



Reprinted
April 9, 1999

ENGROSSED SENATE BILL No. 3

DIGEST OF SB 3 (Updated April 8, 1999 11:45 am - DI 101)

Citations Affected: IC 25-14; IC 25-22.5; IC 25-23; noncode.

Synopsis: Professional licensure. Provides that a person is considered to be practicing dentistry if the person directs, controls, owns, or operates a place where dental services are performed. Allows the state board of dental examiners to classify a dental license as inactive if the board receives written notification from a licensed dentist stating that the licensed dentist retired from the practice of dentistry in Indiana during a certain time period and can demonstrate that the dentist is fit to resume the licensed practice of dentistry. Requires the medical licensing board to adopt rules establishing mandatory continuing education requirements for the renewal of physician licenses. Provides that every two years the medical licensing board may randomly audit
(Continued next page)

Effective: Upon passage; July 1, 1999.

Adams K

(HOUSE SPONSORS — BROWN C, WOLKINS)

January 6, 1999, read first time and referred to Committee on Health and Provider Services.
January 19, 1999, reported favorably — Do Pass.
January 25, 1999, read second time, ordered engrossed. Engrossed.
January 26, 1999, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Public Health.
March 25, 1999, amended, reported — Do Pass.
April 8, 1999, read second time, amended, ordered engrossed.

ES 3—LS 6023/DI 101+



C
O
P
Y

Digest Continued

for compliance at least one percent but not more than ten percent of physicians required to take continuing education courses. Requires the Indiana state board of nursing to adopt rules establishing mandatory continuing education requirements for the renewal of nursing licenses. Provides that every two years the state board of nursing may randomly audit for compliance at least one percent but not more than ten percent of nurses required to take continuing education courses. Authorizes the state board of nursing to license by endorsement an applicant who has completed and achieved a passing score on the English version of the Canadian Nurse Association Testing Service Examination, is currently licensed as a registered nurse in a Canadian province or another state, and meets all other requirements for receiving a license to practice as a registered nurse under Indiana law. Amends continuing education requirements for advanced practice nurses to renew their authority to prescribe legend drugs.

C
o
p
y



Reprinted
April 9, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 3

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 25-14-1-23 IS AMENDED TO READ AS
2 FOLLOWS: Sec. 23. (a) Any person shall be said to be practicing
3 dentistry within the meaning of this chapter who:
4 (1) uses the word "dentist" or "dental surgeon", the letters
5 "D.D.S." or "D.M.D.", or other letters or titles in connection with
6 dentistry;
7 (2) directs ~~and~~ controls, **owns or operates the treatment of**
8 **patients within** a place where dental services are performed;
9 (3) advertises or permits to be advertised by sign, card, circular,
10 handbill, newspaper, radio, or otherwise that he can or will
11 attempt to perform dental operations of any kind;
12 (4) offers to diagnose or professes to diagnose or treats or
13 professes to treat any of the lesions or diseases of the human oral
14 cavity, teeth, gums, or maxillary or mandibular structures;
15 (5) extracts human teeth or corrects malpositions of the teeth or
16 jaws;

ES 3—LS 6023/DI 101+



C
O
P
Y

- 1 (6) administers dental anesthetics;
 2 (7) uses x-ray pictures for dental diagnostic purposes;
 3 (8) makes impressions or casts of any oral tissues or structures for
 4 the purpose of diagnosis or treatment thereof or for the
 5 construction, repair, reproduction, or duplication of any prosthetic
 6 device to alleviate or cure any oral lesion or replace any lost oral
 7 structures, tissue, or teeth; or
 8 (9) advertises to the public by any method, except trade and
 9 professional publications, to furnish, supply, construct, reproduce,
 10 repair, or adjust any prosthetic denture, bridge, appliance, or other
 11 structure to be worn in the human mouth.

