



January 21, 2000

SENATE BILL No. 320

DIGEST OF SB 320 (Updated January 19, 2000 2:41 PM - DI 88)

Citations Affected: IC 25-1; IC 25-13; IC 25-14.

Synopsis: Health professions bureau. Requires the health professions bureau to issue a renewal license or certificate not later than ten days from the receipt of the required forms and evidence or on the same day an applicant for renewal appears in person at the bureau.

Effective: July 1, 2000.

Miller, Breaux

January 10, 2000, read first time and referred to Committee on Health and Provider Services.
January 20, 2000, reported favorably — Do Pass.

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SB 320—LS 6434/DI 98+



January 21, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

SENATE BILL No. 320

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 25-1-5-4, AS AMENDED BY P.L.22-1999,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2000]: Sec. 4. (a) The bureau shall employ necessary staff,
4 including specialists and professionals, to carry out the administrative
5 duties and functions of the boards, including but not limited to:
6 (1) notice of board meetings and other communication services;
7 (2) recordkeeping of board meetings, proceedings, and actions;
8 (3) recordkeeping of all persons licensed, regulated, or certified
9 by a board;
10 (4) administration of examinations; and
11 (5) administration of license or certificate issuance or renewal.
12 (b) In addition the bureau:
13 (1) shall prepare a consolidated statement of the budget requests
14 of all the boards in section 3 of this chapter;
15 (2) may coordinate licensing or certification renewal cycles,
16 examination schedules, or other routine activities to efficiently
17 utilize bureau staff, facilities, and transportation resources, and to

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1 improve accessibility of board functions to the public; and
 2 (3) may consolidate, where feasible, office space, recordkeeping,
 3 and data processing services.

4 (c) In administering the renewal of licenses or certificates under this
 5 chapter, the bureau shall issue a sixty (60) day notice of expiration to
 6 all holders of a license or certificate. The notice shall be accompanied
 7 by appropriate renewal forms.

8 (d) In administering an examination for licensure or certification,
 9 the bureau shall make the appropriate application forms available at
 10 least thirty (30) days before the deadline for submitting an application
 11 to all persons wishing to take the examination.

12 (e) The bureau may require an applicant for license renewal to
 13 submit evidence proving that:

14 (1) the applicant continues to meet the minimum requirements for
 15 licensure; and

16 (2) the applicant is not in violation of:

17 (A) the statute regulating the applicant's profession; or

18 (B) rules adopted by the board regulating the applicant's
 19 profession.

20 (f) **The bureau shall process an application for renewal of a
 21 license or certificate:**

22 **(1) not later than ten (10) days after the bureau receives all
 23 required forms and evidence; or**

24 **(2) on the same day that an applicant for renewal appears in
 25 person at the bureau with all required forms and evidence.**

26 **This subsection does not require the bureau to issue a renewal
 27 license or certificate to an applicant if subsection (g) applies.**

28 (g) The bureau may delay issuing a license renewal for up to ninety
 29 (90) days after the renewal date for the purpose of permitting the board
 30 to investigate information received by the bureau that the applicant for
 31 renewal may have committed an act for which the applicant may be
 32 disciplined. If the bureau delays issuing a license renewal, the bureau
 33 shall notify the applicant that the applicant is being investigated.
 34 Except as provided in subsection ~~(g)~~; **(h)**, before the end of the ninety
 35 (90) day period, the board shall do one (1) of the following:

36 (1) Deny the license renewal following a personal appearance by
 37 the applicant before the board.

38 (2) Issue the license renewal upon satisfaction of all other
 39 conditions for renewal.

40 (3) Issue the license renewal and file a complaint under IC 25-1-7.

41 (4) Request the office of the attorney general to conduct an
 42 investigation under subsection ~~(h)~~ **(i)** if, following a personal

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1 appearance by the applicant before the board, the board has good
 2 cause to believe that there has been a violation of IC 25-1-9-4 by
 3 the applicant.

4 (5) Upon agreement of the applicant and the board and following
 5 a personal appearance by the applicant before the board, renew
 6 the license and place the applicant on probation status under
 7 IC 25-1-9-9.

