INDIANA STATE BOARD OF NURSING

A compilation of the Indiana Code and Indiana Administrative Code

2014 Edition

Indiana Professional Licensing Agency
Indiana State Board of Nursing
Indiana Government Center South
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Phone: (317) 234-2043
Fax: (317) 233-4236
Email: pla2@pla.in.gov
Website: www.PLA.IN.gov

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Indiana State Board of Nursing

July 2014 Edition

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IC 25-23
ARTICLE 23. NURSES

IC 25-23-1
Chapter 1. Licensing of Nurses; Creation of Board; Education Programs

IC 25-23-1-0.1
Application of certain amendments to chapter

Sec. 0.1. The amendments made to this chapter by P.L.185-1993 shall not be construed to limit the authority of a registered nurse to perform services that a registered nurse was authorized to perform under this article before April 30, 1993.
As added by P.L.220-2011, SEC.408.

IC 25-23-1-1
Definitions

Sec. 1. As used in this chapter:

(a) "Board" means the Indiana state board of nursing.

(b) "Advanced practice nurse" means:

(1) a nurse practitioner;

(2) a certified nurse midwife;

(3) a clinical nurse specialist; or

(4) a certified registered nurse anesthetist;

who is a registered nurse qualified to practice nursing in a specialty role based upon the additional knowledge and skill gained through a formal organized program of study and clinical experience, or the equivalent as determined by the board, which does not limit but extends or expands the function of the nurse which may be initiated by the client or provider in settings that shall include hospital outpatient clinics and health maintenance organizations. Notwithstanding any other law, this subsection does not add to the powers and duties or scope of practice of certified registered nurse anesthetists as described in section 30 of this chapter.

(c) "Human response" means those signs, symptoms, behaviors, and processes that denote the individual's interaction with the environment.

(Formerly: Acts 1949, c.159, s.1; Acts 1971, P.L.376, SEC.1; Acts 1974, P.L.119, SEC.1.) As amended by Acts 1981, P.L.228, SEC.1; P.L.169-1985, SEC.63; P.L.185-1993, SEC.2; P.L.232-2013, SEC.18; P.L.58-2014, SEC.7.

IC 25-23-1-1.1
Additional definitions

Sec. 1.1. (a) As used in this chapter, "registered nurse" means a person who holds a valid license issued:

(1) under this chapter; or

(2) by a party state (as defined in IC 25-23.3-2-11); and

who bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment, and skill

derived from the principles of biological, physical, and behavioral sciences.

(b) As used in this chapter, "registered nursing" means performance of services which include but are not limited to:

(1) assessing health conditions;

(2) deriving a nursing diagnosis;

(3) executing a nursing regimen through the selection, performance, and management of nursing actions based on nursing diagnoses;

(4) advocating the provision of health care services through collaboration with or referral to other health professionals;

(5) executing regimens delegated by a physician with an unlimited license to practice medicine or osteopathic medicine, a licensed dentist, a licensed chiropractor, a licensed optometrist, or a licensed podiatrist;

(6) teaching, administering, supervising, delegating, and evaluating nursing practice;

(7) delegating tasks which assist in implementing the nursing, medical, or dental regimen; or

(8) performing acts which are approved by the board or by the board in collaboration with the medical licensing board of Indiana.

(c) As used in this chapter, "assessing health conditions" means the collection of data through means such as interviews, observation, and inspection for the purpose of:

(1) deriving a nursing diagnosis;

(2) identifying the need for additional data collection by nursing personnel; and

(3) identifying the need for additional data collection by other health professionals.

(d) As used in this chapter, "nursing regimen" means preventive, restorative, maintenance, and promotion activities which include meeting or assisting with self-care needs, counseling, and teaching.

(e) As used in this chapter, "nursing diagnosis" means the identification of needs which are amenable to nursing regimen.

As added by Acts 1981, P.L.222, SEC.158. Amended by P.L.169-1985, SEC.64; P.L.181-2002, SEC.3; P.L.1-2007, SEC.170; P.L.134-2008, SEC.26.

IC 25-23-1-1.2

"Licensed practical nurse" defined

Sec. 1.2. As used in this chapter, "licensed practical nurse" means a person who holds a valid license issued under this chapter or by a party state (as defined in IC 25-23.3-2-11) and who functions at the direction of:

(1) a registered nurse;

(2) a physician with an unlimited license to practice medicine or osteopathic medicine;

(3) a licensed dentist;

(4) a licensed chiropractor;

(5) a licensed optometrist; or

(6) a licensed podiatrist;

in the performance of activities commonly performed by practical nurses and requiring special knowledge or skill.

As added by P.L.169-1985, SEC.65. Amended by P.L.181-2002, SEC.4; P.L.1-2007, SEC.171; P.L.134-2008, SEC.27.

IC 25-23-1-1.3

"Practical nursing" defined

Sec. 1.3. As used in this chapter, "practical nursing" means the performance of services commonly performed by practical nurses, including:

(1) contributing to the assessment of the health status of individuals or groups;

(2) participating in the development and modification of the strategy of care;

(3) implementing the appropriate aspects of the strategy of care;

(4) maintaining safe and effective nursing care; and

(5) participating in the evaluation of responses to the strategy of care.

As added by P.L.169-1985, SEC.66.

IC 25-23-1-1.4

"Certified registered nurse anesthetist" defined

Sec. 1.4. As used in this chapter, "certified registered nurse anesthetist" means a registered nurse who:

(1) is a graduate of a nurse anesthesia educational program accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs or its predecessor;

(2) is properly certified by successfully completing the certification examination administered by the Council on Certification of Nurse Anesthetists or its predecessor; and

(3) is properly certified and in compliance with criteria for biennial recertification, as defined by the Council on Recertification of Nurse Anesthetists.

As added by P.L.185-1993, SEC.3. Amended by P.L.177-2009, SEC.42.

IC 25-23-1-2

Indiana state board of nursing; establishment; members; term of office; vacancies

Sec. 2. (a) There is established the Indiana state board of nursing consisting of nine (9) members appointed by the governor, each to serve a term of four (4) years subject to death, resignation, or removal by the governor.

(b) Six (6) of the board members must be registered nurses who are committed to advancing and safeguarding the nursing profession as a whole. Two (2) of the board's members must be licensed practical nurses. One (1) member of the board, to represent the general public, must be a resident of this state and not be associated

with nursing in any way other than as a consumer.

(c) Each appointed board member may serve until the member's successor has been appointed and qualified. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term. Members of the board may be appointed for more than one (1) term. However, no person who has served as a member of the board for more than six (6) consecutive years may be reappointed. Reappointments of persons who have served six (6) consecutive years as a member of the board may be made after three (3) years have elapsed.
(Formerly: Acts 1949, c.159, s.2; Acts 1971, P.L.376, SEC.2.) As amended by Acts 1981, P.L.222, SEC.159; P.L.169-1985, SEC.67; P.L.185-1993, SEC.4; P.L.158-2003, SEC.4.

IC 25-23-1-3
Filling vacancies; removal of board members

Sec. 3. On or before December 1 of each year and at any time there is a vacancy, the Indiana State Nurses' Association shall recommend to the Governor a list of qualified registered nurses for appointment to the Board in the number of not less than twice the number of registered nurse vacancies to be filled.

On or before December 1 of each year and at any time there is a vacancy, the Indiana Federation of Licensed Practical Nurses' shall recommend to the Governor a list of qualified licensed practical nurses and nurse educators of Practical Nurse Programs for appointment to the Board in the number of not less than twice the number of vacancies to be filled. The Governor may remove any member from the Board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.
(Formerly: Acts 1949, c.159, s.3; Acts 1971, P.L.376, SEC.3.)

IC 25-23-1-4
Qualifications of members of board; oath

Sec. 4. (a) Each registered nurse member of the board required by section 2 of this chapter must:

(1) be a citizen of the United States;
(2) be a resident of Indiana;
(3) have:
  (A) graduated from an accredited educational program for the preparation of practitioners of professional nursing;
  (B) been licensed as a registered nurse in Indiana;
  (C) had at least five (5) years successful experience since graduation in administering, teaching, or practicing in an educational program to prepare practitioners of nursing or in administering or practicing in nursing service; and
  (D) been actively engaged in the activities described in clause (C) for at least three (3) years immediately preceding appointment or reappointment; and
(4) be actively engaged in the activities described in subdivision (3)(C) throughout the member's term of office.

(b) Each licensed practical nurse member of the board required by section 2 of this chapter must:

(1) be a citizen of the United States;

(2) be a resident of Indiana;

(3) have:

(A) graduated from an accredited educational program for the preparation of practitioners of practical nursing;

(B) been licensed as a licensed practical nurse in Indiana;

(C) had at least five (5) years successful experience as a practitioner of practical nursing since graduation; and

(D) been actively engaged in practical nursing for at least three (3) years immediately preceding appointment to the board; and

(4) be actively engaged in practice throughout the member's term of office.

(c) Before entering upon the discharge of official duties, each member of the board shall file the constitutional oath of office in the office of the secretary of state.

(Formerly: Acts 1949, c.159, s.4; Acts 1971, P.L.376, SEC.4.) As amended by P.L.169-1985, SEC.68.

IC 25-23-1-5

Meetings; officers; quorum

Sec. 5. (a) The board shall meet annually. At its first meeting of the calendar year, it shall elect from the membership a president, a vice president, and a secretary. It shall hold such other meetings during the year as may be necessary for the transaction of its business.

(b) Five (5) members of the board constitute a quorum. An affirmative vote of a majority of the members appointed to the board is required for action of the board.

(Formerly: Acts 1949, c.159, s.5; Acts 1971, P.L.376, SEC.5.) As amended by Acts 1981, P.L.222, SEC.160; P.L.169-1985, SEC.69; P.L.149-1987, SEC.56; P.L.158-2003, SEC.5.

IC 25-23-1-6

Repealed

(Repealed by P.L.169-1985, SEC.97.)

IC 25-23-1-7

Powers and duties of board

Sec. 7. (a) The board shall do the following:

(1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.

(2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.

(3) Provide for surveys of such programs at such times as it considers necessary.

(4) Accredit such programs as meet the requirements of this

chapter and of the board.

(5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.

(6) Examine, license, and renew the license of qualified applicants.

(7) Issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.

(8) Cause the prosecution of all persons violating this chapter and have power to incur necessary expenses for these prosecutions.

(9) Adopt rules under IC 4-22-2 that do the following:

(A) Prescribe standards for the competent practice of registered, practical, and advanced practice nursing.

(B) Establish with the approval of the medical licensing board created by IC 25-22.5-2-1 requirements that advanced practice nurses must meet to be granted authority to prescribe legend drugs and to retain that authority.

(C) Establish, with the approval of the medical licensing board created by IC 25-22.5-2-1, requirements for the renewal of a practice agreement under section 19.4 of this chapter, which shall expire on October 31 in each odd-numbered year.

(10) Keep a record of all its proceedings.

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

(b) The board may do the following:

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

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

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

(B) Recommendations concerning educational programs and requirements.

(C) Recommendations regarding examinations and licensure of applicants.

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

(4) Withdraw from the interstate nurse licensure compact under IC 25-23.2 (repealed).

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

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

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

(Formerly: Acts 1949, c.159, s.7; Acts 1971, P.L.376, SEC.6.) As amended by Acts 1977, P.L.172, SEC.29; Acts 1979, P.L.17, SEC.46; Acts 1981, P.L.222, SEC.161; P.L.169-1985, SEC.70; P.L.149-1987, SEC.57; P.L.185-1993, SEC.5; P.L.127-1994, SEC.1; P.L.181-2002, SEC.5; P.L.158-2003, SEC.6; P.L.1-2007, SEC.172; P.L.134-2008, SEC.28; P.L.138-2014, SEC.9.

IC 25-23-1-7.1
Rules and regulations

Sec. 7.1. The board may adopt rules and regulations applicable to nurse practitioners.
As added by Acts 1981, P.L.228, SEC.2.

IC 25-23-1-8
Repealed

(Repealed by P.L.169-1985, SEC.97.)

IC 25-23-1-9
Repealed

(Repealed by P.L.169-1985, SEC.97.)

IC 25-23-1-10
Compensation of board members

Sec. 10. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(b) Each member of the board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.
(Formerly: Acts 1949, c.159, s.10; Acts 1971, P.L.376, SEC.9.) As amended by P.L.149-1987, SEC.58.

IC 25-23-1-10.5
Temporary permits

Sec. 10.5. (a) The board may issue a temporary permit to practice as a nurse to a nurse licensed to practice in another state or territory of the United States, who has applied to the board for licensure by endorsement and submitted proof of current licensure to the board. The permit is valid for ninety (90) days after issuance or upon denial of licensure by the board. The permit may be renewed by the board, for a period not to exceed ninety (90) days, if, in the determination of the board, it is not possible to complete the application process in that time period.

(b) Persons holding a temporary permit to practice as a nurse are subject to the disciplinary provisions of this chapter and IC 25-1-9.

(c) The board may establish by rule under IC 4-22-2 application procedures and requirements for the issuance of temporary permits under this section.

As added by P.L.169-1985, SEC.71. Amended by P.L.149-1987, SEC.59; P.L.152-1988, SEC.16; P.L.48-1991, SEC.38; P.L.243-1995, SEC.1.

IC 25-23-1-11

Requirements for registered nurse applicants; endorsement license; fees; use of title

Sec. 11. (a) Any person who applies to the board for a license to practice as a registered nurse must:

(1) not have:

(A) been convicted of a crime that has a direct bearing on the person's ability to practice competently; or

(B) committed an act that would constitute a ground for a disciplinary sanction under IC 25-1-9;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of registered nursing that only accepts students who have a high school diploma or its equivalent as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of and professionally competent to safely engage in the practice of nursing as determined by the board.

The board may not require a person to have a baccalaureate degree in nursing as a prerequisite for licensure.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a registered nurse to an applicant who has been licensed as a registered nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time that the applicant applies for an Indiana license by endorsement, the applicant holds a current license in another state and possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what constitutes substantial equivalence under this subsection.

(d) The board may issue by endorsement a license to practice as a registered nurse to an applicant who:

(1) has completed the English version of the:

(A) Canadian Nurse Association Testing Service Examination (CNAT); or

(B) Canadian Registered Nurse Examination (CRNE);

(2) achieved the passing score required on the examination at the time the examination was taken;

(3) is currently licensed in a Canadian province or in another state; and

(4) meets the other requirements under this section.

(e) Each applicant for examination and registration to practice as a registered nurse shall pay a fee set by the board, a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Payment of the fee or fees shall be made by the applicant prior to the date of examination. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(f) Any person who holds a license to practice as a registered nurse in:

(1) Indiana; or

(2) a party state (as defined in IC 25-23.3-2-11);

may use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall practice or advertise as or assume the title of registered nurse or use the abbreviation of "R.N." or any other words, letters, signs, or figures to indicate that the person using same is a registered nurse.

(Formerly: Acts 1949, c.159, s.11; Acts 1971, P.L.376, SEC.10; Acts 1974, P.L.119, SEC.3; Acts 1975, P.L.272, SEC.1.) As amended by Acts 1981, P.L.222, SEC.163; Acts 1982, P.L.113, SEC.58; P.L.169-1985, SEC.72; P.L.149-1987, SEC.60; P.L.152-1988, SEC.17; P.L.48-1991, SEC.39; P.L.33-1993, SEC.30; P.L.181-1996, SEC.1; P.L.236-1999, SEC.1; P.L.181-2002, SEC.6; P.L.1-2007, SEC.173; P.L.134-2008, SEC.29.