12 However, a person does not have to be a dentist to be a manufacturer
 13 of dental prostheses.

14 (b) In addition to subsection (a), a person is practicing dentistry who
 15 directly or indirectly by any means or method furnishes, supplies,
 16 constructs, reproduces, repairs, or adjusts any prosthetic denture,
 17 bridge, appliance, or any other structure to be worn in the human
 18 mouth and delivers the resulting product to any person other than the
 19 duly licensed dentist upon whose written work authorization the work
 20 was performed. A written work authorization shall include the
 21 following:

- 22 (1) The name and address of the dental laboratory to which it is
 23 directed.
 24 (2) The case identification.
 25 (3) A specification of the materials to be used.
 26 (4) A description of the work to be done and, if necessary,
 27 diagrams thereof.
 28 (5) The date of issuance of the authorization.
 29 (6) The signature and address of the licensed dentist or other
 30 dental practitioner by whom the work authorization is issued.

31 A separate work authorization shall be issued for each patient of the
 32 issuing licensed dentist or other dental practitioner for whom dental
 33 technological work is to be performed.

34 (c) This section shall not apply to those procedures which a legally
 35 licensed and practicing dentist may delegate to competent office
 36 personnel as to which procedures the dentist exercises supervision and
 37 responsibility. Delegated procedures may not include either:

- 38 (1) those procedures which require professional judgment and
 39 skill such as diagnosis, treatment planning, and the cutting of hard
 40 or soft tissues or any intraoral impression which would lead to the
 41 fabrication of an appliance, which, when worn by the patient,
 42 would come in direct contact with hard or soft tissues and which



C
O
P
Y

1 could result in tissue irritation or injury; or

2 (2) those procedures allocated under IC 25-13-1 to licensed dental
3 hygienists.

4 This chapter shall not prevent dental students from performing dental
5 operations under the supervision of competent instructors within the
6 dental school or a university recognized by the board or in any public
7 clinic under the supervision of the authorized superintendent of such
8 clinic authorized under the authority and general direction of the board
9 of health or school board of any city or town in Indiana.

10 (d) Licensed pharmacists of this state may fill prescriptions of
11 licensed dentists of this state for any drug necessary in the practice of
12 dentistry.

13 SECTION 2. IC 25-22.5-2-7 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The board shall do
15 the following:

16 (1) Adopt rules and forms necessary to implement this article that
17 concern, but are not limited to, the following areas:

18 (A) Qualification by education, residence, citizenship,
19 training, and character for admission to an examination for
20 licensure or by endorsement for licensure.

21 (B) The examination for licensure.

22 (C) The license or permit.

23 (D) Fees for examination, permit, licensure, and registration.

24 (E) Reinstatement of licenses and permits.

25 (F) Payment of costs in disciplinary proceedings conducted by
26 the board.

27 **(G) Establishment of mandatory continuing education**
28 **requirements designed to maintain the competency of**
29 **individuals licensed under this chapter, including**
30 **requirements providing that only educational activities**
31 **that meet professional role expectations satisfy continuing**
32 **education requirements.**

33 (2) Administer oaths in matters relating to the discharge of its
34 official duties.

35 (3) Enforce this article and assign service bureau personnel duties
36 as may be necessary in the discharge of the board's duty.

37 (4) Maintain, through the service bureau, full and complete
38 records of all applicants for licensure or permit and of all licenses
39 and permits issued.

40 (5) Make available, upon request, the complete schedule of
41 minimum requirements for licensure or permit.

42 (6) Issue, at the board's discretion, a temporary permit to an

C
O
P
Y



1 applicant for the interim from the date of application until the
2 next regular meeting of the board.

3 (7) Issue an unlimited license, a limited license, or a temporary
4 medical permit, depending upon the qualifications of the
5 applicant, to any applicant who successfully fulfills all of the
6 requirements of this article.

7 (8) Adopt rules establishing standards for the competent practice
8 of medicine, osteopathic medicine, or any other form of practice
9 regulated by a limited license or permit issued under this article.

10 (9) Adopt rules regarding the appropriate prescribing of Schedule
11 III or Schedule IV controlled substances for the purpose of weight
12 reduction or to control obesity.

