SEC.19.

IC 25-14-1-16

Applicant requirements; issuance of license; fee; rules for endorsement; appearance before board

Sec. 16. (a) An applicant under this article must submit to the board proof satisfactory to the board that the applicant has not been convicted of a crime that has a direct bearing on the applicant's ability to practice competently.

(b) The board may issue a license upon payment of a fee, set by the board under section 13 of this chapter, to an applicant who furnishes proof satisfactory to the board that the applicant is a dentist who:

- (1) is licensed in another state or a province of Canada that has licensing requirements substantially equal to those in effect in Indiana on the date of application;
- (2) has practiced dentistry for at least two (2) of the three (3) years preceding the date of application;
- (3) passes the law examination administered by the board or an entity approved by the board;
- (4) has completed the required hours of continuing education in the previous two (2) years; and
- (5) meets all other requirements of this chapter.

(c) The board shall have power to adopt rules under section 13 of this chapter for licensure by endorsement.

(d) An applicant shall, at the request of the board, make an appearance before the board.

(Formerly: Acts 1913, c.138, s.13; Acts 1917, c.160, s.2; Acts 1935, c.90, s.6; Acts 1963, c.151, s.9.) As amended by Acts 1977, P.L.172, SEC.17; P.L.169-1985, SEC.53; P.L.149-1987, SEC.35; P.L.48-1991, SEC.26; P.L.33-1993, SEC.22; P.L.24-1999, SEC.12; P.L.46-2005, SEC.1; P.L.103-2011, SEC.20.

IC 25-14-1-16.1

Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-14-1-17

Record of persons practicing with and employed by certificate holder

Sec. 17. A person practicing dentistry, upon written demand made by the secretary of the state board of dentistry, shall not fail to furnish in writing, within twenty (20) days after such demand, the name and address of each person practicing or assisting in the practice of dentistry in the office of said person, together with a sworn statement showing by what authority or license such person or persons are practicing dentistry and in what capacity nonlicensed persons are assisting in practice; said list of names and addresses shall include all persons who have been thus employed within the sixty (60) days next preceding such demand; however, such affidavit

may not be used as evidence against either said person or persons so reported in any proceeding under this chapter.

(Formerly: Acts 1913, c.138, s.14; Acts 1917, c.160, s.3; Acts 1931, c.169, s.8.) As amended by Acts 1978, P.L.2, SEC.2528; P.L.24-1999, SEC.13.

IC 25-14-1-18

Display of name and license

Sec. 18. A practitioner of dentistry shall not fail to post, and keep conspicuously displayed, his name and license in the dental office wherein he practices, in plain sight of his patients; if there are more dentists than one (1) practicing or employed in any dental office, the manager or proprietor of the office shall not fail to post and display the name and license of each dentist so practicing and so employed therein.

(Formerly: Acts 1913, c.138, s.15; Acts 1917, c.160, s.4.) As amended by Acts 1977, P.L.172, SEC.18; Acts 1978, P.L.2, SEC.2529.

IC 25-14-1-19

Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-14-1-19.1

Repealed

(Repealed by P.L.152-1988, SEC.30.)

IC 25-14-1-20

Disciplinary proceedings

Sec. 20. Proceedings for disciplinary action against a holder of a license to practice dentistry or dental hygiene in Indiana shall be had in accordance with IC 25-1-7 and IC 4-21.5.

(Formerly: Acts 1913, c.138, s.17; Acts 1931, c.169, s.10; Acts 1935, c.90, s.8; Acts 1963, c.151, s.11.) As amended by Acts 1977, P.L.172, SEC.20; P.L.169-1985, SEC.55; P.L.7-1987, SEC.120.

IC 25-14-1-21

Representation by attorney general

Sec. 21. It shall be the duty of the attorney general to represent the state board of dentistry in any court in which an action may be filed for the review of an order of the board as provided for in section 20 of this chapter. The attorney general may, at his discretion, call to his assistance in such action, the prosecuting attorney of the county in which such action is filed. Also, the board, with the written consent of the attorney general, shall have the right to employ, out of its own funds, any other attorney or attorneys to assist the attorney general in any such action.

