



Reprinted  
April 9, 1999

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## ENGROSSED SENATE BILL No. 506

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DIGEST OF SB 506 (Updated April 8, 1999 7:07 pm - DI 77)

**Citations Affected:** IC 25-1; IC 25-2.5; IC 25-22.5; IC 25-23; IC 25-23.6; noncode.

**Synopsis:** Acupuncture licensing. Requires acupuncturist licenses to be renewed every two years. Requires acupuncturists to maintain current diplomate status with the National Certification Commission for Acupuncture and Oriental Medicine. Requires acupuncturists to have a written referral or diagnosis from a licensed physician before practicing acupuncture on a patient. Requires the acupuncturist licensing board to establish standards regarding the number of hours of education and experience an individual must possess to receive an acupuncturist license. Makes professing to be an acupuncturist without a license and the unlawful practice of acupuncture a Class B  
(Continued next page)

**Effective:** July 1, 1999.

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### Miller, Breaux

(HOUSE SPONSORS — BROWN C, KLINKER, BROWN T, FRIZZELL)

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January 19, 1999, read first time and referred to Committee on Health and Provider Services.

February 11, 1999, amended, reported favorably — Do Pass.

February 15, 1999, read second time, ordered engrossed. Engrossed.

February 18, 1999, read third time, passed. Yeas 46, nays 4.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Public Health.

April 5, 1999, amended, reported — Do Pass.

April 8, 1999, read second time, amended, ordered engrossed.

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ES 506—LS 7812/DI 100+



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misdeemeanor. Allows a licensed acupuncturist to practice auricular acupuncture on a patient for the purpose of treating alcoholism, substance abuse, or chemical dependency without a referral or diagnosis from a licensed physician. Allows individuals meeting certain standards to practice auricular acupuncture on patients for the purpose of treating alcoholism, chemical dependency, or substance abuse without a license. Requires continuing education for licensed physicians and nurses. Requires that a mental health counselor applicant have a master's or doctor's degree in counseling from an accredited institution.

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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. 506

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 25-1-2-2.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. Rather than being  
3 issued annually, the following permits, licenses, certificates of  
4 registration, or evidences of authority granted by a state agency must  
5 be issued for a period of two (2) years or for the period specified in the  
6 article under which the permit, license, certificate of registration, or  
7 evidence of authority is issued if the period specified in the article is  
8 longer than two (2) years:  
9 (1) Certified public accountants, public accountants, and  
10 accounting practitioners.  
11 (2) Architects and landscape architects.  
12 (3) Dry cleaners.  
13 (4) Professional engineers.  
14 (5) Land surveyors.  
15 (6) Real estate brokers.

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- 1 (7) Real estate agents.  
 2 (8) Security dealers' licenses issued by the securities  
 3 commissioner.  
 4 (9) Dental hygienists.  
 5 (10) Dentists.  
 6 (11) Veterinarians.  
 7 (12) Physicians.  
 8 (13) Chiropractors.  
 9 (14) Physical therapists.  
 10 (15) Optometrists.  
 11 (16) Pharmacists and assistants, drugstores or pharmacies.  
 12 (17) Motels and mobile home park licenses.  
 13 (18) Nurses.  
 14 (19) Podiatrists.  
 15 (20) Occupational therapists and occupational therapy assistants.  
 16 (21) Respiratory care practitioners.  
 17 (22) Social workers, marriage and family therapists, and mental  
 18 health counselors.  
 19 (23) Real estate appraiser licenses and certificates issued by the  
 20 real estate appraiser licensure and certification board.  
 21 (24) Wholesale legend drug distributors.  
 22 (25) Physician assistants.  
 23 (26) Dietitians.  
 24 (27) Hypnotists.  
 25 **(28) Acupuncturists.**  
 26 SECTION 2. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) As used in this section,  
 28 "license" includes all occupational and professional licenses,  
 29 registrations, permits, and certificates issued under the Indiana Code,  
 30 and "licensee" includes all occupational and professional licensees,  
 31 registrants, permittees, and certificate holders regulated under the  
 32 Indiana Code.  
 33 (b) This section applies to the following entities that regulate  
 34 occupations or professions under the Indiana Code:  
 35 (1) Indiana board of accountancy.  
 36 (2) Indiana grain buyers and warehouse licensing agency.  
 37 (3) Indiana auctioneer commission.  
 38 (4) Board of registration for architects.  
 39 (5) State board of barber examiners.  
 40 (6) State board of cosmetology examiners.  
 41 (7) Medical licensing board of Indiana.  
 42 (8) Secretary of state.

