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TITLE 828 STATE BOARD OF DENTISTRY

Proposed Rule
LSA Document #04-233

DIGEST

Amends 828 IAC 0.5-2-3 concerning fees. Adds 828 IAC 5 concerning requirements for instructor's licenses. Effective 30 days after filing with the secretary of state.

828 IAC 0.5-2-3
828 IAC 5

SECTION 1. 828 IAC 0.5-2-3 IS AMENDED TO READ AS FOLLOWS:

828 IAC 0.5-2-3 Dental fees

Authority: IC 23-1.5-2-9; IC 23-1.5-2-10; IC 25-1-8-2; IC 25-13-1-5; IC 25-14-1-13; IC 25-14-1-27.5

Affected: IC 25-13-1-8; IC 25-14-1-10

Sec. 3. The board shall charge and collect the following fees related to the practice of dentistry:

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| (1) Examination administration | \$250 plus the cost of supplies, models, and the use of the examination facility |
| (2) Reexamination administration | \$150 plus the cost of supplies, models, and the use of the examination facility |
| (3) Licensure by endorsement | \$250 |
| (4) License renewal | \$100 biennially |
| (5) Dental intern permit application | \$100 |
| (6) Dental intern permit renewal | \$50 |
| (7) Verification of dental licensure to another state | \$10 |
| (8) Duplicate wall license | \$10 |
| (9) Professional corporation registration application | \$25 |
| (10) Professional corporation registration renewal | \$20 biennially |
| (11) Application fees for the following permits: | \$50 |
| (A) General anesthesia, deep sedation (GADS) | |
| (B) Light parenteral conscious sedation (LPCS) | |
| (12) Renewal fees for the following permits: | \$50 biennially |
| (A) General anesthesia-deep sedation GADS | |
| (B) Light parenteral conscious sedation LPCS | |
| (13) Registration of an additional office in which to administer general anesthesia, deep sedation, GADS or light parenteral conscious sedation LPCS | \$25 |
| (14) Reinstatement of inactive license | \$250 |
| (15) Instructor's license application | \$250 |
| (16) Instructor's license renewal | \$50 annually |
| (17) Instructor's application for the following permits: | \$50 |
| (A) GADS | |
| (B) LPCS | |
| (18) Renewal fee for instructor's GADS/LPCS permit | \$25 annually |

(State Board of Dentistry; 828 IAC 0.5-2-3; filed Dec 2, 2001, 12:35 p.m.: 25 IR 1180; filed Oct 8, 2002, 12:40 p.m.: 26 IR 376)

SECTION 2. 828 IAC 5 IS ADDED TO READ AS FOLLOWS:

ARTICLE 5. INSTRUCTOR'S LICENSES

Rule 1. General Requirements

828 IAC 5-1-1 Application

Authority: IC 25-1-8-2; IC 25-13-1-5; IC 25-14-1-13; IC 25-14-1-27.5

Affected: IC 25-14-1-10

Sec. 1. (a) Applicants for licensure as an instructor under IC 25-14-1-27.5 shall apply in the manner required by the board and shall submit the fee required by 828 IAC 0.5-2-3.

(b) The applicant for an instructor's license shall provide the following:

(1) Where the name on any document differs from the applicant's name, a notarized or certified copy of a marriage certificate or legal proof of name change.

(2) Proof that the applicant has been approved under the credentialing process of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry as required under IC 25-14-1-27.5. The proof shall include a notarized statement of approval submitted by an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry and copies of all documentation reviewed by the school or affiliated medical center in determining its approval of the applicant.

(3) Documentation or a demonstration of clinical and academic competency, which shall include the following:

(A) If the applicant is a graduate of a school of dentistry outside the United States, its possessions, or Canada, the applicant must submit an original transcript of the applicant's dental education, including the degree conferred and the date the degree was conferred. If the original transcript is in a language other than English, the applicant must include a certified translation of the transcript. If an original transcript is not available, the applicant must submit the following:

(i) A notarized or certified copy of the original dental school transcript, which must include the degree conferred and the date the degree was conferred.

(ii) An affidavit fully and clearly stating the reasons that an original transcript is not available.

(B) If the applicant has taken the National Board Dental Examination provided by the Joint Commission on Dental Examinations or has taken the National Dental Examining Board of Canada Written Examination provided by the National Dental Examining Board of Canada, the applicant shall submit proof of having taken the examination and the results thereof.

(C) If the applicant has taken a clinical licensing examination in any other state, country, territory, or recognized jurisdiction, the applicant shall submit proof of having taken the examination and the results thereof.

