

Document: Proposed Rule, **Register Page Number:** 25 IR 170

Source: October 1, 2001, Indiana Register, Volume 25, Number 1

Disclaimer: This document was created from the files used to produce the official (printed) Indiana Register.
However, this document is unofficial.

TITLE 828 STATE BOARD OF DENTISTRY

Proposed Rule

LSA Document #01-241

DIGEST

Amends 828 IAC 1-1-2, 828 IAC 1-1-3, 828 IAC 1-1-6, 828 IAC 1-1-8, 828 IAC 1-1-9, 828 IAC 1-1-10, and 828 IAC 1-1-12 concerning the examination for licensure to practice dentistry. Amends 828 IAC 1-1-18 concerning advertising; content. Amends 828 IAC 1-1-21 concerning remedial education. Amends 828 IAC 1-1-23 concerning illegal, unlawful, incompetent, or fraudulent conduct; reporting procedures. Amends 828 IAC 1-2-1, 828 IAC 1-2-2, 828 IAC 1-2-3, 828 IAC 1-2-6, 828 IAC 1-2-8, 828 IAC 1-2-9, 828 IAC 1-2-10, and 828 IAC 1-2-12 concerning the examination for licensure to practice dental hygiene. Amends 828 IAC 1-2-14 concerning remedial education. Amends 828 IAC 1-3-1, 828 IAC 1-3-4, and 828 IAC 1-3-5. Repeals 828 IAC 1-1-4, 828 IAC 1-1-11, 828 IAC 1-2-4, and 828 IAC 1-2-11. Effective 30 days after filing with the secretary of state.

828 IAC 1-1-2	828 IAC 1-2-2
828 IAC 1-1-3	828 IAC 1-2-3
828 IAC 1-1-4	828 IAC 1-2-4
828 IAC 1-1-6	828 IAC 1-2-6
828 IAC 1-1-8	828 IAC 1-2-8
828 IAC 1-1-9	828 IAC 1-2-9
828 IAC 1-1-10	828 IAC 1-2-10
828 IAC 1-1-11	828 IAC 1-2-11
828 IAC 1-1-12	828 IAC 1-2-12
828 IAC 1-1-18	828 IAC 1-2-14
828 IAC 1-1-21	828 IAC 1-3-1
828 IAC 1-1-23	828 IAC 1-3-4
828 IAC 1-2-1	828 IAC 1-3-5

SECTION 1. 828 IAC 1-1-2 IS AMENDED TO READ AS FOLLOWS:

ARTICLE 1. LICENSURE OF DENTISTS AND DENTAL HYGIENISTS

Rule 1. Dentists; Licensure by Examination

828 IAC 1-1-2 Application forms; time for filing required documents

Authority: IC 25-14-1-13

Affected: IC 25-14-1-3; IC 25-14-1-16

Sec. 2. (a) The applicant for examination must complete the application on forms prescribed and provided by the board. All statements contained in the application must be verified by the applicant. The verified application, all examination fees, and other documents that the board may require ~~shall be delivered~~ **must be submitted** to the board office at least ~~thirty (30)~~ **forty-five (45)** days prior to the first day of the examination.

(b) Proof that the applicant is a graduate of a dental school that is recognized by the board must be submitted to the board at least seven (7) days prior to the examination. The following documents must be submitted:

- (1) An official transcript showing the date the degree was conferred.
- (2) An official diploma or a certificate of completion signed by the dean of the applicant's professional school and

the registrar of the university or college.
(*State Board of Dentistry; PT 1, Rule 2; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 49; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 191; filed Oct 16, 1985, 3:57 p.m.: 9 IR 520; filed Oct 12, 1993, 5:00 p.m.: 17 IR 400; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 2. 828 IAC 1-1-3 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-1-3 Examinations required for licensure

Authority: IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 3. (a) In order to obtain an Indiana license to practice dentistry, each candidate must pass a three (3) part examination which includes the following:

- (1) All sections of the national dental board examination.
- (2) A clinical-practical examination, which ~~includes~~ **may include** a written section.
- (3) A written examination covering Indiana law relating to the practice of dentistry and dental hygiene.