(Formerly: Acts 1913, c.138, s.18; Acts 1935, c.90, s.9; Acts 1963, c.151, s.12.) As amended by Acts 1982, P.L.154, SEC.50; P.L.24-1999, SEC.14.

IC 25-14-1-22

Exceptions

Sec. 22. This chapter does not apply to the following:

- (1) Any commissioned officer of the regular United States armed services, United States Public Health Service, or United States Department of Veterans Affairs in the discharge of the officer's official duties.
- (2) Any dentist who is legally qualified to practice in the state or territory where the dentist resides, when in actual consultation with a legal practitioner of Indiana.
- (3) Any dentist residing on the border of a neighboring state and authorized to practice dentistry under the laws of the state whose practice extends into the border of Indiana; however, such practitioner shall not open an office or appoint a place to meet patients or solicit practice within Indiana.
- (4) Any dentist who is licensed in another state while appearing as a clinician for demonstrating certain methods of technical procedures before a meeting, clinic, or convention of Indiana dentists; however, no fee, cash, or money reimbursement, consideration, or remuneration of any kind is paid directly or indirectly or by any subterfuge, to such clinician by or for the person used as a patient in such clinic or demonstration.
- (5) Licensed physicians or surgeons who are authorized to take x-ray pictures of the human teeth or jaws, to extract teeth, and to perform surgical operations (as described in IC 25-22.5-1-1.1(a)(1)(C)) upon the teeth or jaws at their usual office or residence or within the vicinity of their ordinary practice, whenever, in their judgment, the same may be necessary. This exception shall not apply to itinerant licensed physicians and surgeons who have to a large extent abandoned their practice as physicians and surgeons and are, in fact and effect, practicing dentistry almost exclusively.

(Formerly: Acts 1913, c.138, s.19; Acts 1931, c.169, s.11; Acts 1935, c.90, s.10.) As amended by Acts 1977, P.L.172, SEC.21; P.L.169-1985, SEC.56; P.L.1-1990, SEC.252; P.L.217-1993, SEC.1.

IC 25-14-1-23

Practice of dentistry; delegation; procedures prohibited to be delegated; dental students; pharmacists filling prescriptions; services dental assistants may perform

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 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 the person 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, gingiva, 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 and IC 25-13-1-10.6, administers dental anesthetics.

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

(8) Makes:

(A) oral images for the fabrication of a final restoration, impression, or cast;

(B) impressions; or

(C) 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.

(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 a dental assistant as to which procedures the dentist exercises direct supervision and responsibility.

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

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

(e) 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.

(f) Licensed pharmacists of this state may fill prescriptions of

licensed dentists of this state for any drug necessary in the practice of dentistry.

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

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

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

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

(Formerly: Acts 1913, c.138, s.20; Acts 1917, c.160, s.6; Acts 1931, c.169, s.12; Acts 1943, c.308, s.2; Acts 1963, c.151, s.13; Acts 1971, P.L.372, SEC.9.) As amended by P.L.169-1985, SEC.57; P.L.155-1988, SEC.1; P.L.102-2000, SEC.2; P.L.121-2007, SEC.5; P.L.134-2008, SEC.24; P.L.264-2013, SEC.12.

IC 25-14-1-24

Evidence of practice of dentistry; exception

Sec. 24. The announcing to the public in any manner of intent to maintain, directly or indirectly, an office or place of business for the practice of dentistry, or the use of any professional degree, title, or designation, personal or otherwise, or a sign, card, circular, device, picture, or advertisement that might impress the public that the office is used for the practice of dentistry is prima facie evidence of engaging in the practice of dentistry. Nothing in this section may be construed to interfere with sales of dental equipment or materials by established, bona fide dealers or with the renting or leasing of real estate or dental equipment by the actual owner thereof or his agent. *(Formerly: Acts 1913, c.138, s.20a; Acts 1943, c.308, s.3.) As amended by P.L.155-1988, SEC.2.*

IC 25-14-1-25 Version a

Specific violations

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 25. (a) It is a Class D felony for a person to do any of the following:

- (1) Practice dentistry not being at the time a dentist duly licensed to practice as such in this state under this chapter.
- (2) Employ, hire, or procure one who is not duly licensed as a dentist to practice dentistry, but a person practiced upon by an unlicensed dentist does not violate this section.