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- 1 (9) State board of dental examiners.  
 2 (10) State board of funeral and cemetery service.  
 3 (11) Worker's compensation board of Indiana.  
 4 (12) Indiana state board of health facility administrators.  
 5 (13) Committee of hearing aid dealer examiners.  
 6 (14) Indiana state board of nursing.  
 7 (15) Indiana optometry board.  
 8 (16) Indiana board of pharmacy.  
 9 (17) Indiana plumbing commission.  
 10 (18) Board of podiatric medicine.  
 11 (19) Private detectives licensing board.  
 12 (20) State board of registration for professional engineers.  
 13 (21) Board of environmental health specialists.  
 14 (22) State psychology board.  
 15 (23) Indiana real estate commission.  
 16 (24) Speech-language pathology and audiology board.  
 17 (25) Department of natural resources.  
 18 (26) State boxing commission.  
 19 (27) Board of chiropractic examiners.  
 20 (28) Mining board.  
 21 (29) Indiana board of veterinary medical examiners.  
 22 (30) State department of health.  
 23 (31) Indiana physical therapy committee.  
 24 (32) Respiratory care committee.  
 25 (33) Occupational therapy committee.  
 26 (34) Social worker, marriage and family therapist, and mental  
 27 health counselor board.  
 28 (35) Real estate appraiser licensure and certification board.  
 29 (36) State board of registration for land surveyors.  
 30 (37) Physician assistant committee.  
 31 (38) Indiana dietitians certification board.  
 32 (39) Indiana hypnotist committee.  
 33 **(40) Acupuncture licensing board.**  
 34 ~~(40)~~ **(41)** Any other occupational or professional agency created  
 35 after June 30, 1981.  
 36 (c) Notwithstanding any other law, the entities included in  
 37 subsection (b) shall send a notice of the upcoming expiration of a  
 38 license to each licensee at least sixty (60) days prior to the expiration  
 39 of the license. The notice must inform the licensee of the need to renew  
 40 and the requirement of payment of the renewal fee. If this notice of  
 41 expiration is not sent by the entity, the licensee is not subject to a  
 42 sanction for failure to renew if, once notice is received from the entity,

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1 the license is renewed within forty-five (45) days of the receipt of the  
2 notice.

3 SECTION 3. IC 25-1-5-3 IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) There is established the  
5 health professions bureau. The bureau shall perform all administrative  
6 functions, duties, and responsibilities assigned by law or rule to the  
7 executive director, secretary, or other statutory administrator of the  
8 following:

- 9 (1) Board of chiropractic examiners (IC 25-10-1).
- 10 (2) State board of dental examiners (IC 25-14-1).
- 11 (3) Indiana state board of health facility administrators (IC  
12 25-19-1).
- 13 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 14 (5) Indiana state board of nursing (IC 25-23-1).
- 15 (6) Indiana optometry board (IC 25-24).
- 16 (7) Indiana board of pharmacy (IC 25-26).
- 17 (8) Board of podiatric medicine (IC 25-29-2-1).
- 18 (9) Board of environmental health specialists (IC 25-32).
- 19 (10) Speech-language pathology and audiology board (IC  
20 25-35.6-2).
- 21 (11) State psychology board (IC 25-33).
- 22 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 23 (13) Controlled substances advisory committee (IC 35-48-2-1).
- 24 (14) Committee of hearing aid dealer examiners (IC 25-20).
- 25 (15) Indiana physical therapy committee (IC 25-27).
- 26 (16) Respiratory care committee (IC 25-34.5).
- 27 (17) Occupational therapy committee (IC 25-23.5).
- 28 (18) Social worker, marriage and family therapist, and mental  
29 health counselor board (IC 25-23.6).
- 30 (19) Physician assistant committee (IC 25-27.5).
- 31 (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- 32 (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- 33 (22) Indiana hypnotist committee (IC 25-20.5-1-7).

34 **(23) Acupuncture licensing board (IC 25-2.5-2-1).**

35 (b) Nothing in this chapter may be construed to give the bureau  
36 policy making authority, which authority remains with each board.

37 SECTION 4. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter:

39 "Board" means the appropriate agency listed in the definition of  
40 regulated occupation in this section.

41 "Director" refers to the director of the division of consumer  
42 protection.



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1 "Division" refers to the division of consumer protection, office of  
2 the attorney general.

3 "Licensee" means a person who is:

- 4 (1) licensed, certified, or registered by a board listed in this  
5 section; and
- 6 (2) the subject of a complaint filed with the division.

7 "Person" means an individual, a partnership, a limited liability  
8 company, or a corporation.

9 "Regulated occupation" means an occupation in which a person is  
10 licensed, certified, or registered by one (1) of the following:

- 11 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 12 (2) Board of registration for architects (IC 25-4-1-2).
- 13 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 14 (4) State board of barber examiners (IC 25-7-5-1).
- 15 (5) State boxing commission (IC 25-9-1).
- 16 (6) Board of chiropractic examiners (IC 25-10-1).
- 17 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 18 (8) State board of dental examiners (IC 25-14-1).
- 19 (9) State board of funeral and cemetery service (IC 25-15-9).
- 20 (10) State board of registration for professional engineers (IC  
21 25-31-1-3).
- 22 (11) Indiana state board of health facility administrators (IC  
23 25-19-1).
- 24 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 25 (13) Indiana state board of nursing (IC 25-23-1).
- 26 (14) Indiana optometry board (IC 25-24).
- 27 (15) Indiana board of pharmacy (IC 25-26).
- 28 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 29 (17) Board of podiatric medicine (IC 25-29-2-1).
- 30 (18) Board of environmental health specialists (IC 25-32-1).
- 31 (19) State psychology board (IC 25-33).
- 32 (20) Speech-language pathology and audiology board (IC  
33 25-35.6-2).
- 34 (21) Indiana real estate commission (IC 25-34.1-2).
- 35 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 36 (23) Department of natural resources for purposes of licensing  
37 water well drillers under IC 25-39-3.
- 38 (24) Respiratory care committee (IC 25-34.5).
- 39 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 40 (26) Occupational therapy committee (IC 25-23.5).
- 41 (27) Social worker, marriage and family therapist, and mental  
42 health counselor board (IC 25-23.6).