(b) A passing score must be obtained on all sections of the national board dental examination before any candidate may take the clinical-practical or law examinations. (*State Board of Dentistry; PT 1, Rule 3; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 49; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1726; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 3. 828 IAC 1-1-6 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-1-6 National board examination; dental and dental hygiene law examinations

Authority: IC 25-14-1-13

Affected: IC 25-14-1-13

Sec. 6. (a) A passing score on a national board ~~theory~~ dental examination, as approved by the board, must be attained by the candidate before the candidate will be permitted to take the clinical-practical portion of the examination **and the written examination covering Indiana law relating to the practice of dentistry and dental hygiene.**

(b) Passage of the Indiana dental and dental hygiene law examination with a ~~grade score~~ of at least seventy-five percent ~~(75%)~~ **(75)** is mandatory before the candidate may be licensed. Candidates failing the law examination may retake the law examination at a time, date, and place to be set by the board not sooner than thirty (30) days from the time the law examination was last taken.

(c) ~~Candidates failing the written section of the clinical-practical examination only may retake the written section of the clinical-practical examination at a time, date, and place to be set by the board not sooner than thirty (30) days from the time the clinical-practical examination was last taken.~~ (*State Board of Dentistry; PT 1, Rule 6; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; filed Apr 12, 1984, 8:34 a.m.: 7 IR 1520; filed Nov 7, 1986, 9:00 a.m.: 10 IR 431; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1726; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 4. 828 IAC 1-1-8 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-1-8 Supplies for examinations; duty to provide

Authority: IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 8. ~~The Board will provide manuscripts for the examinations.~~ The candidate will provide all patients instruments and materials for the examinations. (*State Board of Dentistry; PT 1, Rule 8; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 5. 828 IAC 1-1-9 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-1-9 Conduct during written examinations

Authority: IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 9. ~~Conduct of candidates during examinations:~~ The candidates are not allowed to leave the room nor move about in the room during ~~an~~ **a written** examination without permission. No other paper or books, other than the **written** examination ~~manuscripts, and answer sheet,~~ shall be used in examination room for any purpose whatsoever. (*State Board of Dentistry; PT 1, Rule 9; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 6. 828 IAC 1-1-10 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-1-10 Dismissal of candidate for use of unfair assistance

Authority: IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 10. ~~Use of unfair assistance during examination:~~ The board reserves the right to dismiss any candidate who may be detected in using, or attempting to use, any unfair assistance for himself **or herself** or another candidate. (*State Board of Dentistry; PT 1, Rule 10; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 192; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 7. 828 IAC 1-1-12 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-1-12 Failure; reexamination

Authority: IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 12. (a) If the candidate fails in securing a passing ~~grade~~ **score** in only one (1) section of the clinical-practical examination, the candidate will be required to retake that section only, provided that the candidate return for one (1) of the two (2) next succeeding examinations. If the candidate does not take and pass the failed section on one (1) of the next two (2) available examination dates, a new application must be filed and all sections of the clinical-practical examination must be retaken.

(b) If the candidate fails in two (2) or more parts of the clinical-practical examination, the candidate must take an entire new clinical-practical examination.

(c) If the candidate fails the same section of the clinical-practical examination three (3) times, the entire clinical-practical examination must be retaken. (*State Board of Dentistry; PT 1, Rule 12; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 50; filed May 16, 1977, 10:10 a.m.: Rules and Regs. 1978, p. 193; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1726; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 8. 828 IAC 1-1-18 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-1-18 Advertising; content

Authority: IC 25-13-1-5; IC 25-14-1-13; IC 25-14-4-9

Affected: IC 25-1-9; IC 25-14-1; IC 25-14-4-4

Sec. 18. (a) Fees for any or all dental services may be advertised; however, violation of any of the provisions in this section may be construed as false, misleading, or deceptive.