13 SECTION 3. IC 25-22.5-7-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A license issued
15 under this article expires on June 30 of each odd-numbered year.
16 Before June 30 of an odd-numbered year, an applicant for renewal shall
17 pay the biennial renewal fee set by the board under IC 25-22.5-2-7.

18 (b) If the holder of a license does not renew the license by June 30
19 of each odd-numbered year, the license expires and becomes invalid
20 without any action taken by the board. A license that becomes invalid
21 under this subsection may be reinstated by the board up to three (3)
22 years after the invalidation if the holder of the invalid license: ~~pays:~~

- 23 (1) **pays** the penalty fee set by the board under IC 25-22.5-2-7;
24 **and**
25 (2) **pays** the renewal fee for the biennium; **and**
26 (3) **completes the continuing education requirement**
27 **established by the board.**

28 (c) If a license that becomes invalid under this section is not
29 reinstated by the board within three (3) years of its invalidation, the
30 holder of the invalid license may be required by the board to take an
31 examination for competence before the board will reinstate the holder's
32 license.

33 (d) The board may adopt rules under IC 25-22.5-2-7 establishing
34 requirements for the reinstatement of a lapsed license.

35 (e) **An individual may not renew a license under this article**
36 **unless the individual has completed the continuing education**
37 **requirements established under IC 25-22.5-2-7(1)(G). An**
38 **application under this section must contain a sworn statement**
39 **signed by the applicant attesting that the applicant has fulfilled the**
40 **continuing education requirements.**

41 (f) Every two (2) years, the board may randomly audit for
42 compliance at least one percent (1%) but not more than ten

C
O
P
Y



1 percent (10%) of the practitioners required to take continuing
2 education courses.

3 (g) Notwithstanding IC 25-22.5-2-7(1)(G), the continuing
4 education requirement does not apply to the following:

5 (1) A practitioner who has held an initial license for less than
6 two (2) years.

7 (2) A practitioner who the board has determined is unable to
8 meet the requirement due to a disability.

9 (h) For each continuing education course attended or completed,
10 the practitioner shall retain:

11 (1) a record of the number of hours spent in each continuing
12 education course;

13 (2) the subject matter presented;

14 (3) the name of the sponsoring organization; and

15 (4) verification of attendance or completion;

16 for three (3) years after the date the practitioner's license was
17 renewed.

18 SECTION 4. IC 25-23-1-7 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The board shall
20 do the following:

21 (1) Adopt under IC 4-22-2 rules necessary to enable it to carry
22 into effect this chapter.

23 (2) Prescribe standards and approve curricula for nursing
24 education programs preparing persons for licensure under this
25 chapter.

26 (3) Provide for surveys of such programs at such times as it
27 considers necessary.

28 (4) Accredite such programs as meet the requirements of this
29 chapter and of the board.

30 (5) Deny or withdraw accreditation from nursing education
31 programs for failure to meet prescribed curricula or other
32 standards.

33 (6) Examine, license, and renew the license of qualified
34 applicants.

35 (7) Issue subpoenas, compel the attendance of witnesses, and
36 administer oaths to persons giving testimony at hearings.

37 (8) Cause the prosecution of all persons violating this chapter and
38 have power to incur necessary expenses for these prosecutions.

39 (9) Adopt rules under IC 4-22-2 that do the following:

40 (A) Prescribe standards for the competent practice of
41 registered, practical, and advanced practice nursing.

42 (B) Establish with the approval of the medical licensing board

C
O
P
Y



1 created by IC 25-22.5-2-1 requirements that advanced practice
 2 nurses must meet to be granted authority to prescribe legend
 3 drugs and to retain that authority.

4 **(C) Establish continuing education requirements designed**
 5 **to maintain the competency of individuals licensed under**
 6 **this chapter, including requirements providing that only**
 7 **educational activities that meet professional role**
 8 **expectations satisfy continuing education requirements.**

9 (10) Keep a record of all its proceedings.