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- 1 (28) Real estate appraiser licensure and certification board (IC  
2 25-34.1-8).
- 3 (29) State board of registration for land surveyors (IC  
4 25-21.5-2-1).
- 5 (30) Physician assistant committee (IC 25-27.5).
- 6 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 7 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 8 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 9 (34) Indiana physical therapy committee (IC 25-27).
- 10 **(35) Acupuncture licensing board (IC 25-2.5-2-1).**
- 11 ~~(35)~~ **(36)** Any other occupational or professional agency created  
12 after June 30, 1981.
- 13 SECTION 5. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "board"  
15 means any of the following:
- 16 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 17 (2) Board of registration for architects (IC 25-4-1-2).
- 18 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 19 (4) State board of barber examiners (IC 25-7-5-1).
- 20 (5) State boxing commission (IC 25-9-1).
- 21 (6) Board of chiropractic examiners (IC 25-10-1).
- 22 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 23 (8) State board of dental examiners (IC 25-14-1).
- 24 (9) State board of funeral and cemetery service (IC 25-15).
- 25 (10) State board of registration for professional engineers (IC  
26 25-31-1-3).
- 27 (11) Indiana state board of health facility administrators (IC  
28 25-19-1).
- 29 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 30 (13) Mining board (IC 22-10-1.5-2).
- 31 (14) Indiana state board of nursing (IC 25-23-1).
- 32 (15) Indiana optometry board (IC 25-24).
- 33 (16) Indiana board of pharmacy (IC 25-26).
- 34 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 35 (18) Board of environmental health specialists (IC 25-32-1).
- 36 (19) State psychology board (IC 25-33).
- 37 (20) Speech-language pathology and audiology board (IC  
38 25-35.6-2).
- 39 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 40 (22) Indiana board of veterinary medical examiners (IC  
41 15-5-1.1-3).
- 42 (23) Department of insurance (IC 27-1).



- 1 (24) State police department (IC 10-1-1-1), for purposes of  
 2 certifying polygraph examiners under IC 25-30-2.  
 3 (25) Department of natural resources for purposes of licensing  
 4 water well drillers under IC 25-39-3.  
 5 (26) Private detectives licensing board (IC 25-30-1-5.1).  
 6 (27) Occupational therapy committee (IC 25-23.5-2-1).  
 7 (28) Social worker, marriage and family therapist, and mental  
 8 health counselor board (IC 25-23.6-2-1).  
 9 (29) Real estate appraiser licensure and certification board (IC  
 10 25-34.1-8).  
 11 (30) State board of registration for land surveyors (IC  
 12 25-21.5-2-1).  
 13 (31) Physician assistant committee (IC 25-27.5).  
 14 (32) Indiana athletic trainers board (IC 25-5.1-2-1).  
 15 (33) Board of podiatric medicine (IC 25-29-2-1).  
 16 (34) Indiana dietitians certification board (IC 25-14.5-2-1).  
 17 (35) Indiana physical therapy committee (IC 25-27).  
 18 **(36) Acupuncture licensing board (IC 25-2.5-2-1).**  
 19 ~~(36)~~ **(37)** Any other occupational or professional agency created  
 20 after June 30, 1981.
- 21 SECTION 6. IC 25-1-9-1 IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "board"  
 23 means any of the following:  
 24 (1) Board of chiropractic examiners (IC 25-10-1).  
 25 (2) State board of dental examiners (IC 25-14-1).  
 26 (3) Indiana state board of health facility administrators (IC  
 27 25-19-1).  
 28 (4) Medical licensing board of Indiana (IC 25-22.5-2).  
 29 (5) Indiana state board of nursing (IC 25-23-1).  
 30 (6) Indiana optometry board (IC 25-24).  
 31 (7) Indiana board of pharmacy (IC 25-26).  
 32 (8) Board of podiatric medicine (IC 25-29-2-1).  
 33 (9) Board of environmental health specialists (IC 25-32).  
 34 (10) Speech-language pathology and audiology board (IC  
 35 25-35.6-2).  
 36 (11) State psychology board (IC 25-33).  
 37 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).  
 38 (13) Indiana physical therapy committee (IC 25-27-1).  
 39 (14) Respiratory care committee (IC 25-34.5).  
 40 (15) Occupational therapy committee (IC 25-23.5).  
 41 (16) Social worker, marriage and family therapist, and mental  
 42 health counselor board (IC 25-23.6).



1 (17) Physician assistant committee (IC 25-27.5).

2 (18) Indiana athletic trainers board (IC 25-5.1-2-1).

3 (19) Indiana dietitians certification board (IC 25-14.5-2-1).

4 (20) Indiana hypnotist committee (IC 25-20.5-1-7).

