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## HOUSE BILL No. 1254

Proposed Changes to introduced printing by AM125401

### DIGEST OF PROPOSED AMENDMENT

Respiratory therapy. Amends the licensure and temporary permit requirements for respiratory care practitioners.

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

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

1 SECTION 1. IC 25-13-1-4, AS AMENDED BY P.L.103-2011,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 4. (a) Any person desiring to practice dental  
4 hygiene in Indiana must procure from the board a license to practice  
5 dental hygiene. To procure a license, the applicant must submit to the  
6 board proof of graduation from an institution ~~for educating dental~~  
7 ~~hygienists that is approved by the board~~ **described in section 6(2) of**  
8 **this chapter** and other credentials required by this chapter, together  
9 with an application on forms prescribed and furnished by the board.  
10 Each applicant must pay to the board an application fee set by the  
11 board under section 5 of this chapter at the time the application is made  
12 and must pass an examination administered by an entity approved by  
13 the board. The board may establish under section 5 of this chapter  
14 additional requirements as a prerequisite to taking an examination for  
15 any applicant who has failed the examination two (2) or more times.  
16 Application fees are not refundable.  
17 (b) An applicant described under subsection (a) shall, at the  
18 request of the board, make an appearance before the board.  
19 SECTION 2. IC 25-13-1-5 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The board shall  
21 enforce this chapter.

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(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, **educational requirements described in section 6(2) of this chapter**, 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.

SECTION 3. IC 25-13-1-6, AS AMENDED BY P.L.264-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: 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:

(A) school for dental hygienists that:

~~(A)~~ (i) is accredited by the Commission on Dental Accreditation of the American Dental Association;

~~(B)~~ (ii) is recognized by the board; and

~~(C)~~ (iii) requires a formal course of training of not less than two (2) years of eight (8) months each; **or**

**(B) dental college in a foreign country with a degree that is substantially similar to a doctorate of:**

**(i) dental surgery; or**

**(ii) dental medicine;**

**determined and approved by the board;**

(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; **and**

**(5) if the applicant is a graduate of a dental college described in subdivision (2), must submit the applicant's academic transcripts for review by the board.**

SECTION 4. IC 25-13-1-10.7, AS ADDED BY P.L.35-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10.7. (a) A dental hygienist or dental assistant (as defined in IC 25-14-1-1.5(4)) may administer nitrous oxide under the direct supervision of a licensed dentist if the dental hygienist or dental assistant has:

(1) **either:**

**(A) been employed in a dental practice for at least one (1)**



year; or

**(B) has graduated from a program:**

**(i) accredited by the Commission on Dental Accreditation of the American Dental Association; or**

**(ii) approved by the board;**

(2) satisfactorily completed a three (3) hour didactic nitrous oxide administration course **that:**

**(A) containing contains** curriculum on pharmacology, biochemistry, anatomy of nitrous oxide administration, emergency procedures, and the mechanics of operating a nitrous unit; **and**

**(B) is** accredited by the Commission on Dental Accreditation of the American Dental Association **or approved by the board;** and

(3) demonstrated clinical competency on at least five (5) patients under the direct supervision of a licensed Indiana dentist whose license is in good standing.

(b) The licensed Indiana dentist supervising the clinical competency under subsection (a)(3) shall provide to the dental hygienist or dental assistant a signed affidavit certifying the competency.

(c) Upon receipt of the affidavit provided to a dental hygienist or dental assistant under subsection (b), the provider of an educational program or curriculum described in subsection (a)(2) shall issue a certificate of completion to the dental hygienist or dental assistant. The certificate of completion must be publicly displayed in the dental office of the dental hygienist or dental assistant.

(d) Before permitting a dental hygienist or dental assistant to administer nitrous oxide, the supervising dentist shall:

(1) verify that the dental hygienist or dental assistant has completed the requirements of subsection (a);

(2) determine the maximum percent-dosage of nitrous oxide to be administered to the patient; and

(3) ensure that any administration or monitoring of nitrous oxide by dental hygienists or dental assistants is done in accordance with relevant guidelines and standards developed by the American Dental Association or the American Academy of Pediatric Dentistry.

SECTION 5. IC 25-14-1-3, AS AMENDED BY P.L.264-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person desiring to begin the practice of dentistry in Indiana shall procure from the board a license to practice



dentistry in Indiana. Except as provided in section 4.5 of this chapter, to procure the license, the applicant must submit to the board proof of graduation from a dental college recognized by the board. The board may recognize dental schools accredited by the Commission on Dental Accreditation of the American Dental Association, if the board is satisfied that the recognition is consistent with the board's requirements. Every applicant must pass an examination administered by an entity approved by the board and, **except as provided in subsection (b)**, may not take the examination more than three (3) times.

**(b) The board may establish additional requirements for an applicant who has failed the examination at least three (3) times. The applicant must complete the additional requirements before the applicant may take the examination again.**

~~(b)~~ (c) A fee paid under this article may not be refunded. [

SECTION 6. IC 25-34.5-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Each applicant for licensure as a respiratory care practitioner must present satisfactory evidence that the applicant:

(1) does not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the practitioner's ability to practice competently;

(2) has not been the subject of a disciplinary action initiated by the licensing or certification agency of another state or jurisdiction on the grounds that the applicant was unable to practice as a respiratory care practitioner without endangering the public; and

(3) has either:

(A) before January 1, 2028, passed a respiratory care practitioner licensing or certification examination approved by the board; or

(B) after December 31, 2027, successfully completed both portions of the registered respiratory therapist examination, administered by the National Board for Respiratory Care or its successor organization.

(b) Each applicant for licensure as a respiratory care practitioner must submit proof to the committee of the applicant's:

(1) graduation from a school or program of respiratory care that meets standards set by the board;

(2) completion of a United States military training program in



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respiratory care; or

(3) completion of sufficient postsecondary education to be credentialed by a national respiratory care practitioner organization approved by the committee.

(c) At the time of making application, each applicant must pay a fee determined by the board after consideration of a recommendation of the committee.

SECTION 7. IC 25-34.5-2-9, AS AMENDED BY P.L.177-2015, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) Except as provided in section 11 of this chapter, the committee shall issue a license to each applicant who

(1) successfully passes the examination provided in section 12 of this chapter; and

(2) meets the requirements of section 8 of this chapter.

(b) Subject to IC 25-1-2-6(e), a license issued under this section expires on the last day of the regular renewal cycle established under IC 25-1-5-4.

SECTION 8. IC 25-34.5-2-10.1, AS AMENDED BY P.L.149-2022, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10.1. (a) The committee shall issue a temporary permit to a person to practice respiratory care or to profess to be a respiratory care practitioner, not more than thirty (30) days after the application is filed and completed, if the person pays a fee and:

(1) has:

(A) a valid license or certificate to practice from another state; and

(B) applied for a license from the committee;

(2) is practicing in a state that does not license or certify respiratory care practitioners but is credentialed by a national respiratory care practitioner association approved by the committee, and the person has applied for a license from the committee; or

(3) has:

(A) been approved by the committee to take the next examination; and

(B) graduated from a school or program approved by the committee. is qualified to take the examination by being a graduate of a school or program of respiratory care that meets standards set by the board.

(b) A temporary permit expires the earlier of:

(1) the date the person holding the permit is issued a license



under this article; or

(2) the date the committee disapproves the person's license application.

(c) The committee may renew a temporary permit if the person holding the permit was scheduled to take the ~~next~~ examination and:

(1) did not take the examination; and

(2) shows good cause for not taking the examination.

(d) A permit renewed under subsection (c) expires on the date the person holding the permit receives the results from the ~~next~~ examination given after the permit was issued.