IC 25-23-1-12

Requirements for practical nurse applicants; endorsement license; fees; use of title

Sec. 12. (a) A person who applies to the board for a license to practice as a licensed practical nurse must:

(1) not have been convicted of:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of practical nursing that only accepts students who have a high school diploma or its equivalent, as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of, and professionally competent to, safely engage in the practice of practical nursing as determined by the board.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a licensed practical nurse to an applicant who has been licensed as a licensed practical nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time of application for an Indiana license by endorsement, the applicant possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what shall constitute substantial equivalence under this subsection.

(d) Each applicant for examination and registration to practice as a practical nurse shall pay a fee set by the board, a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Payment of the fees shall be made by the applicant before the date of examination. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(e) Any person who holds a license to practice as a licensed practical nurse in:

(1) Indiana; or

(2) a party state (as defined in IC 25-23.3-2-11);

may use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No other person shall practice or advertise as or assume the title of licensed practical nurse or use the abbreviation of "L.P.N." or any other words, letters, signs, or figures to indicate that the person using them is a licensed practical nurse.

(Formerly: Acts 1949, c.159, s.12; Acts 1951, c.34, s.1; Acts 1971,

P.L.376, SEC.11.) As amended by Acts 1981, P.L.222, SEC.164; Acts 1982, P.L.113, SEC.59; P.L.169-1985, SEC.73; P.L.149-1987, SEC.61; P.L.152-1988, SEC.18; P.L.33-1993, SEC.31; P.L.181-2002, SEC.7; P.L.1-2007, SEC.174; P.L.134-2008, SEC.30.

IC 25-23-1-13
Repealed
(Repealed by P.L.169-1985, SEC.97.)

IC 25-23-1-13.1
Certified nurse midwives

Sec. 13.1. (a) An applicant who desires to practice certified nurse midwifery shall present to the board the applicant's license as a registered nurse and a diploma earned by the applicant from a school of midwifery approved or licensed by the board or licensing agency for midwives that is located in any state.

(b) The applicant shall submit to an examination in certified nurse midwifery prescribed or administered by the board. If the application and qualifications are approved by the board, the applicant is entitled to receive a license that allows the applicant to practice midwifery as a certified nurse midwife.

(c) The board shall adopt rules under section 7 of this chapter:

(1) defining the scope of practice of a certified nurse midwife; and

(2) for implementing this section.

(d) A certified nurse who holds a license to practice midwifery under this section (formerly referred to as a "midwife" before the repeal of IC 34-18-2-19) shall, beginning July 1, 2013, be known as a "certified nurse midwife".

As added by P.L.185-1993, SEC.6. Amended by P.L.232-2013, SEC.19.

IC 25-23-1-14
Repealed
(Repealed by P.L.169-1985, SEC.97.)

IC 25-23-1-15
Repealed
(Repealed by P.L.169-1985, SEC.97.)

IC 25-23-1-16
Repealed
(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-23-1-16.1
Expiration of license; renewal; fee

Sec. 16.1. (a) A license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(b) A license to practice as a licensed practical nurse expires on October 31 in each even-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(c) The procedures and fee for renewal shall be set by the board.

(d) At the time of license renewal, each registered nurse and each licensed practical nurse shall pay a renewal fee, a portion of which shall be for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Twenty-five percent (25%) of the license renewal fee per license renewed under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

As added by Acts 1981, P.L.222, SEC.168. Amended by P.L.169-1985, SEC.74; P.L.149-1987, SEC.62; P.L.127-1994, SEC.2; P.L.181-2002, SEC.8; P.L.1-2006, SEC.451; P.L.134-2008, SEC.31.

IC 25-23-1-17

Receipts; use and disposition

Sec. 17. All moneys received shall be deposited with the treasurer of state at the end of each month and be placed by him in the general fund of the state. The expenses of said board shall be paid from the general fund upon appropriation being made therefrom in the manner provided for the making of such appropriations.

(Formerly: Acts 1949, c.159, s.17.) As amended by Acts 1981, P.L.222, SEC.169.

IC 25-23-1-18

Failure to renew license; reinstatement; fee

Sec. 18. (a) Any person who fails to renew a license before it expires shall be reinstated by the board upon meeting the requirements under IC 25-1-8-6.

(b) A person who fails to apply to reinstate a license under this section within three (3) years after the date it expires may be issued a license by the board if the person meets the requirements under IC 25-1-8-6.

(Formerly: Acts 1949, c.159, s.18; Acts 1951, c.34, s.4; Acts 1971, P.L.376, SEC.15; Acts 1975, P.L.272, SEC.4.) As amended by Acts 1981, P.L.222, SEC.170; P.L.169-1985, SEC.75; P.L.48-1991, SEC.40; P.L.33-1993, SEC.32; P.L.269-2001, SEC.17.

IC 25-23-1-19

Repealed

(Repealed by P.L.149-1987, SEC.120.)

IC 25-23-1-19.4

Advanced practice nurses; collaboration with licensed practitioner

Sec. 19.4. (a) This section does not apply to certified registered nurse anesthetists.

(b) As used in this section, "practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include the following:

(1) A veterinarian.

(2) An advanced practice nurse.

(3) A physician assistant.

(c) An advanced practice nurse shall operate in collaboration with a licensed practitioner as evidenced by a practice agreement, or by privileges granted by the governing board of a hospital licensed under IC 16-21 with the advice of the medical staff of the hospital that sets forth the manner in which an advanced practice nurse and a licensed practitioner will cooperate, coordinate, and consult with each other in the provision of health care to their patients.

As added by P.L.185-1993, SEC.7. Amended by P.L.105-2008, SEC.43; P.L.58-2014, SEC.8.

IC 25-23-1-19.5

Advanced practice nurses; authority to prescribe legend drugs

Sec. 19.5. (a) This section does not apply to certified registered nurse anesthetists.

(b) The board shall establish a program under which advanced practice nurses who meet the requirements established by the board are authorized to prescribe legend drugs, including controlled substances (as defined in IC 35-48-1-9).

(c) The authority granted by the board under this section:

(1) expires on October 31 of the odd-numbered year following the year the authority was granted or renewed; and

(2) is subject to renewal indefinitely for successive periods of two (2) years.

(d) The rules adopted under section 7 of this chapter concerning the authority of advanced practice nurses to prescribe legend drugs must do the following:

(1) Require an advanced practice nurse or a prospective advanced practice nurse who seeks the authority to submit an application to the board.

(2) Require, as a prerequisite to the initial granting of the authority, the successful completion by the applicant of a graduate level course in pharmacology providing at least two (2) semester hours of academic credit.

(3) Require, as a condition of the renewal of the authority, the completion by the advanced practice nurse of the continuing education requirements set out in section 19.7 of this chapter.

As added by P.L.185-1993, SEC.8. Amended by P.L.83-2000, SEC.1; P.L.58-2014, SEC.9.

IC 25-23-1-19.6

Advanced practice nurses; prescriptions; identification numbers

Sec. 19.6. (a) When the board grants authority to an advanced practice nurse to prescribe legend drugs under this chapter, the board shall assign an identification number to the advanced practice nurse.

(b) An advanced practice nurse who is granted authority by the board to prescribe legend drugs must do the following:

(1) Enter on each prescription form that the advanced practice nurse uses to prescribe a legend drug:

(A) the signature of the advanced practice nurse;

(B) initials indicating the credentials awarded to the advanced practice nurse under this chapter; and

(C) the identification number assigned to the advanced practice nurse under subsection (a).

(2) Comply with all applicable state and federal laws concerning prescriptions for legend drugs.

(c) An advanced practice nurse may be granted authority to prescribe legend drugs under this chapter only within the scope of practice of the advanced practice nurse and the scope of the licensed collaborating health practitioner.

As added by P.L.185-1993, SEC.9.

IC 25-23-1-19.7

Renewal of prescriptive authority

Sec. 19.7. (a) This subsection applies to an applicant for renewal who has never received a renewal of prescriptive authority under section 19.5 of this chapter and whose prescriptive authority has never lapsed. If the applicant was initially granted prescriptive authority:

(1) less than twelve (12) months before the expiration date of the prescriptive authority, no continuing education is required; or

(2) at least twelve (12) months before the expiration date of the prescriptive authority, the applicant shall, subject to IC 25-1-4-3, attest to the board that the applicant has successfully completed at least fifteen (15) contact hours of continuing education. The hours must:

(A) be completed after the prescriptive authority was granted and before the expiration of the prescriptive authority;

(B) include at least four (4) contact hours of pharmacology; and

(C) be approved by a nationally approved sponsor of continuing education for nurses, approved by the board, and listed by the Indiana professional licensing agency as approved hours.

(b) This subsection applies to an applicant for renewal of prescriptive authority under section 19.5 of this chapter who is not described in subsection (a). The applicant shall, subject to IC 25-1-4-3, attest to the board that the applicant has successfully completed at least thirty (30) contact hours of continuing education. The hours must:

(1) be completed within the two (2) years immediately

preceding the renewal;

(2) include at least eight (8) contact hours of pharmacology; and

(3) be approved by a nationally approved sponsor of continuing education for nurses, be approved by the board, and be listed by the Indiana professional licensing agency as approved hours.

As added by P.L.83-2000, SEC.2. Amended by P.L.269-2001, SEC.18; P.L.1-2006, SEC.452.

IC 25-23-1-19.8

Audit; procedure; provide information to board; order to show cause; hearing; divulging records to professional licensing agency; immunity from liability

Sec. 19.8. (a) Before December 31 of an even-numbered year, the Indiana professional licensing agency or the agency's designee shall randomly audit at least one percent (1%) but not more than ten percent (10%) of the practice agreements of advanced practice nurses with authority to prescribe legend drugs under section 19.5 of this chapter to determine whether the practice agreement meets the requirements of this chapter or rules adopted by the board.

(b) The Indiana professional licensing agency shall establish an audit procedure, which may include the following:

(1) Requiring the advanced practice nurse to provide the agency with a copy of verification of attendance at or completion of a continuing education course or program the advanced practice nurse attended during the previous two (2) years.

(2) Requiring the advanced practice nurse and the licensed practitioner who have entered into a practice agreement to submit information on a form prescribed by the agency that must include a sworn statement signed by the advanced practice nurse and the licensed practitioner that the parties are operating within the terms of the practice agreement and the requirements under this chapter or rules adopted by the board.

(3) Reviewing patient health records and other patient information at the practice location or by requiring the submission of accurate copies to determine if the parties are operating within the terms of the practice agreement and the requirements under this chapter or rules adopted by the board.

(4) After a reasonable determination that the advanced practice nurse and the licensed practitioner who have entered into a practice agreement are not operating within the terms of the practice agreement, requiring the parties to appear before the agency or the agency's designee to provide evidence of compliance with the practice agreement.

(c) Not more than sixty (60) days after the completion of the audit required in subsection (a), the Indiana professional licensing agency shall provide the board with the following:

(1) A summary of the information obtained in the audit.

(2) A statement regarding whether an advanced practice nurse and a licensed practitioner who have entered into a practice agreement that is audited under subsection (a) are operating

within the terms of the practice agreement.

The agency shall also provide a copy of the information described in this subsection to the board that regulates the licensed practitioner.

(d) The Indiana professional licensing agency may cause to be served upon the advanced practice nurse an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the advanced practice nurse for the advanced practice nurse's failure to comply with:

(1) an audit conducted under this section; or

(2) the requirements of a practice agreement under this chapter.

(e) Except for a violation concerning continuing education requirements under IC 25-1-4, the board shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (d).

(f) The board that regulates the licensed practitioner may cause to be served upon the licensed practitioner an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the licensed practitioner for the licensed practitioner's failure to comply with:

(1) an audit conducted under this section; or

(2) the requirements of a practice agreement under this chapter.

(g) The board that regulates the licensed practitioner shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (f).

(h) An order to show cause issued under this section must comply with the notice requirements of IC 4-21.5.

(i) The licensed practitioner may divulge health records and other patient information to the Indiana professional licensing agency or the agency's designee. The licensed practitioner is immune from civil liability for any action based upon release of the patient information under this section.

As added by P.L.158-2003, SEC.7. Amended by P.L.1-2006, SEC.453; P.L.157-2006, SEC.62.

IC 25-23-1-20

Application for nursing education program; employment of registered nurses

Sec. 20. (a) Any institution which desires to conduct a nursing education program shall apply to the board and submit evidence that:

(1) it is prepared to give a minimum curriculum of organized instruction and clinical experience in nursing in conformity to the provisions of this chapter and the rules of the board. Such instruction and experience may be secured in one (1) or more institutions or agencies approved by the board; and

(2) it is prepared to meet other standards established by this chapter and by the board.

(b) An institution that conducts a nursing education program may employ a person who:

(1) is a registered nurse with a bachelor's degree in nursing; and

(2) has at least three (3) years of experience in nursing in the

previous six (6) years;
to instruct nursing students on a part-time basis for the purpose of clinical instruction.
(Formerly: Acts 1949, c.159, s.20; Acts 1951, c.34, s.6.) As amended by Acts 1982, P.L.154, SEC.81; P.L.149-1987, SEC.63; P.L.177-2009, SEC.43.

IC 25-23-1-21
Survey of board; approval; surveys of accredited schools
Sec. 21. (a) A survey of the institution or institutions of which the nursing education program is a part and of institutions affiliating with the nursing education program shall be made by the a designated representative of the board. The surveyor shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an accredited school of nursing are met, it shall approve the school as an accredited school of nursing.

(b) From time to time as considered necessary by the board, it shall be the duty of the board, through a designated representative of the board, to survey all nursing education programs in the state. Written reports of such surveys shall be submitted to the board. If the board determines that any accredited nursing education program is not maintaining the standards required by the statutes and by the board, notice in writing specifying the defect or defects shall be immediately given to the nursing education program. A nursing education program which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited nursing education programs.

(c) The board may elect to utilize a nursing education program's accreditation by a national accrediting body approved by the board and the Council on Postsecondary Accreditation (COPA) as evidence that the program has met all or part of the required state standards and prescribed curricula for continuing accreditation of nursing education programs.
(Formerly: Acts 1949, c.159, s.21.) As amended by Acts 1981, P.L.222, SEC.172; P.L.149-1987, SEC.64.

IC 25-23-1-21.5
Education compliance officer
Sec. 21.5. The board may hire an education compliance officer who reports directly to the director of the board to oversee and perform the educational duties required under this chapter.
As added by P.L.74-2013, SEC.1.

IC 25-23-1-22
Repealed
(Repealed by P.L.149-1987, SEC.120.)

IC 25-23-1-23
Repealed
(Repealed by P.L.149-1987, SEC.120.)

IC 25-23-1-24
Repealed
(Repealed by P.L.169-1985, SEC.97.)

IC 25-23-1-25
Repealed
(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-23-1-25.1
Repealed
(Repealed by P.L.152-1988, SEC.30.)

IC 25-23-1-26
Duty of attorney general
Sec. 26. It shall be the duty of the attorney-general to represent the board in any court in which an action may be filed for the review of an order of the board. The attorney-general may, at his discretion, call to his assistance in such action, the prosecuting attorney of the county in which such action is filed.
(Formerly: Acts 1949, c.159, s.26.)

IC 25-23-1-27
Violations; penalty
Sec. 27. A person who:
(1) sells or fraudulently obtains or furnishes any nursing diploma, license or record;
(2) practices nursing under cover of any diploma or license or record illegally or fraudulently obtained or assigned or issued unlawfully or under fraudulent representation;
(3) practices nursing as a registered nurse or licensed practical nurse unless licensed to do so under this chapter or IC 25-23.3;
(4) uses in connection with the person's name any designation tending to imply that the person is a registered nurse or a licensed practical nurse unless licensed to practice under this chapter or IC 25-23.3;
(5) practices nursing during the time the person's license issued under this chapter or IC 25-23.3 is suspended or revoked;
(6) conducts a school of nursing or a program for the training of practical nurses unless the school or program has been accredited by the board; or
(7) otherwise violates this chapter;
commits a Class B misdemeanor.
(Formerly: Acts 1949, c.159, s.27; Acts 1974, P.L.119, SEC.4.) As amended by Acts 1978, P.L.2, SEC.2543; Acts 1981, P.L.222, SEC.175; P.L.181-2002, SEC.9; P.L.1-2007, SEC.175; P.L.134-2008, SEC.32.