(b) An advertisement of a fee for a dental service must include a specified period for which that fee shall be in effect, or that service must remain available at or below that fee for a minimum period of ninety (90) days following the final advertisement for that service, unless that service is found to be detrimental to the health of the public.

(c) A service advertised as routine or with a stated fee must include all components of providing that service without additional charges added thereto or without additional unstated restrictions.

(d) Discount offers for a dental service are permissible for advertising only when:

- (1) the nondiscounted or full price and the final discounted price are also disclosed in the advertisement; and
- (2) such discount is not contingent upon the procurement of additional patients, potential patients, or the purchase of additional services.

The dates a discount will be in force must be clearly identified.

(e) When an office charges a range of fees for a dental service, any advertisement of the fee for that service must disclose the range and include a listing of all of the factors which cause the fee to vary.

(f) A dentist may advertise as being a specialist in, or limiting practice to, a particular field of dentistry in:

- (1) dental public health;
- (2) endodontics;
- (3) oral **and maxillofacial** pathology;
- (4) oral and maxillofacial radiology;**
- ~~(4)~~ **(5)** oral and maxillofacial surgery;
- ~~(5)~~ **(6)** orthodontics **and dentofacial orthopedics;**
- ~~(6)~~ **pedodontics or (7) pediatric dentistry;**
- ~~(7)~~ **(8)** periodontics; or
- ~~(8)~~ **(9)** prosthodontics;

provided the dentist has graduated from an accredited advanced dental educational program.

(g) An accredited advanced dental educational program is one that meets the requirements and standards of:

(1) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in General Practice Residency Dentistry published in December 1998; revised January 1993 by 2000.

(2) The Commission on Dental Accreditation American Dental Association; which shall not include any later amendments or editions; or is listed in the May 1993 edition of Advanced Dental Educational Programs of the Commission on Dental Accreditation of the American Dental Association; which shall not include any later amendments or editions: Standards for Advanced Specialty Education Programs in General Practice Residency published in 2000.

(3) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Dental Public Health, published in 2000.

(4) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Endodontics published in 2000.

(5) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Oral and Maxillofacial Pathology published in 2000.

(6) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Oral and Maxillofacial Radiology published in 2000.

(7) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Oral and Maxillofacial Surgery published in 2000.

(8) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Orthodontics and Dentofacial Orthopedics published in 2000.

(9) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Pediatric Dentistry published in 2000.

(10) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Periodontics published in 2000.

(11) The Commission on Dental Accreditation Standards for Advanced Specialty Education Programs in Prosthodontics published in 2000.

The requirements and ~~These~~ standards and list of accredited programs are hereby incorporated by reference and made applicable to this section. ~~A copy~~ **Copies** of the standards and requirements and list of accredited programs shall be available for public inspection at the offices of the Health Professions Bureau, 402 West Washington Street, Room ~~041~~, **W041**, Indianapolis, Indiana 46204. Copies of the standards and requirements and list of accredited programs are

available from the entity originally issuing the incorporated matter, the Commission on Dental Accreditation, American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611.

~~(g)~~ **(h)** As used in this section, “specialist” pertains to this section only for the purpose of defining advertising and must not be randomly applied to any other law or rule of IC 25-14.

~~(h)~~ **(i)** This section does not preclude or limit any dentist from offering and performing any treatment to any patient as prescribed by IC 25-14.

~~(i)~~ **(j)** All dentists who have claimed to be dental specialists, or hold themselves out to be engaged in a dental practice limited to any of the dental specialties in subsection (f), without regard to the matter incorporated by reference in subsection (f), and can document such claim to have acted as such prior to January 1, 1965, may continue to act as such under the protection of this rule.