10 (11) Collect and distribute annually demographic information on
 11 the number and type of registered nurses and licensed practical
 12 nurses employed in Indiana.

13 (12) Notify each registered nurse and licensed practical nurse
 14 residing in Indiana when final rules concerning the practice of
 15 nursing are published in the Indiana register.

16 (b) The board may do the following:

17 (1) Create ad hoc subcommittees representing the various nursing
 18 specialties and interests of the profession of nursing. Persons
 19 appointed to a subcommittee serve for terms as determined by the
 20 board.

21 (2) Utilize the appropriate subcommittees so as to assist the board
 22 with its responsibilities. The assistance provided by the
 23 subcommittees may include the following:

24 (A) Recommendation of rules necessary to carry out the duties
 25 of the board.

26 (B) Recommendations concerning educational programs and
 27 requirements.

28 (C) Recommendations regarding examinations and licensure
 29 of applicants.

30 (3) Appoint nurses to serve on each of the ad hoc subcommittees.

31 (c) Nurses appointed under subsection (b) must:

32 (1) be committed to advancing and safeguarding the nursing
 33 profession as a whole; and

34 (2) represent nurses who practice in the field directly affected by
 35 a subcommittee's actions.

36 SECTION 5. IC 25-23-1-11 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Any person
 38 who applies to the board for a license to practice as a registered nurse
 39 must:

40 (1) not have:

41 (A) been convicted of a crime that has a direct bearing on the
 42 person's ability to practice competently; or

C
O
P
Y



- 1 (B) committed an act that would constitute a ground for a
 2 disciplinary sanction under IC 25-1-9;
 3 (2) have completed:
 4 (A) the prescribed curriculum and met the graduation
 5 requirements of a state accredited program of registered
 6 nursing that only accepts students who have a high school
 7 diploma or its equivalent as determined by the board; or
 8 (B) the prescribed curriculum and graduation requirements of
 9 a nursing education program in a foreign country that is
 10 substantially equivalent to a board approved program as
 11 determined by the board. The board may by rule adopted under
 12 IC 4-22-2 require an applicant under this subsection to
 13 successfully complete an examination approved by the board
 14 to measure the applicant's qualifications and background in the
 15 practice of nursing and proficiency in the English language;
 16 and
 17 (3) be physically and mentally capable of and professionally
 18 competent to safely engage in the practice of nursing as
 19 determined by the board.
 20 The board may not require a person to have a baccalaureate degree in
 21 nursing as a prerequisite for licensure.
 22 (b) The applicant must pass an examination in such subjects as the
 23 board may determine.
 24 (c) The board may issue by endorsement a license to practice as a
 25 registered nurse to an applicant who has been licensed as a registered
 26 nurse, by examination, under the laws of another state if the applicant
 27 presents proof satisfactory to the board that, at the time that the
 28 applicant applies for an Indiana license by endorsement, the applicant
 29 **holds a current license in another state and** possesses credentials
 30 and qualifications that are substantially equivalent to requirements in
 31 Indiana for licensure by examination. The board may specify by rule
 32 what constitutes substantial equivalence under this subsection.
 33 **(d) The board may issue by endorsement a license to practice as**
 34 **a registered nurse to an applicant who:**
 35 **(1) has completed the English version of the Canadian Nurse**
 36 **Association Testing Service Examination;**
 37 **(2) achieved the passing score required on the examination at**
 38 **the time the examination was taken;**
 39 **(3) is currently licensed in a Canadian province or in another**
 40 **state; and**
 41 **(4) meets the other requirements under this section.**
 42 ~~(d)~~ (e) Each applicant for examination and registration to practice



1 as a registered nurse shall pay a fee set by the board. The board may set
 2 a proctoring fee to be paid by applicants who are graduates of a state
 3 accredited school in another state. Payment of the fee or fees shall be
 4 made by the applicant prior to the date of examination.

