

IC 25-13

ARTICLE 13. DENTAL HYGIENISTS

IC 25-13-1

Chapter 1. Regulation of Dental Hygienists by State Board of Dentistry

IC 25-13-1-1

Short title

Sec. 1. This chapter may be known and cited as The Dental Hygienist Act of Indiana.

(Formerly: Acts 1945, c.90, s.1.) As amended by Acts 1982, P.L.154, SEC.46.

IC 25-13-1-2

Definitions

Sec. 2. As used in this article:

(a) "Dental hygienist" means one who is especially educated and trained in the science and art of maintaining the dental health of the individual or community through prophylactic or preventive measures applied to the teeth and adjacent structures.

(b) "License" means the license to practice dental hygiene issued by the state board of dentistry to dental hygienist candidates who satisfactorily pass the board's examinations.

(c) "Board" means the state board of dentistry established by IC 25-14-1.

(d) "Proprietor dentist" means a licensed dentist who is the owner and operator of the dental office in which the licensed dentist practices the profession of dentistry and who employs at least one (1) licensed dentist or dental hygienist to supplement the licensed dentist's operation and conduct of the licensed dentist's dental office.

(e) "Employer dentist" means a proprietor dentist who employs at least one (1) dental hygienist to supplement the proprietor dentist's dental service to the proprietor dentist's clientele.

(f) "Referral" means a recommendation that a patient seek further dental care from a licensed dentist, but not a specific dentist.

(g) "Screening" means to identify and assess the health of the hard or soft tissues of the human oral cavity.

(h) "Public health setting" means a location, including a mobile health care vehicle, where the public is invited for health care, information, and services by a program sponsored or endorsed by a governmental entity or charitable organization.

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

(j) "Prescriptive supervision" means that a licensed dentist is not required to be physically present in the facility when patient care is provided by the dental hygienist if:

(1) the dental hygienist has completed, with at least an average of twenty (20) hours per week, at least two (2) years of active practice as a dental hygienist under the direct supervision of a licensed dentist;

(2) a licensed dentist:

(A) has:

(i) in a dental office setting, provided the patient with a comprehensive oral examination and any appropriate care in the previous seven (7) months;

(ii) issued a written order for the specific care to be provided that is valid for not more than ninety (90) days and provided in a dental office; and

(iii) notified the patient that the licensed dentist will not be present when the dental hygienist is providing the patient care; or

(B) has:

(i) in a setting other than a dental office, provided the patient with a comprehensive oral examination; and

(ii) issued to the patient, on the same day the licensed dentist provided the patient with a comprehensive oral examination, a written order for the specific care to be provided that is valid for not more than ninety (90) days; and

(3) the patient has provided a current medical history.

Nothing in subdivision (2)(A)(i) or (2)(B)(i) prohibits a dental hygienist from providing patient care before the licensed dentist provides the comprehensive oral examination if the licensed dentist provides the comprehensive oral examination on the same day that the dental hygienist has provided the patient care.

(k) "Licensed dentist" refers to a dentist licensed under IC 25-14. *(Formerly: Acts 1945, c.90, s.2; Acts 1971, P.L.371, SEC.1.) As amended by Acts 1981, P.L.222, SEC.109; P.L.185-1991, SEC.1; P.L.24-1999, SEC.7; P.L.134-2008, SEC.19; P.L.68-2014, SEC.1; P.L.140-2015, SEC.1; P.L.155-2016, SEC.1.*

IC 25-13-1-3

Necessity of license; Class B misdemeanor

Sec. 3. (a) Except as otherwise provided in this chapter, it is unlawful for any person to practice dental hygiene in Indiana without a license from the board authorizing that person to practice dental hygiene in this state.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

(Formerly: Acts 1945, c.90, s.3.) As amended by Acts 1981, P.L.222, SEC.110; P.L.30-2005, SEC.1.

IC 25-13-1-4

License; application; examination; fee

Sec. 4. (a) Any person desiring to practice dental hygiene in Indiana must procure from the board a license to practice dental hygiene. To procure a license, the applicant must submit to the board proof of graduation from an institution for educating dental hygienists that is approved by the board and other credentials required by this chapter, together with an application on forms prescribed and furnished by the board. Each applicant must pay to the board an application fee set by the board under section 5 of this chapter at the time the application is made and must pass an examination administered by an entity approved by the board. The board may establish under section 5 of this chapter additional requirements as a prerequisite to taking an examination for any applicant who has failed the examination two (2) or more times. Application fees are not refundable.

(b) An applicant described under subsection (a) shall, at the request of the board, make an appearance before the board.

(Formerly: Acts 1945, c.90, s.4; Acts 1971, P.L.371, SEC.2.) As amended by Acts 1981, P.L.222, SEC.111; Acts 1982, P.L.113, SEC.46; P.L.169-1985, SEC.39; P.L.152-1988, SEC.10; P.L.48-1991, SEC.24; P.L.103-2011, SEC.1.

