



February 25, 1999

HOUSE BILL No. 1404

DIGEST OF HB 1404 (Updated February 24, 1999 4:40 pm - DI 77)

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

Synopsis: Continuing education for physicians and nurses. Requires the medical licensing board of Indiana to adopt rules that establish continuing education requirements designed to maintain the competency of physicians. Requires physicians to submit a statement attesting that they have obtained the necessary continuing education requirements to renew their licenses. Requires the Indiana state board of nursing to adopt rules that establish continuing education requirements designed to maintain the competency of nurses. Requires nurses to submit a statement attesting that they have obtained the necessary continuing education requirements. Allows for random continuing education compliance audits.

Effective: July 1, 1999.

Brown C

January 12, 1999, read first time and referred to Committee on Public Health.
February 24, 1999, amended, reported — Do Pass.

HB 1404—LS 7581/DI 101+



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February 25, 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.

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HOUSE BILL No. 1404

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 25-22.5-2-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The board shall do
3 the following:
- 4 (1) Adopt rules and forms necessary to implement this article that
5 concern, but are not limited to, the following areas:
 - 6 (A) Qualification by education, residence, citizenship,
7 training, and character for admission to an examination for
8 licensure or by endorsement for licensure.
 - 9 (B) The examination for licensure.
 - 10 (C) The license or permit.
 - 11 (D) Fees for examination, permit, licensure, and registration.
 - 12 (E) Reinstatement of licenses and permits.
 - 13 (F) Payment of costs in disciplinary proceedings conducted by
14 the board.
 - 15 (G) **Establishment of mandatory continuing education**

HB 1404—LS 7581/DI 101+



- 1 **requirements designed to maintain the competency of**
 2 **individuals licensed under this chapter, including**
 3 **requirements providing that only educational activities**
 4 **that meet professional role expectations satisfy continuing**
 5 **education requirements.**
- 6 (2) Administer oaths in matters relating to the discharge of its
 7 official duties.
- 8 (3) Enforce this article and assign service bureau personnel duties
 9 as may be necessary in the discharge of the board's duty.
- 10 (4) Maintain, through the service bureau, full and complete
 11 records of all applicants for licensure or permit and of all licenses
 12 and permits issued.
- 13 (5) Make available, upon request, the complete schedule of
 14 minimum requirements for licensure or permit.
- 15 (6) Issue, at the board's discretion, a temporary permit to an
 16 applicant for the interim from the date of application until the
 17 next regular meeting of the board.
- 18 (7) Issue an unlimited license, a limited license, or a temporary
 19 medical permit, depending upon the qualifications of the
 20 applicant, to any applicant who successfully fulfills all of the
 21 requirements of this article.
- 22 (8) Adopt rules establishing standards for the competent practice
 23 of medicine, osteopathic medicine, or any other form of practice
 24 regulated by a limited license or permit issued under this article.
- 25 (9) Adopt rules regarding the appropriate prescribing of Schedule
 26 III or Schedule IV controlled substances for the purpose of weight
 27 reduction or to control obesity.
- 28 SECTION 2. IC 25-22.5-7-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A license issued
 30 under this article expires on June 30 of each odd-numbered year.
 31 Before June 30 of an odd-numbered year, an applicant for renewal shall
 32 pay the biennial renewal fee set by the board under IC 25-22.5-2-7.
- 33 (b) If the holder of a license does not renew the license by June 30
 34 of each odd-numbered year, the license expires and becomes invalid
 35 without any action taken by the board. A license that becomes invalid
 36 under this subsection may be reinstated by the board up to three (3)
 37 years after the invalidation if the holder of the invalid license: ~~pays:~~
- 38 (1) **pays** the penalty fee set by the board under IC 25-22.5-2-7;
 39 **and**
- 40 (2) **pays** the renewal fee for the biennium; **and**
- 41 (3) **completes the continuing education requirement**
 42 **established by the board.**

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

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

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

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

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

20 (1) **A practitioner who has held an initial license for less than**
 21 **two (2) years.**

22 (2) **A practitioner who the board has determined is unable to**
 23 **meet the requirement due to a disability.**

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

26 (1) **a record of the number of hours spent in each continuing**
 27 **education course;**

28 (2) **the subject matter presented;**

29 (3) **the name of the sponsoring organization; and**

30 (4) **verification of attendance or completion;**

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

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

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

38 (2) Prescribe standards and approve curricula for nursing
 39 education programs preparing persons for licensure under this
 40 chapter.