~~(j)~~ **(k)** A dentist who is not considered a specialist by this section and who wishes to announce the services available in his or her practice may announce the availability of those services so long as he or she avoids any communications that express or imply specialization. The dentist shall also state that the services are being provided by a general dentist. No dentist shall announce available services in any way that would be false or misleading in any material respect.

~~(k)~~ **(l)** The factors of availability such as hours of practice and office locations may be advertised provided that any such advertisement must include the names of all practitioners providing dental services at each location.

~~(l)~~ **(m)** An advertisement indicating that superior services, better materials, or more skillful care are available in a particular office or by a group of practitioners may be deceptive.

~~(m)~~ **(n)** Guarantees or warranties, whether expressed or implied, regarding the successful outcome of treatment, length of service, or durability of materials may be deceptive if advertised. Any testimonials or endorsements such as character witness, benefits of treatment, or expressions of appreciation may be misleading when advertised.

~~(n)~~ **(o)** A referral service shall only advertise a dentist as a specialist if such dentist has complied with subsections (f) through ~~(j)~~ **(k)** and has presented such referral service with verification of compliance. An advertisement for a dentist not complying with subsections (f) through ~~(j)~~ **(k)** may only claim the dentist may provide routine dental services and other services and that the dentist is not to be considered a specialist.

~~(o)~~ **(p)** Referral services shall provide disclaimers in compliance with IC 25-14-4-4. A disclaimer shall be written for advertisements placed in written media, audio for radio advertisements, and both audio and visual for television advertisements.

~~(p)~~ **(q)** Advertising in any media by a referral service must not lead consumers to believe that they are receiving an impartial referral based on all dentists in the area instead of only those dentists participating in the referral service. (*State Board of Dentistry; 828 IAC 1-1-18; filed Apr 14, 1983, 9:40 a.m.: 6 IR 1084; filed Jan 16, 1986, 3:17 p.m.: 9 IR 1364; filed Aug 29, 1986, 2:30 p.m.: 10 IR 21; filed Aug 9, 1994, 2:45 p.m.: 17 IR 2867; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 9. 828 IAC 1-1-21 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-1-21 Remedial education

Authority: IC 25-14-1-3; IC 25-14-1-13

Affected: IC 25-14-1-3

Sec. 21. A candidate for dental licensure shall complete remedial education following the failure of two (2) or more clinical examinations prior to being permitted to retake the examination. The assignment of remedial education, either academic and/or clinical, shall be in the subject or subjects previously failed. Courses to be taken shall be submitted to the board for prior approval by the board and certification that they were successfully completed shall be submitted to the board. The certification shall be signed by the dean **or the dean’s appointed representative** of the dental school

where the courses were taken. All courses shall be taken in board approved schools. All courses shall be completed and the certification shall be submitted ~~by the deadline for at least seven (7) days prior to the next examination the candidate is sitting for next.~~ **has applied to take.** (State Board of Dentistry; 828 IAC 1-1-21; filed Jan 16, 1986, 3:17 p.m.: 9 IR 1366; filed Feb 3, 1987, 12:30 p.m.: 10 IR 1273; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)

SECTION 10. 828 IAC 1-1-23 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-1-23 Illegal, unlawful, incompetent, or fraudulent conduct; reporting procedures

Authority: IC 25-14-1-13

Affected: IC 25-1-9; IC 25-14-1

Sec. 23. (a) A dentist who has a reasonable belief based upon personal knowledge that another dentist has engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of dentistry shall promptly report such conduct to a peer review committee, as defined in IC 34-4-12.6-1(c) [*IC 34-4 was repealed by P.L.1-1998, SECTION 221, effective July 1, 1998.*], having jurisdiction over the offending dentist and the matter. This subsection does not prohibit a dentist from promptly reporting the conduct directly to the board of dental examiners or to the consumer protection division of the office of the attorney general of Indiana.

