



January 30, 2002

HOUSE BILL No. 1403

DIGEST OF HB 1403 (Updated January 29, 2002 10:37 AM - DI 14)

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

Synopsis: Physician and nurse continuing education. Requires the medical licensing board and the state board of nursing to adopt rules requiring physicians and nurses to report on license renewal forms any continuing education hours completed during the license renewal period. Allows for random audits for verification of continuing education hours reported by physicians and nurses. Requires the health professions bureau, when notifying holders of licenses of the need to renew licenses, to include notification of the need to pay renewal fees. Provides that an application for a license, certificate, registration, or permit is abandoned if the applicant does not complete the requirements for the application within one (1) year unless the applicant shows good cause for the delay.

Effective: July 1, 2002.

Dillon, Brown C

January 15, 2002, read first time and referred to Committee on Public Health.
January 29, 2002, amended, reported — Do Pass.

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HB 1403—LS 6711/DI 77+



January 30, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

HOUSE BILL No. 1403

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.44-2000,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: 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. **send a notice of the upcoming**
 8 **expiration of a license or certificate to each holder of a license or**
 9 **certificate at least sixty (60) days before the expiration of the**
 10 **license or certificate. The notice must inform the holder of the**
 11 **license or certificate of the need to renew and the requirement of**
 12 **payment of the renewal fee. If this notice of expiration is not sent**
 13 **by the bureau, the holder of the license or certificate is not subject**
 14 **to a sanction for failure to renew if, once notice is received from**
 15 **the bureau, the license or certificate is renewed within forty-five**
 16 **(45) days after receipt of the notice.**

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

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

23 (1) the applicant continues to meet the minimum requirements for
 24 licensure; and

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

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

27 (B) rules adopted by the board regulating the applicant's
 28 profession.

29 (f) The bureau shall process an application for renewal of a license
 30 or certificate:

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

33 (2) within twenty-four (24) hours after the time that an applicant
 34 for renewal appears in person at the bureau with all required
 35 forms and evidence.

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

38 (g) The bureau may delay issuing a license renewal for up to ninety
 39 (90) days after the renewal date for the purpose of permitting the board
 40 to investigate information received by the bureau that the applicant for
 41 renewal may have committed an act for which the applicant may be
 42 disciplined. If the bureau delays issuing a license renewal, the bureau

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1 shall notify the applicant that the applicant is being investigated.
2 Except as provided in subsection (h), before the end of the ninety (90)
3 day period, the board shall do one (1) of the following:

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

6 (2) Issue the license renewal upon satisfaction of all other
7 conditions for renewal.

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

9 (4) Request the office of the attorney general to conduct an
10 investigation under subsection (i) if, following a personal
11 appearance by the applicant before the board, the board has good
12 cause to believe that there has been a violation of IC 25-1-9-4 by
13 the applicant.

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

18 (h) If an individual fails to appear before the board under subsection
19 (g), the board may take action on the applicant's license allowed under
20 subsection (g)(1), (g)(2) or (g)(3).

21 (i) If the board makes a request under subsection (g)(4), the office
22 of the attorney general shall conduct an investigation. Upon completion
23 of the investigation, the office of the attorney general may file a
24 petition alleging that the applicant has engaged in activity described in
25 IC 25-1-9-4. If the office of the attorney general files a petition, the
26 board shall set the matter for a hearing. If, after the hearing, the board
27 finds the practitioner violated IC 25-1-9-4, the board may impose
28 sanctions under IC 25-1-9-9. The board may delay issuing the renewal
29 beyond the ninety (90) days after the renewal date until a final
30 determination is made by the board. The applicant's license remains
31 valid until the final determination of the board is rendered unless the
32 renewal is denied or the license is summarily suspended under
33 IC 25-1-9-10.

34 (j) The license of the applicant for a license renewal remains valid
35 during the ninety (90) day period unless the license renewal is denied
36 following a personal appearance by the applicant before the board
37 before the end of the ninety (90) day period. If the ninety (90) day
38 period expires without action by the board, the license shall be
39 automatically renewed at the end of the ninety (90) day period.

40 (k) Notwithstanding any other statute, the bureau may stagger
41 license or certificate renewal cycles. However, if a renewal cycle for a
42 specific board or committee is changed, the bureau must obtain the

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1 approval of the affected board or committee.