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



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- 1 (4) Accredite such programs as meet the requirements of this
 2 chapter and of the board.
- 3 (5) Deny or withdraw accreditation from nursing education
 4 programs for failure to meet prescribed curricula or other
 5 standards.
- 6 (6) Examine, license, and renew the license of qualified
 7 applicants.
- 8 (7) Issue subpoenas, compel the attendance of witnesses, and
 9 administer oaths to persons giving testimony at hearings.
- 10 (8) Cause the prosecution of all persons violating this chapter and
 11 have power to incur necessary expenses for these prosecutions.
- 12 (9) Adopt rules under IC 4-22-2 that do the following:
- 13 (A) Prescribe standards for the competent practice of
 14 registered, practical, and advanced practice nursing.
- 15 (B) Establish with the approval of the medical licensing board
 16 created by IC 25-22.5-2-1 requirements that advanced practice
 17 nurses must meet to be granted authority to prescribe legend
 18 drugs and to retain that authority.
- 19 **(C) Establish continuing education requirements designed**
 20 **to maintain the competency of individuals licensed under**
 21 **this chapter, including requirements providing that only**
 22 **educational activities that meet professional role**
 23 **expectations satisfy continuing education requirements.**
- 24 (10) Keep a record of all its proceedings.
- 25 (11) Collect and distribute annually demographic information on
 26 the number and type of registered nurses and licensed practical
 27 nurses employed in Indiana.
- 28 (12) Notify each registered nurse and licensed practical nurse
 29 residing in Indiana when final rules concerning the practice of
 30 nursing are published in the Indiana register.
- 31 (b) The board may do the following:
- 32 (1) Create ad hoc subcommittees representing the various nursing
 33 specialties and interests of the profession of nursing. Persons
 34 appointed to a subcommittee serve for terms as determined by the
 35 board.
- 36 (2) Utilize the appropriate subcommittees so as to assist the board
 37 with its responsibilities. The assistance provided by the
 38 subcommittees may include the following:
- 39 (A) Recommendation of rules necessary to carry out the duties
 40 of the board.
- 41 (B) Recommendations concerning educational programs and
 42 requirements.



1 (C) Recommendations regarding examinations and licensure
2 of applicants.

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (1) A nurse who has held an initial license for less than two (2)
41 years.

42 (2) A nurse who the board has determined is unable to meet



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1 the requirement due to a disability.
2 (h) For each continuing education course attended or completed,
3 the nurse shall retain:
4 (1) a record of the number of hours spent in each continuing
5 education course;
6 (2) the subject matter presented;
7 (3) the name of the sponsoring organization; and
8 (4) verification of attendance or completion;
9 for three (3) years after the date the nurse's license was renewed.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1404, 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 2, line 3, delete ":" and insert **"only educational activities that meet professional role expectations satisfy continuing education requirements."**

Page 2, delete lines 4 through 9.

Page 2, line 41, after "license" insert ":".

Page 2, line 41, strike "pays:".

Page 2, line 42, after "(1)" insert **"pays"**.

Page 2, line 42, strike "and".

Page 3, line 1, after "(2)" insert **"pays"**.

Page 3, line 1, delete "." and insert "; **and**".

Page 3, between lines 1 and 2, begin a new line block indented and insert:

"(3) completes the continuing education requirement established by the board."

Page 3, line 10, delete "provides evidence to the board that the".

Page 3, line 11, delete "individual".

Page 3, line 12, after "IC 25-22.5-2-7(1)(G)." insert **"An application under this section must contain a sworn statement signed by the applicant attesting that the applicant has fulfilled the continuing education requirements."**

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"(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 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



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(4) verification of attendance or completion; for three (3) years after the date the practitioner's license was renewed."

Page 4, line 1, delete ":" and insert **"only educational activities that meet professional role expectations satisfy continuing education requirements."**

Page 4, delete lines 2 through 7.

Page 5, line 13, delete "provide evidence that the individual has" and insert **"have"**.

Page 5, line 15, after "chapter." insert **"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."

and when so amended that said bill do pass.

(Reference is to HB 1404 as introduced.)

BROWN C, Chair

Committee Vote: yeas 8, nays 0.



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