(b) A dentist who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of dentistry shall promptly report such conduct to the board of dental examiners or to the consumer protection division of the office of the attorney general of Indiana.

(c) A dentist who voluntarily submits to, or is otherwise undergoing, a course of treatment for addiction, severe dependency upon alcohol, other drugs, or controlled substances, or psychiatric impairment, where such treatment is sponsored or supervised by an impaired practitioner's committee of a state, regional, or local organization of professional health care providers, or where such treatment is sponsored or supervised by an impaired practitioner's committee of a hospital, shall be exempt from reporting to a peer review committee as set forth in subsection (a) or to the board of dental examiners or to the consumer protection division of the office of the attorney general of Indiana for so long as:

- (1) the dentist is complying with the course of treatment;
- (2) the dentist is making satisfactory progress; and
- (3) the dentist has not engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of dentistry beyond the practitioner's addiction, severe dependency upon alcohol, other drugs, or controlled substances, or psychiatric impairment.

(d) If the dentist fails to comply with, or fails to make satisfactory progress in, the course of treatment, the chief administrative officer, the designee of the chief administrative officer, or any member of the impaired practitioner's committee shall promptly report such facts and circumstances to the board of dental examiners or to the consumer protection division of the office of the attorney general of Indiana.

(e) This section shall not, in any manner whatsoever, directly or indirectly, be deemed or construed to prohibit, restrict, limit, or otherwise preclude the board of dental examiners from taking such action as it deems appropriate or as may otherwise be provided by law. (State Board of Dentistry; 828 IAC 1-1-23; filed Oct 5, 1993, 5:00 p.m.: 17 IR 199; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)

SECTION 11. 828 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Dental Hygienists; Licensure by Examination

828 IAC 1-2-1 Qualifications of applicants; approved dental hygiene schools

Authority: IC 25-13-1-5

Affected: IC 25-13-1-6

Sec. 1. All applicants for licensure to practice dental hygiene must have graduated from an accredited and approved dental hygiene school and must submit certification of having completed within the prior year an American Red Cross

or American Heart Association ~~cardio-pulmonary~~ **cardiopulmonary** resuscitation course or such course as may be approved by the board. An approved dental ~~hygienist~~ **hygiene** school is one ~~which that~~ requires the following:

- (1) Graduation from high school or equivalent training.
- (2) Two (2) academic years in a dental ~~hygienist~~ **hygiene** school ~~which that~~ presents a curriculum, including at least the following subjects:
 - (A) Anatomy, general and dental.
 - (B) Pharmacology.
 - (C) Microbiology **and immunology**.
 - (D) Radiology.
 - (E) Physiology.
 - (F) Preventive dentistry.
 - (G) ~~Clinical practice~~: **Dental hygiene science**.
 - (H) Histology.
 - (I) Chemistry.
 - (J) Dental materials.
 - (K) ~~Laboratory procedures~~: **Periodontology**.
 - (L) ~~Diet and~~ Nutrition.
 - (M) Pathology.
 - (N) **Oral and written communication**.
 - (O) **Psychology**.
 - (P) **Sociology**.

(State Board of Dentistry; PT 2, Rule 1; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 51; filed Nov 7, 1980, 12:45 p.m.: 3 IR 2190; filed Oct 12, 1993, 5:00 p.m.: 17 IR 401; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)

SECTION 12. 828 IAC 1-2-2 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-2-2 Application forms; time for filing required documents

Authority: IC 25-13-1-5

Affected: IC 25-13-1-4

Sec. 2. (a) The applicant for examination must complete the application on forms prescribed and provided by the board. **The applicant shall verify** all statements contained in the application. ~~shall be verified by the applicant~~. The verified application, all examination fees, and other documents that the board may require ~~shall must be delivered~~ **submitted** to the board office at least ~~thirty (30)~~ **forty-five (45)** days prior to the first day of the examination.