5 **(21) Acupuncture licensing board (IC 25-2.5-2-1).**

6 SECTION 7. IC 25-2.5 IS ADDED TO THE INDIANA CODE AS  
7 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
8 1999]:

9 **ARTICLE 2.5. ACUPUNCTURISTS**

10 **Chapter 1. Definitions**

11 **Sec. 1. The definitions in this chapter apply throughout this**  
12 **article.**

13 **Sec. 2. "Acupuncture" means a form of health care employing**  
14 **traditional and modern Oriental medical concepts, Oriental**  
15 **medical diagnosis and treatment, and adjunctive therapies and**  
16 **diagnostic techniques for the promotion, maintenance, and**  
17 **restoration of health and the prevention of disease.**

18 **Sec. 3. "Board" refers to the acupuncture licensing board.**

19 **Sec. 4. "Bureau" refers to the health professions bureau**  
20 **established by IC 25-1-5-3.**

21 **Sec. 5. "Practice of acupuncture" means the insertion of**  
22 **acupuncture needles, the application of moxibustion to specific**  
23 **areas of the human body based upon Oriental medical diagnosis as**  
24 **a primary mode of therapy, and other means of applying**  
25 **acupuncture under this chapter.**

26 **Chapter 2. Acupuncture Licensing Board**

27 **Sec. 1. The acupuncture licensing board is established.**

28 **Sec. 2. (a) The board consists of eight (8) members appointed by**  
29 **the governor for terms of three (3) years.**

30 **(b) Except for members appointed under section 4 of this**  
31 **chapter, the terms of new members appointed to the board within**  
32 **a calendar year begin on the same day.**

33 **(c) The board must include the following:**

34 **(1) At least three (3) acupuncturists who:**

35 **(A) are residents of Indiana;**

36 **(B) have at least three (3) years of experience as**  
37 **acupuncturists; and**

38 **(C) are licensed to practice acupuncture under this article.**

39 **(2) At least one (1) physician licensed under IC 25-22.5 who is**  
40 **a resident of Indiana and is licensed to practice acupuncture**  
41 **in the physician's practice under IC 25-2.5-4-3.**

42 **(3) At least one (1) chiropractor licensed under IC 25-10 who**

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- 1 is a resident of Indiana and is licensed to practice acupuncture
- 2 in the chiropractor's practice under IC 25-2.5-4-3.
- 3 (4) At least one (1) podiatrist licensed under IC 25-29 who is
- 4 a resident of Indiana and is licensed to practice acupuncture
- 5 in the podiatrist's practice under IC 25-2.5-4-3.
- 6 (5) At least one (1) dentist licensed under IC 25-14 who is a
- 7 resident of Indiana and is licensed to practice acupuncture in
- 8 the dentist's practice under IC 25-2.5-4-3.
- 9 (6) At least one (1) resident of Indiana who is not associated
- 10 with a health care profession in any way other than as a
- 11 consumer.

12 **Sec. 3. An acupuncturist appointed to the board must continue**

13 **to practice acupuncture while serving as a member of the board.**

14 **Sec. 4. A vacancy on the board shall be filled for the unexpired**

15 **term in the same manner as the original appointment.**

16 **Sec. 5. At the first meeting following the appointment of a new**

17 **member, the board shall elect:**

- 18 (1) a chairperson; and
- 19 (2) a secretary.

20 **Sec. 6. (a) The board shall meet within forty-five (45) days after**

21 **the appointment of a new member.**

- 22 (b) The board may meet as needed to perform its duties.
- 23 (c) Five (5) members of the board constitute a quorum.

24 **Sec. 7. (a) Each member of the board who is not a state**

25 **employee is entitled to receive both of the following:**

- 26 (1) The minimum salary per diem provided by
- 27 IC 4-10-11-2.1(b).
- 28 (2) Reimbursement for travel expenses and other expenses
- 29 actually incurred with the member's duties, as provided in the
- 30 state travel policies and procedures established by the Indiana
- 31 department of administration and approved by the budget
- 32 agency.

33 (b) Each member of the board who is a state employee is entitled

34 to reimbursement for travel expenses as provided under

35 IC 4-13-1-4 and other expenses actually incurred in connection

36 with the member's duties, as provided in the state travel policies

37 and procedures established by the Indiana department of

38 administration and approved by the budget agency.

39 **Chapter 3. License and Qualifications**

40 **Sec. 1. Except as provided in section 3 of this chapter, to qualify**

41 **for a license under this article, an individual must satisfy the**

42 **following requirements:**

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- 1           **(1) Complete an application for licensure in accordance with**
- 2           **the rules adopted by the board.**
- 3           **(2) Pay the fees established by the board under IC 25-1-8-2.**
- 4           **(3) Not have been convicted of a crime that has a direct**
- 5           **bearing on the applicant's ability to practice competently as**
- 6           **determined by the board.**
- 7           **(4) Not have had disciplinary action taken against the**
- 8           **applicant or the applicant's license by the board or by the**
- 9           **licensing agency of another state or jurisdiction by reason of**
- 10          **the applicant's inability to safely practice acupuncture with**
- 11          **the reasons for discipline still being valid as determined by the**
- 12          **board or by a national certification agency.**
- 13          **(5) Show to the satisfaction of the board that the applicant**
- 14          **has:**
  - 15               **(A) current active status as a diplomate in acupuncture of**
  - 16               **the National Certification Commission for Acupuncture**
  - 17               **and Oriental Medicine;**
  - 18               **(B) successfully completed a three (3) year postsecondary**
  - 19               **training program or acupuncture college program that:**
    - 20                       **(i) is accredited by;**
    - 21                       **(ii) is a candidate for accreditation by; or**
    - 22                       **(iii) meets the standards of;**
  - 23               **the National Accreditation Commission for Schools and**
  - 24               **Colleges of Acupuncture and Oriental Medicine; and**
  - 25               **(C) successfully completed a clean needle technique course**
  - 26               **approved by the National Certification Commission for**
  - 27               **Acupuncture and Oriental Medicine.**

