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TITLE 828 STATE BOARD OF DENTISTRY

LSA Document #04-233

October 22, 2004

The Honorable R. Michael Young, Chairperson
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, IN 46204-2789

RE: LSA Document #04-233 – Dental Instructor's Licenses

Dear Senator Young:

On behalf of the State Board of Dentistry and the Health Professions Bureau, this letter is to notify the Administrative Rules Oversight Committee of the progress of the promulgation of rules to implement IC 25-14-1-27.5 regarding the requirements for issuing an instructor's license. Under IC 4-22-2-19, an agency that adopts a rule must begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule.

IC 25-14-1-27.5 was enacted in 2003 effective July 1, 2003. The statute was amended by P.L.97-2004, SEC. 92. Indiana Code 25-14-1-27.5 provides that the State Board of Dentistry may issue an instructor's license to an individual who is not otherwise licensed to practice dentistry if the individual meets certain conditions. The license is limited to teaching and practicing dentistry at an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry. The statute also provides that the Board shall set a fee for the issuance and renewal of an instructor's license. The license may not be used for any practice outside of the dental school or its affiliated medical centers. Not more than 5% of the Indiana school of dentistry's full-time faculty may be individuals licensed under this law.

On July 1, 2003, the Board published a notice of intent to adopt a rule, LSA document #03-146, thereby meeting the sixty (60) day requirement of IC 4-22-2-19. However, the process of drafting the rule took longer than expected. The Board, realizing that it would not complete the process by July 1, 2004, decided to file a new Notice of Intent. The new Notice of Intent, LSA document #04-233, appeared in the September 1, 2004 edition of the Indiana Register. A hearing on the proposed rules is scheduled for December 3, 2004.

Although the Board began the rulemaking process within sixty (60) days after the effective date of IC 25-14-1-27.5 and because the Board is now operating under a new LSA Document number, in the interest of clarification and to comply with the spirit of IC 4-22-2-19, the Board is submitting this letter as part of the rulemaking process.

Please let me know if you have any questions or concerns.

Sincerely,

Barbara Marvel McNutt
Chief Counsel

Cc: Sarah Burkman, Staff Attorney, LSA
Lisa R. Hayes, Executive Director, Health Professional Bureau
Shelly L. Mazo, Director, State Board of Dentistry