IC 25-23-1-27.1
Limitations on application of chapter; "licensed health

professional" defined

Sec. 27.1. (a) As used in this section, "licensed health professional" means:

(1) a registered nurse;

(2) a licensed practical nurse;

(3) a physician with an unlimited license to practice medicine or osteopathic medicine;

(4) a licensed dentist;

(5) a licensed chiropractor;

(6) a licensed optometrist;

(7) a licensed pharmacist;

(8) a licensed physical therapist;

(9) a licensed psychologist;

(10) a licensed podiatrist; or

(11) a licensed speech-language pathologist or audiologist.

(b) This chapter does not prohibit:

(1) furnishing nursing assistance in an emergency;

(2) the practice of nursing by any student enrolled in a board approved nursing education program where such practice is incidental to the student's program of study;

(3) the practice of any nurse who is employed by the government of the United States or any of its bureaus, divisions, or agencies while in the discharge of the nurse's official duties;

(4) the gratuitous care of sick, injured, or infirm individuals by friends or the family of that individual;

(5) the care of the sick, injured, or infirm in the home for compensation if the person assists only:

(A) with personal care;

(B) in the administration of a domestic or family remedy; or

(C) in the administration of a remedy that is ordered by a licensed health professional and that is within the scope of practice of the licensed health professional under Indiana law;

(6) performance of tasks by persons who provide health care services which are delegated or ordered by licensed health professionals, if the delegated or ordered tasks do not exceed the scope of practice of the licensed health professionals under Indiana law;

(7) a physician with an unlimited license to practice medicine or osteopathic medicine in Indiana, a licensed dentist, chiropractor, dental hygienist, optometrist, pharmacist, physical therapist, podiatrist, psychologist, speech-language pathologist, or audiologist from practicing the person's profession;

(8) a school corporation or school employee from acting under IC 34-30-14;

(9) a personal services attendant from providing authorized attendant care services under IC 12-10-17.1; or

(10) an attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

As added by Acts 1981, P.L.222, SEC.176. Amended by

P.L.169-1985, SEC.78; P.L.149-1987, SEC.66; P.L.156-1988, SEC.2; P.L.255-2001, SEC.18; P.L.212-2005, SEC.21; P.L.141-2006, SEC.107.

IC 25-23-1-27.2
Injunction from continuing violation of chapter; punishment

Sec. 27.2. The attorney general, the board, the prosecuting attorney, or any citizen of any county in which a person violates this article may maintain an action in the name of the state to enjoin the person from continuing in violation of this article. A person who is enjoined and who violates an injunction shall be punished for contempt of court. An injunction issued under this section does not relieve a person from criminal prosecution but is in addition to any remedy provided under criminal law.
As added by P.L.149-1987, SEC.67.

IC 25-23-1-27.5
Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-23-1-28
Repealed

(Repealed by P.L.134-2008, SEC.52.)

IC 25-23-1-29
Practitioners of Church of Christ Scientist

Sec. 29. (a) This chapter does not apply to a nurse practicing in accordance with the practice and principles of the body known as the Church of Christ Scientist.

(b) A sanitarium, nursing home, or rest home provided that it is listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc. does not have to comply with any rule adopted by the board, except a rule that concerns the following:

(1) The sanitary and safe conditions of the premises.
(2) The cleanliness of operation.
(3) The physical equipment.

(c) The chapter does not apply to a person if:

(1) the person is licensed as a nurse in another jurisdiction;
(2) the person is employed by an individual, an agency, or a legal business entity located in that jurisdiction;
(3) the person's employment responsibilities include transporting a patient between jurisdictions;
(4) no trip made by the person into Indiana for the purpose of transporting a patient lasts more than seventy-two (72) hours; and
(5) the person does not make more than six (6) trips into Indiana for the purpose of transporting a patient during any twelve (12) month period.

As added by P.L.187-1991, SEC.1. Amended by P.L.1-1992,

SEC.132; P.L.185-1993, SEC.10; P.L.111-1996, SEC.3.

IC 25-23-1-30

Administration of anesthesia by certified registered nurse anesthetist

Sec. 30. (a) A certified registered nurse anesthetist may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.

(b) Nothing in this chapter shall be construed as requiring a certified registered nurse anesthetist to obtain prescriptive authority to administer anesthesia under subsection (a).

As added by P.L.185-1993, SEC.11. Amended by P.L.177-2009, SEC.44.

IC 25-23-1-31

Rehabilitation of impaired registered nurse or licensed practical nurse; use of information after noncompliance

Sec. 31. (a) As used in this section, "impaired registered nurse or licensed practical nurse" means a registered nurse or licensed practical nurse who has been affected by the use or abuse of alcohol or other drugs.

(b) The board shall assist in the rehabilitation of an impaired registered nurse or licensed practical nurse.

(c) The board may do the following:

(1) Enter into agreements, provide grants, and make other arrangements with statewide nonprofit professional associations, foundations, or other entities specifically devoted to the rehabilitation of impaired health care professionals to identify and assist impaired registered nurses and licensed practical nurses.

(2) Accept and designate grants, public and private financial assistance, and licensure fees to fund programs under subdivision (1) to assist impaired registered nurses and licensed practical nurses.

(d) Except as provided in subsection (f), all:

(1) information furnished to a nonprofit professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals, including interviews, reports, statements, and memoranda; and

(2) findings, conclusions, or recommendations that result from a proceeding of the professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals;

are privileged and confidential.

(e) The records of a proceeding under subsection (d) may be used only in the exercise of proper functions of the board, and may not become public records or subject to a subpoena or discovery proceeding.

(f) Information received by the board from the board designated rehabilitation program for noncompliance by the registered nurse or

licensed practical nurse may be used by the board in any disciplinary or criminal proceedings instituted against the impaired registered nurse or licensed practical nurse.

(g) The board designated rehabilitation program shall:

(1) immediately report to the board the name and results of any contact or investigation concerning an impaired registered nurse or licensed practical nurse who the program believes constitutes a certain, immediate, and impending danger to either the public or the impaired registered nurse or licensed practical nurse; and

~~(2) in a timely fashion report to the board an impaired registered~~ nurse or licensed practical nurse:

(A) who refuses to cooperate with the program;

(B) who refuses to submit to treatment; or

(C) whose impairment is not substantially or significantly alleviated through treatment, as determined by accepted medical standards.

As added by P.L.185-1993, SEC.12. Amended by P.L.243-1995, SEC.2; P.L.181-2002, SEC.10.

IC 25-23-1-33

Professing to be nurse practitioner or clinical nurse specialist; use of title

Sec. 33. (a) An individual may not:

(1) profess to be a nurse practitioner; or

(2) use the title "nurse practitioner";

unless the individual is a nurse practitioner.

(b) An individual may not:

(1) profess to be a clinical nurse specialist; or

(2) use the title "clinical nurse specialist";

unless the individual is a clinical nurse specialist.

As added by P.L.185-1993, SEC.13.

IC 25-23-1-34

Impaired nurses account

Sec. 34. (a) The impaired nurses account is established within the state general fund for the purposes of providing money for:

(1) providing rehabilitation of impaired registered nurses or licensed practical nurses under this article;

(2) funding the education compliance officer provided for under section 21.5 of this chapter; and

(3) carrying out any of the duties of the board.

The account shall be administered by the Indiana professional licensing agency.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

(1) Funds collected for the rehabilitation of impaired registered nurses and impaired licensed practical nurses under sections 11(e), 12(d), and 16.1(d) of this chapter.

(2) Funds collected under section 31(c)(2) of this chapter.

(3) Fines collected from registered nurses or licensed practical

nurses under IC 25-1-9-9(a)(6).

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account is appropriated to the board for the purposes stated in subsection (a).

(e) The amount paid from the impaired nurses account in a state fiscal year for the purposes stated in subsection (a)(2) and (a)(3) may not exceed twelve and one-half percent (12.5%) of the average yearly revenue of the impaired nurses account for the two (2) preceding state fiscal years.

As added by P.L.127-1994, SEC.3. Amended by P.L.181-2002, SEC.11; P.L.1-2006, SEC.454; P.L.1-2007, SEC.176; P.L.134-2008, SEC.33; P.L.74-2013, SEC.2.

TITLE 848 INDIANA STATE BOARD OF NURSING

NOTE: Originally adopted by the Board of Nurses' Registration and Nursing Education. Name changed by P.L.169-1985, SECTION 67 (IC 25-23-1-2), effective July 1, 1985.

ARTICLE 1. REGISTERED NURSES AND PRACTICAL NURSES

Rule 1. Definitions; Administration

848 IAC 1-1-1 Evaluation of credentials (Repealed)

Sec. 1. *(Repealed by Indiana State Board of Nursing; filed Mar 18, 1980, 4:00 pm: 3 IR 964)*

848 IAC 1-1-2 Definitions (Repealed)

Sec. 2. *(Repealed by Indiana State Board of Nursing; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4534)*

848 IAC 1-1-2.1 Definitions

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1

Sec. 2.1. The following definitions apply throughout this article:

(1) "Approved" or "accredited", terms used interchangeably, means those programs that have met requirements of the board. The term also includes approval granted by voluntary, regional, and other state agencies.

(2) "Associate degree program" means an educational program leading to an associate degree in nursing, conducted by an educational unit in nursing, within the structure of a college or university.

(3) "Audit" means attending a class or course without receiving credit.

(4) "Baccalaureate degree program" means an educational program leading to a baccalaureate degree in nursing conducted by an educational unit in nursing within the structure of a senior college or university.

(5) "Board" means the Indiana state board of nursing.

(6) "Clinical experience" means the learning experiences provided in facilities appropriate to the curriculum objectives.

(7) "Clinical preceptor" means an individual employed by the cooperating agency who also has the responsibility to supervise one (1) student at a time in the clinical facility.

(8) "Controlling organization" means the agency that assumes the responsibility for overall administration of the program.

(9) "Cooperating agency" means an institution that cooperates with the nursing program to provide facilities for the clinical experiences of students.

(10) "Curriculum" means the whole body of courses offered in the nursing program.

(11) "Deeming authority" means a recognized accrediting organization that has been approved to conduct accreditation surveys and issue accreditation decisions of acute care hospitals by the Center for Medicare and Medicaid Services (CMS).

(12) "Diploma program" means an educational program leading to a diploma in registered nursing.

(13) "Director" means the registered nurse who is delegated responsibility for the implementation and administration of the nursing program regardless of the official title in any specific institution.

(14) "Enroll" means to matriculate and attend a class or course for the purpose of receiving credit.

(15) "Faculty" means individuals employed to administer and to teach in the educational program.

(16) "May" indicates discretionary use.

(17) "Practical nursing program" means an educational program leading to a diploma or certificate in practical nursing conducted by an educational institution or hospital.

(18) "Primary state of residence" means the state of an individual's declared fixed permanent and principal home for legal purposes; domicile.

(19) "Program" means the curriculum and all the supporting activities organized independently, under an educational institution or hospital, to prepare students for nursing licensure and the practice of nursing.

(20) "Rate of successful completion" means the annual number of first time U.S. educated and U.S. territory candidates who successfully complete the National Council Licensure examination and is computed annually from January 1 through December 31.

(21) "Rule" or "requirement" means a mandatory standard, which a program shall meet in order to be accredited.

(22) "Shall" indicates a mandatory rule, regulation, or requirement.

(23) "Should" indicates a recommendation.

(24) "Survey visit" means an on-site visit of a nursing program, including clinical facilities by a designated representative of the board for the purpose of evaluating the program of learning.

(Indiana State Board of Nursing; 848 IAC 1-1-2.1; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4525; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Jun 23, 2003, 4:12 p.m.: 26 IR 3652, eff Jul 1, 2003 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #02-247 was filed Jun 23, 2003.]; filed Sep 13, 2004, 9:45 a.m.: 28 IR 593; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-1-3 Accreditation (Repealed)

Sec. 3. *(Repealed by Indiana State Board of Nursing; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4534)*

848 IAC 1-1-4 Criteria for accreditation (Repealed)

Sec. 4. *(Repealed by Indiana State Board of Nursing; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4534)*

848 IAC 1-1-5 Appeals

Authority: IC 25-23-1-7
Affected: IC 4-21.5

Sec. 5. Appeals before the Indiana state board of nursing are governed by the Indiana Administrative Orders and Procedures Act (AOPA) under IC 4-21.5. *(Indiana State Board of Nursing; Reg 5; filed Jul 18, 1977, 8:55 a.m.: Rules and Regs. 1978, p. 611; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1326; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-1-6 Licensure by examination

Authority: IC 25-23-1-7
Affected: IC 25-23-1-11; IC 25-23-1-12

Sec. 6. (a) Any person who makes application to the board for a license shall submit to the board written evidence, verified by oath, that the registered nurse applicant meets the requirements of IC 25-23-1-11 and the licensed practical nurse applicant meets the requirements of IC 25-23-1-12.

(b) A copy of a marriage certificate or court order shall be submitted by a candidate who wishes to change her or his name after the application is filed.

(c) Candidates shall present the authorization to test and a photo identification for entrance to the testing center.

(d) The required Indiana passing criteria for the licensure examination is set by the National Council of State Boards of Nursing using the computerized adaptive testing methodology.

(e) An applicant may take the examination at any testing center in the United States approved by the National Council for State Boards of Nursing. An authorization to test must be provided by the Indiana board before testing.

(f) Graduates of foreign schools of nursing shall meet the following qualifications before being licensed in Indiana:

(1) Be licensed in the territory or country in which they graduated.

(2) Meet the qualifications required in Indiana as determined by the board.

(3) Obtain the official records from the territory or country in which the applicant graduated verifying academic

qualifications or be referred to state accredited nursing programs to establish the necessary credits if the original records are unobtainable.

(4) Show evidence of having passed the examination prepared by the commission on graduates of foreign nursing schools.

(5) Pass the appropriate nurse licensing examination in Indiana.

(g) Requirements for unsuccessful candidates are as follows:

(1) Any candidate who fails the Indiana licensing examination shall not be licensed until she or he has passed the licensing examination.

(2) A complete application shall be submitted each time an examination is taken.

(3) The full examination fee shall be charged for each reexamination.

(4) A candidate who has failed the licensing examination (in any jurisdiction) should undertake a special study program before retaking the examination. This study program may include one (1) or all of the following:

(A) Auditing nursing courses at an approved program in nursing.

(B) A self-study program, such as review of course work or professional reading.

(C) Tutoring.

(D) Reenrollment in a state-accredited program of nursing.

(h) Written informed consent from the candidate is necessary before individual licensing examination scores are released to anyone other than the candidate.

(i) Candidates applying for the practical nursing licensing examination shall be required to meet the board's curricular requirements for the program in practical nursing as stated in the rules in effect at the time of their graduation. Candidates applying for the registered nursing licensing examination shall be required to meet the board's curricular requirements for the program in registered nursing as stated in the rules in effect at the time of their graduation. *(Indiana State Board of Nursing; Reg 6; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 162; filed Mar 18, 1980, 4:00 p.m.: 3 IR 961; filed Feb 18, 1982, 2:18 p.m.: 5 IR 735; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1026; filed Sep 12, 1985, 3:27 p.m.: 9 IR 287; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1326; filed Jun 23, 2003, 4:12 p.m.: 26 IR 3653, eff Jul 1, 2003 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #02-247 was filed Jun 23, 2003.]; filed Mar 16, 2005, 11:50 a.m.: 28 IR 2383; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-1-7 Licensure by endorsement

Authority: IC 25-23-1-7
Affected: IC 25-23-1-11; IC 25-23-1-12

Sec. 7. (a) An applicant for licensure as a practical nurse who was originally licensed by the National Council Licensing Examination (NCLEX®) or the State Board Test Pool Examination (SBTPE) in another jurisdiction will be accepted for registration in Indiana by endorsement from the board that granted the original license if the applicant meets the following qualifications:

(1) Is of good moral character.