(b) It is a Class B misdemeanor for a person to do any of the following:

- (1) Sell or barter, or offer to sell or barter, or, not being lawfully authorized so to do, issue or confer, or offer to issue or confer, any dental degree, license, or any diploma or document conferring, or purporting to confer, any dental degree or license, or any certificate or transcript made, or purporting to be made, under this chapter.
- (2) Purchase, or procure by barter, any diploma, license, certificate, or transcript, with intent that it be used as evidence of the qualifications to practice dentistry of any person other than the one upon, or to whom, it was lawfully conferred or issued, or in fraud of the laws regulating the practice.
- (3) Use any diploma, certificate, or transcript which has been purchased, fraudulently issued, counterfeited, or materially altered, either as a license or color of license, to practice dentistry, or in order to procure registration as a dentist.
- (4) Practice dentistry under a false name, under a name intended to mislead the public, under the license of another person of the same name, or hold the person out to the public under such a name as a practitioner of dentistry.
- (5) Assume the title or degree of "Bachelor of Dental Surgery", append the letters "B.D.S.", "D.D.S.", "M.D.S.", or "D.M.D.", to the person's name, or make use of the same, or prefix to his name the title of "Doctor", or any abbreviation thereof, not having had duly conferred upon the person by diploma from some college, school, or board of examiners legally empowered to confer the same, the right to assume such a title.
- (6) Assume any title or append or prefix any words to the person's name, with intent to represent falsely that the person has received a dental degree or license.
- (7) Not having been licensed to practice dentistry under the laws of this state, represent that the person is entitled so to practice (a dental licensee may use the prefix "Doctor" or "Dr." to his name).
- (8) Falsely personate another at any examination to ascertain the preliminary professional education of candidates for dental certificates, dental degrees, or dental licenses or knowingly avail the person of the benefit of false personation.
- (8) Otherwise violate this chapter.

(c) Each date that a person violates this section constitutes a

separate offense.

(Formerly: Acts 1913, c.138, s.21; Acts 1917, c.160, s.7; Acts 1931, c.169, s.13; Acts 1963, c.151, s.14.) As amended by Acts 1977, P.L.172, SEC.22; Acts 1978, P.L.2, SEC.2530; P.L.169-1985, SEC.58; P.L.155-1988, SEC.3; P.L.103-2011, SEC.22.

IC 25-14-1-25 Version b

Specific violations

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 25. (a) It is a Level 6 felony for a person to do any of the following:

- (1) Practice dentistry not being at the time a dentist duly licensed to practice as such in this state under this chapter.
- (2) Employ, hire, or procure one who is not duly licensed as a dentist to practice dentistry, but a person practiced upon by an unlicensed dentist does not violate this section.

(b) It is a Class B misdemeanor for a person to do any of the following:

- (1) Sell or barter, or offer to sell or barter, or, not being lawfully authorized so to do, issue or confer, or offer to issue or confer, any dental degree, license, or any diploma or document conferring, or purporting to confer, any dental degree or license, or any certificate or transcript made, or purporting to be made, under this chapter.
- (2) Purchase, or procure by barter, any diploma, license, certificate, or transcript, with intent that it be used as evidence of the qualifications to practice dentistry of any person other than the one upon, or to whom, it was lawfully conferred or issued, or in fraud of the laws regulating the practice.
- (3) Use any diploma, certificate, or transcript which has been purchased, fraudulently issued, counterfeited, or materially altered, either as a license or color of license, to practice dentistry, or in order to procure registration as a dentist.
- (4) Practice dentistry under a false name, under a name intended to mislead the public, under the license of another person of the same name, or hold the person out to the public under such a name as a practitioner of dentistry.
- (5) Assume the title or degree of "Bachelor of Dental Surgery", append the letters "B.D.S.", "D.D.S.", "M.D.S.", or "D.M.D.", to the person's name, or make use of the same, or prefix to the person's name the title of "Doctor", or any abbreviation thereof, not having had duly conferred upon the person by diploma from some college, school, or board of examiners legally empowered to confer the same, the right to assume such a title.
- (6) Assume any title or append or prefix any words to the person's name, with intent to represent falsely that the person has received a dental degree or license.
- (7) Not having been licensed to practice dentistry under the laws of this state, represent that the person is entitled so to

practice (a dental licensee may use the prefix "Doctor" or "Dr." to the person's name).