IC 25-13-1-4.5

Limited voluntary charitable permit; requirements; expiration

Sec. 4.5. (a) The board may issue a limited voluntary charitable permit for a dental hygienist. An applicant for a permit under this section must meet the following requirements:

(1) The applicant must be:

(A) the holder of an inactive license under section 17.2 of this chapter; or

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

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

(b) A permit issued under this section expires sixty (60) days after issuance.

As added by P.L.264-2013, SEC.1.

IC 25-13-1-5

Powers and duties of board

Sec. 5. (a) The board shall enforce this chapter.

(b) The board may adopt rules consistent with this chapter and with IC 25-14-1 necessary for the proper enforcement of this chapter, the examination of dental hygienists, and for the conduct of the

practice of dental hygiene.

(c) The board may utilize a dental hygienist education program's accreditation by the Commission on Dental Accreditation of the American Dental Association as evidence that the program has met all or part of the standards for dental hygienist education programs established by the board.

(Formerly: Acts 1945, c.90, s.5.) As amended by Acts 1981, P.L.222, SEC.112; P.L.354-1989(ss), SEC.1.

IC 25-13-1-6

Qualifications of applicant

Sec. 6. An applicant:

- (1) must not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently;
- (2) must be a graduate of a school for dental hygienists that:
 - (A) is accredited by the Commission on Dental Accreditation of the American Dental Association;
 - (B) is recognized by the board; and
 - (C) requires a formal course of training of not less than two (2) years of eight (8) months each;
- (3) must pass an examination administered by an entity approved by the board; and
- (4) may not take the examination described in subdivision (3) more than three (3) times.

(Formerly: Acts 1945, c.90, s.6; Acts 1963, c.112, s.1.) As amended by Acts 1981, P.L.222, SEC.113; Acts 1982, P.L.113, SEC.47; P.L.169-1985, SEC.40; P.L.149-1987, SEC.27; P.L.185-1991, SEC.2; P.L.48-1991, SEC.25; P.L.24-1999, SEC.8; P.L.103-2011, SEC.2; P.L.264-2013, SEC.2.

IC 25-13-1-6.1

Repealed

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

IC 25-13-1-7

Recognition of licenses from other states

Sec. 7. The board may recognize licenses issued by other states as provided in section 17 of this chapter, and may recognize the examination of the national board of dental examiners, if it is consistent with the board's requirements.

(Formerly: Acts 1945, c.90, s.7; Acts 1963, c.112, s.2.) As amended by Acts 1981, P.L.222, SEC.114; P.L.103-2011, SEC.3.

IC 25-13-1-8

Dental hygienist license; examination; fee; expiration; renewal; reinstatement; display

Sec. 8. (a) A license to practice dental hygiene in Indiana may be issued to candidates who pass an examination administered by an

entity that has been approved by the board. Subject to IC 25-1-2-6(e), the license shall be valid for the remainder of the renewal period in effect on the date the license was issued.

(b) Prior to the issuance of the license, the applicant shall pay a fee set by the board under section 5 of this chapter. Subject to IC 25-1-2-6(e), a license issued by the board expires on a date specified by the Indiana professional licensing agency under IC 25-1-5-4(k) of each even-numbered year.

(c) Subject to IC 25-1-2-6(e), an applicant for license renewal must satisfy the following conditions:

(1) Pay:

(A) the renewal fee set by the board under section 5 of this chapter on or before the renewal date specified by the Indiana professional licensing agency in each even-numbered year; and

(B) a compliance fee of twenty dollars (\$20) to be deposited in the dental compliance fund established by IC 25-14-1-3.7.

(2) Subject to IC 25-1-4-3, provide the board with a sworn statement signed by the applicant attesting that the applicant has fulfilled the continuing education requirements under IC 25-13-2.

(3) Be currently certified or successfully complete a course in basic life support through a program approved by the board. The board may waive the basic life support requirement for applicants who show reasonable cause.

(d) If the holder of a license does not renew the license on or before the renewal date specified by the Indiana professional licensing agency, the license expires and becomes invalid without any action by the board.

(e) A license invalidated under subsection (d) may be reinstated by the board in three (3) years or less after such invalidation if the holder of the license meets the requirements under IC 25-1-8-6(c).

(f) If a license remains invalid under subsection (d) for more than three (3) years, the holder of the invalid license may obtain a reinstated license by meeting the requirements for reinstatement under IC 25-1-8-6(d). The board may require the licensee to participate in remediation or pass an examination administered by an entity approved by the board.

(g) 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.

(h) The board may adopt rules under section 5 of this chapter establishing requirements for the reinstatement of a license that has been invalidated for more than three (3) years.