2 **(I) An application for a license, certificate, registration, or**
 3 **permit is abandoned, without an action of the board, if the**
 4 **applicant does not complete the requirements to complete the**
 5 **application within one (1) year after the date on which the**
 6 **application was filed. However, the board may, for good cause**
 7 **shown, extend the validity of the application for additional thirty**
 8 **(30) day periods. An application submitted after the abandonment**
 9 **of an application is considered a new application.**

10 SECTION 2. IC 25-22.5-2-7 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. The board shall do
 12 the following:

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

15 (A) Qualification by education, residence, citizenship,
 16 training, and character for admission to an examination for
 17 licensure or by endorsement for licensure.

18 (B) The examination for licensure.

19 (C) The license or permit.

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

21 (E) Reinstatement of licenses and permits.

22 (F) Payment of costs in disciplinary proceedings conducted by
 23 the board.

24 **(G) Establishment of continuing education reporting**
 25 **requirements on license renewal forms. The rules adopted**
 26 **under this clause must require a practitioner who seeks to**
 27 **renew a license under this article to sign a statement, on a**
 28 **license renewal form prescribed by the board, indicating**
 29 **the number of hours of continuing education completed**
 30 **during the license renewal period. The renewal form**
 31 **prescribed by the board must contain a statement**
 32 **recommending that a practitioner retain, for three (3)**
 33 **years following renewal of the practitioner's license,**
 34 **verification of the number of continuing education hours**
 35 **reported on the form.**

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

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

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

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- 1 (5) Make available, upon request, the complete schedule of
- 2 minimum requirements for licensure or permit.
- 3 (6) Issue, at the board's discretion, a temporary permit to an
- 4 applicant for the interim from the date of application until the
- 5 next regular meeting of the board.
- 6 (7) Issue an unlimited license, a limited license, or a temporary
- 7 medical permit, depending upon the qualifications of the
- 8 applicant, to any applicant who successfully fulfills all of the
- 9 requirements of this article.
- 10 (8) Adopt rules establishing standards for the competent practice
- 11 of medicine, osteopathic medicine, or any other form of practice
- 12 regulated by a limited license or permit issued under this article.
- 13 (9) Adopt rules regarding the appropriate prescribing of Schedule
- 14 III or Schedule IV controlled substances for the purpose of weight
- 15 reduction or to control obesity.

16 SECTION 3. IC 25-22.5-7-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A license issued
 18 under this article expires on June 30 of each odd-numbered year.
 19 Before June 30 of an odd-numbered year, an applicant for renewal shall
 20 pay the biennial renewal fee set by the board under IC 25-22.5-2-7.

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

- 26 (1) the penalty fee set by the board under IC 25-22.5-2-7; and
- 27 (2) the renewal fee for the biennium.

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

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

35 **(e) Every two (2) years, the board may randomly audit, for the**
 36 **purpose of verifying continuing education hours, at least one**
 37 **percent (1%) but not more than ten percent (10%) of the**
 38 **practitioners who report continuing education hours on the license**
 39 **renewal form under IC 25-22.5-2-7(1)(G).**

40 SECTION 4. IC 25-23-1-7 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The board shall
 42 do the following:

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- 1 (1) Adopt under IC 4-22-2 rules necessary to enable it to carry
2 into effect this chapter.
- 3 (2) Prescribe standards and approve curricula for nursing
4 education programs preparing persons for licensure under this
5 chapter.
- 6 (3) Provide for surveys of such programs at such times as it
7 considers necessary.
- 8 (4) Accredite such programs as meet the requirements of this
9 chapter and of the board.
- 10 (5) Deny or withdraw accreditation from nursing education
11 programs for failure to meet prescribed curricula or other
12 standards.
- 13 (6) Examine, license, and renew the license of qualified
14 applicants.
- 15 (7) Issue subpoenas, compel the attendance of witnesses, and
16 administer oaths to persons giving testimony at hearings.
- 17 (8) Cause the prosecution of all persons violating this chapter and
18 have power to incur necessary expenses for these prosecutions.
- 19 (9) Adopt rules under IC 4-22-2 that do the following:
- 20 (A) Prescribe standards for the competent practice of
21 registered, practical, and advanced practice nursing.
- 22 (B) Establish with the approval of the medical licensing board
23 created by IC 25-22.5-2-1 requirements that advanced practice
24 nurses must meet to be granted authority to prescribe legend
25 drugs and to retain that authority.
- 26 **(C) Establish continuing education reporting requirements**
27 **on license renewal forms. The rules adopted under this**
28 **clause must require a nurse who seeks to renew a license**
29 **under this article to sign a statement, on a license renewal**
30 **form prescribed by the board, indicating the number of**
31 **hours of continuing education completed during the license**
32 **renewal period. The renewal form prescribed by the board**
33 **must contain a statement recommending that a nurse**
34 **retain, for three (3) years following renewal of the nurse's**
35 **license, verification of the number of continuing education**
36 **hours reported on the form. For purposes of this clause,**
37 **continuing education includes inservice training and**
38 **educational seminars.**
- 39 (10) Keep a record of all its proceedings.
- 40 (11) Collect and distribute annually demographic information on
41 the number and type of registered nurses and licensed practical
42 nurses employed in Indiana.