(2) Has graduated from:

(A) high school or the equivalent thereof; and

(B) a state approved program in practical nursing.

(b) An applicant for licensure as a registered nurse who was originally licensed by the NCLEX® or the SBTPE in another jurisdiction will be accepted for registration in Indiana by endorsement from the board that granted the original license if the applicant meets the following qualifications:

(1) Is of good moral character.

(2) Has graduated from:

(A) high school or the equivalent thereof; and

(B) a state approved program in registered nursing.

(c) Applicants who are graduates of foreign schools of nursing are eligible for Indiana practical nursing licensure by endorsement provided that the following conditions are met:

(1) Have:
(A) written and passed the NCLEX® or the SBTPE in another jurisdiction or country; and
(B) achieved Indiana's passing scores in all areas.
(2) Submit:
(A) copies of all scholastic records; and
(B) proof of:
(i) good moral character;
(ii) high school graduation or equivalent thereof; and
(iii) having graduated from a program that meets the board's curricular requirements for a program in practical nursing as stated in the rules in effect at the time of their graduation with concurrent theory and clinical experience in all areas.

(d) Applicants who are graduates of foreign schools of nursing are eligible for Indiana registered nursing licensure by endorsement provided that the following conditions are met:
(1) Have:
(A) written and passed the NCLEX® or the SBTPE in another jurisdiction or country;
(B) achieved Indiana's passing scores in all areas; and
(C) licensure in another jurisdiction.
(2) Submit:
(A) copies of all scholastic records; and
(B) proof of:
(i) good moral character;
(ii) high school graduation or equivalent thereof; and
(iii) having graduated from a program that meets the board's curricular requirements for a program in registered nursing as stated in the rules in effect at the time of their graduation with concurrent theory and clinical experience in all areas.

(e) The completed application accompanied by the fee, photograph, and proof of current licensure in another jurisdiction shall be submitted to the Indiana board of nursing. The fee is nonrefundable. *(Indiana State Board of Nursing; Reg 7; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 165; filed Mar 18, 1980, 4:00 p.m.: 3 IR 963; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1028; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1327; filed Jun 23, 2003, 4:12 p.m.: 26 IR 3654, eff Jul 1, 2003 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #02-247 was filed Jun 23, 2003.]; filed Mar 16, 2005, 11:50 a.m.: 28 IR 2384; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-1-8 Renewal of license

Authority: IC 25-23-1-7
Affected: IC 25-23-1-16.1

Sec. 8. (8.1) The application form and instructions for renewal of the license to practice nursing will be mailed in odd numbered years to registered nurse licensees and in even numbered years to practical nurse licensees.

(8.2) Applicants for renewal of license shall pay a renewal fee.

(8.3) Applications for renewal shall be mailed to the last known address of the licensee. Failure to receive the application for renewal shall not relieve the licensee of the responsibility for renewing the license by the renewal date. *(Indiana State Board of Nursing; Reg 8; filed Mar 1, 1978, 8:51 am: Rules and Regs. 1979, p. 166; filed Mar 29, 1985, 10:43 am: 8 IR 1028; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-1-9 Inactive status (Repealed)

Sec. 9. *(Repealed by Indiana State Board of Nursing; filed Dec 19, 1996, 10:00 a.m.: 20 IR 1122)*

848 IAC 1-1-10 Duplicate license

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7; IC 25-23-1-16.1

Sec. 10. (a) The licensee shall report, in writing, on the form supplied by the board, the loss of the original certificate of licensure or the biennial renewal license.

(b) A license that has been lost or destroyed shall be replaced upon proper identification of the registrant. *(Indiana State Board of Nursing; Reg 10; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 166; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1028; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1328; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-1-11 Name change

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7; IC 25-23-1-16.1

Sec. 11. CHANGE OF NAME. (11.1) If a change of name is requested, licensee shall submit a copy of a marriage certificate or court order. Licensees may maintain the legal name of preference. *(Indiana State Board of Nursing; Reg 11; filed Mar 1, 1978, 8:51 am: Rules and Regs. 1979, p. 166; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-1-12 Failure to renew license; reinstatement (Repealed)

Sec. 12. *(Repealed by Indiana State Board of Nursing; filed Dec 19, 1996, 10:00 a.m.: 20 IR 1122)*

848 IAC 1-1-13 Employment conditions; enforcement powers and duties; records and reports

Authority: IC 25-23-1-7
Affected: IC 4-1-6; IC 25-23-1-7; IC 25-23-1-16.1

Sec. 13. Any person who practices or offers to practice nursing as either a registered or licensed practical nurse in Indiana shall hold a current Indiana license as proof of their legal authorization to practice.

(b) The Indiana board of nursing (board) shall be responsible for the following:

(1) The verification of licensure of nurses to employers of nurses.

(2) Initiating appropriate action as authorized by the Nurse Practice Act under IC 25-23-1 on reports to the board concerning incidents involving a licensee that may be cause for disciplinary action.

(3) Assuring that imposters are not functioning in roles normally assumed by the licensed nurse.

(4) Carrying out the duties of the board in compliance with the Fair Information Practice Act under IC 4-1-6.

(Indiana State Board of Nursing; Reg 13; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 167; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1328; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-1-14 Fees

Authority: IC 25-1-8-2; IC 25-23-1-7
Affected: IC 25-1-8-6; IC 25-23-1-10.5

Sec. 14. (a) The fee for licensure by examination is the cost equal to the fee charged by the national provider of the exam and an additional administrative fee of fifty dollars ($50) for the registered nurse examination or fifty dollars ($50) for the practical nurse examination.

(b) The fee for licensure by endorsement is fifty dollars ($50).

(c) Verification of licensure to another state or jurisdiction shall be obtained through Nursys, the nurse license verification

system of the National Council of State Boards of Nursing, Inc., 35331 Eagle Way, Chicago, Illinois 60678-1353, http://www.ncsbn.org. The individual requesting verification of licensure is responsible for paying the fee assessed by Nursys.

(d) If verification is not available through Nursys, the fee for verification of licensure to another state or jurisdiction is ten dollars ($10).

(e) The fee for licensure renewal is fifty dollars ($50) for the biennium or any part thereof.

(f) The penalty fee for late renewals is as established by the health professions bureau.

(g) The fee for a temporary permit to practice nursing as an applicant awaiting licensure by endorsement, pursuant to IC 25-23-1-10.5, is ten dollars ($10).

(h) The fee for a duplicate wall certificate is ten dollars ($10).

(i) The filing fee for a multistate licensure privilege form is twenty-five dollars ($25).

(j) The fee for updating the multistate licensure privilege form is twenty-five dollars ($25) per biennium.

(k) The fee for reinstatement of a license invalidated under IC 25-23.2-3-4 *[IC 25-23.2 was repealed by P.L.1-2007, SECTION 248, effective March 30, 2007.]* is to be determined by IC 25-1-8-6. *(Indiana State Board of Nursing; 848 IAC 1-1-14; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1028; filed Sep 12, 1985, 3:29 p.m.: 9 IR 289; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3105; readopted filed Jul 30, 2001, 2:07 p.m.: 24 IR 4237; filed Jun 17, 2003, 8:50 a.m.: 26 IR 3651; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-1-15 Temporary permits

Authority: IC 25-23-1-7
Affected: IC 25-23-1-11; IC 25-23-1-12

Sec. 15. (a) The board may issue a temporary permit to practice nursing to an applicant awaiting licensure by endorsement providing the following conditions are met:

(1) The applicant meets the requirements for licensure pursuant to IC 25-23-1-11 or IC 25-23-1-12.

(2) A completed application for licensure by endorsement is submitted.

(3) Proof of current licensure in another state is submitted.

(4) The fee for licensure by endorsement is submitted.

(5) The application for temporary permit is submitted.

(6) The fee for temporary permit is submitted.

(b) The temporary permit will be valid for sixty (60) days after issuance or until notice of denial of licensure by the board. *(Indiana State Board of Nursing; 848 IAC 1-1-15; filed Sep 12, 1985, 3:29 p.m.: 9 IR 289; filed Dec 19, 1996, 11:00 a.m.: 20 IR 1122; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

Rule 2. Accreditation

848 IAC 1-2-1 Opening a program

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 1. (a) A controlling organization wishing to open a state accredited nursing program shall submit a letter of intent to the board six (6) months prior to the anticipated admission of its first group of students, which shall include the following:

(1) Expansion plans of the existing programs within a fifty (50) mile radius.

(2) Nursing manpower studies documenting the need for the program.

(b) The controlling organization shall submit a completed application on forms provided by the board and shall request a personal appearance before the board. The application shall include documented evidence of resources and needs necessary to start a program. This documentation shall include the following:

(1) Availability of qualified faculty.

(2) Budgeted faculty positions.

(3) Availability of adequate clinical facilities for the program.

(4) Availability of adequate academic facilities for the program.

(5) Evidence of financial resources adequate for the planning, implementation, and continuation of the program.

(c) The board shall meet with representatives of the controlling organization for review of documented evidence of need.

(d) The board requires that a program in nursing in a state assisted college or university be authorized by the Indiana commission for higher education.

(e) Prior to the board meeting, the proposed program site shall be visited by a representative of the board or a survey visitor appointed by the board, or both. The visitors shall meet with administrative personnel of the controlling institution and shall examine the academic and clinical facilities in terms of appropriateness for the implementation of the proposed program in nursing.

(f) After the meeting with the controlling organization, the board shall approve or disapprove the application for initial accreditation upon evidence:

(1) submitted in the application;

(2) presented at the meeting; and

(3) collected on the survey visit.

(g) If the program is approved for initial accreditation, the board shall stipulate the following:

(1) The maximum class size for the first year.

(2) The maximum number of classes to be admitted during the first year.

(3) Approved clinical facilities for the first year.

(4) The number and qualifications of nursing faculty.

(h) A second site visit shall be made by a representative of the board or a survey visitor appointed by the board, or both, at the end of the first year of the operation of the new program and again prior to granting full accreditation. *(Indiana State Board of Nursing; 848 IAC 1-2-1; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4526; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 594; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-2-2 Closing a program

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 2. (a) Within thirty (30) days of a decision to close a state accredited nursing program, the controlling organization shall send a written notice to the board.

(b) The minimum legal standards for accreditation shall be maintained until the last student completes or leaves the program.

(c) The controlling organization shall be responsible for assisting students to transfer to accredited programs.

(d) The controlling organization shall provide for the safekeeping and accessibility of the program records of former students and graduates of the program. Plans for future custody of the records shall be documented in writing to the board. *(Indiana State Board of Nursing; 848 IAC 1-2-2; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4527; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-2-3 Purpose for accreditation

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 3. The purpose for accreditation shall be as follows:

(1) To ensure the safe practice of nursing by setting legal standards for the programs preparing the practitioner.

(2) To certify minimal educational standards and practices for the preparation of:

(A) registered nurses; and

(B) licensed practical nurses.

(3) To assist in developing the programs of nursing education in accordance with sound social, educational, and professional

principles.

(4) To ensure continuous evaluation and improvement of educational programs in nursing.

(5) To keep the public informed by publishing a list of the institutions that conduct accredited programs of nursing education.

(Indiana State Board of Nursing; 848 IAC 1-2-3; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4527; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-4 Eligible programs

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 4. Eligible programs for purposes of accreditation shall be as follows:

(1) Registered nurse programs that prepare students for registered nurse licensure. The program shall award an associate's degree in nursing or a baccalaureate degree with a major in nursing or a diploma in nursing.

(2) Practical nursing programs that prepare students for practical nurse licensure. The program shall award a diploma or certificate in practical nursing.

(Indiana State Board of Nursing; 848 IAC 1-2-4; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4527; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-5 Accreditation status

Authority: IC 25-23-1-7
Affected: IC 25-23

Sec. 5. (a) Initial accreditation shall be granted to a new program that meets the regulations for opening a nursing program until the first class graduates.

(b) Full accreditation shall be granted to a program following the initial accreditation, providing it meets the following regulations for Indiana accredited programs in nursing:

(1) Criteria indicating a program's successful attainment of state standards shall include the rate of successful completion of the National Council Licensure Examination (NCLEX). If a program's annual rate of successful completion of the NCLEX is lower than one (1) standard deviation below the average national pass rate for first time U.S. educated and U.S. territory candidates for three (3) consecutive years, the program shall submit a report to the board outlining the following:

(A) Results of the faculty's review of factors that may have contributed to the low pass rate, including, but not limited to, the following:

(i) Curriculum content.
(ii) Curriculum design.
(iii) Outcome evaluation.
(iv) Admission policies.
(v) Progression policies.
(vi) Graduation policies and annual number of graduates for the period in question.
(vii) Factors of graduate performance documented by faculty to be outside the control of the program.

(B) The faculty's plan for correction with identified implementation dates and expected levels of achievement for any identified problems as result of evaluation.

(2) If the program's next annual rate of successful completion of the NCLEX is lower than one (1) standard deviation below the average national pass rate for first time U.S. educated and U.S. territory candidates, the board shall send a surveyor to review the program's ability to comply with this article. After review of the survey visit report and a meeting with the program representatives, the board shall determine the accreditation status.

(3) The accreditation status shall be communicated to the program in writing.

(c) Conditional accreditation shall be granted to a program that fails to maintain the legal requirements for accreditation.

Written notification from the board shall specify requirements to be met in order to comply with accreditation standards and a definite amount of time that will be given for the program to meet this article.

(d) The program shall be revisited by a representative of the board or a survey visitor appointed by board, or both, and be given an opportunity for a hearing before accreditation is withdrawn. Withdrawal of accreditation may occur if the program, which has been placed on conditional accreditation, fails to prove compliance with IC 25-23, this title, and any additional requirements imposed by the board. The program shall assist students in transferring to accredited programs. A program with accreditation that has been withdrawn may apply for reinstatement by following the procedure established in section 1 of this rule. *(Indiana State Board of Nursing; 848 IAC 1-2-5; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4527; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 594; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-2-6 Survey visits

Authority: IC 25-23-1-7
Affected: IC 25-23-1-21

Sec. 6. (a) All programs with full accreditation status shall be visited at regular intervals as determined by the board. The survey visitor or visitors shall evaluate the program's ability to meet the requirements of this article and prepare a written report for review and action by the board. Visits shall be conducted under impartial and objective conditions.

(b) The written report of the survey visit to the educational program is submitted to the director for review to permit comments for clarification by the director prior to board action.

(c) The final survey report accompanied by a written report of board action shall be sent to the administrative officer of the controlling agency. A copy shall be sent simultaneously to the director of the program.

(d) An institution used as a clinical facility for students may be visited by a representative or representatives of the board as part of the program survey.

(e) In lieu of a regular cycle survey visit, the board may elect to accept the results of an accreditation survey visit by a nationally recognized accrediting organization of nursing education, such as the accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation. The program of nursing shall file:

(1) the response by the program to the survey visitors; and

(2) the final report including the action taken by the nationally recognized accrediting organization of nursing education programs.

(Indiana State Board of Nursing; 848 IAC 1-2-6; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4528; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 595; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-7 Eligible institutions

Authority: IC 25-23-1-7
Affected: IC 25-23-1-20

Sec. 7. (a) The program in nursing shall be incorporated or be a part of an incorporated institution.