5 (f) Any person who holds a license to practice as a registered
 6 nurse in Indiana may use the title "Registered Nurse" and the
 7 abbreviation "R.N.". No other person shall practice or advertise as or
 8 assume the title of registered nurse or use the abbreviation of "R.N." or
 9 any other words, letters, signs, or figures to indicate that the person
 10 using same is a registered nurse.

11 (g) Any person holding a license or certificate of registration to
 12 practice nursing as a registered nurse issued by the board which is valid
 13 on December 1, 1971, shall be considered to be licensed as a registered
 14 nurse under this chapter.

15 SECTION 6. IC 25-23-1-16.1 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16.1. (a) A license to
 17 practice as a registered nurse expires on October 31 in each
 18 odd-numbered year. Failure to renew the license on or before the
 19 expiration date will automatically render the license invalid without
 20 any action by the board.

21 (b) A license to practice as a licensed practical nurse expires on
 22 October 31 in each even-numbered year. Failure to renew the license
 23 on or before the expiration date will automatically render the license
 24 invalid without any action by the board.

25 (c) The procedures and fee for renewal shall be set by the board.

26 (d) At the time of license renewal, each registered nurse and each
 27 licensed practical nurse shall pay an additional three dollar (\$3) fee.
 28 The lesser of the following amounts from fees collected under this
 29 subsection shall be deposited in the impaired nurses account of the
 30 state general fund established by section 34 of this chapter:

31 (1) Three dollars (\$3) per license renewed under this section.

32 (2) The cost per license to operate the impaired nurses program,
 33 as determined by the health professions bureau.

34 (e) **To renew a license under this section, an individual must**
 35 **have completed the continuing education requirements established**
 36 **by the board under section 7(a)(9)(C) of this chapter. An**
 37 **application under this section must contain a sworn statement**
 38 **signed by the applicant attesting that the applicant has fulfilled the**
 39 **continuing education requirements.**

40 (f) Every two (2) years, the board may randomly audit for
 41 compliance at least one percent (1%) but not more than ten
 42 percent (10%) of the nurses required to take continuing education



C
O
P
Y

- 1 **courses.**
- 2 **(g) Notwithstanding IC 25-22.5-2-7(1)(G), the continuing**
- 3 **education requirement does not apply to the following:**
- 4 **(1) A nurse who has held an initial license for less than two (2)**
- 5 **years.**
- 6 **(2) A nurse who the board has determined is unable to meet**
- 7 **the requirement due to a disability.**
- 8 **(h) For each continuing education course attended or completed,**
- 9 **the nurse shall retain:**
- 10 **(1) a record of the number of hours spent in each continuing**
- 11 **education course;**
- 12 **(2) the subject matter presented;**
- 13 **(3) the name of the sponsoring organization; and**
- 14 **(4) verification of attendance or completion;**
- 15 **for three (3) years after the date the nurse's license was renewed.**
- 16 SECTION 7. IC 25-23-1-19.5 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19.5. (a) The board
- 18 shall establish a program under which advanced practice nurses who
- 19 meet the requirements established by the board are authorized to
- 20 prescribe legend drugs, including controlled substances (as defined in
- 21 IC 35-48-1).
- 22 (b) The authority granted by the board under this section:
- 23 (1) shall be granted initially to an advanced practice nurse for two
- 24 (2) years; and
- 25 (2) is subject to renewal indefinitely for successive periods of two
- 26 (2) years.
- 27 (c) The rules adopted under section 7 of this chapter concerning the
- 28 authority of advanced practice nurses to prescribe legend drugs must
- 29 do the following:
- 30 (1) Require an advanced practice nurse or a prospective advanced
- 31 practice nurse who seeks the authority to submit an application to
- 32 the board.
- 33 (2) Require, as a prerequisite to the initial granting of the
- 34 authority, the successful completion by the applicant of a graduate
- 35 level course in pharmacology providing at least two (2) semester
- 36 hours of academic credit.
- 37 (3) Require, as a condition of the renewal of the authority, the
- 38 completion by the advanced practice nurse ~~during the two (2)~~
- 39 ~~years immediately preceding the renewal of the authority of at~~
- 40 ~~least thirty (30) hours of continuing education, at least (8) hours~~
- 41 ~~of which must be in pharmacology of the following continuing~~
- 42 ~~education requirements:~~



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

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

(B) An applicant for renewal who initially received prescriptive authority at least twelve (12) months but less than 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 fifteen (15) contact hours of continuing education. The hours must:

- (i) be obtained after the date the applicant initially 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.

