

ARTICLE 4. MEDICAL DOCTORS; OSTEOPATHIC DOCTORS

Rule 1. General Provisions

844 IAC 4-1-1 Purpose (Repealed)

Sec. 1. *(Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)*

Rule 2. Fees

844 IAC 4-2-1 Board fees (Repealed)

Sec. 1. *(Repealed by Medical Licensing Board of Indiana; filed Feb 11, 2002, 4:32 p.m.: 25 IR 2246)*

844 IAC 4-2-2 Board fees

Authority: IC 25-1-8-2; IC 25-22.5-2-7

Affected: IC 25-22.5-1-1.1

Sec. 2. (a) Every qualified applicant for licensure to practice as a medical doctor or osteopathic doctor shall pay to the medical licensing board of Indiana the following fees:

Examination	\$250
Endorsement-in	\$250
Endorsement-out	\$10
Renewal fee	\$200 per biennium
Duplicate license	\$10

(b) Every applicant for permits authorized by the medical licensing board of Indiana shall pay to the medical licensing board of Indiana the following fees:

Temporary medical permit, endorsement candidates, teaching permit, postgraduate training	\$100
Renewal fee for a temporary medical permit	\$50
Temporary medical permit (nonrenewable, limited scope)	\$100

(Medical Licensing Board of Indiana; 844 IAC 4-2-2; filed Feb 11, 2002, 4:32 p.m.: 25 IR 2246; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

Rule 3. Definitions and Exclusions

844 IAC 4-3-1 Diagnose; diagnosis

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-1

Sec. 1. It is not necessary that the examination and diagnosis of biopsies, x-rays, or materials produced by a patient's body or substances obtained or removed from a patient's body be made in the presence of the patient. Information supplied either directly or indirectly by the patient may be utilized by the physician in arriving at such a diagnosis. The physician who makes such an examination or diagnosis is required to have a license to practice medicine or osteopathic medicine, although the physician does not see the patient. *(Medical Licensing Board of Indiana; 844 IAC 4-3-1; filed Nov 5, 1981, 12:50 p.m.: 4 IR 2846; filed Oct 29, 1991, 3:00 p.m.: 15 IR 242; readopted filed Dec 10, 2001, 3:48 p.m.: 25 IR 1731; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)*

844 IAC 4-3-2 Surgical operation

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-1-1.1

Sec. 2. "Surgical operation", as used in IC 25-22.5-1-1.1(a)(1)(C), includes, but is not limited to, the incising, cutting, or invading of human tissue by laser surgery. *(Medical Licensing Board of Indiana; 844 IAC 4-3-2; filed Oct 29, 1991, 3:00 p.m.: 15*

IR 242; readopted filed Dec 10, 2001, 3:48 p.m.: 25 IR 1731; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

Rule 4. Admission to Practice (Repealed)

(Repealed by Medical Licensing Board of Indiana; filed May 3, 1985, 10:44 am: 8 IR 1159)

Rule 4.1. Admission to Practice

844 IAC 4-4.1-1 License by endorsement (Repealed)

Sec. 1. (Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)

844 IAC 4-4.1-2 Temporary medical permits (Repealed)

Sec. 2. (Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)

844 IAC 4-4.1-3 Examinations (Repealed)

Sec. 3. (Repealed by Medical Licensing Board of Indiana; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2076)

844 IAC 4-4.1-3.1 Examinations (Repealed)

Sec. 3.1. (Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)

844 IAC 4-4.1-4 Unlimited licensure by FLEX examination (Repealed)

Sec. 4. (Repealed by Medical Licensing Board of Indiana; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2076)

844 IAC 4-4.1-4.1 Unlimited licensure by examination (Repealed)

Sec. 4.1. (Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)

844 IAC 4-4.1-5 Applications (Repealed)

Sec. 5. (Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)

844 IAC 4-4.1-6 Examination results (Repealed)

Sec. 6. (Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)

844 IAC 4-4.1-7 Burden of proof (Repealed)

Sec. 7. (Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)

844 IAC 4-4.1-8 Screening of applications (Repealed)

Sec. 8. (Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)

844 IAC 4-4.1-9 Approved medical schools (Repealed)

Sec. 9. (Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)

844 IAC 4-4.1-10 Approved residency programs (Repealed)

Sec. 10. *(Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)*

844 IAC 4-4.1-11 Notice of address change (Repealed)

Sec. 11. *(Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)*

Rule 4.5. Licensure to Practice

844 IAC 4-4.5-1 Available licenses and permits

Authority: IC 25-1-8-2; IC 25-22.5-2-7

Affected: IC 25-22.5-2

Sec. 1. An applicant may apply for the following:

(1) Unlimited license to practice medicine or osteopathic medicine by:

(A) examination; or

(B) endorsement.