(b) Educational institutions, colleges, or universities conducting a nursing program or with which a program of nursing is affiliated shall be accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools or the Indiana commission on proprietary education. Hospitals conducting a nursing program shall be accredited by an organization that has been granted deeming authority. Long term care facilities shall be licensed by the Indiana state department of health.

(c) The philosophy, mission, and objectives of the program in nursing shall be in accordance with this rule.

(d) There shall be assurance that the program can meet the requirements for Indiana accredited programs in nursing.

(Indiana State Board of Nursing; 848 IAC 1-2-7; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4528; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 596; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-8 Change of ownership

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 8. (a) The board shall be notified in writing of any changes in ownership of a program.

(b) Information shall include the following:

(1) The official name of the program.

(2) The organizational chart of the contracting agency.

(3) The names of administrative officials.

(c) The new controlling organization shall submit any change in curriculum to the board for approval prior to implementation. *(Indiana State Board of Nursing; 848 IAC 1-2-8; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4528; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 596; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-2-8.5 Transfer of program to another controlling organization

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 8.5. (a) A controlling organization transferring a state accredited nursing program from its control to that of another controlling organization shall submit to the board, in writing, within sixty (60) days of the decision to transfer the following:

(1) The terms and conditions or contractual arrangements of the transfer.

(2) The plan identifying the actions being taken to maintain the minimum legal standards for accreditation until completion of the transfer.

(3) The plan for student notification and program completion requirements.

(4) The plan to assist students to transfer to another accredited program if requested by a student.

(5) The provisions for the record retention and accessibility of former students and graduates of the program and the plan for future custody of those records.

(b) The controlling organization accepting the transfer of control shall submit documented evidence of resources necessary to support the program within sixty (60) days of the decision to accept the transferring program. This documentation shall include the following:

(1) Availability of qualified faculty.

(2) Budgeted faculty positions and faculty-student ratio.

(3) Availability of adequate clinical facilities for the program.

(4) Availability of adequate academic facilities for the program.

(5) Evidence of financial resources adequate for the implementation and continuation of the program.

(c) The board shall meet with representatives of both controlling organizations for review of documented evidence of agreements and resources.

(d) The board requires that a program in nursing in a state assisted college or university be authorized by the Indiana commission for higher education to transfer control from one (1) state assisted college or university to another state assisted college or university.

(e) Prior to board hearing and approval, the controlling organization accepting the program may be visited by a representative of the board or a survey visitor appointed by the board. The visitor shall meet with administrative personnel of the controlling organization accepting the program and shall examine the academic and clinical facilities in terms of appropriateness for the implementation of the program in nursing.

(f) After the hearing with the controlling organization accepting the transfer, the board shall approve or disapprove the transfer based upon evidence:

(1) submitted in the notification of transfer;

(2) presented at the hearing; and

(3) collected on the survey.

(g) The new controlling organization shall submit any change in curriculum to the board for approval prior to implementation. *(Indiana State Board of Nursing; 848 IAC 1-2-8.5; filed Sep 13, 2004, 9:45 a.m.: 28 IR 596; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-2-9 Philosophy, mission, and objectives

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 9. The philosophy, mission, and objectives of the program in nursing shall be as follows:

(1) Clearly defined in writing in the official records.
(2) Consistent with the philosophy and mission of the controlling institution.
(3) Formulated and accepted by the faculty.
(4) Inclusive of program beliefs regarding education, nursing, and the learning process.
(5) Descriptive of the practitioner to be prepared.
(6) The basis for planning, implementing, and evaluating the total program.
(7) Reviewed periodically and revised as necessary by the nursing faculty.

(Indiana State Board of Nursing; 848 IAC 1-2-9; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4529; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 597; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-10 Organization and administration

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 10. (a) Responsibility for developing and implementing the program in nursing shall be placed in the faculty of the nursing education unit.

(b) The institution shall have an effective plan of organization and administration appropriate to the purpose and implementation of the instructional program in nursing. There shall be an organizational chart of the:

(1) institution indicating the place of the nursing program; and
(2) nursing program.

(c) There shall be a controlling body that recognizes the program in nursing as an educational program and delegates authority to the chief administrative officer of the institution who, in turn, delegates authority to the program director.

(d) When a program director resigns, it is the responsibility of the administration of the controlling organization to inform the board in writing within thirty (30) days of notification of the following:

(1) Intended resignation.
(2) Effective date.
(3) Plans for filling the position.

(e) The program in nursing shall be assured of stable, financial resources adequate for and effectively allocated to support its educational activities. There shall be a budget prepared in accordance with sound educational and financial practices. The financial statement shall give a clear picture of the status of the program. The program director, with documentation of faculty input, shall have the following responsibilities relating to the financial operation of the program in nursing:

(1) Preparing the budget for one (1) year in advance of the fiscal period and recommending it to the proper authorities.
(2) Controlling the use of the approved budget through an accurate system of records.
(3) Reviewing financial reports routinely and making necessary revisions.
(4) Consulting with proper authorities within the institution in regard to interpretation, preparation, and implementation of the budget.

(Indiana State Board of Nursing; 848 IAC 1-2-10; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4529; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 597; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-11 Admissions

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 11. (a) There shall be published policies for admission established by the nursing faculty.
(b) Students shall be selected on the basis of established criteria and in compliance with all applicable state and federal laws.
(c) There shall be well defined written policies governing payment and refund of tuition and other fees.
(d) The number of students admitted to a nursing education program shall be determined by the following:
(1) The number of qualified faculty.
(2) The availability of the following:
(A) Adequate educational facilities and resources.
(B) Appropriate clinical learning activities.
(e) An applicant shall be graduated from a state approved high school or its equivalent. A complete high school transcript shall be on file.
(f) A person who has qualified for equivalency to high school graduation on the basis of satisfactory completion of the general equivalency degree test (GED) shall be eligible for entrance to an Indiana accredited program in nursing upon proof of the following:
(1) A copy of the test results listing individual and total scores on the GED test shall be on file to validate satisfactory test completion.
(2) Satisfactory completion of college courses relevant to nursing may nullify unsatisfactory test scores.
(g) There shall be written policies regarding the following:
(1) The readmission of a student who:
(A) withdrew from the program; or
(B) failed required courses.
(2) The admission of a transfer student.

(Indiana State Board of Nursing; 848 IAC 1-2-11; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4529; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-12 Faculty

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 12. (a) The program in nursing shall provide and maintain a qualified faculty. The general qualifications for all nurse faculty members shall include the following:
(1) Graduation from an approved program of nursing accepted by the board.
(2) Current, unencumbered registered nurse licensed in Indiana.
(b) The personnel policies for faculty members shall be defined in writing.
(c) Faculty, other than registered nurses, who teach nonclinical nursing courses, including, but not limited to:
(1) issues and trends;
(2) nutrition;
(3) research;
(4) management; and
(5) statistics;
shall hold master's degrees in areas appropriate to the responsibilities inherent in the position.
(d) Clinical preceptorships may be used for the clinical experiences of students. When clinical preceptors are used, the following conditions shall be met:
(1) Written agreements between the cooperating agency and nursing program shall delineate the functions and responsibilities of the parties involved.

(2) Criteria for selecting clinical preceptors shall be developed and in writing.
(3) The clinical preceptors shall have the following minimum qualifications:
(A) Current licensure as a registered nurse.
(B) Three (3) years of experience as a registered nurse.
(4) Written clinical objectives shall be specific and shared with the clinical preceptor prior to the experience.
(5) The designated faculty member shall:
(A) be responsible for the learning experience of each student; and
(B) meet with each clinical preceptor and student for the purpose of monitoring and evaluating the learning experience.
(6) The designated faculty member shall be available by phone or in person when students are in the clinical area.
(7) A faculty member shall be responsible for coordinating the clinical preceptorships of no more than ten (10) students.
(Indiana State Board of Nursing; 848 IAC 1-2-12; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4530; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 598; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-13 Faculty qualifications; registered nurse programs

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 13. (a) The director shall be a registered nurse with a minimum of a master's degree in nursing and be employed full-time, excluding vacations and holidays, during the enrollment period of the students. A doctoral degree is recommended. The director shall have experience in the following:
(1) The practice of nursing.
(2) Nursing education.
(3) Administration.
(b) The nurse faculty member shall have experience in the practice of nursing and hold a master's degree. The majority of the faculty shall hold master's degrees with majors in nursing. The remainder of the faculty shall hold master's degrees in a field appropriate to their teaching or clinical responsibilities. The majority of the faculty shall be full-time employees of the institution. The reappointment of a person who does not hold a master's degree in nursing shall be made only if that person, within one (1) year of initial appointment, has a written plan of study for degree completion and has matriculated in a college or university. Continuing reappointment of a person who does not hold a master's degree in nursing shall be contingent upon orderly progression toward degree completion. *(Indiana State Board of Nursing; 848 IAC 1-2-13; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4530; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 598; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-2-14 Faculty qualifications; licensed practical nurse programs

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 14. (a) The director shall be a registered nurse with a minimum of a master's degree, preferably in nursing, and shall be employed full-time, excluding vacations and holidays, during the enrollment period of the students. A program director appointed prior to the promulgation of this rule shall be considered, except the director shall have experience in the following:
(1) The practice of nursing.
(2) Nursing education.
(3) Administration.
(b) The nurse faculty member shall have experience in the practice of nursing and hold a baccalaureate degree. The majority of the faculty shall hold baccalaureate degrees with majors in nursing. The remainder of the faculty shall hold baccalaureate degrees in a field appropriate to their teaching or clinical responsibilities. The majority of the faculty shall be full-time employees of the institution. *(Indiana State Board of Nursing; 848 IAC 1-2-14; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4530; readopted filed Nov 6,*

2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 599; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-15 Student personnel services

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 15. Within the framework of the controlling institution, policies regulating student personnel services shall be delineated in writing, including, but not limited to, the following:

(1) Counseling and guidance.
(2) Health services.
(3) Financial aid.
(4) Housing.
(5) Student organization.
(6) Job placement.
(7) Liability insurance.

(Indiana State Board of Nursing; 848 IAC 1-2-15; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4531; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-16 Curriculum; all programs

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 16. (a) The:

(1) development;
(2) implementation;
(3) evaluation; and
(4) revision;

of the curriculum shall be the responsibility of the nursing faculty and shall be based on the stated philosophy and objectives of the program.

(b) The program shall provide an opportunity for the student to learn:

(1) facts;
(2) principles;
(3) concepts; and
(4) skills;

which ensure that each graduate meets the minimal qualifications essential for safety to practice as a licensed nurse.

(c) There shall be concurrent didactic instruction and clinical experiences in the care of patients from all age groups except when students repeat courses for failing or withdrawal. Those students may repeat the failed course by itself without also repeating the concurrent course.

(d) The clinical experiences shall be determined by the philosophy, mission, and objectives of the program.

(e) Classroom and clinical experiences shall be the responsibility of program faculty.

(f) Observational experiences shall be determined by the philosophy, mission, and objectives of the program. As used in this subsection, "observational experiences" means those experiences in which the student is in the role of observer. Observational experiences shall be:

(1) planned for and guided by the faculty, but may not require direct supervision; and
(2) included in the program's annual report to the board.

(g) There shall be an outline of the total curriculum showing the placement of courses according to:

(1) year and semester or term;

(2) the ratio of credits to hours; or

(3) the total number of hours.

(h) The school year shall be divided into definite terms with dates set for the beginning and ending of each. The dates shall be communicated to the students at the beginning of the academic year.

(i) Board approval shall be granted prior to the initiation of any major curriculum change. If the change is minor, in that it does not substantially alter the curriculum, it shall be reported to the board in writing in the program's annual report to the board.

(j) A major change, which would require the board's approval prior to implementation, includes the following:

(1) Major changes in philosophy, mission, or objectives.

(2) The number of credits required for successful completion of the program or the major in nursing.

(3) The number and type of general education courses.

(4) Relocation of the program or any of its components.

(5) Change in required clinical hours.

(6) Admission times.

(7) Progression options.

(8) Additions of satellite locations.

(k) There shall be a systematic written plan for program evaluation that is ongoing according to the time frame specified by the faculty. The findings from the systematic evaluation shall be used for development, maintenance, and revision of the program components. The written plan shall include, but is not limited to, the following:

(1) Philosophy, mission, and objectives of the nursing education program.

(2) Expected knowledge, skills, and abilities of the graduates.

(3) Teaching and learning experiences.

(4) Student evaluation of courses.

(5) Instructor evaluation of students.

(6) Pass rates on licensure examination.

(7) Follow-up studies of graduates' evaluation of the program of learning.

(8) Employment performance of graduates.

(Indiana State Board of Nursing; 848 IAC 1-2-16; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4531; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 599; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-17 Curriculum; registered nurse programs

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7

Sec. 17. (a) The length of a full-time program shall be a minimum of two (2) academic years or its equivalent.

(b) The curriculum shall provide instruction in the following areas:

(1) Physical and biological sciences, including content drawn from the areas of:

(A) anatomy;

(B) physiology;

(C) chemistry;

(D) microbiology;

(E) pharmacology;

(F) physics; and

(G) nutrition;

that may be integrated, combined, or presented as separate courses.

(2) Social and behavioral sciences shall include content drawn from the areas of:

(A) interpersonal communications, English composition, or speech;

(B) psychology; and

(C) sociology;

that may be integrated, combined, or presented as separate courses.

(3) The nursing content shall establish the following:

(A) Provide concurrent theory and clinical experience in the following areas:

(i) Adult nursing.

(ii) Maternity nursing.

(iii) Nursing of children.

(iv) Mental health nursing.

(v) Gerontological nursing.

(vi) For baccalaureate programs, community health nursing and research.

(B) Include:

(i) history;

(ii) trends;

(iii) legal aspects; and

(iv) ethical aspects;

of nursing that may be integrated, combined, or presented as separate courses.

(C) Include content about chemical substance abuse among professionals.

(D) Computer technology shall be integrated, combined, or presented as a separate course.

(E) Standard precautions education shall be integrated, combined, or presented as a separate course.

(Indiana State Board of Nursing; 848 IAC 1-2-17; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4532; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 600; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-18 Curriculum; licensed practical nurse program

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7

Sec. 18. (a) The length of a full-time program shall be a minimum of one (1) calendar year or its equivalent.

(b) The curriculum shall provide instruction in the following areas:

(1) Physical and biological sciences, including content drawn from the areas of:

(A) anatomy;

(B) physiology;

(C) nutrition; and

(D) pharmacology;

that may be integrated, combined, or presented as separate courses.

(2) Social and behavioral sciences, including content drawn from the concepts of mental health that may be integrated, combined, or presented as separate courses.

(3) The nursing content shall establish the following:

(A) Provide concurrent theory and clinical experience in the following areas:

(i) Adult nursing.

(ii) Maternity nursing.

(iii) Nursing of children.

(iv) Gerontological nursing.

(B) Include:

(i) history;

(ii) trends;

(iii) legal aspects; and

(iv) ethical aspects;

of nursing that may be integrated, combined, or presented as separate courses.

(C) Include content about chemical substance abuse among professionals.

(D) Computer technology shall be integrated, combined, or presented as a separate course.

(E) Standard precautions education shall be integrated, combined, or presented as a separate course.

(Indiana State Board of Nursing; 848 IAC 1-2-18; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4532; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 600; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-19 Clinical experience; all programs

Authority: IC 25-23-1-7
Affected: IC 25-23-1-20

Sec. 19. (a) Clinical facilities used for learning experiences shall be approved by an organization that has been granted deeming authority or appropriate licensing bodies. Long term care facilities shall be licensed by the Indiana state department of health.