8 ~~(g)~~ (h) If an individual fails to appear before the board under
 9 subsection ~~(f)~~; (g), the board may take action on the applicant's license
 10 allowed under subsection ~~(f)(1); (f)(2); (g)(1), (g)(2), or (f)(3)~~; (g)(3).

11 ~~(h)~~ (i) If the board makes a request under subsection ~~(f)(4); (g)(4)~~,
 12 the office of the attorney general shall conduct an investigation. Upon
 13 completion of the investigation, the office of the attorney general may
 14 file a petition alleging that the applicant has engaged in activity
 15 described in IC 25-1-9-4. If the office of the attorney general files a
 16 petition, the board shall set the matter for a hearing. If, after the
 17 hearing, the board finds the practitioner violated IC 25-1-9-4, the board
 18 may impose sanctions under IC 25-1-9-9. The board may delay issuing
 19 the renewal beyond the ninety (90) days after the renewal date until a
 20 final determination is made by the board. The applicant's license
 21 remains valid until the final determination of the board is rendered
 22 unless the renewal is denied or the license is summarily suspended
 23 under IC 25-1-9-10.

24 ~~(i)~~ (j) The license of the applicant for a license renewal remains
 25 valid during the ninety (90) day period unless the license renewal is
 26 denied following a personal appearance by the applicant before the
 27 board before the end of the ninety (90) day period. If the ninety (90)
 28 day period expires without action by the board, the license shall be
 29 automatically renewed at the end of the ninety (90) day period.

30 ~~(j)~~ (k) Notwithstanding any other statute, the bureau may stagger
 31 license or certificate renewal cycles. However, if a renewal cycle for a
 32 specific board or committee is changed, the bureau must obtain the
 33 approval of the affected board or committee.

34 SECTION 2. IC 25-13-1-8 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) A license to
 36 practice dental hygiene in Indiana shall be issued to candidates who
 37 pass the board's examinations. The license shall be valid for the
 38 remainder of the renewal period in effect on the date the license was
 39 issued.

40 (b) Prior to the issuance of the license, the applicant shall pay a fee
 41 set by the board under section 5 of this chapter. A license issued by the
 42 board expires on a date specified by the health professions bureau



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1 under ~~IC 25-1-5-4(f)~~ **IC 25-1-5-4(k)** of each even-numbered year. An
 2 applicant for license renewal must satisfy the following conditions:

3 (1) Pay the renewal fee set by the board under section 5 of this
 4 chapter on or before the renewal date specified by the health
 5 professions bureau in each even-numbered year.

6 (2) Provide the board with a sworn statement signed by the
 7 applicant attesting that the applicant has fulfilled the continuing
 8 education requirements under IC 25-13-2.

9 (3) Be currently certified or successfully complete a course in
 10 basic life support through a program approved by the board. The
 11 board may waive the basic life support requirement for applicants
 12 who show reasonable cause.

13 (c) If the holder of a license does not renew the license on or before
 14 the renewal date specified by the health professions bureau, the license
 15 expires and becomes invalid without any action by the board.

16 (d) A license invalidated under subsection (c) may be reinstated by
 17 the board up to three (3) years after such invalidation upon payment to
 18 the board by the holder of the invalidated license of a penalty fee set by
 19 the board under section 5 of this chapter plus all past due and current
 20 renewal fees.

21 (e) If a license remains invalid under subsection (c) for more than
 22 three (3) years, the holder of the invalid license may obtain a reinstated
 23 license if the holder meets the following requirements:

24 (1) Files an application with the board on a form and in a manner
 25 prescribed by the board.

26 (2) Pays all current and past due renewal fees and a penalty fee
 27 set by the board under section 5 of this chapter.

28 (3) Passes an examination on state and federal laws that are
 29 relevant to the practice of dental hygiene as determined by the
 30 board.

31 (4) Has been continuously engaged in the practice of dental
 32 hygiene from the date the holder's license was invalidated through
 33 the date the holder applies for reinstatement.

34 (5) Other than failing to renew the license, has complied with this
 35 chapter and the rules adopted under this chapter during the time
 36 specified under subdivision (4).

37 (6) Complies with any other requirements established by the
 38 board under subsection (g).