(2) A temporary medical permit for an applicant who is applying for unlimited licensure by endorsement.

(3) A temporary medical permit for postgraduate training.

(4) A temporary medical teaching permit.

(5) A limited scope temporary medical permit for an applicant who holds an unrestricted license to practice in another state.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-1; filed Sep 3, 2002, 3:38 p.m.: 26 IR 28; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

844 IAC 4-4.5-2 Licenses and permits issued for general practice only

Authority: IC 25-1-8-2; IC 25-22.5-2-7

Affected: IC 25-22.5-2

Sec. 2. A medical license issued by Indiana is for the general practice of medicine. Regardless of the applicant's certification by a specialty board, neither a license nor a permit shall be issued unless the applicant has fulfilled the general licensure requirements of IC 25-22.5 and this article. *(Medical Licensing Board of Indiana; 844 IAC 4-4.5-2; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)*

844 IAC 4-4.5-3 Approved medical schools

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-2-7

Sec. 3. (a) An approved school of medicine or school of osteopathic medicine is one located within the United States, its possessions, or Canada and is recognized by either:

(1) the Liaison Committee on Medical Education, which is jointly sponsored by the American Medical Association (AMA) and the Association of American Medical Colleges (AAMC); or

(2) the American Osteopathic Association (AOA) Bureau of Professional Education.

(b) In order to be approved by the board for the purpose of obtaining a license or permit, a school of medicine or school of osteopathic medicine located outside of the United States, its possessions, or Canada must maintain standards equivalent to those adopted by:

(1) the Liaison Committee on Medical Education, Functions and Structure of a Medical School, Standards for Accreditation of Medical Education Programs Leading to the M.D. degree, 2001; or

(2) the Bureau of Professional Education of the American Osteopathic Association, Accreditation of Colleges of Osteopathic Medicine, 2001.

(c) A copy of such standards shall be available for public inspection at the office of the Health Professions Bureau, 402 West

Washington Street, Room W041, Indianapolis, Indiana 46204. Copies of such standards are available from the respective entity originally issuing the incorporated matter as follows:

- (1) The LCME Secretariat, American Medical Association, 515 North State Street, Chicago, Illinois 60610.
- (2) The Bureau of Professional Education of the American Osteopathic Association, 142 East Ontario Street, Chicago, Illinois 60611.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-3; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

844 IAC 4-4.5-4 Approved postgraduate (internship and residency) programs

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-2-7

Sec. 4. An approved internship or residency program is one that was, at time the applicant was enrolled in the internship or residency program accepted by the:

- (1) Accreditation Council for Graduate Medical Education;
- (2) Executive Committee of the Council on Postdoctoral Training of the American Osteopathic Association; or
- (3) Royal College of Physicians and Surgeons of Canada.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-4; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

844 IAC 4-4.5-5 Authentic documents required

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-2-7

Sec. 5. All documents required by law to be submitted to the board shall be originals or certified copies thereof. *(Medical Licensing Board of Indiana; 844 IAC 4-4.5-5; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)*

844 IAC 4-4.5-6 Burden of proof

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-2-7

Sec. 6. Every applicant for licensure or temporary medical permit shall demonstrate that the applicant meets all of the qualifications required by Indiana statutes and by the rules of the board. In any proceeding before the board the burden of proof shall be on the applicant. *(Medical Licensing Board of Indiana; 844 IAC 4-4.5-6; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)*

844 IAC 4-4.5-7 Application for a license

Authority: IC 25-22.5-2-7

Affected: IC 25-1-8-2

Sec. 7. (a) A person seeking licensure to practice medicine or osteopathic medicine shall file an application on a form supplied by the board and submit the fees required by 844 IAC 4-2-2.

(b) The applicant for a license shall provide the following:

- (1) Where the name on any document differs from the applicant's name, a notarized or certified copy of a marriage certificate or legal proof of name change must be submitted with the application.
- (2) One (1) recent passport-type photograph of the applicant, taken within eight (8) weeks prior to filing of the application.
- (3) A certified copy of the original medical school or osteopathic medical school diploma. The following are requirements in the event that such diploma has been lost or destroyed:

- (A) The applicant shall submit, in lieu thereof, a statement under the signature and seal of the dean of the medical school or osteopathic medical school or college from which the applicant graduated, stating that the applicant has

satisfactorily completed the prescribed course of study, the actual degree conferred, and the date of graduation.

