

HOUSE BILL No. 1404

DIGEST OF INTRODUCED BILL

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

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, including requirements that only clinical courses may satisfy the continuing education requirements and that Internet based courses may only satisfy a maximum of 10% of the continuing education requirements. Requires physicians to submit proof of having 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, including
(Continued next page)

Effective: July 1, 1999.

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January 12, 1999, read first time and referred to Committee on Public Health.

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Digest Continued

requirements that only clinical courses may satisfy the continuing education requirements and that Internet based courses may only satisfy a maximum of 10% of the continuing education requirements. Requires nurses to submit proof of having obtained the necessary continuing education requirements.

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Introduced

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.

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**



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1 requirements designed to maintain the competency of
 2 individuals licensed under this chapter, including
 3 requirements providing that:

4 (i) only clinical courses satisfy continuing education
 5 requirements; and

6 (ii) courses provided over the Internet may not satisfy
 7 more than ten percent (10%) of continuing education
 8 requirements, if those courses are allowed to satisfy any
 9 of the requirements.

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

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

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

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

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

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

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

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

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

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

42 (1) the penalty fee set by the board under IC 25-22.5-2-7; and



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- 1 (2) the renewal fee for the biennium.
- 2 (c) If a license that becomes invalid under this section is not
3 reinstated by the board within three (3) years of its invalidation, the
4 holder of the invalid license may be required by the board to take an
5 examination for competence before the board will reinstate the holder's
6 license.
- 7 (d) The board may adopt rules under IC 25-22.5-2-7 establishing
8 requirements for the reinstatement of a lapsed license.
- 9 (e) **An individual may not renew a license under this article
10 unless the individual provides evidence to the board that the
11 individual has completed the continuing education requirements
12 established under IC 25-22.5-2-7(1)(G).**
- 13 SECTION 3. IC 25-23-1-7 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The board shall
15 do the following:
- 16 (1) Adopt under IC 4-22-2 rules necessary to enable it to carry
17 into effect this chapter.
- 18 (2) Prescribe standards and approve curricula for nursing
19 education programs preparing persons for licensure under this
20 chapter.
- 21 (3) Provide for surveys of such programs at such times as it
22 considers necessary.
- 23 (4) Accredite such programs as meet the requirements of this
24 chapter and of the board.
- 25 (5) Deny or withdraw accreditation from nursing education
26 programs for failure to meet prescribed curricula or other
27 standards.
- 28 (6) Examine, license, and renew the license of qualified
29 applicants.
- 30 (7) Issue subpoenas, compel the attendance of witnesses, and
31 administer oaths to persons giving testimony at hearings.
- 32 (8) Cause the prosecution of all persons violating this chapter and
33 have power to incur necessary expenses for these prosecutions.
- 34 (9) Adopt rules under IC 4-22-2 that do the following:
- 35 (A) Prescribe standards for the competent practice of
36 registered, practical, and advanced practice nursing.
- 37 (B) Establish with the approval of the medical licensing board
38 created by IC 25-22.5-2-1 requirements that advanced practice
39 nurses must meet to be granted authority to prescribe legend
40 drugs and to retain that authority.
- 41 **(C) Establish continuing education requirements designed
42 to maintain the competency of individuals licensed under**

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1 **this chapter, including requirements providing that:**

2 **(i) only clinical courses satisfy continuing education**
3 **requirements; and**

4 **(ii) courses provided over the Internet may not satisfy**
5 **more than ten percent (10%) of continuing education**
6 **requirements, if those courses are allowed to satisfy any**
7 **of the requirements.**

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

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

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

15 (b) The board may do the following:

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

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

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

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

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

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

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

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

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

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

41 (b) A license to practice as a licensed practical nurse expires on
42 October 31 in each even-numbered year. Failure to renew the license

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1 on or before the expiration date will automatically render the license
2 invalid without any action by the board.
3 (c) The procedures and fee for renewal shall be set by the board.
4 (d) At the time of license renewal, each registered nurse and each
5 licensed practical nurse shall pay an additional three dollar (\$3) fee.
6 The lesser of the following amounts from fees collected under this
7 subsection shall be deposited in the impaired nurses account of the
8 state general fund established by section 34 of this chapter:
9 (1) Three dollars (\$3) per license renewed under this section.
10 (2) The cost per license to operate the impaired nurses program,
11 as determined by the health professions bureau.
12 (e) **To renew a license under this section, an individual must**
13 **provide evidence that the individual has completed the continuing**
14 **education requirements established by the board under section**
15 **7(a)(9)(C) of this chapter.**

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