39 The board may require the holder of an invalid license who files an
 40 application under this subsection to appear before the board and
 41 explain why the holder failed to renew the license.

42 (f) If the lapse of time in revalidating the license continues beyond

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1 three (3) years, and the holder of the invalid license does not meet the
 2 requirements under subsection (e), the holder of the invalid license
 3 must apply for licensure under section 4 or 17 of this chapter. In
 4 addition, the board may require the holder of the expired license to pay
 5 all past due renewal fees and a penalty fee set by the board under
 6 section 5 of this chapter.

7 (g) The board may adopt rules under section 5 of this chapter
 8 establishing requirements for the reinstatement of an invalidated
 9 license.

10 (h) The license to practice must be displayed at all times in plain
 11 view of the patients in the office where the holder is engaged in
 12 practice. No person may lawfully practice dental hygiene who does not
 13 possess a license and its current renewal.

14 (i) Biennial renewals of licenses are subject to the provisions of
 15 IC 25-1-2.

16 SECTION 3. IC 25-14-1-10 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) Unless renewed,
 18 a license issued by the board expires on a date specified by the health
 19 professions bureau under ~~IC 25-1-5-4(f)~~. **IC 25-1-5-4(k)**. An applicant
 20 for renewal shall pay the renewal fee set by the board under section 13
 21 of this chapter on or before the renewal date specified by the health
 22 professions bureau.

23 (b) The license shall be properly displayed at all times in the office
 24 of the person named as the holder of the license, and a person may not
 25 be considered to be in legal practice if the person does not possess the
 26 license and renewal card.

27 (c) If a holder of a dental license does not secure the renewal card
 28 on or before the renewal date specified by the health professions
 29 bureau, without any action by the board the license together with any
 30 related renewal card is invalidated.

31 (d) Except as provided in section 27.1 of this chapter, a license
 32 invalidated under subsection (c) may be reinstated by the board up to
 33 three (3) years after its invalidation upon payment of a penalty fee
 34 determined by the board under section 13 of this chapter, together with
 35 all unpaid renewal fees for each year of delinquency.

36 (e) Except as provided in section 27.1 of this chapter, if a license
 37 remains invalid under subsection (c) for more than three (3) years, the
 38 holder of the invalid license may obtain a reinstated license if the
 39 holder meets the following requirements:

40 (1) Files an application with the board on a form and in a manner
 41 prescribed by the board.

42 (2) Pays all current and past due renewal fees and a penalty fee



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1 set by the board under section 13 of this chapter.

2 (3) Passes an examination on state and federal laws that are
3 relevant to the practice of dentistry as determined by the board.

4 (4) Has been continuously engaged in the practice of dentistry
5 from the date the holder's license was invalidated through the date
6 the holder applies for reinstatement.

7 (5) Other than failing to obtain a renewal card, has complied with
8 this chapter and the rules adopted under this chapter during the
9 time specified under subdivision (4).

10 (6) Complies with any other requirements established by the
11 board under subsection (g).

12 The board may require the holder of an invalid license who files an
13 application under this subsection to appear before the board and
14 explain why the holder failed to renew the license.

15 (f) If a license remains invalid under subsection (c) for more than
16 three (3) years and the holder of the invalid license does not meet the
17 requirements under subsection (e), the holder of the invalid license may
18 be issued a license only by reapplying for a license under section 3 or
19 16 of this chapter. In addition, the board may require the holder of the
20 invalidated license to pay all past due renewal fees and a penalty fee set
21 by the board under section 13 of this chapter.

22 (g) The board may adopt rules under section 13 of this chapter
23 establishing requirements for the reinstatement of an invalid license.
24 The fee for a duplicate license to practice as a dentist is subject to
25 IC 25-1-8-2.

26 (h) Biennial renewal of licenses is subject to IC 25-1-2.

27 (i) An application for renewal of a license under this section must
28 contain a sworn statement signed by the applicant attesting that the
29 applicant has fulfilled the continuing education requirements under
30 IC 25-14-3.

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SENATE MOTION

Mr. President: I move that Senator Breaux be added as coauthor of Senate Bill 320.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 320, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 320 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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