28           **Sec. 2. Except as provided in section 4 of this chapter, the board**  
 29           **shall issue a license to an individual who:**

- 30               **(1) meets the conditions of section 1 of this chapter; and**
- 31               **(2) is otherwise qualified for licensure under this article.**

32           **Sec. 3. (a) An applicant may, upon the payment of a fee**  
 33           **established by the board, be granted a license if the applicant**  
 34           **submits satisfactory evidence to the board that the applicant has**  
 35           **been licensed to practice acupuncture in another state or**  
 36           **authorized in another country under qualifications substantially**  
 37           **equivalent to those specified in this chapter for a license to practice**  
 38           **acupuncture.**

39           **(b) An applicant may, upon the payment of a fee established by**  
 40           **the board, be granted an affiliated professional's license to practice**  
 41           **acupuncture if the applicant submits satisfactory evidence to the**  
 42           **board that the applicant is a:**



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- 1           (1) chiropractor licensed under IC 25-10;
- 2           (2) dentist licensed under IC 25-14; or
- 3           (3) podiatrist licensed under IC 25-29;
- 4           with at least two hundred (200) hours of acupuncture training or
- 5           equivalent physiological acupuncture training approved by the
- 6           board. The board may not adopt a rule that restricts credit of an
- 7           applicant's previously obtained acupuncture training from an
- 8           institution approved by the board.

- 9           (c) The board shall:
  - 10           (1) compile, at least once every two (2) years, a list of courses
  - 11           and institutions that provide training approved for the
  - 12           purpose of qualifying an individual for an affiliated
  - 13           professional's license under subsection (b); and
  - 14           (2) adopt rules that set forth procedures for the case by case
  - 15           approval of training under subsection (b).

16           Sec. 4. The board may refuse to issue a license to an applicant  
 17           for licensure if:

- 18           (1) the board determines during the application process that
- 19           the applicant committed an act that would have subjected the
- 20           applicant to disciplinary sanction under section 1(5) of this
- 21           chapter if the applicant had been licensed in Indiana when the
- 22           act occurred; or
- 23           (2) the applicant has had a license revoked under IC 25-1-1.1.

24           Sec. 5. (a) A license issued by the board expires on the date  
 25           established by the bureau under IC 25-1-5-4 in each  
 26           even-numbered year.

- 27           (b) To renew a license, an acupuncturist must:
  - 28           (1) pay a renewal fee not later than the expiration date of the
  - 29           license; and
  - 30           (2) submit proof of current active licensure in acupuncture by
  - 31           the National Certification Commission for Acupuncture and
  - 32           Oriental Medicine.

33           Sec. 6. The board may deny, suspend, or revoke a license,  
 34           require remedial education, or issue a letter of reprimand, if an  
 35           applicant or licensed acupuncturist does any of the following:

- 36           (1) Engages in false or fraudulent conduct that demonstrates  
 37           an unfitness to practice acupuncture, including:
  - 38           (A) making a misrepresentation in connection with an
  - 39           application for a license or an investigation by the board;
  - 40           (B) attempting to collect fees for services that were not
  - 41           performed;
  - 42           (C) false advertising, including guaranteeing that a cure

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- will result from an acupuncture treatment; or
- (D) dividing, or agreeing to divide, a fee for acupuncture services with another person for referring the patient.
- (2) Fails to exercise proper control over the acupuncturist's practice by:
  - (A) aiding an unlicensed person in practicing acupuncture;
  - (B) delegating professional responsibilities to a person the acupuncturist knows or should know is not qualified to perform; or
  - (C) insufficiently supervising unlicensed personnel working with the acupuncturist in the practice.
- (3) Fails to maintain records in a proper manner by:
  - (A) failing to keep written records describing the course of treatment for each patient;
  - (B) refusing to provide upon request patient records that have been prepared for or paid for by the patient; or
  - (C) revealing personally identifiable information about a patient, without the patient's consent, unless otherwise allowed by law.
- (4) Fails to exercise proper care of a patient, including:
  - (A) abandoning or neglecting a patient without making reasonable arrangements for the continuation of care; or
  - (B) exercising or attempting to exercise undue influence within the relationship between the acupuncturist and the patient by making sexual advances or requests for sexual activity or by making submission to sexual conduct a condition of treatment.
- (5) Displays habitual substance abuse or mental impairment to the degree that it interferes with the ability to provide safe and effective treatment.
- (6) Is convicted, pleads guilty, or pleads no contest to a crime that demonstrates an unfitness to practice acupuncture.
- (7) Fails, in a negligent manner, to practice acupuncture with the level of skill recognized within the profession as acceptable under the circumstances.
- (8) Violates willfully any provision of this article or rule of the board.
- (9) Has had a license denied, suspended, or revoked in another jurisdiction for a reason that would be grounds for denial, suspension, or revocation of a license under this article.

Sec. 7. (a) This section may not be construed to prohibit licensed acupuncturists from practicing auricular acupuncture.

