

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1113

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-13-1-8, AS AMENDED BY P.L.78-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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(l) 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.

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(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.

SECTION 2. IC 25-14-1-3.7, AS AMENDED BY P.L.264-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.7. (a) The dental compliance fund is established to provide funds for administering and enforcing the provisions of this article, including chapter. **Money in the fund shall be used solely for the purposes of** 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

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(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 **finances and civil penalties collected through investigations of violations of:**

(1) ~~compliance fees paid under IC 25-13-1-8 and section 10(a) of this chapter; and IC 25-1-9 concerning an individual licensed under IC 25-13 or this article;~~

(2) ~~finances and civil penalties collected through investigations of violations of: IC 25-13; and~~

~~(A) IC 25-1-9 concerning individuals licensed under IC 25-13 or this article;~~

~~(B) IC 25-13; and~~

~~(C) this article;~~

(3) 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.

SECTION 3. IC 25-14-1-10, AS AMENDED BY P.L.78-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) Subject to IC 25-1-2-6(e), unless renewed, a license issued by the board expires on a date specified by the agency under IC 25-1-5-4(l). 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~~

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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.

SECTION 4. [EFFECTIVE JULY 1, 2023] (a) Compliance fees paid under IC 25-13-1-8 and IC 25-14-1-10 and deposited into the dental compliance fund established by IC 25-14-1-3.7 before July 1, 2023, remain a part of the fund's balance, notwithstanding the amendments to IC 25-13-1-8, IC 25-14-1-3.7, and IC 25-14-1-10, all as amended by this act.

(b) This SECTION expires July 1, 2025.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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