(b) Proof that the applicant is a graduate of a school ~~for of~~ dental ~~hygienists~~ **hygiene** that is recognized by the board must be submitted to the board at least seven (7) days prior to the examination. The following documents must be submitted:

- (1) An official transcript showing the date the degree was conferred.
- (2) An official diploma or a certificate of completion signed by the dean and the registrar of the applicant's school.

(State Board of Dentistry; PT 2, Rule 2; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 52; filed Oct 16, 1985, 3:57 p.m.: 9 IR 522; filed Oct 12, 1993, 5:00 p.m.: 17 IR 401; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)

SECTION 13. 828 IAC 1-2-3 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-2-3 Examinations required for licensure

Authority: IC 25-13-1-5

Affected: IC 25-13-1-4; IC 25-13-1-7

Sec. 3. (a) In order to obtain an Indiana license to practice dental hygiene, each candidate must pass a three (3) part examination which includes the following:

- (1) All sections of the national dental hygiene board examination.
- (2) A clinical-practical examination, which ~~includes may include~~ a written portion.
- (3) A written examination covering Indiana law relating to the practice of dentistry and dental hygiene.

(b) A passing score must be obtained on all sections of the national board dental hygiene examination before any candidate may take the clinical-practical or law examinations. (*State Board of Dentistry; PT 2, Rule 3; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 52; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1727; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 14. 828 IAC 1-2-6 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-2-6 National board examination; dental and dental hygiene law examination

Authority: IC 25-13-1-5

Affected: IC 25-13-1-4; IC 25-13-1-7

Sec. 6. (a) A passing score on a national board dental hygiene examination, as approved by the board, must be attained by the candidate before the candidate will be permitted to take the clinical-practical portion of the examination.

(b) Passage of the Indiana dental and dental hygiene law examination with a ~~grade score~~ **grade score** of at least seventy-five percent (~~75%~~) **(75)** is mandatory before the candidate may be licensed. Candidates failing the law examination may retake the law examination at a time, date, and place to be set by the board not sooner than thirty (30) days from the time the law examination was last taken.

(c) Candidates failing the written ~~radiology section of the clinical-practical~~ **clinical practice** examination only may retake the written ~~radiology section of the clinical-practical~~ **clinical practice** examination at a time, date, and place to be set by the board not sooner than thirty (30) days from the time the clinical-practical examination was last taken. (*State Board of Dentistry; PT 2, Rule 6; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 52; filed Apr 12, 1984, 8:34 a.m.: 7 IR 1521; filed Nov 7, 1986, 9:00 a.m.: 10 IR 431; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1727; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1014; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 15. 828 IAC 1-2-8 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-2-8 Supplies for examinations; duty to provide

Authority: IC 25-13-1-5

Affected: IC 25-13-1-7

Sec. 8. ~~The Board will provide manuscripts for the examinations.~~ The candidates will provide all patients instruments and materials for the examinations. (*State Board of Dentistry; PT 2, Rule 8; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 52; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 16. 828 IAC 1-2-9 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-2-9 Conduct during examinations

Authority: IC 25-13-1-5

Affected: IC 25-13-1-7

Sec. 9. ~~Conduct of the candidates during examinations.~~ Candidates are not allowed to leave the room nor move about in the room during ~~an~~ **a written** examination without permission. No other paper or books, other than the **written** examination, ~~manuscripts~~, shall be used in examination room for any purpose whatsoever. (*State Board of Dentistry; PT 2, Rule 9; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 53; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 17. 828 IAC 1-2-10 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-2-10 Dismissal of candidate for use of unfair assistance

Authority: IC 25-13-1-5

Affected: IC 25-13-1-7

Sec. 10. ~~Use of unfair assistance during examination.~~ The board reserves the right to dismiss any applicant who may be detected in using, or attempting to use, any unfair assistance for herself **or himself** or another candidate. (*State Board*

of Dentistry; PT 2, Rule 10; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 53; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)