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1 (b) An individual who is not an acupuncturist licensed under  
2 this article may practice auricular acupuncture for the purpose of  
3 treating alcoholism, substance abuse, or chemical dependency if  
4 the individual:

5 (1) provides the board with documentation of successful  
6 completion of a board approved training program in  
7 acupuncture for the treatment of alcoholism, substance abuse,  
8 or chemical dependency that meets or exceeds the standards  
9 of training set by the National Acupuncture Detoxification  
10 Association;

11 (2) provides the board with documentation of successful  
12 completion of a clean needle technique course;

13 (3) provides auricular acupuncture services within the context  
14 of a state, federal, or board approved alcohol, substance  
15 abuse, or chemical dependency program under the  
16 supervision of a licensed acupuncturist; and

17 (4) maintains the ethical standards under this article and  
18 under rules adopted by the board.

19 **Chapter 4. Unlawful Practice**

20 **Sec. 1. This chapter does not apply to the following:**

21 (1) A health care professional acting within the scope of the  
22 health care professional's license, certification, or  
23 registration.

24 (2) A student practicing acupuncture under the direct  
25 supervision of a licensed acupuncturist as part of a course of  
26 study approved by the board.

27 **Sec. 2. An individual may not use the title "licensed**  
28 **acupuncturist" or "acupuncturist" unless the acupuncturist is**  
29 **licensed under this article.**

30 **Sec. 3. (a) Subject to section 1 of this chapter, it is unlawful to**  
31 **practice acupuncture without a license issued under this article.**

32 (b) Subject to subsection (c), it is unlawful for a licensed  
33 acupuncturist, other than a chiropractor licensed under IC 25-10,  
34 podiatrist licensed under IC 25-29, or dentist licensed under  
35 IC 25-14 to practice acupuncture on a patient unless the  
36 acupuncturist obtains a:

37 (1) written letter of referral;

38 (2) written diagnosis of the patient; or

39 (3) written documentation relating to the condition for which  
40 the patient receives acupuncture;

41 within the last twelve (12) months from a physician licensed under  
42 IC 25-22.5.

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1 (c) An acupuncturist licensed under this article may practice  
2 auricular acupuncture on a patient for the purpose of treating  
3 alcoholism, substance abuse, or chemical dependency without a  
4 written letter of referral or written diagnosis from a physician  
5 licensed under IC 25-22.5.

6 (d) If a licensed acupuncturist practices acupuncture on a  
7 patient after having obtained a written letter of referral or written  
8 diagnosis of the patient from a physician licensed under IC 25-22.5  
9 as described in subsection (b), the physician is immune from civil  
10 liability relating to the patient or acupuncturist's use of that  
11 diagnosis or referral except for acts or omissions of the physician  
12 that amount to gross negligence or willful or wanton misconduct.

13 **Sec. 4. A person who knowingly or intentionally violates this**  
14 **article commits a Class B misdemeanor.**

15 SECTION 8. IC 25-22.5-2-7 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The board shall do  
17 the following:

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

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

23 (B) The examination for licensure.

24 (C) The license or permit.

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

26 (E) Reinstatement of licenses and permits.

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

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

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

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

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

42 (5) Make available, upon request, the complete schedule of

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- 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 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 9. 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.**

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

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

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

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

11 (h) For each continuing education course attended or completed,  
12 the practitioner shall retain a record of:

13 (1) the number of hours spent in each continuing education  
14 course;

15 (2) the subject matter presented;

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

17 (4) the verification of attendance or completion;

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

20 SECTION 10. IC 25-23-1-7 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The board shall  
22 do the following:

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

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

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

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

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

35 (6) Examine, license, and renew the license of qualified  
36 applicants.

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

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

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

42 (A) Prescribe standards for the competent practice of

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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 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.

SECTION 11. 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

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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. 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 a record of:**

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

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

SECTION 12. IC 25-23.6-8.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. An applicant under section 1 of this chapter must complete the following educational requirements:

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1 (1) Complete sixty (60) semester hours of graduate coursework in  
 2 counseling that must include either a master's degree ~~that required~~  
 3 ~~not less than forty-eight (48) semester hours~~ or a doctor's degree  
 4 in counseling **from an accredited institution**. The graduate  
 5 coursework must include the following content areas:

- 6 (A) Human growth and development.  
 7 (B) Social and cultural foundations of counseling.  
 8 (C) Helping relationship, including counseling theory and  
 9 practice.  
 10 (D) Group dynamics, processes, counseling, and consultation.  
 11 (E) Lifestyle and career development.  
 12 (F) Assessment and appraisal of individuals.  
 13 (G) Research and program evaluation.  
 14 (H) Professional orientation and ethics.  
 15 (I) Foundations of mental health counseling.  
 16 (J) Contextual dimensions of mental health counseling.  
 17 (K) Knowledge and skills for the practice of mental health  
 18 counseling and psychotherapy.  
 19 (L) Clinical instruction.

20 (2) Not less than one (1) supervised clinical practicum, internship,  
 21 or field experience in a counseling setting, which must include a  
 22 minimum of one thousand (1,000) clock hours consisting of one  
 23 (1) practicum of one hundred (100) hours, one (1) internship of  
 24 six hundred (600) hours, and one (1) advanced internship of three  
 25 hundred (300) hours with at least one hundred (100) hours of face  
 26 to face supervision. This requirement may be met by a supervised  
 27 practice experience that took place away from an institution of  
 28 higher education but that is certified by an official of the  
 29 institution of higher education as being equivalent to a clinical  
 30 mental health graduate level practicum or internship program at  
 31 an institution accredited by an accrediting agency approved by the  
 32 United States Department of Education or the Association of  
 33 Universities and Colleges of Canada.