(B) The applicant shall submit an affidavit fully and clearly stating the circumstances under which his or her diploma was lost or destroyed.

(C) In exceptional circumstances, the board may accept, in lieu of a diploma or certified copy thereof, other types of evidence, which establish that the applicant received a medical school or osteopathic medical school or college diploma and completed all academic requirements relating thereto.

(4) If the applicant is the graduate of a school of medicine or osteopathic medicine in the United States, its possessions, or Canada, an original transcript of the applicant's medical education, including the degree conferred and the date the degree was conferred must be submitted. If the original transcript is in a language other than English, the applicant must include a certified translation of the transcript.

(5) If the applicant is a graduate of a school of medicine or osteopathic medicine outside the United States, its possessions, or Canada, the applicant must submit an original transcript of the applicant's medical education, including the degree conferred and the date the degree was conferred. If the original transcript is in a language other than English, the applicant must include a certified translation of the transcript. If an original transcript is not available, the applicant must submit the following:

(A) A notarized or certified copy of the original medical school or osteopathic medical school transcript, which must include the degree conferred and the date the degree was conferred.

(B) An affidavit fully and clearly stating the reasons that an original transcript is not available.

(6) If the applicant has been convicted of a criminal offense (excluding minor traffic violations), the applicant shall submit a notarized statement detailing all criminal offenses (excluding minor traffic violations) for which the applicant has been convicted. This notarized statement must include the following:

(A) The offense of which the applicant was convicted.

(B) The court in which the applicant was convicted.

(C) The cause number under which the applicant was convicted.

(D) The penalty imposed by the court.

(7) If the applicant is a graduate of a school of medicine or osteopathic medicine outside the United States, its possessions, or Canada, the applicant must submit a notarized copy of a certificate issued to the applicant by the Educational Commission on Foreign Medical Graduates.

(8) All applicants who are now, or have been, licensed to practice any health profession in another state must submit verification of license status. This information must be sent by the state that issued the license directly to the Indiana board.

(9) The applicant shall submit a self-query form completed by the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

(10) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-7; filed Sep 3, 2002, 3:38 p.m.: 26 IR 29; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

844 IAC 4-4.5-8 Licensure by examination

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

Sec. 8. An applicant for licensure by examination must:

(1) Pass Steps I, II, and III of the United States Medical Licensing Examination or pass Steps I, II, and III of the Comprehensive Osteopathic Medical Licensing Examination.

(2) Meet the requirements of IC 25-22.5.

(3) Meet the requirements of this article.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-8; filed Sep 3, 2002, 3:38 p.m.: 26 IR 30; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

844 IAC 4-4.5-9 Licensure by endorsement

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3; IC 25-22.5-5-2; IC 25-22.5-6

Sec. 9. (a) In addition to complying with section 7 of this rule, an applicant for licensure by endorsement shall submit proof that the applicant satisfactorily completed the written examination provided by the:

- (1) National Board of Medical Examiners (NBME);
 - (2) National Board of Osteopathic Medical Examiners (NBOME); or
 - (3) Federation of State Medical Boards of the United States, Inc. (FSMB).
- (b) Acceptable examinations provided by an entity under subsection (a) are as follows:
- (1) NBME.
 - (2) NBOME.
 - (3) Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA).
 - (4) Federation of State Medical Boards of the United States (FLEX).
 - (5) United States Medical Licensing Examination (USMLE).

(c) Endorsement from states requiring the NBME, NBOME, or FLEX will be honored if the examination was taken and passed in a manner that was, in the opinion of the board, equivalent in every respect to Indiana's examination requirements at the time it was taken.

(d) Endorsement from states requiring the USMLE or COMLEX-USA for licensure will be honored if the examination requirements of the other state are equivalent to the requirements of section 12 or 13 of this rule.

(e) Licensure by endorsement may be granted to an applicant who obtained a license in another state before the FLEX, NBME, USMLE, or COMLEX-USA were used in that state if the applicant:

- (1) took an examination equivalent in every respect to Indiana's examination requirements at the time it was taken in another state; and
- (2) meets all of the other requirements of the board under IC 25-22.5 and this article.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-9; filed Sep 3, 2002, 3:38 p.m.: 26 IR 30; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

844 IAC 4-4.5-10 Requirements for taking the United States Medical Licensing Examination Step III

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

Sec. 10. (a) In order to qualify to take Step III of the United States Medical Licensing Examination (USMLE), a graduate of a medical school in the United States, its possessions, or Canada must submit proof of the following:

- (1) Completion of the academic requirements for the degree of doctor of medicine or doctor of osteopathic medicine and graduation from a medical school or osteopathic medical school approved by the board.
- (2) Passage of both Steps I and II of the USMLE.
- (3) Completion, or expected completion within six (6) months, of one (1) year of postgraduate training in a hospital or institution in the United States, its possessions, or Canada that meets the requirements for an approved internship or residency under this rule.