SECTION 18. 828 IAC 1-2-12 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-2-12 Failure; reexamination

Authority: IC 25-13-1-5; IC 25-14-1-13

Affected: IC 25-13-1-4; IC 25-13-1-7; IC 25-14-1-1; IC 25-14-1-3

Sec. 12. (a) If the candidate fails in securing a passing ~~grade score~~ in only one (1) section of the clinical-practical examination, the candidate will be required to retake that section only, provided that the candidate return for one (1) of the two (2) next succeeding examinations. If the candidate does not take and pass the failed section on one (1) of the next two (2) available examination dates, a new application must be filed and all sections of the clinical-practical examination must be retaken.

(b) If the candidate fails in two (2) or more parts of the clinical-practical examination, the candidate must take an entire new clinical-practical examination.

(c) If the candidate fails the same section of the clinical-practical examination three (3) times, the entire clinical-practical examination must be retaken. *(State Board of Dentistry; PT 2, Rule 12; filed Aug 10, 1973, 11:00 a.m.: Rules and Regs. 1974, p. 53; filed Nov 7, 1980, 12:45 p.m.: 3 IR 2190; filed Apr 25, 1983, 8:52 a.m.: 6 IR 1086; filed Apr 19, 1991, 3:00 p.m.: 14 IR 1727; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)*

SECTION 19. 828 IAC 1-2-14 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-2-14 Remedial education

Authority: IC 25-13-1-5

Affected: IC 25-13-1-5

Sec. 14. A candidate for dental hygiene licensure shall complete remedial education following the failure of two (2) or more clinical examinations prior to being permitted to retake the examination. The assignment of remedial education, either academic and/or clinical, shall be in the subject or subjects previously failed. Courses to be taken shall be submitted to the board for prior approval by the board and certification that they were successfully completed shall be submitted to the board. The certification shall be signed by the dean **or the dean's appointed representative** of the dental hygiene school where the courses were taken. All courses shall be taken in board approved schools. All courses shall be completed and the certification shall be submitted ~~by the deadline for~~ **at least seven (7) days prior to the next examination the candidate is sitting for next: has applied to take.** *(State Board of Dentistry; 828 IAC 1-2-14; filed Jan 16, 1986, 3:17 p.m.: 9 IR 1366; filed Feb 3, 1987, 12:30 p.m.: 10 IR 1273; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)*

SECTION 20. 828 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Dentists and Dental Hygienists; Licensure by Endorsement

828 IAC 1-3-1 Licensure by endorsement; credentials; examination and interview

Authority: IC 25-13-1-5; IC 25-14-1-13

Affected: IC 25-13-1-7; IC 25-13-1-17; IC 25-14-1-16

Sec. 1. (a) **Licensure by endorsement certification** may be granted to an applicant who meets the ~~educational and certification licensure~~ requirements of the ~~Indiana state board, of dental examiners;~~ only upon the basis of a valid ~~certificate which license that~~ has been obtained by regular state board examination, in any other state having and maintaining a standard of examination for ~~certification licensure~~ and of laws regulating such practice within the state, substantially equivalent to Indiana, of which fact the board shall be the sole judge.

(b) Any person holding a valid, unrevoked and unexpired ~~certificate license~~ to practice dentistry and has maintained

an active dental practice for not less than five (5) years out of the last nine (9) years immediately prior to submitting the application, and who is reputable as a dentist and deposits with the board the required credentials to be considered for endorsement.

(c) Any person holding a valid, unrevoked and unexpired **certificate license** to practice dental hygiene and has maintained an active dental hygiene practice for not less than five (5) years out of the last seven (7) years immediately prior to submitting the application, and who is reputable as a dental hygienist and deposits with the board the required credentials to be considered for endorsement.

(d) Required credentials **for dental and dental hygiene applicants** must include:

(1) Completed application and **endorsement** fee (not returnable).