(b) There shall be written agreements between the program and any institution or agency, which is used for clinical experiences. Agreements shall state the responsibilities and privileges of both parties. Written agreements are not necessary for observational experiences.

(c) Nursing program faculty shall:

(1) assign;

(2) guide;

(3) evaluate; and

(4) supervise;

the learning activities of students in the clinical experience.

(d) The ratio of faculty to students shall be a maximum of 1:10 or any portion thereof in the clinical or observational experience, exclusive of the nurse director or coordinator. *(Indiana State Board of Nursing; 848 IAC 1-2-19; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4532; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 601; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-2-20 Educational resources

Authority: IC 25-23-1-7
Affected: IC 25-23-1-20

Sec. 20. (a) Classrooms, laboratories, and conference rooms shall be provided to meet the needs of the students.

(b) The library shall be adequate in size and have current holdings to meet the educational needs of the students and faculty. There shall be a variety of current audiovisual and computer aids for individual and group instruction. The annual budget shall provide for accessions to the library.

(c) Furnishings, supplies, and office equipment shall be provided for the director, faculty, and clerical staff.

(d) Adequate office space shall be provided for the director, faculty, and clerical staff.

(e) There shall be adequate support services and secretarial personnel to meet the needs of the program.

(f) There shall be adequate support for faculty development. *(Indiana State Board of Nursing; 848 IAC 1-2-20; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4533; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 601; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-2-21 Progression and graduation

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 21. (a) There shall be written requirements for progression and graduation prepared by the faculty of each program.

There shall be a written policy and procedure for academic probation and termination from the program. There shall be a code of conduct for students.

(b) The nursing program shall provide to enrolled students a student handbook that shall include all information specific to the nursing program.

(c) Candidates for the registered nurse licensing examination shall have successfully completed the educational program with an accumulative average grade of "C" or better, and a grade of "C" or better in each course as identified in section 17 of this rule.

(d) Candidates for the practical nurse licensing examination shall have successfully completed the educational program with a grade of "C" or better in each course. *(Indiana State Board of Nursing; 848 IAC 1-2-21; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4533; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 602; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 1-2-22 Records and program catalog

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 22. (a) There shall be a record system that provides for accurate recording of admission data and student academic records. Provisions shall be made for safe storage of records to prevent loss by destruction and unauthorized use.

(b) Individual student files, maintained by the program of nursing during the student's enrollment, shall include, at a minimum, the following:

(1) Documents required for admission.
(2) Results of performance evaluation relating to the student's progression or lack thereof.
(3) Documentation of standard precautions training.

(c) The institution must maintain in readily accessible form, or cause to be maintained in readily accessible form, sufficient records to generate an official student transcript for a period of sixty (60) years after the date the student attended the institution.

(d) Information about the program shall be published periodically, at least every two (2) years. The publication shall be dated and include the following:

(1) Philosophy, mission, and objectives of the nursing program.
(2) A general description of the program.
(3) The curriculum plan.
(4) Brief course descriptions.
(5) Facilities and conditions provided for student learning and welfare.
(6) Faculty information.
(7) A statement of tuition, fees, and refund policies.
(8) A statement regarding nondiscriminatory policies for student and faculty recruitment.
(9) A statement regarding student complaint and grievance procedures.
(10) Housing and residence facilities information.
(11) Admission, progression, and graduation policies.

(Indiana State Board of Nursing; 848 IAC 1-2-22; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4533; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 602; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-23 Reports to the board

Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 23. The director of the nursing program shall submit an annual report to the board on forms provided by the board. The report shall provide current data on the following:

(1) Administrative personnel, credit hours, and faculty to student ratios.
(2) Organizational, administrative, and physical changes.

(3) Any curriculum changes.
(4) Student statistics.
(5) A faculty list with a:
(A) completed faculty qualification record for each new member;
(B) supplemental qualification record for each faculty member pursuing a master's degree; and
(C) list of faculty no longer employed by the institution since the last annual report.
(6) A clinical agency list and a list of those agencies no longer used since the last annual report.
(7) An organizational chart for the nursing program and for the parent institution.
(Indiana State Board of Nursing; 848 IAC 1-2-23; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4534; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 602; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 1-2-24 Records
Authority: IC 25-23-1-7
Affected: IC 25-23-1-7

Sec. 24. A copy of each annual report to the board, the program catalog, and nursing student handbook shall be maintained in the permanent records of the institution. *(Indiana State Board of Nursing; 848 IAC 1-2-24; filed Jul 30, 1998, 4:59 p.m.: 21 IR 4534; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; filed Sep 13, 2004, 9:45 a.m.: 28 IR 603; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

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ARTICLE 2. STANDARDS FOR THE COMPETENT PRACTICE OF REGISTERED AND LICENSED PRACTICAL NURSING

Rule 1. Definitions

848 IAC 2-1-1 Applicability
Authority: IC 25-23-1-7
Affected: IC 25-23

Sec. 1. The definitions in this rule apply throughout this article. *(Indiana State Board of Nursing; 848 IAC 2-1-1; filed Oct 25, 1991, 5:00 p.m.: 15 IR 242; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 2-1-2 "Competence" defined
Authority: IC 25-23-1-7
Affected: IC 25-23

Sec. 2. "Competence" means performing skillfully and proficiently the functions that are within the role of the licensee and demonstrating behavior that is consistent with the interrelationship of essential knowledge, judgment, and skill. *(Indiana State Board of Nursing; 848 IAC 2-1-2; filed Oct 25, 1991, 5:00 p.m.: 15 IR 242; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 2-1-3 "Health team" defined
Authority: IC 25-23-1-7
Affected: IC 25-23

Sec. 3. "Health team" means a group of health care providers which may, in addition to health care practitioners, include the patient/client, family, and any significant others. *(Indiana State Board of Nursing; 848 IAC 2-1-3; filed Oct 25, 1991, 5:00 p.m.: 15 IR 243; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

Rule 2. Registered Nursing

848 IAC 2-2-1 Responsibility to apply the nursing process
Authority: IC 25-23-1-7
Affected: IC 25-23

Sec. 1. The registered nurse shall do the following:
(1) Assess the patient/client in a systematic, organized manner.
(2) Formulate a nursing diagnosis based on accessible, communicable, and recorded data which is collected in a systematic and continuous manner.
(3) Plan care which includes goals and prioritized nursing approaches or measures derived from the nursing diagnosis.
(4) Implement strategies to provide for patient/client participation in health promotion, maintenance, and restoration.
(5) Initiate nursing actions to assist the patient/client to maximize his or her health capabilities.
(6) Evaluate with the patient/client the status of goal achievement as a basis for reassessment, reordering priorities, new goal-setting, and revision of the plan of nursing care.
(7) Seek educational resources and create learning experiences to enhance and maintain current knowledge and skills for his or her continuing competence in nursing practice and individual professional growth.
(Indiana State Board of Nursing; 848 IAC 2-2-1; filed Oct 25, 1991, 5:00 p.m.: 15 IR 243; readopted filed Nov 6, 2001, 4:18 p.m.:

25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 2-2-2 Responsibility as a member of the nursing profession

Authority: IC 25-23-1-7
Affected: IC 25-23

Sec. 2. The registered nurse shall do the following:

(1) Function within the legal boundaries of nursing practice based on the knowledge of statutes and rules governing nursing.

(2) Accept responsibility for individual nursing actions and continued competence.

(3) Communicate, collaborate, and function with other members of the health team to provide safe and effective care.

(4) Seek education and supervision as necessary when implementing nursing practice techniques.

(5) Respect the dignity and rights of the patient/client regardless of socioeconomic status, personal attributes, or nature of health problem.

(6) Maintain each patient/client's right to privacy by protecting confidential information unless obligated, by law, to disclose the information.

(7) Provide nursing care without discrimination on the basis of diagnosis, age, sex, race, creed, or color.

(8) Delegate and supervise only those nursing measures which the nurse knows, or should know, that another person is prepared, qualified, or licensed to perform.

(9) Retain professional accountability for nursing care when delegating nursing intervention.

(10) Respect and safeguard the property of patient/client, family, significant others, and the employer.

(11) Notify, in writing, the appropriate party, which may include:

(A) the office of the attorney general, consumer protection division;

(B) his or her employer or contracting agency; or

(C) the board;

of any unprofessional conduct which may jeopardize the patient/client safety.

(12) Participate in the review and evaluation of the quality and effectiveness of nursing care.

(Indiana State Board of Nursing; 848 IAC 2-2-2; filed Oct 25, 1991, 5:00 p.m.: 15 IR 243; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 2-2-3 Unprofessional conduct

Authority: IC 25-23-1-7
Affected: IC 25-23.

Sec. 3. Nursing behaviors (acts, knowledge, and practices) failing to meet the minimal standards of acceptable and prevailing nursing practice, which could jeopardize the health, safety, and welfare of the public, shall constitute unprofessional conduct. These behaviors shall include, but are not limited to, the following:

(1) Using unsafe judgment, technical skills, or inappropriate interpersonal behaviors in providing nursing care.

(2) Performing any nursing technique or procedure for which the nurse is unprepared by education or experience.

(3) Disregarding a patient/client's dignity, right to privacy, or right to confidentiality.

(4) Failing to provide nursing care because of diagnosis, age, sex, race, color, or creed.

(5) Abusing a patient/client verbally, physically, emotionally, or sexually.

(6) Falsifying, omitting, or destroying documentation of nursing actions on the official patient/client record.

(7) Abandoning or knowingly neglecting patients/clients requiring nursing care.

(8) Delegating nursing care, functions, tasks, or responsibility to others when the nurse knows, or should know, that such delegation is to the detriment of patient safety.

(9) Providing one's license/temporary permit to another individual for any reason.

(10) Failing to practice nursing in accordance with prevailing nursing standards due to physical or psychological impairment.

(11) Diverting prescription drugs for own or another person's use.
(12) Misappropriating money or property from a patient/client or employee.
(13) Failing to notify, in writing, the appropriate party, which may include:
(A) the office of the attorney general, consumer protection division;
(B) his or her employer or contracting agency; or
(C) the board;
of any unprofessional conduct which may jeopardize patient/client safety.

(Indiana State Board of Nursing; 848 IAC 2-2-3; filed Oct 25, 1991, 5:00 p.m.: 15 IR 243; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

Rule 3. Licensed Practical Nursing

848 IAC 2-3-1 Responsibility to apply the nursing process

Authority: IC 25-23-1-7
Affected: IC 25-23

Sec. 1. The licensed practical nurse shall do the following:
(1) Know and utilize the nursing process in planning, implementing, and evaluating health services and nursing care to the individual patient or client.
(2) Collaborate with other members of the health team in providing for patient/client participation in health promotion, maintenance, and restoration.
(3) Seek educational resources and create learning experiences to enhance and maintain current knowledge and skills for his or her continuing competence in nursing practice and individual professional growth.
(4) Assess the health status of the patient/client, in conjunction with other members of the health care team, for analysis and identification of health goals.
(5) Evaluate with the patient/client the status of goal achievement as a basis for reassessment, reordering of priorities, and new goal setting for contribution to the modification of the plan of nursing care.

(Indiana State Board of Nursing; 848 IAC 2-3-1; filed Oct 25, 1991, 5:00 p.m.: 15 IR 244; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 2-3-2 Responsibility as a member of the health team

Authority: IC 25-23-1-7
Affected: IC 25-23

Sec. 2. The licensed practical nurse shall do the following:
(1) Function within the legal boundaries of practical nursing practice based on the knowledge of statutes and rules governing nursing.
(2) Accept responsibility for individual nursing actions and continued competence.
(3) Communicate, collaborate, and function with other members of the health care team to provide safe and effective care.
(4) Seek education and supervision as necessary from registered nurses and/or other members of the health care team when implementing nursing techniques or practices.
(5) Respect the dignity and rights of the patient/client regardless of socioeconomic status, personal attributes, or nature of health problems.
(6) Maintain each patient/client's right to privacy by protecting confidential information unless obligated, by law, to disclose the information.
(7) Provide nursing care without discrimination on the basis of diagnosis, age, sex, race, creed, or color.
(8) Accept only those delegated nursing measures which he or she knows he or she is prepared, qualified, and licensed to

perform.

(9) Respect and safeguard the property of patient/client, family, significant others, and the employer.

(10) Notify, in writing, the appropriate party which may include:

(A) the office of the attorney general, consumer protection division;

(B) his or her employer or contracting agency; or

(C) the board;

of any unprofessional conduct which may jeopardize the patient/client safety.

(11) Participate in the review and evaluation of the quality and effectiveness of nursing care.

(Indiana State Board of Nursing; 848 IAC 2-3-2; filed Oct 25, 1991, 5:00 p.m.: 15 IR 244; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 2-3-3 Unprofessional conduct

Authority: IC 25-23-1-7

Affected: IC 25-23

Sec. 3. Nursing behaviors (acts, knowledge, and practices) failing to meet the minimal standards of acceptable and prevailing licensed practical nursing practices, which could jeopardize the health, safety, and welfare of the public shall constitute unprofessional conduct. These behaviors shall include, but are not limited to, the following:

(1) Using unsafe judgment, technical skills, or inappropriate interpersonal behaviors in providing nursing care.

(2) Performing any nursing technique or procedure for which the nurse is unprepared by education or experience.

(3) Disregarding a patient/client's dignity, right to privacy, or right to confidentiality.

(4) Failing to provide nursing care because of diagnosis, age, sex, race, color, or creed.

(5) Abusing a patient/client verbally, physically, emotionally, or sexually.

(6) Falsifying, omitting, or destroying documentation of nursing actions on the official patient/client record.

(7) Abandoning or knowingly neglecting patients/clients requiring nursing care.

(8) Accepting delegated nursing measures that he or she knows that he or she is not prepared, qualified, or licensed to perform.

(9) Providing one's license/temporary permit to another individual for any reason.

(10) Failing to practice nursing in accordance with prevailing practical nursing standards due to physical or psychological impairment.

(11) Diverting prescription drugs for own or another person's use.

(12) Misappropriating money or property from a patient/client or employee.

(13) Failing to notify, in writing, the appropriate party which may include:

(A) the office of the attorney general, consumer protection division;

(B) his or her employer or contracting agency; or

(C) the board;

of any unprofessional conduct which may jeopardize patient/client safety.

(Indiana State Board of Nursing; 848 IAC 2-3-3; filed Oct 25, 1991, 5:00 p.m.: 15 IR 245; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

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ARTICLE 3. NURSE-MIDWIVES

Rule 1. Definitions

848 IAC 3-1-0.5 Applicability
Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 0.5. The definitions in this rule apply throughout this article. *(Indiana State Board of Nursing; 848 IAC 3-1-0.5; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2871; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 3-1-0.6 "Board" defined
Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 0.6. "Board" means the Indiana state board of nursing. *(Indiana State Board of Nursing; 848 IAC 3-1-0.6; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2871; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 3-1-1 "Certified nurse-midwife" defined; use of initials
Authority: IC 25-23-1-7
Affected: IC 25-23-1-1

Sec. 1. (a) "Certified nurse-midwife" means a registered nurse who has graduated from a nationally accredited school of midwifery, has passed the National Certifying Examination given by the American College of Nurse-Midwives, and is licensed by the board to practice as a nurse-midwife.