34 SECTION 13. [EFFECTIVE JULY 1, 1999] **(a) Notwithstanding**  
 35 **IC 25-2.5, as added by this act:**

36 **(1) the governor shall appoint the initial members of the**  
 37 **acupuncture licensing board as follows:**

- 38 **(A) One (1) acupuncturist, the physician, and the dentist**  
 39 **members shall serve a term expiring June 30, 2000.**  
 40 **(B) One (1) acupuncturist, the chiropractor, and the**  
 41 **consumer members shall serve a term expiring June 30,**  
 42 **2001.**



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- 1           **(C) One (1) acupuncturist and the podiatrist member shall**
- 2           **serve a term expiring June 30, 2002.**
- 3           **(2) the governor may appoint a member of the board who is**
- 4           **not licensed under IC 25-2.5-4, if the member otherwise meets**
- 5           **the requirements of IC 25-2.5;**
- 6           **(3) the board shall waive the requirements of 25-2.5-4 and**
- 7           **grant a license to practice acupuncture to an individual who:**
- 8               **(A) is a resident of Indiana; and**
- 9               **(B) presents evidence of successfully completing a college,**
- 10              **apprenticeship, tutorial, or other training program**
- 11              **approved by the board;**
- 12           **(4) the board shall adopt rules and procedures to implement**
- 13           **this SECTION;**
- 14           **(5) an individual who violates this SECTION or IC 25-2.5, as**
- 15           **added by this act, does not commit a Class B misdemeanor**
- 16           **unless the individual has received a warning for a prior**
- 17           **unrelated violation of this SECTION or IC 25-2.5, as added**
- 18           **by this act; and**
- 19           **(6) if an individual violates this SECTION or IC 25-2.5, the**
- 20           **acupuncture licensing board shall issue a written warning to**
- 21           **the individual with instructions describing how to comply**
- 22           **with acupuncture licensing laws.**
- 23           **(b) This SECTION expires July 1, 2002.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 506, 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 1, line 13, delete "(a) Except as provided in subsection (b), "board"" and insert ""**Board**"".

Page 1, delete line 15.

Page 2, delete lines 1 through 6.

Page 3, line 21, delete "four" and insert "**three**".

Page 3, line 21, delete "(400)" and insert "**(300)**".

and when so amended that said bill do pass.

(Reference is to SB 506 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 506, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-1-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home park licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.

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- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.

**(28) Acupuncturists.**

SECTION 2. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dental examiners.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.



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- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Acupuncture licensing board.**
- ~~(40)~~ **(41)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 3. IC 25-1-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) There is established the health professions bureau. The bureau shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dental examiners (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).



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- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Controlled substances advisory committee (IC 35-48-2-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20).
- (15) Indiana physical therapy committee (IC 25-27).
- (16) Respiratory care committee (IC 25-34.5).
- (17) Occupational therapy committee (IC 25-23.5).
- (18) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (19) Physician assistant committee (IC 25-27.5).
- (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- (22) Indiana hypnotist committee (IC 25-20.5-1-7).
- (23) Acupuncture licensing board (IC 25-2.5-2-1).**

(b) Nothing in this chapter may be construed to give the bureau policy making authority, which authority remains with each board.

SECTION 4. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dental examiners (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC



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25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Indiana state board of nursing (IC 25-23-1).

(14) Indiana optometry board (IC 25-24).

(15) Indiana board of pharmacy (IC 25-26).

(16) Indiana plumbing commission (IC 25-28.5-1-3).

(17) Board of podiatric medicine (IC 25-29-2-1).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board (IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2).

(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(24) Respiratory care committee (IC 25-34.5).

(25) Private detectives licensing board (IC 25-30-1-5.1).

(26) Occupational therapy committee (IC 25-23.5).

(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(29) State board of registration for land surveyors (IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

**(35) Acupuncture licensing board (IC 25-2.5-2-1).**

~~(35)~~ **(36)** Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).



- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dental examiners (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private detectives licensing board (IC 25-30-1-5.1).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Acupuncture licensing board (IC 25-2.5-2-1).**
- ~~(36)~~ **(37)** Any other occupational or professional agency created after June 30, 1981.

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SECTION 6. IC 25-1-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dental examiners (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27-1).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).
- (21) **Acupuncture licensing board (IC 25-2.5-2-1).**"

Page 1, line 13, delete "medical" and insert "**acupuncture**".

Page 2, between lines 5 and 6, begin a new paragraph and insert:  
**"Chapter 2. Acupuncture Licensing Board**

**Sec. 1. The acupuncture licensing board is established.**

**Sec. 2. (a) The board consists of eight (8) members appointed by the governor for terms of three (3) years.**

**(b) Except for members appointed under section 4 of this chapter, the terms of new members appointed to the board within a calendar year begin on the same day.**

**(c) The board must include the following:**

- (1) At least three (3) acupuncturists who:**
  - (A) are residents of Indiana;**
  - (B) have at least three (3) years of experience as acupuncturists; and**
  - (C) are licensed to practice acupuncture under this article.**



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(2) At least one (1) physician licensed under IC 25-22.5 who is a resident of Indiana and is licensed to practice acupuncture in the physician's practice under IC 25-2.5-4-3.