(b) In order to qualify to take Step III of the USMLE, a graduate of a medical school outside the United States, its possessions, or Canada, including citizens of the United States, must submit proof of the following:

- (1) Passage of both Steps I and II of the USMLE.
- (2) Completion of a minimum of two (2) years of postgraduate training in a hospital or institution in the United States or Canada that meets the requirements for an approved internship or residency under this rule.
- (3) Certification by the Educational Commission on Foreign Medical Graduates.
- (4) Passing such other examinations as may be required by the board.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-10; filed Sep 3, 2002, 3:38 p.m.: 26 IR 31; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

844 IAC 4-4.5-11 Requirements for taking the Comprehensive Osteopathic Medical Licensing Examination United States Medical Licensing Examination Step III

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

Sec. 11. (a) In order to qualify to take Step III of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA), a graduate of an osteopathic medical school in the United States, its possessions, or Canada must submit proof of the following:

- (1) Completion of the academic requirements for the degree of doctor of osteopathic medicine and graduation from an osteopathic medical school approved by the board.
- (2) Passage of both Steps I and II of the COMLEX-USA.
- (3) Completion of one (1) year of postgraduate training in a hospital or institution in the United States, its possessions, or Canada that meets the requirements for an approved internship or residency under this rule.

(b) In order to qualify to take Step III of the COMLEX-USA, a graduate of an osteopathic medical school outside the United States, its possessions, or Canada, including citizens of the United States, must submit proof of the following:

- (1) Passage of both Steps I and II of the United States Medical Licensing Examination.
- (2) Completion of a minimum of two (2) years of postgraduate training in a hospital or institution in the United States or Canada that meets the requirements for an approved internship or residency under this rule.
- (3) Certification by the Educational Commission on Foreign Medical Graduates.
- (4) Passing such other examinations as may be required by the board.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-11; filed Sep 3, 2002, 3:38 p.m.: 26 IR 31; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

844 IAC 4-4.5-12 Passing requirements for United States Medical Licensing Examination

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

Sec. 12. The following are the examination passing requirements for licensure:

- (1) A score of seventy-five (75) is the minimum passing score for all steps of the United States Medical Licensing Examination (USMLE).
- (2) An applicant may have a maximum of three (3) attempts to pass each step of the USMLE. Therefore, upon the third seating of each step of the exam, the applicant must obtain a passing score.
- (3) All steps of the USMLE must be taken and successfully passed within a ten (10) year time period. This ten (10) year period begins when the applicant first passes a step, either Step I or Step II. In counting the number of attempts regarding USMLE steps, previous attempts on the National Board Medical Examination and the examination of the Federation of State Medical Boards of the United States are included.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-12; filed Sep 3, 2002, 3:38 p.m.: 26 IR 31; filed Jun 7, 2004, 4:15 p.m.: 27 IR 3072; filed Jun 10, 2008, 9:46 a.m.: 20080709-IR-844070723FRA)

844 IAC 4-4.5-13 Passing requirements for Comprehensive Osteopathic Medical Licensing Examination

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-3-2

Sec. 13. The following are the examination passing requirements for licensure:

- (1) A score of three hundred fifty (350) is the minimum passing score for Step III of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA).
- (2) An applicant may have a maximum of five (5) attempts to pass each step of the COMLEX-USA. Therefore, upon the fifth seating of each step of the exam, the applicant must obtain a passing score.
- (3) All steps of the COMLEX-USA must be taken and passed in sequential order within a seven (7) year time period. This seven (7) year period begins when the applicant first takes Step I. In counting the number of attempts regarding COMLEX-USA steps, previous attempts on the National Board Osteopathic Medical Examination are included.