(b) "CNM" means certified nurse-midwife and are the designated authorized initials to be used by the certified nurse-midwife. *(Indiana State Board of Nursing; Nurse-Midwifery Rule 1, Art 1; filed Jun 15, 1979, 4:41 p.m.: 2 IR 1131; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2871; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 3-1-1) to the Indiana State Board of Nursing (848 IAC 3-1-1) by P.L.185-1993, SECTION 16, effective July 1, 1993.*

848 IAC 3-1-2 "Practice of nurse-midwifery" defined
Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 2. "Practice of nurse-midwifery" means the practice of nursing and the extension of that practice, including well-woman gynecological healthcare, family planning, and care to the normal and expanding family throughout pregnancy, labor, delivery, and post-delivery. *(Indiana State Board of Nursing; Nurse-Midwifery Rule 1, Art 2; filed Jun 15, 1979, 4:41 p.m.: 2 IR 1131; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 3-1-2) to the Indiana State Board of Nursing (848 IAC 3-1-2) by P.L.185-1993, SECTION 16, effective July 1, 1993.*

848 IAC 3-1-3 Association with licensed physician; jurisdiction of board (Repealed)

Sec. 3. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-4 Registration requirement (Repealed)

Sec. 4. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-5 Application for registration; qualifications (Repealed)

Sec. 5. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-6 Fees for registration (Repealed)

Sec. 6. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-7 Photograph submitted with application (Repealed)

Sec. 7. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-8 Screening applicant; approval (Repealed)

Sec. 8. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-9 Temporary registration not offered (Repealed)

Sec. 9. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-10 Biennial re-registration (Repealed)

Sec. 10. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-11 Notice of re-registration (Repealed)

Sec. 11. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-12 Fee for re-registration (Repealed)

Sec. 12. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-13 Delinquency fee (Repealed)

Sec. 13. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-14 Suspension of registration for delinquency (Repealed)

Sec. 14. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-15 Retirement and surrender of registration (Repealed)

Sec. 15. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

848 IAC 3-1-16 Hearings regarding registration or disciplinary proceedings (Repealed)

Sec. 16. *(Repealed by Indiana State Board of Nursing; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879)*

Rule 2. General Provisions

848 IAC 3-2-1 Application for limited license; qualifications

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 1. Every applicant for limited license shall file an application on a form supplied by the board. *(Indiana State Board of Nursing; 848 IAC 3-2-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 939; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 3-2-2 Fees for limited license

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 2. (a) Each applicant for a limited license in nurse-midwifery shall pay a fee as provided in 848 IAC 1-1-14 in the form of a personal check, certified check, cashier's check, or money order payable to the health professions bureau. This fee is not refundable, but may be used up to and including one (1) year from the original submission of the application.

(b) The fee for any reapplication shall be the same as determined by the board for the original application and is payable in the form of a personal check, certified check, cashier's check, or money order payable to the health professions bureau. *(Indiana State Board of Nursing; 848 IAC 3-2-2; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1328; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 3-2-3 Photograph submitted with application

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 3. A recent passport type photograph of the applicant taken within six (6) weeks prior to filing shall be submitted with each application. The photograph shall be in color on semigloss paper, not less than three (3) inches wide and four (4) inches high. *(Indiana State Board of Nursing; 848 IAC 3-2-3; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 3-2-4 Temporary permit not issued

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 4. No temporary permit will be issued under any circumstances. *(Indiana State Board of Nursing; 848 IAC 3-2-4; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 3-2-5 Biennial renewal of limited license

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 5. Every person with a limited license to practice nurse-midwifery shall renew such limited license with the board on

or before October 31 of odd-numbered years. *(Indiana State Board of Nursing; 848 IAC 3-2-5; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1329; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 3-2-6 Notice of renewal

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 6. On or before August 31 of odd-numbered years, the health professions bureau shall notify each nurse-midwife that he or she is required to renew their limited license to practice nurse-midwifery. At the time of such notice, the health professions bureau shall mail a form to each nurse-midwife to the last known address of record. *(Indiana State Board of Nursing; 848 IAC 3-2-6; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 3-2-7 Fee for renewal

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 7. At the time of submitting his or her limited license renewal form to the board, each nurse-midwife shall submit a fee as provided in 848 IAC 1-1-14 and proof of current licensure as a registered nurse. A personal check, certified check, cashier's check, or money order shall be submitted to the health professions bureau with the renewal form and shall be made payable to the health professions bureau. *(Indiana State Board of Nursing; 848 IAC 3-2-7; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 3-2-8 Delinquent fee

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 8. In the event any nurse-midwife fails to complete the renewal process on or before October 31 of odd-numbered years, he or she shall be required to pay a delinquent fee to be determined by the board in addition to the fees prescribed in section 7 of this rule for each year that the limited license is delinquent. *(Indiana State Board of Nursing; 848 IAC 3-2-8; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2873; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

Rule 3. Competent Practice of Nurse-Midwifery

848 IAC 3-3-1 Competent practice of nurse-midwives

Authority: IC 25-23-1-7
Affected: IC 16-21; IC 25-23-1-1; IC 25-23-1-13.1

Sec. 1. A nurse-midwife shall perform as an independent and interdependent member of the health care team as defined in 848 IAC 2-1-3. The following are standards for each nurse-midwife:

(1) Assess clients by using advanced knowledge and skills to:
  (A) identify abnormal conditions;
  (B) diagnose health problems;
  (C) develop and implement nursing treatment plans; and
  (D) evaluate patient outcomes.
(2) Use advanced knowledge and skills in teaching and guiding clients and other health care team members.

(3) Use appropriate critical thinking skills to make independent decisions, commensurate with the autonomy, authority, and responsibility of the practice of nurse-midwifery.
(4) Function within the legal boundaries of the practice of nurse-midwifery and shall have and utilize knowledge of the statutes and rules governing the practice of nurse-midwifery, including the following:
(A) State and federal drug laws and regulations.
(B) State and federal confidentiality laws and regulations.
(C) State and federal medical records access laws.
(5) Consult and collaborate with other members of the health care team as appropriate to provide reasonable client care.
(6) Recognize the limits of individual knowledge and experience, and consult with or refer clients to other health care providers as appropriate.
(7) Retain professional accountability for any delegated intervention, and delegate interventions only as authorized by IC 25-23-1 and this title.
(8) Maintain current knowledge and skills in the practice of nurse-midwifery.
(9) Manage and provide health care services in the practice of nurse-midwifery.
(10) Provide individual and group counseling and teaching throughout the life cycle.
(11) Participate in periodic and joint evaluation of services rendered, including, but not limited to, the following:
(A) Chart reviews.
(B) Case reviews.
(C) Client evaluations.
(D) Outcome statistics.
(12) Conduct and apply research findings appropriate to the area of practice.
(13) Participate, when appropriate, in the joint review and revision of written guidelines involving the plan of care.
(Indiana State Board of Nursing; 848 IAC 3-3-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2873; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

Rule 4. Limitations of Rules

848 IAC 3-4-1 Limitations of rules (Repealed)

Sec. 1. *(Repealed by Indiana State Board of Nursing; filed Nov 21, 2001, 10:23 a.m.: 25 IR 1329)*

Rule 5. Fees for Nurse-Midwives

848 IAC 3-5-1 Fees for nurse-midwives

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 1. (a) The application fee for limited licensure as a nurse-midwife shall be fifty dollars ($50).
(b) The fee for renewal of a nurse-midwife limited license shall be fifty dollars ($50).
(c) The penalty fee for late renewals is as established by the health professions bureau.
(d) The fee for a duplicate nurse-midwife wall certificate shall be ten dollars ($10). *(Indiana State Board of Nursing; 848 IAC 3-5-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2873; filed Dec 19, 1996, 10:00 a.m.: 20 IR 1123; readopted filed Jul 30, 2001, 2:07 p.m.: 24 IR 4237; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

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ARTICLE 4. ADVANCED PRACTICE NURSING AND PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE NURSING

Rule 1. Definitions

848 IAC 4-1-1 Applicability

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 1. The definitions in this rule apply throughout this article and 848 IAC 5. *(Indiana State Board of Nursing; 848 IAC 4-1-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2874; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 4-1-2 "Board" defined

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 2. "Board" means the Indiana state board of nursing. *(Indiana State Board of Nursing; 848 IAC 4-1-2; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2874; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 4-1-3 "Advanced practice nurse" defined

Authority: IC 25-23-1-7
Affected: IC 16-21; IC 25-23-1-1

Sec. 3. (a) "Advanced practice nurse" means a registered nurse holding a current license in Indiana who:

(1) has obtained additional knowledge and skill through a formal, organized program of study and clinical experience, or its equivalent, as determined by the board;

(2) functions in an expanded role of nursing at a specialized level through the application of advanced knowledge and skills to provide healthcare to individuals, families, or groups in a variety of settings, including, but not limited to:

(A) homes;
(B) institutions;
(C) offices;
(D) industries;
(E) schools;
(F) community agencies;
(G) private practice;
(H) hospital outpatient clinics; and
(I) health maintenance organizations; and

(3) makes independent decisions about the nursing needs of clients.

(b) The three (3) categories of advanced practice nurses as defined in IC 25-23-1-1 are as follows:

(1) Nurse practitioner as defined in section 4 of this rule.
(2) Certified nurse-midwife as defined in 848 IAC 3-1.
(3) Clinical nurse specialist as defined in section 5 of this rule.

(Indiana State Board of Nursing; 848 IAC 4-1-3; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2874; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1329; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

848 IAC 4-1-4 "Nurse practitioner" defined

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 4. (a) "Nurse practitioner" means an advanced practice nurse who provides advanced levels of nursing client care in a specialty role, who meets the requirements of an advanced practice nurse as outlined in section 3 of this rule, and who has completed any of the following:

(1) A graduate program offered by a college or university accredited by the Commission on Recognition of Postsecondary Accreditation which prepares the registered nurse to practice as a nurse practitioner and meets the requirements of section 6 of this rule.

(2) A certificate program offered by a college or university accredited by the Commission on Recognition of Postsecondary Accreditation which prepares the registered nurse to practice as a nurse practitioner and meets the requirements of section 6 of this rule. Nurse practitioners who complete a certificate program must be certified and maintain certification as a nurse practitioner by a national organization which requires a national certifying examination.

(3) Prior to the promulgation of this article, the following:

(A) A formal organized program of study and clinical experience which prepares the registered nurse to practice as a nurse practitioner.

(B) The required program of study at a time when there was no credentialing or certification process available in the specialty area of the program of study.

(b) "NP" means nurse practitioner and are the designated authorized initials to be used by the nurse practitioner. *(Indiana State Board of Nursing; 848 IAC 4-1-4; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2874; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 4-1-5 "Clinical nurse specialist" defined

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 5. (a) "Clinical nurse specialist" means an advanced practice nurse who does the following:

(1) Meets the requirements of an advanced practice nurse as outlined in section 3 of this rule.

(2) Has completed a graduate program offered by a college or university accredited by the Commission on Recognition of Postsecondary Accreditation designed to train clinical nurse specialists which grants, at a minimum, a master's degree and which meets the requirements of section 6 of this rule.

(3) Provides advanced levels of client care and assists other health professionals in establishing and meeting health goals. Clinical nurse specialists collaborate and consult with other health care providers who may need assistance in dealing with complex client problems.

(b) "CNS" means clinical nurse specialist and are the designated authorized initials to be used by the clinical nurse specialist. *(Indiana State Board of Nursing; 848 IAC 4-1-5; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2874; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

848 IAC 4-1-6 "Formal organized program of study and clinical experience or the equivalent as determined by the board" defined

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1

Sec. 6. "Formal organized program of study and clinical experience or the equivalent as determined by the board" means:

(1) a program offered by a college or university accredited by the Commission on Recognition of Postsecondary Accreditation that includes:

(A) instruction in the biological, behavioral, medical, and nursing sciences relevant to practice as an advanced practice nurse in a specified category;

(B) instruction in the legal, ethical, and professional responsibilities of advanced practice nursing; and

(C) supervised clinical practice of those skills used by the advanced practice nurse in a specialty role; or

(2) experience obtained in collaboration with a physician, prior to the promulgation of this article, which was required by a national organization as a prerequisite for a national certifying examination used to certify a registered nurse in a specialty area.

(Indiana State Board of Nursing; 848 IAC 4-1-6; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2875; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1329; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

Rule 2. Competent Practice of Nurse Practitioners

848 IAC 4-2-1 Competent practice of nurse practitioners

Authority: IC 25-23-1-7
Affected: IC 25-23-1-19.4

Sec. 1. A nurse practitioner shall perform as an independent and interdependent member of the health team as defined in 848 IAC 2-1-3. The following are standards for each nurse practitioner:

(1) Assess clients by using advanced knowledge and skills to:

(A) identify abnormal conditions;

(B) diagnose health problems;

(C) develop and implement nursing treatment plans;

(D) evaluate patient outcomes; and

(E) collaborate with or refer to a practitioner, as defined in IC 25-23-1-19.4, in managing the plan of care.

(2) Use advanced knowledge and skills in teaching and guiding clients and other health team members.

(3) Use appropriate critical thinking skills to make independent decisions, commensurate with the autonomy, authority, and responsibility of a nurse practitioner.

(4) Function within the legal boundaries of their advanced practice area and shall have and utilize knowledge of the statutes and rules governing their advanced practice area, including the following:

(A) State and federal drug laws and regulations.

(B) State and federal confidentiality laws and regulations.

(C) State and federal medical records access laws.

(5) Consult and collaborate with other members of the health team as appropriate to provide reasonable client care, both acute and ongoing.

(6) Recognize the limits of individual knowledge and experience, and consult with or refer clients to other health care providers as appropriate.

(7) Retain professional accountability for any delegated intervention, and delegate interventions only as authorized by IC 25-23-1 and this title.

(8) Maintain current knowledge and skills in the nurse practitioner area.

(9) Conduct an assessment of clients and families which may include health history, family history, physical examination, and evaluation of health risk factors.

(10) Assess normal and abnormal findings obtained from the history, physical examination, and laboratory results.

(11) Evaluate clients and families regarding development, coping ability, and emotional and social well-being.

(12) Plan, implement, and evaluate care.

(13) Develop individualized teaching plans with each client based on health needs.

(14) Counsel individuals, families, and groups about health and illness and promote attention to wellness.

(15) Participate in periodic or joint evaluations of service rendered, including, but not limited to, the following:

(A) Chart reviews.

(B) Client evaluations.
(C) Outcome statistics.
(16) Conduct and apply research findings appropriate to the area of practice.
(17) Participate, when appropriate, in the joint review of the plan of care.

(Indiana State Board of Nursing; 848 IAC 4-2-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2875; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

Rule 3. Competent Practice of Clinical Nurse Specialists

848 IAC 4-3-1 Competent practice of clinical nurse specialists

Authority: IC 25-23-1-7
Affected: IC 16-21; IC 25-23-1-1; IC 25-23-1-33

Sec. 1. A clinical nurse specialist shall perform as an independent and interdependent member of the health care team as defined in 848 IAC 2-1-3. The following are standards for each clinical nurse specialist:

(1) Assess clients by using advanced knowledge and skills to:
(A) identify abnormal conditions;
(B) diagnose health problems;
(C) develop and implement nursing treatment plans; and
(D) evaluate patient outcomes.
(2) Use advanced knowledge and skills in teaching and guiding clients and other health team members.
(3) Use appropriate critical thinking skills to make independent decisions, commensurate with the autonomy, authority, and responsibility of the clinical nurse specialist.
(4) Function within the legal boundaries of their advanced practice area and shall have and utilize knowledge of the statutes and rules governing their advanced practice areas, including the following:
(A) State and federal drug laws and regulations.
(B) State and federal confidentiality laws and regulations.
(C) State and federal medical records access laws.
(5) Consult and collaborate with other members of the health team as appropriate to provide reasonable client care.
(6) Recognize the limits of individual knowledge and experience, and consult with or refer clients to other health care providers as appropriate.
(7) Retain professional accountability for any delegated intervention, and delegate interventions only as authorized by IC 25-23-1 and this title.
(8) Maintain current knowledge and skills in their clinical nurse specialist area.
(9) Provide direct nursing care utilizing advanced scientific knowledge, nursing theory, and nursing skills in the assessment, planning, implementation, and evaluation of health and nursing care of individual clients.
(10) Provide indirect nursing care through planning, guiding, evaluating, and directing nursing care delivered by nursing and ancillary personnel as authorized by IC 25-23-1 and this title.
(11) Conduct nursing research, including methods of nursing intervention and healthcare in the area of specialization, and apply research findings appropriate to the area of practice.
(12) Teach and counsel individuals or groups by utilizing communication skills and teaching or learning theories to increase knowledge or functioning of individuals or groups, nursing personnel, students, and other members of the health care team.
(13) Serve as a consultant and as a resource, utilizing advanced health knowledge and skills, to those who are directly and indirectly involved in patient care.
(14) Participate in periodic evaluation of services rendered, including, but not limited to, the following:
(A) Chart reviews.
(B) Case reviews.
(C) Patient evaluations.