SECTION 8. [EFFECTIVE UPON PASSAGE]: Notwithstanding IC 25-14-1-27.1, the state board of dental examiners may classify a dental license as inactive if the board receives written notification from a licensed dentist stating that the licensed dentist retired from the practice of dentistry in Indiana after July 1, 1990 and prior to July 1, 1995 and the licensed dentist can demonstrate to the board that the dentist is fit to resume the licensed practice of dentistry.



C
o
p
y

1 **This SECTION expires January 1, 2000.**
2 **SECTION 9. An emergency is declared for this act.**

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 3, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 3 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 0.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 3, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 25-23-1-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19.5. (a) The board shall establish a program under which advanced practice nurses who meet the requirements established by the board are authorized to prescribe legend drugs, including controlled substances (as defined in IC 35-48-1).

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

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

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

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

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

(B) An applicant for renewal who initially received prescriptive authority at least twelve (12) months but less than twenty-four (24) months before the expiration date of the prescriptive authority shall submit proof to the board



C
O
P
Y

that the applicant has successfully completed at least fifteen (15) contact hours of continuing education. The hours must:

- (i) be obtained after the date the applicant initially 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."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 3 as printed January 20, 1999.)

BROWN C, Chair

Committee Vote: yeas 10, nays 0.

C
O
P
Y



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 3 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-22.5-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.

(B) The examination for licensure.

(C) The license or permit.

(D) Fees for examination, permit, licensure, and registration.

(E) Reinstatement of licenses and permits.

(F) Payment of costs in disciplinary proceedings conducted by the board.

(G) Establishment of mandatory continuing education requirements designed to maintain the competency of individuals licensed under this chapter, including requirements providing that only educational activities that meet professional role expectations satisfy continuing education requirements.

(2) Administer oaths in matters relating to the discharge of its official duties.

(3) Enforce this article and assign service bureau personnel duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the service bureau, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice



C
O
P
Y

of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

SECTION 2. IC 25-22.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A license issued under this article expires on June 30 of each odd-numbered year. Before June 30 of an odd-numbered year, an applicant for renewal shall pay the biennial renewal fee set by the board under IC 25-22.5-2-7.

(b) If the holder of a license does not renew the license by June 30 of each odd-numbered year, the license expires and becomes invalid without any action taken by the board. A license that becomes invalid under this subsection may be reinstated by the board up to three (3) years after the invalidation if the holder of the invalid license: ~~pays:~~

- (1) ~~pays~~ the penalty fee set by the board under IC 25-22.5-2-7; ~~and~~
- (2) ~~pays~~ the renewal fee for the biennium; ~~and~~
- (3) **completes the continuing education requirement established by the board.**

(c) If a license that becomes invalid under this section is not reinstated by the board within three (3) years of its invalidation, the holder of the invalid license may be required by the board to take an examination for competence before the board will reinstate the holder's license.

(d) The board may adopt rules under IC 25-22.5-2-7 establishing requirements for the reinstatement of a lapsed license.

(e) **An individual may not renew a license under this article unless the individual has completed the continuing education requirements established under IC 25-22.5-2-7(1)(G). An application under this section must contain a sworn statement signed by the applicant attesting that the applicant has fulfilled the continuing education requirements.**

(f) Every two (2) years, the board may randomly audit for compliance at least one percent (1%) but not more than ten percent (10%) of the practitioners required to take continuing education courses.