(2) ~~Shall submit to the state board of dental examiners his diploma from a dental college recognized by the Indiana state board of dental examiners. A copy of the applicant's current cardiopulmonary resuscitation card, signed by the applicant.~~

(3) National board final **grade score** card or equivalent.

(4) Transcripts from ~~pre-dental and dental schools~~ **or schools of dental hygiene.**

(5) ~~Certified statements of Verification of license status from each dental examining and certification health care professional licensing board of states in which applicant is certified: or has been licensed.~~

(6) Affidavits of at least three (3) practicing dentists verifying ~~your~~ **the applicant's** active, moral, and ethical practice of dentistry for the past five (5) years or the ethical practice of dental hygiene for the past five (5) years.

(7) ~~Statement from applicant stating that he will appear for interview at the request of the board:~~

(e) ~~Applicant shall be interviewed and examined in the laws of Indiana relating to dentistry and dental hygiene and after careful evaluation of application and qualifications; applicant MAY be required to take such other portions of the Indiana examination as the board MAY deem necessary and pass such examination to the satisfaction of the board; as is required of other applicants for certification to practice dentistry or dental hygiene in the state of Indiana.~~

(f) (e) The same standard of educational requirements applies to applicants for **certification licensure** through endorsement as for **certification licensure** by examination.

(g) (f) An applicant who has previously failed an examination for **certification licensure administered** by the ~~Indiana state board of dental examiners~~ is not eligible to apply for endorsement, until such applicant has passed all portions of the examination in which he or she failed or provides the board with proof that additional training has been received in the subjects of the failure.

(h) ~~At the discretion of the Indiana state board of dental examiners the applicant MAY be issued a certificate to practice dentistry or dental hygiene in the state of Indiana: (State Board of Dentistry; Endorsement Certification; filed Oct 8, 1974, 9:15 a.m.: Rules and Regs. 1975, p. 233; filed Jan 12, 1984, 11:32 a.m.: 7 IR 698; filed Aug 29, 1986, 2:30 p.m.: 10 IR 22; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896)~~

SECTION 21. 828 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-3-4 Dental licensure by endorsement; failure to renew expired license

Authority: IC 25-14-1-13

Affected: IC 25-14-1-10; IC 25-14-1-16

Sec. 4. The holder of a license ~~which that~~ has expired under IC 25-14-1-10 for failure to renew may not apply for licensure by endorsement under IC 25-14-1-16(b) and this rule if the holder of the license has practiced dentistry in Indiana during the period of time while the license was expired. (*State Board of Dentistry; 828 IAC 1-3-4; filed Feb 4, 1994, 5:00 p.m.: 17 IR 1094; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 22. 828 IAC 1-3-5 IS AMENDED TO READ AS FOLLOWS:

828 IAC 1-3-5 Dental hygiene licensure by endorsement; failure to renew expired license

Authority: IC 25-13-1-5

Affected: IC 25-13-1-8; IC 25-13-1-17

Sec. 5. The holder of a license ~~which that~~ has expired under IC 25-13-1-8 for failure to renew may not apply for licensure by endorsement under IC 25-13-1-17(a) and this rule if the holder of the license has practiced dental hygiene in Indiana during the period of time while the license was expired. (*State Board of Dentistry; 828 IAC 1-3-5; filed Feb 4, 1994, 5:00 p.m.: 17 IR 1094; readopted filed Apr 11, 2001, 3:21 p.m.: 24 IR 2896*)

SECTION 23. THE FOLLOWING ARE REPEALED: 828 IAC 1-1-4; 828 IAC 1-1-11; 828 IAC 1-2-4; 828 IAC 1-2-11.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 2, 2001 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the State Board of Dentistry will hold a public hearing on proposed amendments regarding the examination for licensure to practice dentistry; advertising; remedial education for dental and dental hygiene licensure applicants; illegal, unlawful, incompetent, or fraudulent conduct; and the examination for licensure to practice dental hygiene. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau