

# SENATE BILL No. 212

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1-9-4; IC 25-23-1-19.5.

**Synopsis:** Professional standards. Subjects certain health care practitioners to disciplinary sanctions if the practitioner undertakes activities that the practitioner is not qualified by training or experience to undertake. Establishes continuing education requirements for advanced practice nurses to renew their authority to prescribe legend drugs.

**Effective:** July 1, 1998.

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January 6, 1998, read first time and referred to Committee on Health and Environmental Affairs.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## SENATE BILL No. 212

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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 25-1-9-4, AS AMENDED BY P.L.149-1997,  
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 4. (a) A practitioner shall conduct the  
4 practitioner's practice in accordance with the standards established by  
5 the board regulating the profession in question and is subject to the  
6 exercise of the disciplinary sanctions under section 9 of this chapter if,  
7 after a hearing, the board finds:  
8 (1) a practitioner has:  
9 (A) engaged in or knowingly cooperated in fraud or material  
10 deception in order to obtain a license to practice;  
11 (B) engaged in fraud or material deception in the course of  
12 professional services or activities; or  
13 (C) advertised services in a false or misleading manner;  
14 (2) a practitioner has been convicted of a crime that has a direct  
15 bearing on the practitioner's ability to continue to practice  
16 competently;  
17 (3) a practitioner has knowingly violated any state statute or rule,



- 1 or federal statute or regulation, regulating the profession in  
 2 question;
- 3 (4) a practitioner has continued to practice although the  
 4 practitioner has become unfit to practice due to:
- 5 (A) professional incompetence; ~~that~~  
 6 (i) ~~includes the undertaking of professional activities that the~~  
 7 ~~practitioner is not qualified by training or experience to~~  
 8 ~~undertake; and~~  
 9 (ii) ~~does not include activities performed under~~  
 10 ~~IC 16-21-2-9;~~
- 11 (B) failure to keep abreast of current professional theory or  
 12 practice;
- 13 (C) physical or mental disability; ~~or~~
- 14 (D) addiction to, abuse of, or severe dependency upon alcohol  
 15 or other drugs that endanger the public by impairing a  
 16 practitioner's ability to practice safely; ~~or~~
- 17 **(E) the undertaking of professional activities that the**  
 18 **practitioner is not qualified by training or experience to**  
 19 **undertake, unless:**
- 20 **(i) the practitioner is a hospital employee who performs**  
 21 **health care services in a hospital that are delegated or**  
 22 **ordered, to the extent allowed by IC 16-21-2-9, by a**  
 23 **licensed health practitioner; and**
- 24 **(ii) the services performed are within the delegating**  
 25 **practitioner's scope of practice.**
- 26 (5) a practitioner has engaged in a course of lewd or immoral  
 27 conduct in connection with the delivery of services to the public;
- 28 (6) a practitioner has allowed the practitioner's name or a license  
 29 issued under this chapter to be used in connection with an  
 30 individual who renders services beyond the scope of that  
 31 individual's training, experience, or competence;
- 32 (7) a practitioner has had disciplinary action taken against the  
 33 practitioner or the practitioner's license to practice in any other  
 34 state or jurisdiction on grounds similar to those under this  
 35 chapter;
- 36 (8) a practitioner has diverted:
- 37 (A) a legend drug (as defined in IC 16-18-2-199); or  
 38 (B) any other drug or device issued under a drug order (as  
 39 defined in IC 16-42-19-3) for another person; or
- 40 (9) a practitioner, except as otherwise provided by law, has  
 41 knowingly prescribed, sold, or administered any drug classified  
 42 as a narcotic, addicting, or dangerous drug to a habitue or addict.



1 (b) A certified copy of the record of disciplinary action is conclusive  
 2 evidence of the other jurisdiction's disciplinary action under subsection  
 3 (a)(7).

4 SECTION 2. IC 25-23-1-19.5 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 19.5. (a) The board  
 6 shall establish a program under which advanced practice nurses who  
 7 meet the requirements established by the board are authorized to  
 8 prescribe legend drugs, including controlled substances (as defined in  
 9 IC 35-48-1).

10 (b) The authority granted by the board under this section:

- 11 (1) shall be granted initially to an advanced practice nurse for two  
 12 (2) years; and  
 13 (2) is subject to renewal indefinitely for successive periods of two  
 14 (2) years.

15 (c) The rules adopted under section 7 of this chapter concerning the  
 16 authority of advanced practice nurses to prescribe legend drugs must  
 17 do the following:

- 18 (1) Require an advanced practice nurse or a prospective advanced  
 19 practice nurse who seeks the authority to submit an application to  
 20 the board.  
 21 (2) Require, as a prerequisite to the initial granting of the  
 22 authority, the successful completion by the applicant of a graduate  
 23 level course in pharmacology providing at least two (2) semester  
 24 hours of academic credit.  
 25 (3) Require, as a condition of the renewal of the authority, the  
 26 completion by the advanced practice nurse ~~during the two (2)~~  
 27 ~~years immediately preceding the renewal of the authority of at~~  
 28 ~~least thirty (30) hours of continuing education; at least (8) hours~~  
 29 ~~of which must be in pharmacology; of the following continuing~~  
 30 ~~education requirements:~~

31 **(A) An applicant for renewal who initially received**  
 32 **prescriptive authority less than twelve (12) months before**  
 33 **the expiration date of the prescriptive authority is not**  
 34 **required to complete a continuing education requirement**  
 35 **before the renewal.**

36 **(B) An applicant for renewal who initially received**  
 37 **prescriptive authority at least twelve (12) months but less**  
 38 **than twenty-four (24) months before the expiration date of**  
 39 **the prescriptive authority shall submit proof to the board**  
 40 **that the applicant has successfully completed at least**  
 41 **fifteen (15) contact hours of continuing education. The**  
 42 **hours must:**



- 1 (i) be obtained after the date the applicant initially  
2 received prescriptive authority but before the expiration  
3 date of the prescriptive authority;  
4 (ii) include at least four (4) contact hours of  
5 pharmacology; and  
6 (iii) be approved by a nationally approved sponsor of  
7 continuing education for nurses, approved by the board,  
8 and listed by the health professions bureau as approved  
9 hours.
- 10 (C) An applicant for renewal who initially received  
11 prescriptive authority at least twenty-four (24) months  
12 before the expiration date of the prescriptive authority  
13 shall submit proof to the board that the applicant has  
14 successfully completed at least thirty (30) contact hours of  
15 continuing education. The hours must:
- 16 (i) be obtained within the two (2) years immediately  
17 preceding the renewal;  
18 (ii) include at least eight (8) contact hours of  
19 pharmacology; and  
20 (iii) be approved by a nationally approved sponsor of  
21 continuing education for nurses, approved by the board,  
22 and listed by the health professions bureau as approved  
23 hours.