(g) **Notwithstanding IC 25-22.5-2-7(1)(G), the continuing education requirement does not apply to the following:**

- (1) A practitioner who has held an initial license for less than two (2) years.
- (2) A practitioner who the board has determined is unable to



C
O
P
Y

meet the requirement due to a disability.

(h) For each continuing education course attended or completed, the practitioner shall retain:

- (1) a record of the number of hours spent in each continuing education course;
- (2) the subject matter presented;
- (3) the name of the sponsoring organization; and
- (4) verification of attendance or completion;

for three (3) years after the date the practitioner's license was renewed.

SECTION 3. IC 25-23-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The board shall do the following:

- (1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.
- (2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.
- (3) Provide for surveys of such programs at such times as it considers necessary.
- (4) Accredite such programs as meet the requirements of this chapter and of the board.
- (5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.
- (6) Examine, license, and renew the license of qualified applicants.
- (7) Issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.
- (8) Cause the prosecution of all persons violating this chapter and have power to incur necessary expenses for these prosecutions.
- (9) Adopt rules under IC 4-22-2 that do the following:
 - (A) Prescribe standards for the competent practice of registered, practical, and advanced practice nursing.
 - (B) Establish with the approval of the medical licensing board created by IC 25-22.5-2-1 requirements that advanced practice nurses must meet to be granted authority to prescribe legend drugs and to retain that authority.
 - (C) **Establish continuing education requirements designed to maintain the competency of individuals licensed under this chapter, including requirements providing that only educational activities that meet professional role**

C
O
P
Y



expectations satisfy continuing education requirements.

- (10) Keep a record of all its proceedings.
 - (11) Collect and distribute annually demographic information on the number and type of registered nurses and licensed practical nurses employed in Indiana.
 - (12) Notify each registered nurse and licensed practical nurse residing in Indiana when final rules concerning the practice of nursing are published in the Indiana register.
- (b) The board may do the following:
- (1) Create ad hoc subcommittees representing the various nursing specialties and interests of the profession of nursing. Persons appointed to a subcommittee serve for terms as determined by the board.
 - (2) Utilize the appropriate subcommittees so as to assist the board with its responsibilities. The assistance provided by the subcommittees may include the following:
 - (A) Recommendation of rules necessary to carry out the duties of the board.
 - (B) Recommendations concerning educational programs and requirements.
 - (C) Recommendations regarding examinations and licensure of applicants.
 - (3) Appoint nurses to serve on each of the ad hoc subcommittees.
- (c) Nurses appointed under subsection (b) must:
- (1) be committed to advancing and safeguarding the nursing profession as a whole; and
 - (2) represent nurses who practice in the field directly affected by a subcommittee's actions."

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 4. IC 25-23-1-16.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16.1. (a) A license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(b) A license to practice as a licensed practical nurse expires on October 31 in each even-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(c) The procedures and fee for renewal shall be set by the board.

(d) At the time of license renewal, each registered nurse and each licensed practical nurse shall pay an additional three dollar (\$3) fee.



C
O
P
Y

The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

- (1) Three dollars (\$3) per license renewed under this section.
- (2) The cost per license to operate the impaired nurses program, as determined by the health professions bureau.

(e) To renew a license under this section, an individual must have completed the continuing education requirements established by the board under section 7(a)(9)(C) of this chapter. An application under this section must contain a sworn statement signed by the applicant attesting that the applicant has fulfilled the continuing education requirements.

(f) Every two (2) years, the board may randomly audit for compliance at least one percent (1%) but not more than ten percent (10%) of the nurses required to take continuing education courses.

(g) Notwithstanding IC 25-22.5-2-7(1)(G), the continuing education requirement does not apply to the following:

- (1) A nurse who has held an initial license for less than two (2) years.**
- (2) A nurse who the board has determined is unable to meet the requirement due to a disability.**

(h) For each continuing education course attended or completed, the nurse shall retain:

- (1) a record of the number of hours spent in each continuing education course;**
- (2) the subject matter presented;**
- (3) the name of the sponsoring organization; and**
- (4) verification of attendance or completion;**

for three (3) years after the date the nurse's license was renewed."