(4) If the applicant has been convicted of a criminal offense, excluding minor traffic violations, a notarized statement detailing all criminal offenses, excluding minor traffic violations, for which the applicant has been convicted. This notarized statement must include the following:

(A) The offense of which the applicant was convicted.

(B) The court in which the applicant was convicted.

(C) The cause number under which the applicant was convicted.

(D) The penalty imposed by the court.

(5) An applicant who is now, or has been, licensed to practice any health profession in another state within the United States, or in any other country, territory, or recognized jurisdiction must submit verification of license status. This information must be sent by the state, country, territory, or other recognized jurisdiction that issued the license directly to the Indiana board.

(6) A self-query form completed by the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) data bank.

(7) Proof of completion of at least twenty (20) hours of continuing dental education in dentistry taken in the previous two (2) years. No more than two (2) hours of training in basic life support shall count toward this requirement. Practice management courses will not be accepted.

(8) Graduates of a school of dentistry outside of the United States in which the instruction was conducted in a language other than English shall submit proof of having passed the Test of English as a Foreign Language (TOEFL).

(9) Proof that the applicant has been licensed or has had the equivalent of a license to practice dentistry in the United States or in any country, territory, or other recognized jurisdiction for not less than five (5) years out of the nine (9) years

immediately preceding the submission of the application.

(10) Proof that the applicant is currently certified in basic life support or advanced cardiac life support.

(c) The applicant shall certify that the applicant will 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. The applicant shall further certify that the applicant will not engage in the private practice of dentistry.

(d) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.
(State Board of Dentistry; 828 IAC 5-1-1)

828 IAC 5-1-2 Jurisprudence examination

Authority: IC 25-13-1-5; IC 25-14-1-13; IC 25-14-1-27.5

Affected: IC 25-14-1-27.5

Sec. 2. An applicant for an instructor's license must obtain a passing score of at least seventy-five (75) on the Indiana dental and dental hygiene law examination before the applicant may be licensed. Applicants 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. *(State Board of Dentistry; 828 IAC 5-1-2)*

828 IAC 5-1-3 Duties of employer dental school or affiliated medical center

Authority: IC 25-14-1-13; IC 25-14-1-27.5

Affected: IC 25-14-1-27.5

Sec. 3. (a) The Indiana school of dentistry or affiliated medical center that intends to employ an instructor under IC 25-14-1-27.5 shall submit the following directly to the board:

(1) A notarized statement verifying that the applicant for an instructor's license has been approved under the credentialing process of the Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry as required under IC 25-14-1-27.5. The proof shall include copies of all documentation reviewed by the school or affiliated medical center in determining its approval of the applicant.

(2) A statement verifying the number of individuals who are currently employed by the Indiana school of dentistry as full-time faculty.

(b) The Indiana school of dentistry or affiliated medical center that employs the holder of an instructor's license shall do the following:

(1) Hold and display in plain view of the patients the instructor's license of the individual who is employed by the Indiana school of dentistry or affiliated medical center.

(2) Ensure that the holder of the instructor's license teaches and practices dentistry only at or on behalf of the Indiana school of dentistry or affiliated medical center by which the individual is employed.

(3) Notify the board in writing upon the termination of the employment contract of the holder of the instructor's license and surrender the license not later than thirty (30) days after the employment of the holder of the instructor's license is terminated.

(State Board of Dentistry; 828 IAC 5-1-3)

828 IAC 5-1-4 Renewal

Authority: IC 25-1-8-2; IC 25-14-1-13; IC 25-14-1-27.5

Affected: IC 25-1-8-6; IC 25-14-1-10; IC 25-14-3

Sec. 4. (a) All dentists holding an instructor's license shall renew the license annually on the date set by the health professions bureau by paying the fee required by the board under 828 IAC 0.5-2-3. If the holder of an instructor's license does not renew the license on or before the renewal date, the license expires and becomes invalid without any action by the board.

(b) As a condition of renewal, the holder of an instructor's license must complete ten (10) hours of continuing education during each annual license period subject to the following requirements:

(1) The continuing education must meet the requirements of IC 25-14-3 and 828 IAC 1-5.

(2) The holder of an instructor's license may not earn more than two and one-half (2.5) credit hours toward the continuing education requirements of this section in the area of practice management.

(c) As a condition of renewal, the holder of an instructor's license must continue to be employed by an Indiana school of dentistry or an affiliated medical center.