(i) The license to practice must be displayed at all times in plain view of the patients in the office where the holder is engaged in practice. No person may lawfully practice dental hygiene who does not possess a license and its current renewal.

(j) Biennial renewals of licenses are subject to the provisions of IC 25-1-2.

(Formerly: Acts 1945, c.90, s.8; Acts 1963, c.112, s.3; Acts 1971, P.L.371, SEC.3.) As amended by Acts 1981, P.L.222, SEC.115; Acts 1982, P.L.113, SEC.48; P.L.169-1985, SEC.41; P.L.149-1987, SEC.29; P.L.185-1991, SEC.3; P.L.179-1996, SEC.1; P.L.44-2000, SEC.2; P.L.269-2001, SEC.7; P.L.1-2006, SEC.429; P.L.105-2008, SEC.27; P.L.103-2011, SEC.4; P.L.264-2013, SEC.3; P.L.177-2015, SEC.30.

IC 25-13-1-9

Repealed

(Repealed by Acts 1971, P.L.371, SEC.4.)

IC 25-13-1-10

Locations for practice of dental hygiene; supervision requirements; laser treatment; rules; report

Sec. 10. (a) A licensed dental hygienist may practice dental hygiene in Indiana in the following:

- (1) A dental office, clinical setting, or health facility where the dental hygienist is practicing under the direct supervision or prescriptive supervision of a licensed dentist.
- (2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene if direct supervision by a licensed dentist is provided for training on providing local anesthetics by injection.
- (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 where the dental hygienist is practicing under the direct or prescriptive supervision of a licensed dentist.
- (4) The dental clinic of a bona fide hospital, sanitarium, or charitable 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 direct or prescriptive 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) A:
 - (A) fixed charitable dental care clinic;
 - (B) public health setting;
 - (C) correctional institution; or
 - (D) location other than one described in clauses (A) through (C);

that has been approved by the board and where the dental hygienist is under the direct or prescriptive 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) Screening and referrals for any person in a public health setting.

(c) A dental hygienist may not use a laser to cut, ablate, or cauterize hard or soft tissue to provide treatment to a patient.

(d) The board may adopt rules under IC 4-22-2 concerning subsection (a)(5)(D).

(e) If a dental hygienist practices under the prescriptive supervision of a licensed dentist, the dentist's written order must be recorded, signed, and dated in the patient's records.

(f) Before October 1, 2017, the board, with assistance from the professional licensing agency, shall report to the legislative council in an electronic format under IC 5-14-6 on the effectiveness of the prescriptive supervision laws and rules and any changes that are needed in the law concerning prescriptive supervision. This subsection expires December 31, 2017.

(Formerly: Acts 1945, c.90, s.10.) As amended by Acts 1981, P.L.222, SEC.116; P.L.169-1985, SEC.42; P.L.155-1988, SEC.4; P.L.185-1991, SEC.4; P.L.2-1992, SEC.766; P.L.121-2007, SEC.3; P.L.134-2008, SEC.20; P.L.68-2014, SEC.2; P.L.140-2015, SEC.2.

IC 25-13-1-10.5

Dental hygienist students; anesthetics

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 licensed under IC 25-14 and trained in the administration of dental anesthetics; and

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

As added by P.L.121-2007, SEC.4. Amended by P.L.103-2011, SEC.5.

IC 25-13-1-10.6

Administration of local dental anesthetics by dental hygienists

Sec. 10.6. (a) A licensed dental hygienist may administer local dental anesthetics under the direct supervision of a licensed dentist under IC 25-14 if the dental hygienist has:

(1) completed board approved educational requirements, including cardiopulmonary resuscitation and emergency care training; and

(2) received a board issued dental hygiene anesthetic permit.

(b) Local dental anesthetics do not include nitrous oxide or similar analgesics.

As added by P.L.134-2008, SEC.21. Amended by P.L.103-2011, SEC.6.

IC 25-13-1-11

Practice of dental hygiene; acts performed

Sec. 11. A person is deemed to be practicing dental hygiene within the meaning of this chapter who:

- (1) uses the titles "Licensed Dental Hygienist", "Dental Hygienist", or the letters "L.D.H.", "R.D.H.", or "D.H." in connection with his or her name;
- (2) holds himself or herself out to the public in any manner that he or she can or will render services as a dental hygienist;
- (3) removes calcific deposits or accretions from the surfaces of human teeth or cleans or polishes such teeth;
- (4) applies and uses within the patient's mouth such antiseptic sprays, washes, or medicaments for the control or prevention of dental caries as his or her employer dentist may direct;
- (5) treats gum disease;
- (6) uses impressions and x-ray photographs for treatment purposes; or
- (7) administers local dental anesthetics, except for the administration of local dental anesthetics by:
 - (A) a dentist as provided in IC 25-14-1-23(a)(6); or
 - (B) a physician licensed under IC 25-22.5.