(Medical Licensing Board of Indiana; 844 IAC 4-4.5-13; filed Sep 3, 2002, 3:38 p.m.: 26 IR 32; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

844 IAC 4-4.5-14 Temporary permits for endorsement applicants

Authority: IC 25-22.5-2-7

Affected: IC 25-1-8-2; IC 25-22.5-5-2

Sec. 14. (a) An applicant seeking a temporary permit to practice medicine or osteopathic medicine based upon licensure in another state of the United States, its possessions, or Canada shall file an application for licensure and a temporary permit on a form supplied by the board and submit the fees required by 844 IAC 4-2-2.

(b) The applicant for a temporary medical permit shall submit the following:

(1) One (1) recent passport-type photograph of the applicant, taken within eight (8) weeks prior to filing the application.

(2) Proof of holding a current and valid unrestricted license to practice medicine or osteopathic medicine in another state of the United States, its possessions, or Canada.

(c) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

(d) A temporary medical permit issued under this section shall remain in effect for a period not to exceed ninety (90) days.

(e) If the application for licensure under IC 25-22.5-5-2 is denied, the temporary permit becomes null and void immediately upon denial.

(f) If an extension of the temporary permit past ninety (90) days is required due to an incomplete license application file, the request for an extension of time must be submitted in writing (via letter, facsimile transmission, or electronic mail transmission) to the director of the board and received prior to the expiration date of the temporary medical permit. (*Medical Licensing Board of Indiana; 844 IAC 4-4.5-14; filed Sep 3, 2002, 3:38 p.m.: 26 IR 32; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-4.5-15 Temporary medical permits for postgraduate training

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-4-1; IC 25-22.5-5-3

Sec. 15. (a) A temporary medical permit issued for postgraduate medical education or training shall include internships, transitional programs, residency training, or other postgraduate medical education in a medical institution or hospital located in Indiana that meets the requirements of section 4 of this rule. A temporary medical permit for postgraduate training may be issued to a person who has:

(1) completed the academic requirements for the degree of doctor of medicine or doctor of osteopathic medicine from a medical school or osteopathic medical school approved by the board;

(2) submitted an application for a temporary medical permit;

(3) submitted one (1) recent passport-type photograph of the applicant, taken within eight (8) weeks prior to filing the application;

(4) paid the nonrefundable fee specified in 844 IAC 4-2-2; and

(5) provided documented evidence of acceptance into a postgraduate medical education or training program located in Indiana which meets the requirements of section 4 of this rule.

(b) Graduates of a school outside of the United States, its possessions, or Canada must submit proof of certification by the Educational Commission on Foreign Medical Graduates.

(c) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

(d) A temporary medical permit issued under this section shall remain in force and effect for a period of one (1) year. A temporary medical permit issued under this section may be renewed for an additional one (1) year period, provided that the applicant submits an application and pays the nonrefundable fee. Temporary medical permits issued under this section to persons having passed Steps I and II of the United States Medical Licensing Examination (USMLE) or Comprehensive Osteopathic Medical Licensing Examination United States Medical Licensing Examination (COMLEX-USA), and who have failed Step III of the USMLE or the COMLEX-USA may be renewed and reissued to the applicant, at the discretion of the board.

(e) After seven (7) years expires from the date when the applicant first took a step of the USMLE or the COMLEX-USA, the temporary permit becomes invalid without further action of the board and cannot be renewed.

(f) A temporary medical permit issued under this section shall limit the applicant's practice of medicine or osteopathic medicine to the postgraduate medical education or training program in a medical education institution or hospital in Indiana approved by the board in which the applicant is employed, assigned, or enrolled, which limitation shall be stated on the face of the

temporary medical permit.

(g) If training will occur in more than one (1) facility, the applicant must submit with the application for a temporary medical permit identifying information for each facility in which training will occur.

(h) A person issued a temporary medical permit under this section shall not accept, receive, or otherwise be employed or engaged in any employment as a physician unless approved by, or otherwise made a part or adjunct of, the applicant's postgraduate medical education or training program. (*Medical Licensing Board of Indiana; 844 IAC 4-4.5-15; filed Sep 3, 2002, 3:38 p.m.: 26 IR 32; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-4.5-16 Temporary medical permits for teaching in an accredited medical school

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-4-1; IC 25-22.5-5-3

Sec. 16. (a) A medical educational institution located in Indiana may apply for a temporary medical permit for teaching for a practitioner in the active practice of medicine outside of Indiana or the United States, but who is not licensed in Indiana, to teach medicine in the institution. The institution and the practitioner shall file an application, which shall include the following:

(1) Documentation certifying the person's professional qualifications.

(2) The term of the teaching appointment.

(3) The medical subjects to be taught.

(4) One (1) recent passport-type photograph of the person, taken within eight (8) weeks prior to filing the application.