(d) If the dental instructor's license expires for failure to renew the license on or before the renewal date, the holder of the dental instructor's license must meet the requirements of IC 25-1-8-6 in order to renew the license. (*State Board of Dentistry; 828 IAC 5-1-4*)

828 IAC 5-1-5 General anesthesia, deep sedation, light parenteral conscious sedation permit; application

Authority: IC 25-1-8-2; IC 25-14-1-13; IC 25-14-1-27.5

Affected: IC 25-14-1-10

Sec. 5. (a) Prior to administering general anesthesia, deep sedation, or light parenteral conscious sedation, a dentist who holds an instructor's license shall obtain from the board a permit that authorizes the dentist to utilize the form of anesthesia or sedation desired.

(b) The board shall issue a permit to utilize the anesthesia or sedation technique requested if the following requirements are met:

(1) Submission of an application in the form and manner provided by the board.

(2) Current licensure as an instructor by the board.

(3) Payment of the required fees.

(4) Submission of proof that the applicant has been approved under the credentialing process of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry as required under IC 25-14-1-27.5 as qualified to administer general anesthesia, deep sedation, or light parenteral conscious sedation and meets requirements substantially equal to the requirements of 828 IAC 3. The proof shall include a notarized statement of approval submitted by an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry and copies of all documentation reviewed by the school or affiliated medical center in determining its approval of the applicant.

(5) Submission of proof that the dentist is:

(A) trained in and has successfully completed a course in advanced cardiac life support; or

(B) certified as an instructor in advanced cardiac life support.

(c) The applicant shall certify that the applicant will teach and practice dentistry, including the administration of general anesthesia, deep sedation, or light parenteral conscious sedation, only at or on behalf of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry. The applicant shall further certify that the applicant will not engage in the private practice of dentistry.

(d) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

(e) The holder of an instructor's license who is granted a general anesthesia, deep sedation permit may administer light parenteral conscious sedation without holding a separate light parenteral conscious sedation permit. (*State Board of Dentistry; 828 IAC 5-1-5*)

828 IAC 5-1-6 General anesthesia, deep sedation, or light parenteral conscious sedation permit; renewal

Authority: IC 25-1-8-2; IC 25-14-1-13; IC 25-14-1-27.5

Affected: IC 25-1-8-6; IC 25-14-1-10

Sec. 6. (a) All dentists with instructor's licenses holding a general anesthesia, deep sedation, or light parenteral conscious sedation permit shall renew the permit annually at the same time the dental instructor's license is renewed by paying the fee required by the board under 828 IAC 0.5-2-3. If the holder of a permit does not renew the permit on or before the renewal date, the permit expires and becomes invalid without any action by the board.

(b) In order to renew a permit to administer general anesthesia, deep sedation, or light parenteral conscious sedation, a dentist with an instructor's license shall obtain two and one-half (2.5) hours of continuing education in every license period

in the area of anesthesia. This continuing education may include, but is not limited to, a course in advanced cardiac resuscitation protocols. Courses in basic cardiac life support will not be accepted. The two and one-half (2.5) hours of continuing education required under this section count toward the completion of continuing education requirements under section 4 of this rule.

(c) A permit invalidated under subsection (a) may be reinstated by the board as provided under IC 25-1-8-6. *(State Board of Dentistry; 828 IAC 5-1-6)*

828 IAC 5-1-7 General anesthesia, deep sedation, or light parenteral conscious sedation permit duties of employer dental school or affiliated medical center

Authority: IC 25-14-1-13; IC 25-14-1-27.5

Affected: IC 25-14-1-27.5

Sec. 7. The Indiana school of dentistry or affiliated medical center that employs the holder of an instructor's license and a permit to administer general anesthesia, deep sedation, or light parenteral conscious sedation shall do the following:

(1) Hold the general anesthesia, deep sedation, or light parenteral conscious sedation permit of the holder of an instructor's license who is employed by the Indiana school of dentistry or affiliated medical center.

(2) Ensure that the holder of the instructor's license teaches and practices dentistry only at or on behalf of the Indiana school of dentistry or affiliated medical center by which the individual is employed.

(3) Ensure that the facility in which the holder of the permit administers general anesthesia, deep sedation, or light parenteral conscious sedation maintains the equipment required by 828 IAC 3-1-10.

(State Board of Dentistry; 828 IAC 5-1-7)

828 IAC 5-1-8 Invalidation upon termination of employment

Authority: IC 25-14-1-13; IC 25-14-1-27.5

Affected: IC 25-14-1-27.5

Sec. 8. If the Indiana school of dentistry or affiliated medical center that employs the holder of an instructor's license notifies the board of the termination of the employment contract of the holder of the instructor's license, the instructor's license and any general anesthesia, deep sedation, or light parenteral conscious sedation permit issued to the holder of the instructor's license becomes invalid without any action of the board. *(State Board of Dentistry; 828 IAC 5-1-8)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 3, 2004 at 10:00 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 rules concerning fees and requirements for instructor's licenses. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W066 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