Renumber all SECTIONS consecutively.

(Reference is to ESB as printed March 26, 1999.)

BROWN C

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 3 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

ES 3—LS 6023/DI 101+



C
O
P
Y

"SECTION 1. IC 25-14-1-23 IS AMENDED TO READ AS FOLLOWS: Sec. 23. (a) Any person shall be said to be practicing dentistry within the meaning of this chapter who:

- (1) uses the word "dentist" or "dental surgeon", the letters "D.D.S." or "D.M.D.", or other letters or titles in connection with dentistry;
- (2) directs ~~and~~ controls, **owns or operates the treatment of patients within** a place where dental services are performed;
- (3) advertises or permits to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that he can or will attempt to perform dental operations of any kind;
- (4) offers to diagnose or professes to diagnose or treats or professes to treat any of the lesions or diseases of the human oral cavity, teeth, gums, or maxillary or mandibular structures;
- (5) extracts human teeth or corrects malpositions of the teeth or jaws;
- (6) administers dental anesthetics;
- (7) uses x-ray pictures for dental diagnostic purposes;
- (8) makes impressions or casts of any oral tissues or structures for the purpose of diagnosis or treatment thereof or for the construction, repair, reproduction, or duplication of any prosthetic device to alleviate or cure any oral lesion or replace any lost oral structures, tissue, or teeth; or
- (9) advertises to the public by any method, except trade and professional publications, to furnish, supply, construct, reproduce, repair, or adjust any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.

However, a person does not have to be a dentist to be a manufacturer of dental prostheses.

(b) In addition to subsection (a), a person is practicing dentistry who directly or indirectly by any means or method furnishes, supplies, constructs, reproduces, repairs, or adjusts any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth and delivers the resulting product to any person other than the duly licensed dentist upon whose written work authorization the work was performed. A written work authorization shall include the following:

- (1) The name and address of the dental laboratory to which it is directed.
- (2) The case identification.
- (3) A specification of the materials to be used.
- (4) A description of the work to be done and, if necessary,



C
O
P
Y

diagrams thereof.

(5) The date of issuance of the authorization.

(6) The signature and address of the licensed dentist or other dental practitioner by whom the work authorization is issued.

A separate work authorization shall be issued for each patient of the issuing licensed dentist or other dental practitioner for whom dental technological work is to be performed.

(c) This section shall not apply to those procedures which a legally licensed and practicing dentist may delegate to competent office personnel as to which procedures the dentist exercises supervision and responsibility. Delegated procedures may not include either:

(1) those procedures which require professional judgment and skill such as diagnosis, treatment planning, and the cutting of hard or soft tissues or any intraoral impression which would lead to the fabrication of an appliance, which, when worn by the patient, would come in direct contact with hard or soft tissues and which could result in tissue irritation or injury; or

(2) those procedures allocated under IC 25-13-1 to licensed dental hygienists.

This chapter shall not prevent dental students from performing dental operations under the supervision of competent instructors within the dental school or a university recognized by the board or in any public clinic under the supervision of the authorized superintendent of such clinic authorized under the authority and general direction of the board of health or school board of any city or town in Indiana.

(d) Licensed pharmacists of this state may fill prescriptions of licensed dentists of this state for any drug necessary in the practice of dentistry."

Page 4, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE UPON PASSAGE]: Notwithstanding IC 25-14-1-27.1, the state board of dental examiners may classify a dental license as inactive if the board receives written notification from a licensed dentist stating that the licensed dentist retired from the practice of dentistry in Indiana after July 1, 1990 and prior to July 1, 1995 and the licensed dentist can demonstrate to the board that the dentist is fit to resume the licensed practice of dentistry. This SECTION expires January 1, 2000. "

Re-number all SECTIONS consecutively.

(Reference is to ESB3 as printed March 26, 1999.)

FRIZZELL