(Formerly: Acts 1945, c.90, s.11; Acts 1963, c.112, s.4; Acts 1971, P.L.371, SEC.5.) As amended by Acts 1981, P.L.222, SEC.117; P.L.155-1988, SEC.5; P.L.134-2008, SEC.22; P.L.264-2013, SEC.4.

IC 25-13-1-12

Exceptions

Sec. 12. Nothing in this chapter shall be interpreted or implied as operating to prevent:

- (1) a dentist who is duly licensed in Indiana;
- (2) a bona fide dental student while engaged in dental school extramural educational programs with a licensed dentist who is an affiliate faculty member of the dental school;
- (3) a duly licensed practitioner of medicine;
- (4) a legal practitioner of dentistry or of dental hygiene in any other state, while making a clinical demonstration before a dental society in Indiana; or
- (5) any commissioned dental officer in the regular United States armed services, United States Public Health Service, or United States Department of Veterans Affairs, while engaged in the discharge of official duties in Indiana;

from performing such services for health preservation, restoration, or diagnosis as are customarily within the field of their respective

professional practices.

(Formerly: Acts 1945, c.90, s.12; Acts 1963, c.112, s.5.) As amended by Acts 1982, P.L.154, SEC.47; P.L.169-1985, SEC.43; P.L.1-1990, SEC.251.

IC 25-13-1-12.5

Treatment plan consultations

Sec. 12.5. If a dental hygienist or a dental assistant determines that treatment of a patient would result in harm to the patient, dental hygienist, or dental assistant, the dental hygienist or dental assistant may request, and the supervising dentist may grant, a consultation between the dentist and the dental hygienist or the dental assistant to consult on the proper treatment plan for the patient to reduce the potential harm to the patient, dental hygienist, and dental assistant. *As added by P.L.155-2016, SEC.2.*

IC 25-13-1-13

Repealed

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

IC 25-13-1-14

Repealed

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

IC 25-13-1-15

Review of board's action; procedure

Sec. 15. Any licensee, or applicant for a license, aggrieved by the action of the board shall have the right of review of the board's actions thereon under the procedure provided in IC 4-21.5.

(Formerly: Acts 1945, c.90, s.14 1/2; Acts 1963, c.112, s.7.) As amended by Acts 1982, P.L.154, SEC.48; P.L.7-1987, SEC.118.

IC 25-13-1-16

Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-13-1-17

License by reciprocity

Sec. 17. (a) The board may issue a license upon payment of the fee set by the board under section 5 of this chapter by an applicant who furnishes satisfactory proof that the applicant:

- (1) is a dental hygienist;
- (2) is currently licensed in some other state that has licensing requirements substantially equal to those in effect in Indiana on the date of application;
- (3) has been in satisfactory practice for at least two (2) years out of the preceding five (5) years;
- (4) passes the law examination; and

(5) has completed at least nineteen (19) hours of continuing education in the previous two (2) years.

However, all other requirements of this chapter must be met and the licensing requirements of the law and the board of the state from which such candidate comes may not be less than those prescribed in this chapter.

(b) An applicant who, before September 1, 1987, graduated from a school for dental hygienists that was recognized by the board at the time the degree was conferred and that required a course of training of only one (1) year, and who has completed:

(1) one (1) year of internship in a dental clinic of an accepted hospital;

(2) one (1) year of teaching, after graduation, in a school for dental hygienists; or

(3) five (5) years of actual dental practice as a dental hygienist; may apply for licensure under this section if all other requirements of this section are met.

(Formerly: Acts 1945, c.90, s.16; Acts 1971, P.L.371, SEC.6.) As amended by Acts 1981, P.L.222, SEC.118; Acts 1982, P.L.113, SEC.49; P.L.169-1985, SEC.44; P.L.149-1987, SEC.30; P.L.33-1993, SEC.20; P.L.75-2002, SEC.2; P.L.155-2016, SEC.3.

IC 25-13-1-17.1

Repealed

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

IC 25-13-1-17.2

Inactive license; renewal; remediation requirement

Sec. 17.2. (a) The board may classify a license as inactive if the board receives written notification from the dental hygienist that the dental hygienist will not practice as a dental hygienist 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 the 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.75-2002, SEC.3. Amended by P.L.103-2011, SEC.7.

IC 25-13-1-18

Construction of certain terms

Sec. 18. Wherever the word "she," or the word "her" shall appear herein, they shall be construed also to mean "he" or "him"

respectively.
(Formerly: Acts 1945, c.90, s.16a.)

IC 25-13-1-19

Liberal construction

Sec. 19. 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.371, SEC.7.)

IC 25-13-1-20

Discipline; knowledge of standards of conduct and practice

Sec. 20. (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.103-2011, SEC.8.