(5) The nonrefundable fee specified in 844 IAC 4-2-2.

(b) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

(c) A temporary medical teaching permit issued under this section shall authorize the practitioner to teach medicine in the institution for a stated period not to exceed one (1) year.

(d) The temporary medical teaching permit must be kept in the possession of the institution and surrendered by it to the board for cancellation within thirty (30) days after the practitioner has ceased teaching in the institution.

(e) The permit authorizes the practitioner to practice in the institution only and, in the course of teaching, to practice those medical or osteopathic medical acts as are usually and customarily performed by a physician teaching in a medical educational institution, but does not authorize the practitioner to practice medicine or osteopathic medicine otherwise. (*Medical Licensing Board of Indiana; 844 IAC 4-4.5-16; filed Sep 3, 2002, 3:38 p.m.: 26 IR 33; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-4.5-17 Limited scope temporary medical permits

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-3-1; IC 25-22.5-4-1; IC 25-22.5-5-3

Sec. 17. (a) A person not currently licensed to practice medicine in Indiana, yet licensed to practice medicine or osteopathic medicine by any board or licensing agency of any state or jurisdiction may make application for a limited scope temporary medical permit that, if issued under this section, shall remain valid for a nonrenewable period not to exceed thirty (30) days.

(b) A person seeking a limited scope temporary medical permit under this section shall do the following:

(1) Complete an application form supplied by the board, specifying the following:

(A) The reasons for seeking a temporary medical permit.

(B) The location or locations where the applicant will provide medical services.

(C) The type, extent, and specialization of medical services that the applicant intends to, or may, provide.

(D) The activity, organization, function, or event with regard to which the applicant may provide medical services.

(2) The applicant's residence and office addresses and phone numbers.

(3) Pay to the board the nonrefundable fee specified by 844 IAC 4-2-2, at the time the application for temporary medical permit is filed.

(4) Submit one (1) recent passport-type photograph of the applicant, taken within eight (8) weeks prior to filing the application, simultaneously with filing the application for a temporary medical permit.

(5) Submit proof of holding a current and valid unrestricted license to practice medicine or osteopathic medicine in another state or jurisdiction.

(6) Submit a certified copy of the original medical school or osteopathic medical school diploma. The following requirements apply in the event that such diploma has been lost or destroyed:

(A) The applicant shall submit, in lieu thereof, a statement under the signature and seal of the dean of the medical school or osteopathic medical school or college from which the applicant graduated, stating that the applicant has satisfactorily completed the prescribed course of study, the actual degree conferred, and the date of graduation.

(B) The applicant shall submit an affidavit fully and clearly stating the circumstances under which his or her diploma was lost or destroyed.

(C) In exceptional circumstances, the board may accept, in lieu of a diploma or certified copy thereof, other types of evidence, which establish that the applicant received a medical school or osteopathic medical school or college diploma and completed all academic requirements relating thereto.

(c) All information on the application shall be submitted under oath or affirmation, subject to the penalties for perjury.

(d) Temporary medical permits issued under this section shall be limited to a specific activity, function, series of events, or purpose, and to a specific geographical area within the state, which limitations shall be stated on the temporary medical permit. *(Medical Licensing Board of Indiana; 844 IAC 4-4.5-17; filed Sep 3, 2002, 3:38 p.m.: 26 IR 33; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)*

844 IAC 4-4.5-18 Temporary medical permits; discipline

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9; IC 25-22.5-3-1; IC 25-22.5-4-1; IC 25-22.5-5-3

Sec. 18. A temporary medical permit issued under this rule may be sanctioned for failure to comply with, or otherwise satisfy, the provisions of IC 25-22.5 or IC 25-1-9. *(Medical Licensing Board of Indiana; 844 IAC 4-4.5-18; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)*

844 IAC 4-4.5-19 Notice of address change

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5-2-7

Sec. 19. (a) Every person issued a permit or license shall inform the board of the following in writing by mail, facsimile transmission, or electronic mail transmission:

(1) Each address where he or she is practicing medicine or osteopathic medicine within twenty (20) days after commencing such practice.

(2) All changes of address, including additional practice locations and residential addresses, or removals from such addresses within twenty (20) days of each such occurrence.

(b) Where the practitioner has more than one (1) address, the practitioner must notify the board which of the addresses is the practitioner's primary mailing address.