(8) Falsely personate another at any examination to ascertain the preliminary professional education of candidates for dental certificates, dental degrees, or dental licenses or knowingly avail the person of the benefit of false personation.

(9) Otherwise violate this chapter.

(c) Each date that a person violates this section constitutes a separate offense.

(Formerly: Acts 1913, c.138, s.21; Acts 1917, c.160, s.7; Acts 1931, c.169, s.13; Acts 1963, c.151, s.14.) As amended by Acts 1977, P.L.172, SEC.22; Acts 1978, P.L.2, SEC.2530; P.L.169-1985, SEC.58; P.L.155-1988, SEC.3; P.L.103-2011, SEC.22; P.L.158-2013, SEC.282.

IC 25-14-1-25.5

Retirement, discontinuation of practice, moving or leaving community; requirements; penalty; enforcement

Sec. 25.5. (a) As used in this section, "active patient" applies and refers to a person whom the dentist has examined, treated, cared for, or otherwise consulted with during the two (2) year period before retirement, discontinuation of practice, or moving from or leaving the community.

(b) This section does not apply to a dentist engaged solely in an internship, a residency, a preceptorship, a fellowship, teaching, or another postgraduate dental education or training program.

(c) Upon retirement, discontinuation of practice, or moving from or leaving a community, a dentist shall:

(1) notify all of the dentist's active patients in writing, or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the community, that the dentist intends to discontinue the dentist's practice of dentistry in the community; and

(2) encourage the dentist's patients to seek the services of another dentist.

(d) The dentist who is retiring, discontinuing practice, or moving from or leaving a community shall make reasonable arrangements with the dentist's active patients for the transfer of the dentist's records, or copies of the records, to the succeeding dentist or, at the written request of the patient, to the patient, in compliance with IC 16-39.

(e) Nothing in this section supersedes the requirements of IC 16-39.

(f) A person who intentionally prevents a dentist from complying with the requirements in this section commits a Class A misdemeanor.

(g) The attorney general may enforce this section by bringing a civil action to enjoin a violation of this section.

(h) In an action brought under subsection (g), the court may:

(1) issue an injunction;

- (2) order the person to make payment of any money unlawfully received to be held in escrow for distribution to any aggrieved consumer;
- (3) order the person to pay the state the reasonable costs of the state's investigation and prosecution related to the action; and
- (4) order, for knowing violations, the person to pay a civil penalty of not more than five thousand dollars (\$5,000) per violation.

As added by P.L.264-2013, SEC.13.

IC 25-14-1-26

Repealed

(Repealed by P.L.4-1998, SEC.15.)

IC 25-14-1-27

Repealed

(Repealed by Acts 1979, P.L.17, SEC.55.)

IC 25-14-1-27.1

Inactive licenses; remediation

Sec. 27.1. (a) The board may classify a license as inactive if the board receives written notification from a licensed dentist stating that the dentist will not practice as a dentist in Indiana.

(b) The board may issue a license to the holder of an inactive license under this section, if the applicant:

- (1) pays the renewal fee set by the board;
- (2) pays the reinstatement fee set by the board;
- (3) meets continuing education requirements set by the board; and
- (4) meets competency standards set by the board.

(c) The board may require a licensee whose license has been inactive for more than three (3) years to participate in remediation or pass an examination administered by an entity approved by the board.

As added by P.L.235-1995, SEC.7. Amended by P.L.103-2011, SEC.21.

