

January 16, 1998

SENATE BILL No. 212

DIGEST OF SB 212 (Updated January 15, 1998 8:40 am - DI 88)

Citations Affected: IC 25-1; IC 25-22.5; IC 25-23.

Synopsis: Professional standards. Subjects certain health care practitioners to disciplinary sanctions if the practitioner continues to practice the practitioner's profession although the practitioner has become unfit to practice due to professional incompetence that includes the undertaking of activities that the practitioner is not qualified by training or experience to undertake. Removes a provision that makes it a Class D felony to practice midwifery without a license issued under the article governing the licensing of physicians. Establishes continuing education requirements for advanced practice nurses to renew their authority to prescribe legend drugs.

Effective: July 1, 1998.

Miller, Sipes

January 6, 1998, read first time and referred to Committee on Health and Environmental Affairs.
January 15, 1998, amended, reported favorably — Do Pass.

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January 16, 1998

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

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,

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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~~ **including** the undertaking of professional
7 activities that the practitioner is not qualified by training or
8 experience to undertake; and

9 (ii) ~~does not include~~ **including** 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;

17 (5) a practitioner has engaged in a course of lewd or immoral
18 conduct in connection with the delivery of services to the public;

19 (6) a practitioner has allowed the practitioner's name or a license
20 issued under this chapter to be used in connection with an
21 individual who renders services beyond the scope of that
22 individual's training, experience, or competence;

23 (7) a practitioner has had disciplinary action taken against the
24 practitioner or the practitioner's license to practice in any other
25 state or jurisdiction on grounds similar to those under this
26 chapter;

27 (8) a practitioner has diverted:

28 (A) a legend drug (as defined in IC 16-18-2-199); or

29 (B) any other drug or device issued under a drug order (as
30 defined in IC 16-42-19-3) for another person; or

31 (9) a practitioner, except as otherwise provided by law, has
32 knowingly prescribed, sold, or administered any drug classified
33 as a narcotic, addicting, or dangerous drug to a habitue or addict.

34 (b) A certified copy of the record of disciplinary action is conclusive
35 evidence of the other jurisdiction's disciplinary action under subsection
36 (a)(7).

37 SECTION 2. IC 25-22.5-8-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) A person who
39 violates this article by unlawfully practicing medicine or osteopathic
40 medicine commits a Class C felony.

41 (b) ~~A person who practices midwifery without the license required~~
42 ~~under this article commits a Class D felony.~~

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1 (e) A person who acts as a physician's assistant without registering
2 with the board as required under this article commits a Class D felony.

3 SECTION 3. IC 25-23-1-19.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 19.5. (a) The board
5 shall establish a program under which advanced practice nurses who
6 meet the requirements established by the board are authorized to
7 prescribe legend drugs, including controlled substances (as defined in
8 IC 35-48-1).

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

10 (1) shall be granted initially to an advanced practice nurse for two

11 (2) years; and

12 (2) is subject to renewal indefinitely for successive periods of two

13 (2) years.

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

17 (1) Require an advanced practice nurse or a prospective advanced
18 practice nurse who seeks the authority to submit an application to
19 the board.

20 (2) Require, as a prerequisite to the initial granting of the
21 authority, the successful completion by the applicant of a graduate
22 level course in pharmacology providing at least two (2) semester
23 hours of academic credit.

24 (3) Require, as a condition of the renewal of the authority, the
25 completion by the advanced practice nurse ~~during the two (2)~~
26 ~~years immediately preceding the renewal of the authority of at~~
27 ~~least thirty (30) hours of continuing education; at least (8) hours~~
28 ~~of which must be in pharmacology; of the following continuing~~
29 ~~education requirements:~~

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

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

42 **(i) be obtained after the date the applicant initially**

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received prescriptive authority but before the expiration date of the prescriptive authority;

(ii) include at least four (4) contact hours of pharmacology; and

(iii) be approved by a nationally approved sponsor of continuing education for nurses, approved by the board, and listed by the health professions bureau as approved hours.

(C) An applicant for renewal who initially received prescriptive authority at least twenty-four (24) months before the expiration date of the prescriptive authority shall submit proof to the board that the applicant has successfully completed at least thirty (30) contact hours of continuing education. The hours must:

(i) be obtained within the two (2) years immediately preceding the renewal;

(ii) include at least eight (8) contact hours of pharmacology; and

(iii) be approved by a nationally approved sponsor of continuing education for nurses, approved by the board, and listed by the health professions bureau as approved hours.

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SENATE MOTION

Mr. President: I move that Senator Sipes be added as second author
of Senate Bill 212.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Environmental Affairs, to which was referred Senate Bill 212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 5, delete ";" and insert ":".

Page 2, line 5, delete ":".

Page 2, reset in roman lines 6 through 10.

Page 2, line 6, strike "includes" and insert "**including**".

Page 2, line 9, strike "does".

Page 2, line 9, strike "include" and insert "**including**".

Page 2, line 13, reset in roman "or".

Page 2, line 16, delete "or".

Page 2, delete lines 17 through 25.

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 25-22.5-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) A person who violates this article by unlawfully practicing medicine or osteopathic medicine commits a Class C felony.

(b) ~~A person who practices midwifery without the license required under this article commits a Class D felony.~~

(~~c~~) A person who acts as a physician's assistant without registering with the board as required under this article commits a Class D felony."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 212 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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