(3) At least one (1) chiropractor licensed under IC 25-10 who is a resident of Indiana and is licensed to practice acupuncture in the chiropractor's practice under IC 25-2.5-4-3.

(4) At least one (1) podiatrist licensed under IC 25-29 who is a resident of Indiana and is licensed to practice acupuncture in the podiatrist's practice under IC 25-2.5-4-3.

(5) At least one (1) dentist licensed under IC 25-14 who is a resident of Indiana and is licensed to practice acupuncture in the dentist's practice under IC 25-2.5-4-3.

(6) At least one (1) resident of Indiana who is not associated with a health care profession in any way other than as a consumer.

Sec. 3. An acupuncturist appointed to the board must continue to practice acupuncture while serving as a member of the board.

Sec. 4. A vacancy on the board shall be filled for the unexpired term in the same manner as the original appointment.

Sec. 5. At the first meeting following the appointment of a new member, the board shall elect:

- (1) a chairperson; and
- (2) a secretary.

Sec. 6. (a) The board shall meet within forty-five (45) days after the appointment of a new member.

- (b) The board may meet as needed to perform its duties.
- (c) Five (5) members of the board constitute a quorum.

Sec. 7. (a) Each member of the board who is not a state employee is entitled to receive both of the following:

- (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- (2) Reimbursement for travel expenses and other expenses actually incurred with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency."



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Page 2, line 6, delete "2." and insert "3."

Page 2, line 12, after "board" insert "**under IC 25-1-8-2**".

Page 3, line 13, delete "three" and insert "**two**".

Page 3, line 13, delete "(300)" and insert "**(200)**".

Page 3, line 15, after "board." insert "**The board may not adopt a rule that restricts credit of an applicant's previously obtained acupuncture training from an institution approved by the board.**".

Page 5, line 26, delete "3." and insert "4."

Page 6, after line 21, begin a new paragraph and insert:

"SECTION 8. 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

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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 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 9. 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**

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**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 meet the requirement due to a disability.**

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

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

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

SECTION 10. 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.



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**(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 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.

SECTION 11. 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.

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(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. 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 a record of:**

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

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

**SECTION 12. [EFFECTIVE JULY 1, 1999] (a) Notwithstanding IC 25-2.5, as added by this act:**

**(1) the governor shall appoint the initial members of the acupuncture licensing board as follows:**

- (A) One (1) acupuncturist, the physician, and the dentist members shall serve a term expiring June 30, 2000.**
- (B) One (1) acupuncturist, the chiropractor, and the consumer members shall serve a term expiring June 30, 2001.**



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- (C) One (1) acupuncturist and the podiatrist member shall serve a term expiring June 30, 2002.**
- (2) the governor may appoint a member of the board who is not licensed under IC 25-2.5-4, if the member otherwise meets the requirements of IC 25-2.5;**
- (3) the board shall waive the requirements of 25-2.5-4 and grant a license to practice acupuncture to an individual who:**
- (A) is a resident of Indiana; and**
  - (B) presents evidence of successfully completing a college, apprenticeship, tutorial, or other training program approved by the board;**
- (4) the board shall adopt rules and procedures to implement this SECTION;**
- (5) an individual who violates this SECTION or IC 25-2.5, as added by this act, does not commit a Class B misdemeanor unless the individual has received a warning for a prior unrelated violation of this SECTION or IC 25-2.5, as added by this act; and**
- (6) if an individual violates this SECTION or IC 25-2.5, the acupuncture licensing board shall issue a written warning to the individual with instructions describing how to comply with acupuncture licensing laws.**
- (b) This SECTION expires July 1, 2002."**
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 506 as printed February 12, 1999.)

BROWN C, Chair

Committee Vote: yeas 8, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 506 be amended to read as follows:

Page 18, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 12. IC 25-23.6-8.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. An applicant under section 1 of this chapter must complete the following educational requirements:

(1) Complete sixty (60) semester hours of graduate coursework in counseling that must include either a master's degree ~~that required not less than forty-eight (48) semester hours~~ or a doctor's degree in counseling **from an accredited institution**. The graduate coursework must include the following content areas:

- (A) Human growth and development.
- (B) Social and cultural foundations of counseling.
- (C) Helping relationship, including counseling theory and practice.
- (D) Group dynamics, processes, counseling, and consultation.
- (E) Lifestyle and career development.
- (F) Assessment and appraisal of individuals.
- (G) Research and program evaluation.
- (H) Professional orientation and ethics.
- (I) Foundations of mental health counseling.
- (J) Contextual dimensions of mental health counseling.
- (K) Knowledge and skills for the practice of mental health counseling and psychotherapy.
- (L) Clinical instruction.

(2) Not less than one (1) supervised clinical practicum, internship, or field experience in a counseling setting, which must include a minimum of one thousand (1,000) clock hours consisting of one (1) practicum of one hundred (100) hours, one (1) internship of six hundred (600) hours, and one (1) advanced internship of three hundred (300) hours with at least one hundred (100) hours of face to face supervision. This requirement may be met by a supervised practice experience that took place away from an institution of higher education but that is certified by an official of the institution of higher education as being equivalent to a clinical mental health graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education or the Association of Universities and Colleges of Canada. "

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Renumber all SECTIONS consecutively.

(Reference is to ESB 506 as printed April 6, 1999.)

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