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- 1 (12) Notify each registered nurse and licensed practical nurse
 2 residing in Indiana when final rules concerning the practice of
 3 nursing are published in the Indiana register.
- 4 (b) The board may do the following:
- 5 (1) Create ad hoc subcommittees representing the various nursing
 6 specialties and interests of the profession of nursing. Persons
 7 appointed to a subcommittee serve for terms as determined by the
 8 board.
- 9 (2) Utilize the appropriate subcommittees so as to assist the board
 10 with its responsibilities. The assistance provided by the
 11 subcommittees may include the following:
- 12 (A) Recommendation of rules necessary to carry out the duties
 13 of the board.
- 14 (B) Recommendations concerning educational programs and
 15 requirements.
- 16 (C) Recommendations regarding examinations and licensure
 17 of applicants.
- 18 (3) Appoint nurses to serve on each of the ad hoc subcommittees.
- 19 (c) Nurses appointed under subsection (b) must:
- 20 (1) be committed to advancing and safeguarding the nursing
 21 profession as a whole; and
- 22 (2) represent nurses who practice in the field directly affected by
 23 a subcommittee's actions.
- 24 SECTION 5. IC 25-23-1-16.1 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 16.1. (a) A license to
 26 practice as a registered nurse expires on October 31 in each
 27 odd-numbered year. Failure to renew the license on or before the
 28 expiration date will automatically render the license invalid without
 29 any action by the board.
- 30 (b) A license to practice as a licensed practical nurse expires on
 31 October 31 in each even-numbered year. Failure to renew the license
 32 on or before the expiration date will automatically render the license
 33 invalid without any action by the board.
- 34 (c) The procedures and fee for renewal shall be set by the board.
- 35 (d) At the time of license renewal, each registered nurse and each
 36 licensed practical nurse shall pay an additional three dollar (\$3) fee.
 37 The lesser of the following amounts from fees collected under this
 38 subsection shall be deposited in the impaired nurses account of the
 39 state general fund established by section 34 of this chapter:
- 40 (1) Three dollars (\$3) per license renewed under this section.
- 41 (2) The cost per license to operate the impaired nurses program,
 42 as determined by the health professions bureau.

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1 (e) Every two (2) years, the board may randomly audit, for the
2 purpose of verifying continuing education hours, at least one
3 percent (1%) but not more than ten percent (10%) of the nurses
4 who report continuing education hours on the license renewal form
5 under section 7(a)(9)(C) of this chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1403, 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 25-1-5-4, AS AMENDED BY P.L.44-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) The bureau shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition the bureau:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize bureau staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the bureau shall ~~issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice shall be accompanied by appropriate renewal forms. send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the bureau, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the bureau, the license or certificate is renewed within forty-five (45) days after receipt of the notice.~~

(d) In administering an examination for licensure or certification, the bureau shall make the appropriate application forms available at

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least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

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

- (1) the applicant continues to meet the minimum requirements for licensure; and
- (2) the applicant is not in violation of:
 - (A) the statute regulating the applicant's profession; or
 - (B) rules adopted by the board regulating the applicant's profession.

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

- (1) not later than ten (10) days after the bureau receives all required forms and evidence; or
- (2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the bureau with all required forms and evidence.

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

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

- (1) Deny the license renewal following a personal appearance by the applicant before the board.
- (2) Issue the license renewal upon satisfaction of all other conditions for renewal.
- (3) Issue the license renewal and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection

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(g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2) or (g)(3).

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

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

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

(l) An application for a license, certificate, registration, or permit is abandoned, without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1403 as introduced.)

BROWN C, Chair

Committee Vote: yeas 12, nays 0.

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