(c) A practitioner's failure to receive notification of licensure of permit renewal due to a failure to notify the board of a change of address shall not constitute an error on the part of the board nor shall it exonerate or otherwise excuse the practitioner from renewing such license or permit as required by law. *(Medical Licensing Board of Indiana; 844 IAC 4-4.5-19; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)*

Rule 5. Preceptorships

844 IAC 4-5-1 Examination of foreign medical graduates (Repealed)

Sec. 1. *(Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)*

844 IAC 4-5-2 Licensure requirements; foreign medical graduates (Repealed)

Sec. 2. *(Repealed by Medical Licensing Board of Indiana; filed May 3, 1985, 10:44 am: 8 IR 1159)*

Rule 6. Renewal of Physicians' Licenses

844 IAC 4-6-1 Mandatory renewal; time

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5

Sec. 1. Every physician holding a license issued by the medical licensing board of Indiana shall renew such license with the medical licensing board of Indiana biennially. (*Medical Licensing Board of Indiana; 844 IAC 4-6-1; filed Nov 5, 1981, 12:50 p.m.: 4 IR 2849; filed May 13, 1987, 2:15 p.m.: 10 IR 2300; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2074; readopted filed Dec 10, 2001, 3:47 p.m.: 25 IR 1732; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-6-2 Mandatory renewal; notice (Repealed)

Sec. 2. (*Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34*)

844 IAC 4-6-2.1 Mandatory renewal; notice

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5

Sec. 2.1. (a) On or before sixty (60) days prior to June 30 of odd-numbered years, the board, or its duly authorized agent, shall issue a notice of expiration to each holder of a license that the holder is required to renew the holder's license.

(b) This notice will be sent to the address of record. If the practitioner has moved since the last renewal and has not notified the board of the new address, the board is not responsible for the untimely renewal of said license or its subsequent denial. (*Medical Licensing Board of Indiana; 844 IAC 4-6-2.1; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-6-3 Mandatory renewal; oath

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5

Sec. 3. Applications for all renewals must be made under oath or affirmation. (*Medical Licensing Board of Indiana; 844 IAC 4-6-3; filed Nov 5, 1981, 12:50 p.m.: 4 IR 2849; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2074; readopted filed Dec 10, 2001, 3:47 p.m.: 25 IR 1732; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-6-4 Mandatory renewal; fees

Authority: IC 25-22.5-2-7

Affected: IC 25-1-8-2; IC 25-22.5-7

Sec. 4. Each licensee shall submit a fee as determined by the medical licensing board of Indiana for each year or fraction thereof, in the form as provided under IC 25-1-8-2(d) payable to the order of the health professions bureau. (*Medical Licensing Board of Indiana; 844 IAC 4-6-4; filed Nov 5, 1981, 12:50 p.m.: 4 IR 2849; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2075; readopted filed Dec 10, 2001, 3:47 p.m.: 25 IR 1732; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-6-5 Delinquent renewal (Repealed)

Sec. 5. (*Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34*)

844 IAC 4-6-6 Mandatory renewal; failure to register

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5

Sec. 6. Upon the failure of any licensee to renew their license with the medical licensing board of Indiana by September 1 of each biennium, the medical licensing board of Indiana shall forthwith enter an order suspending the physician's license to practice medicine in the state of Indiana. Such order shall become effective ten (10) days from the entry thereof. A copy, thereof, shall be served upon the licensee by certified mail at the last address provided by the licensee to the medical licensing board of Indiana. *(Medical Licensing Board of Indiana; 844 IAC 4-6-6; filed Nov 5, 1981, 12:50 p.m.: 4 IR 2849; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2075; readopted filed Dec 10, 2001, 3:47 p.m.: 25 IR 1732; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)*

844 IAC 4-6-7 Practice after suspension

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5

Sec. 7. No physician shall engage in the practice of medicine in Indiana after the effective date of an order suspending the physician's license to practice. *(Medical Licensing Board of Indiana; 844 IAC 4-6-7; filed Nov 5, 1981, 12:50 p.m.: 4 IR 2849; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2075; readopted filed Dec 10, 2001, 3:47 p.m.: 25 IR 1732; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)*

844 IAC 4-6-8 Reinstatement after delinquent renewal of license (Repealed)

Sec. 8. *(Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34)*

844 IAC 4-6-9 Inactive status

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5

Sec. 9. Any physician who has retired from practice and wants to retain his or her license may do so for half of the usual registration fee as given in 844 IAC 4-2-1, provided that he or she does not maintain an office for the practice of medicine and does not charge for any medical services that he or she might render. A physician whose license is inactive may submit a written request to the medical licensing board of Indiana to reactivate his or her license by paying the full renewal fee. *(Medical Licensing Board of Indiana; 844 IAC 4-6-9; filed Nov 5, 1981, 12:50 p.m.: 4 IR 2850; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2075; readopted filed Dec 10, 2001, 3:47 p.m.: 25 IR 1732; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)*

