



February 19, 1999

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## HOUSE BILL No. 1613

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DIGEST OF HB1613 (Updated February 17, 1999 5:59 pm - DI 77)

**Citations Affected:** IC 25-1.

**Synopsis:** Health professions standards of practice. Provides that a determination that a health profession practitioner is unfit to practice due to professional incompetence may include a finding that the practitioner undertook professional activities the practitioner was not qualified by training or experience to undertake. Adds the following prohibited actions to the health professions standards: (1) failure to comply with an order issued by the practitioner's board; and (2) engaging in or soliciting sexual contact with the practitioner's patient.

**Effective:** July 1, 1999.

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**Brown C, Dillon, Brown T, Welch,  
Behning**

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January 21, 1999, read first time and referred to Committee on Public Health.  
February 18, 1999, reported — Do Pass.

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HB 1613—LS 7949/DI 77+



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February 19, 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. 1613

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-1-9-4 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A practitioner shall conduct  
3 the practitioner's practice in accordance with the standards established  
4 by the board regulating the profession in question and is subject to the  
5 exercise of the disciplinary sanctions under section 9 of this chapter if,  
6 after a hearing, the board finds:  
7 (1) a practitioner has:  
8 (A) engaged in or knowingly cooperated in fraud or material  
9 deception in order to obtain a license to practice;  
10 (B) engaged in fraud or material deception in the course of  
11 professional services or activities; or  
12 (C) advertised services in a false or misleading manner;  
13 (2) a practitioner has been convicted of a crime that has a direct  
14 bearing on the practitioner's ability to continue to practice  
15 competently;  
16 (3) a practitioner has knowingly violated any state statute or rule,  
17 or federal statute or regulation, regulating the profession in

HB 1613—LS 7949/DI 77+



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

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1613, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 12, nays 0.

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