IC 25-14-1-27.5

Instructor's license; requirements; holding of license; prohibition on use; teaching and practicing dentistry; validity; fee; limitation on number; rules

Sec. 27.5. (a) The board may issue an instructor's license to an individual who is not otherwise licensed to practice dentistry in Indiana if the individual meets the following conditions:

- (1) The individual has been licensed or has had the equivalent of a license for five (5) of the preceding nine (9) years to practice dentistry in the United States or in any country, territory, or other recognized jurisdiction.
- (2) The individual has been approved under the credentialing process of an Indiana school of dentistry or an affiliated

medical center of an Indiana school of dentistry that is accredited by:

(A) the American Dental Association Commission on Dental Accreditation; or

(B) the Joint Commission on Accreditation of Health Care Organizations.

(3) The individual has successfully documented or demonstrated clinical and academic competency to the board.

(4) The individual is fluent in the English language.

(5) The individual passes the written law examination administered by the board.

(6) The individual meets the continuing education requirements required by IC 25-14-3.

(7) The individual pays the licensing fee set by the board under subsection (f).

(b) A license issued under this section must be held by the Indiana school of dentistry for which the licensee is employed.

(c) A license issued under this section does not meet the requirements of section 16 of this chapter and may not be used to obtain a general dentistry license under this article.

(d) A licensee under this section may teach and practice dentistry only at or on behalf of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry.

(e) An instructor's license is valid only during the time the licensee is employed or has a valid employment contract for a full-time faculty position at the Indiana school of dentistry or an affiliated medical center. The Indiana school of dentistry or the affiliated medical center shall notify the board in writing upon the termination of the employment contract of an individual who is issued a license under this section and surrender the license not later than thirty (30) days after the licensee's employment ceases.

(f) The board shall set a fee for the issuance and renewal of a license under this section.

(g) Unless renewed, a license issued by the board under this section expires annually on a date specified by the agency under IC 25-1-5-4. An applicant for renewal must pay the renewal fee set by the board on or before the renewal date specified by the agency.

(h) Not more than ten percent (10%) of the Indiana school of dentistry's full-time faculty may be individuals licensed under this section.

(i) The board shall adopt rules under IC 4-22-2 necessary to implement this section.

As added by P.L.210-2003, SEC.1. Amended by P.L.97-2004, SEC.92; P.L.1-2006, SEC.434; P.L.49-2008, SEC.1; P.L.103-2011, SEC.23.

IC 25-14-1-28

Severability

Sec. 28. If any provision of this chapter as amended be decided by the courts to be unconstitutional or invalid, such unconstitutional or

invalid provision shall be considered severable from the remainder of this chapter and shall be excised therefrom, and the same shall not affect the validity of this chapter as a whole, or any part thereof, other than the part so decided to be unconstitutional or invalid.

(Formerly: Acts 1913, c.138, s.23a; Acts 1931, c.169, s.14; Acts 1935, c.90, s.11.) As amended by Acts 1982, P.L.154, SEC.52.

IC 25-14-1-29

Liberal construction

Sec. 29. This chapter shall be deemed to be enacted in the interests of public health, safety, and welfare, and its provisions shall be liberally construed to serve such interests.

(Formerly: Acts 1971, P.L.372, SEC.10.)

IC 25-14-1-30

Repealed

(Repealed by P.L.6-2012, SEC.172; P.L.6-2012, SEC.173.)

IC 25-14-1-30.2

Certificates deemed licenses

Sec. 30.2. All certificates issued by the dental board for the practice of dentistry before May 1, 1977, shall be deemed to be licenses for the practice of dentistry. All applications for the practice of dentistry and all renewal notices sent for the practice of dentistry in Indiana shall be for licenses and not for certificates. For the purposes of this chapter, all certificates and renewals for certificates for the practice of dentistry shall be the same as licenses and renewals for licenses issued after May 1, 1977.

As added by P.L.6-2012, SEC.174.

IC 25-14-1-30.4

Discipline; knowledge of standards of conduct and practice

Sec. 30.4. (a) An individual who:

(1) is licensed under; and

(2) fails to comply with;

this article or rules adopted under this article is subject to discipline under IC 25-1-9.

(b) An individual who is licensed under this article is responsible for knowing the standards of conduct and practice established by this article and rules adopted under this article.

As added by P.L.6-2012, SEC.175.