SECTION 9. IC 25-34.5-2-12 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 12: (a) Examinations of applicants for licensure under this article shall be held at least semiannually on dates set by the board.

(b) An examination under this section must include a written examination that tests the following:

(1) The applicant's knowledge of the basic and clinical sciences as they relate to the practice of respiratory care;

(2) Other subjects that the committee considers useful to test an applicant's fitness to practice respiratory care;

(c) An otherwise qualified applicant who fails an examination and is refused licensure may take another scheduled examination upon payment of an additional fee set by the board under rules adopted under section 7 of this chapter.

SECTION 10. IC 25-34.5-2-14, AS AMENDED BY P.L.152-2024, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The committee shall issue a student permit to an individual if the individual does the following:

(1) Submits the appropriate application to the committee.

(2) Pays the fee established by the board.

(3) Submits written proof to the committee that the individual is a student in good standing in a respiratory care school or program that: ~~has been:~~

(A) **has been** approved by the committee for purposes of section 8(b)(1) of this chapter;

(B) approved by the committee for purposes of section ~~10.1(a)(3)(B)~~ **is described in section 10.1(a)(3)** of this chapter; or

(C) **has been** otherwise approved by the committee.

(4) Submits satisfactory evidence that the individual:

(A) does not have a conviction described in section 8(a)(1) of this chapter; and

(B) has not been the subject of a disciplinary action



- 1 described in section 8(a)(2) of this chapter.
- 2 (b) The committee shall issue a student permit as soon as it is  
 3 reasonably practicable after an individual fulfills the requirements of  
 4 subsection (a).
- 5 (c) An individual who holds a student permit may only perform  
 6 respiratory care procedures that have been part of a course:
- 7 (1) the individual has successfully completed in the respiratory  
 8 care program designated under subsection (a)(3); and  
 9 (2) for which the successful completion has been documented  
 10 and that is available upon request to the committee.
- 11 (d) The committee may expand the list of respiratory care  
 12 procedures that an individual may perform under the individual's  
 13 student permit to include additional respiratory care procedures that  
 14 have been part of a course:
- 15 (1) that the individual has successfully completed in the  
 16 respiratory care program designated under subsection (a)(3); and  
 17 (2) for which the individual's successful completion has been  
 18 documented.
- 19 Upon request by the committee, the individual shall provide  
 20 documentation of the successful completion of a course described in  
 21 this subsection.
- 22 (e) The procedures permitted under subsections (c) and (d) may be  
 23 performed only:
- 24 (1) on patients who are not critical care patients; and  
 25 (2) under the proximate supervision of a practitioner.
- 26 (f) A holder of a student permit shall meet in person at least one  
 27 (1) time each working day with the permit holder's supervising  
 28 practitioner or a designated respiratory care practitioner to review the  
 29 permit holder's clinical activities. The supervising practitioner or a  
 30 designated respiratory care practitioner shall review and countersign  
 31 the entries that the permit holder makes in a patient's medical record  
 32 not more than seven (7) calendar days after the permit holder makes the  
 33 entries.
- 34 (g) A supervising practitioner may not supervise at one (1) time  
 35 more than three (3) holders of student permits issued under this section.
- 36 (h) A student permit expires on the earliest of the following:
- 37 (1) The date the permit holder is issued a license under this  
 38 article.
- 39 (2) The date the committee disapproves the permit holder's  
 40 application for a license under this article.
- 41 (3) The date the permit holder ceases to be a student in good  
 42 standing in a respiratory care program approved by the



1 committee. The graduation of a student permit holder from a  
2 respiratory care program approved by the committee does not  
3 cause the student permit to expire under this subdivision.  
4 (4) Sixty (60) days after the date that the permit holder graduates  
5 from a respiratory care program approved by the committee.  
6 (5) The date that the permit holder is notified that the permit  
7 holder has failed the licensure examination.  
8 (6) Two (2) years after the date of issuance.  
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