844 IAC 4-6-10 Probation, suspension, or revocation

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5

Sec. 10. The willful performance of an act likely to deceive or harm the public shall include, but not be limited to, the following acts:

- (1) Aiding or abetting a person to practice medicine without a license.
- (2) Presigning prescriptions.
- (3) Prescribing or administering a drug for other than generally accepted therapeutic purposes.
- (4) Negligence in the practice of medicine.
- (5) False, deceptive, or misleading advertising.
- (6) Fraudulent practice of billing a patient or third party payer for services not rendered.

(Medical Licensing Board of Indiana; 844 IAC 4-6-10; filed Nov 5, 1981, 12:50 p.m.: 4 IR 2850; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2076; readopted filed Dec 10, 2001, 3:47 p.m.: 25 IR 1732; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA)

Rule 7. SPEX Examination

844 IAC 4-7-1 "SPEX" defined

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9-11; IC 25-22.5-3-1; IC 25-22.5-6-1; IC 25-22.5-7-1

Sec. 1. (a) "SPEX" refers to the special purpose examination.

(b) SPEX is an objective and standardized cognitive examination designed to assist the medical licensing board of Indiana in the assessment of general, undifferentiated medical practice by physicians or osteopathic physicians who hold or have held a valid license in a United States or Canadian jurisdiction. (*Medical Licensing Board of Indiana; 844 IAC 4-7-1; filed May 1, 1995, 10:45 a.m.: 18 IR 2258; readopted filed Dec 10, 2001, 3:48 p.m.: 25 IR 1731; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-7-2 Purpose of SPEX

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9-11; IC 25-22.5-3-1; IC 25-22.5-6-1; IC 25-22.5-7-1

Sec. 2. SPEX is offered by the medical licensing board of Indiana for reexamination of selected physicians, designated by the medical licensing board of Indiana, who may need to demonstrate to the medical licensing board of Indiana current medical knowledge due to, but not limited to, the following:

(1) Physicians or osteopathic physicians seeking licensure reinstatement or reactivation under IC 25-1-9-11, IC 25-22.5-6-1(a), and IC 25-22.5-7-1(c), after some period of professional inactivity.

(2) Applicants who are some years beyond initial examination and either are applicants by endorsement or are applicants who have not previously been licensed in Indiana.

(*Medical Licensing Board of Indiana; 844 IAC 4-7-2; filed May 1, 1995, 10:45 a.m.: 18 IR 2258; readopted filed Dec 10, 2001, 3:48 p.m.: 25 IR 1731; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-7-3 Requirements to take SPEX

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9-11; IC 25-22.5-3-1; IC 25-22.5-6-1; IC 25-22.5-7-1

Sec. 3. An applicant wishing to take the SPEX examination must:

(1) complete an application as prescribed by the medical licensing board of Indiana;

(2) pay the applicant's cost of purchasing the examination payable to the examination service; and

(3) submit an application to the Federation of State Medical Boards at least forty-two (42) days prior to the administration date of the examination.

(*Medical Licensing Board of Indiana; 844 IAC 4-7-3; filed May 1, 1995, 10:45 a.m.: 18 IR 2258; readopted filed Dec 10, 2001, 3:48 p.m.: 25 IR 1731; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-7-4 SPEX passing score

Authority: IC 25-22.5-2-7

Affected: IC 25-1-9-11; IC 25-22.5-3-1; IC 25-22.5-6-1; IC 25-22.5-7-1

Sec. 4. (a) A score of seventy-five (75) is the minimum passing score on the SPEX.

(b) SPEX scores will be reported directly to the medical licensing board of Indiana. The medical licensing board of Indiana will notify all applicants of their test scores. (*Medical Licensing Board of Indiana; 844 IAC 4-7-4; filed May 1, 1995, 10:45 a.m.: 18 IR 2258; readopted filed Dec 10, 2001, 3:48 p.m.: 25 IR 1731; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080339RFA*)

844 IAC 4-7-5 Examination dates (Repealed)

Sec. 5. (*Repealed by Medical Licensing Board of Indiana; filed Sep 3, 2002, 3:38 p.m.: 26 IR 34*)

MEDICAL DOCTORS; OSTEOPATHIC DOCTORS

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