(D) Outcome of case statistics.

(Indiana State Board of Nursing; 848 IAC 4-3-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2876; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)

Rule 4. Limitations of Rules

848 IAC 4-4-1 Limitations of rules (Repealed)

Sec. 1. *(Repealed by Indiana State Board of Nursing; filed Nov 21, 2001, 10:23 a.m.: 25 IR 1329)*

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ARTICLE 5. PRESCRIPTIVE AUTHORITY FOR ADVANCED PRACTICE NURSING

Rule 1. Prescriptive Authority

848 IAC 5-1-1 Initial authority to prescribe legend drugs

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 1. (a) An advanced practice nurse may be authorized to prescribe legend drugs, including controlled substances, if the advanced practice nurse does the following:

(1) Submits an application on a form prescribed by the board with the required fee, including, but not limited to, the following information:

(A) Complete name, residence and office addresses with zip codes, and residence and business telephone numbers with area codes.

(B) All names used by the applicant, explaining the reasons for any name change or use.

(C) Date and place of birth.

(D) Citizenship and visa status, if applicable.

(E) A complete statement of all nursing education received, providing the following:

(i) Names and locations of all colleges, schools, or universities attended.

(ii) Dates of attendance.

(iii) Degrees obtained or received.

(F) Whether the applicant has ever had any disciplinary action taken against the applicant's nursing license by the board or by the licensing agency of any other state or jurisdiction and the details and dates thereof.

(G) A complete list of all places of employment, including the following:

(i) The names and addresses of employers.

(ii) The dates of each employment.

(iii) Employment responsibilities held or performed that the applicant had since graduation from nursing school.

(H) Whether the applicant is, or has been, addicted to any narcotic drug, alcohol, or other drugs and, if so, the details thereof.

(I) Whether the applicant has been convicted of any violation of law relating to drug abuse, controlled substances, narcotic drugs, or any other drugs.

(J) Whether the applicant has previously been licensed to practice nursing in any other state or jurisdiction and, if so, the following:

(i) The names of such states or jurisdictions that previously licensed the applicant.

(ii) The dates of such licensure.

(iii) The license number.

(iv) The current status of such licensure.

(K) Whether the applicant has been denied a license to practice nursing by any state or jurisdiction and, if so, the details thereof, including the following:

(i) The name and location of the state or jurisdiction denying licensure.

(ii) The date of denial of such licensure.

(iii) The reasons relating thereto.

(L) A certified statement that the applicant has not been convicted of a criminal offense (excluding minor traffic violations) or a certified statement listing all criminal offenses of which the applicant has been convicted. This listing must include the following:

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

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

(iii) The cause number in which the applicant was convicted.

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

(2) Submits proof of holding an active, unrestricted:

(A) Indiana registered nurse license; or

(B) registered nurse license in another compact state and having filed a Multi-state Privilege Notification Form with the health professions bureau.

(3) Submits proof of having met the requirements of all applicable laws for practice as an advanced practice nurse in the state of Indiana.

(4) Submits proof of a baccalaureate or higher degree in nursing.

(5) If the applicant holds a baccalaureate degree only, submits proof of certification as a nurse practitioner or certified nurse-midwife by a national organization recognized by the board and which requires a national certifying examination.

(6) Submits proof of having successfully completed a graduate level pharmacology course consisting of at least two (2) semester hours of academic credit from a college or university accredited by the Commission on Recognition of Postsecondary Accreditation:

(A) within five (5) years of the date of application; or

(B) if the pharmacology course was completed more than five (5) years immediately preceding the date of filing the application, the applicant must submit proof of the following:

(i) Completing at least thirty (30) actual contact hours of continuing education during the two (2) years immediately preceding the date of the application, including a minimum of at least eight (8) actual contact hours of pharmacology, all of which must be approved by a nationally approved sponsor of continuing education for nurses.

(ii) Prescriptive experience in another jurisdiction within the five (5) years immediately preceding the date of the application.

(7) Submits proof of collaboration with a licensed practitioner in the form of a written practice agreement that sets forth the manner in which the advanced practice nurse and licensed practitioner will cooperate, coordinate, and consult with each other in the provision of health care to patients. Practice agreements shall be in writing and shall also set forth provisions for the type of collaboration between the advanced practice nurse and the licensed practitioner and the reasonable and timely review by the licensed practitioner of the prescribing practices of the advanced practice nurse. Specifically, the written practice agreement shall contain at least the following information:

(A) Complete names, home and business addresses, zip codes, and telephone numbers of the licensed practitioner and the advanced practice nurse.

(B) A list of all other offices or locations besides those listed in clause (A) where the licensed practitioner authorized the advanced practice nurse to prescribe.

(C) All specialty or board certifications of the licensed practitioner and the advanced practice nurse.

(D) The specific manner of collaboration between the licensed practitioner and the advanced practice nurse, including how the licensed practitioner and the advanced practice nurse will:

(i) work together;

(ii) share practice trends and responsibilities;

(iii) maintain geographic proximity; and

(iv) provide coverage during absence, incapacity, infirmity, or emergency by the licensed practitioner.

(E) A description of what limitation, if any, the licensed practitioner has placed on the advanced practice nurse's prescriptive authority.

(F) A description of the time and manner of the licensed practitioner's review of the advanced practice nurse's prescribing practices. The description shall include provisions that the advanced practice nurse must submit documentation of the advanced practice nurse's prescribing practices to the licensed practitioner within seven (7) days. Documentation of prescribing practices shall include, but not be limited to, at least a five percent (5%) random sampling of the charts and medications prescribed for patients.

(G) A list of all other written practice agreements of the licensed practitioner and the advanced practice nurse.

(H) The duration of the written practice agreement between the licensed practitioner and the advanced practice nurse.

(8) Written practice agreements for advanced practice nurses applying for prescriptive authority shall not be valid until prescriptive authority is granted by the board.

(b) When the board determines that the applicant has met the requirements under subsection (a), the board shall send written notification of authority to prescribe to the advanced practice nurse, including the identification number and designated authorized initials to be used by the advanced practice nurse.

(c) Advanced practice nurses who have been granted prescriptive authority will immediately notify the board in writing of any changes in, or termination of, written practice agreements, including any changes in the prescriptive authority of the collaborating licensed practitioner. Written practice agreements shall terminate automatically if the advanced practice nurse or licensed practitioner no longer has an active, unrestricted license.

(d) Advanced practice nurses wishing to prescribe controlled substances must obtain an Indiana controlled substances registration and a federal Drug Enforcement Administration registration. *(Indiana State Board of Nursing; 848 IAC 5-1-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2876; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; filed Dec 24, 2003, 10:45 a.m.: 27 IR 1571; readopted filed Nov 17, 2010, 9:50 a.m.: 20101215-IR-848100406RFA)*

848 IAC 5-1-2 Prescribing legend drugs; use of forms (Repealed)

Sec. 2. *(Repealed by Indiana State Board of Nursing; filed Dec 19, 1996, 10:00 a.m.: 20 IR 1122)*

848 IAC 5-1-3 Renewal of authority to prescribe legend drugs

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 3. (a) Prescriptive authority for the advanced practice nurse expires on October 31 in each odd-numbered year. Failure to renew the prescriptive authority on or before the expiration date will automatically render the authority invalid without any action by the board.

(b) A notice of expiration and instructions for renewal of the authority to prescribe legend drugs will be mailed in odd-numbered years with the renewal for registered nurse licensure.

(c) Applicants for renewal of the prescriptive authority shall pay a renewal fee in addition to the fee for renewal of the registered nurse license.

(d) The notice of expiration for renewal of the prescriptive authority shall be mailed to the last known address of the licensee. Failure to receive the application for renewal shall not relieve the licensee of the responsibility for renewing the registered nurse license and the authorization to prescribe by the renewal date.

(e) Applicants for renewal of prescriptive authority shall submit the following to the board along with the renewal form and fee:

(1) Proof of at least thirty (30) actual contact hours of continuing education during the two (2) years immediately preceding renewal, including at least eight (8) actual contact hours of pharmacology, approved by a nationally approved sponsor of continuing education for nurses.

(2) A current signed and dated written collaborative practice agreement that contains all of the information required under section 1 of this rule.

(Indiana State Board of Nursing; 848 IAC 5-1-3; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2878; readopted filed Nov 6, 2001, 4:18 p.m.: 25 IR 940; filed Dec 24, 2003, 10:45 a.m.: 27 IR 1573; readopted filed Nov 17, 2010, 9:50 a.m.: 20101215-IR-848100406RFA)

Rule 2. Limitations of Rules

848 IAC 5-2-1 Limitations of rules

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 1. No written practice agreement shall be necessary unless the advanced practice nurse seeks prescriptive authority. *(Indiana State Board of Nursing; 848 IAC 5-2-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2878; readopted filed Nov 21, 2001, 10:23 a.m.: 25 IR 1329; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22*

a.m.: 20131225-IR-848130284RFA)

Rule 3. Fees for Prescriptive Authority

848 IAC 5-3-1 Fees for prescriptive authority

Authority: IC 25-23-1-7
Affected: IC 25-23-1

Sec. 1. (a) The application fee for an advanced practice nurse to receive prescriptive authority shall be fifty dollars ($50).

(b) The fee for renewal of advanced practice nurse prescriptive authority shall be ten dollars ($10).

(c) The penalty fee for late renewals is as established by the health professions bureau.

(d) The fee for a duplicate wall certificate for advanced practice nurse prescriptive authority shall be ten dollars ($10).

(e) The fee for written verification of advanced practice nurse prescriptive authority shall be ten dollars ($10). *(Indiana State Board of Nursing; 848 IAC 5-3-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2879; filed Jun 6, 1996, 9:00 a.m.: 19 IR 3105; readopted filed Jul 30, 2001, 2:07 p.m.: 24 IR 4237; readopted filed Jul 19, 2007, 12:54 p.m.: 20070808-IR-848070058RFA; readopted filed Nov 25, 2013, 9:22 a.m.: 20131225-IR-848130284RFA)*

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ARTICLE 7. INDIANA STATE NURSES ASSISTANCE PROGRAM

Rule 1. General Provisions

848 IAC 7-1-1 Definitions

Authority: IC 25-23-1-7
Affected: IC 25-23-1-1.1; IC 25-23-1-1.2; IC 25-23-1-31

Sec. 1. The following definitions apply throughout this article:

(1) "Board" means the Indiana state board of nursing.

(2) "Indiana State Nurses Assistance Program" or "ISNAP" means an abstinence based program for the rehabilitation and monitoring of:

(A) impaired registered nurses; or

(B) licensed practical nurses;

that have been affected by the personal use or abuse of alcohol or other drugs.

(3) "IPLA" means the Indiana professional licensing agency.

(4) "Nurse" means either of the following:

(A) Registered nurse as defined in IC 25-23-1-1.1.

(B) Licensed practical nurse as defined in IC 25-23-1-1.2.

(5) "Recovery monitoring agreement" or "RMA" means the written document establishing the terms for an individual registered nurse's or licensed practical nurse's participation in the abstinence based rehabilitation monitoring program.

(6) "Treatment program" means an abstinence based program or facility that is accredited by any of the following:

(A) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

(B) Other appropriate agencies that accredit addiction treatment programs, including, but not limited to, the following:

(i) The Commission on Accreditation for Rehabilitation Facilities (CARF).

(ii) The Council on Accreditation of Services for Families and Children (COA).

(iii) The Health Facilities Accreditation Program (HFAP).

(iv) The Indiana Family and Social Services Administration (FSSA).

(v) The Indiana State Department of Health (ISDH).

(Indiana State Board of Nursing; 848 IAC 7-1-1; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1927; readopted filed Nov 9, 2012, 11:23 a.m.: 20121205-IR-848120387RFA)

848 IAC 7-1-2 Eligibility

Authority: IC 25-23-1-7
Affected: IC 25-23-1-31

Sec. 2. (a) A nurse who has been affected by the personal use or abuse of alcohol or other drugs is eligible for participation in ISNAP if the nurse:

(1) is licensed by the board;

(2) has:

(A) applied for:

(i) licensure by examination;

(ii) licensure by endorsement; or

(iii) reinstatement of a lapsed license; or

(B) submitted a renewal application.

(b) In order to participate in ISNAP, the nurse must sign an abstinence based RMA with ISNAP. Failure to comply with the terms of the RMA may subject the nurse to termination from participation in ISNAP.

(c) A nurse shall maintain an active Indiana nursing license to be and to remain eligible for participation in ISNAP. A nurse who allows the nurse's license to lapse while enrolled in ISNAP shall be terminated from participation in ISNAP until the nurse's license is renewed. A nurse whose license is revoked may no longer participate in ISNAP at the expense of the state of Indiana.

(d) A nurse who holds:

(1) an Indiana nursing license; and

(2) a nursing license in another state;

but practices in another state shall be monitored by the state in which the nurse practices if the other state has a monitoring program.

(e) If a nurse is being monitored by another state's program, the nurse shall be responsible for causing the monitoring program in the other state to submit copies of that program's monitoring reports to the board and adherence information requested if the nurse has had disciplinary action imposed on the nurse's license by the Indiana board.

(f) A nurse who practices in another state that does not have a monitoring program is eligible for monitoring by ISNAP if the nurse maintains an active Indiana license.

(g) A nurse who signs an RMA with ISNAP and begins practicing in another state shall be monitored by the other state unless the other state does not have a monitoring program. *(Indiana State Board of Nursing; 848 IAC 7-1-2; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1927; readopted filed Nov 9, 2012, 11:23 a.m.: 20121205-IR-848120387RFA)*

848 IAC 7-1-3 Recovery monitoring agreement requirements for participants

Authority: IC 25-23-1-7
Affected: IC 25-23-1-31

Sec. 3. (a) A nurse participating in ISNAP must execute and abide by the terms of an RMA. The RMA shall identify the requirements and responsibilities of the parties to the agreement.

(b) The RMA shall include, but is not limited to, the following:

(1) The length of time the nurse shall participate in ISNAP.

(2) The abstinence based treatment plan to be followed by the nurse.

(3) The consequences of failure to comply with the abstinence based treatment plan or other terms of the RMA.

(4) The restrictions placed on the nurse's activities regarding the practice of nursing and the duration of such restrictions.

(5) The requirements for monitoring and supervision that must be met by the nurse.

(6) A statement that will allow the IPLA and the board to do the following:

(A) Review the nurse's file for compliance with the RMA.

(B) Audit the services provided by ISNAP.

(7) The releases for seeking information or records related to the nurse's impairment from the following:

(A) Family.

(B) Peers.

(C) Medical personnel.

(D) Employers.

(E) Treatment providers.

(8) A statement that costs accruing to the nurse, including, but not limited to, treatment and body fluid screens, shall:

(A) be the responsibility of the nurse; and

(B) not be the responsibility of ISNAP.

(9) The fee to be assessed to the nurse for participation in the program, including the following:

(A) The fee assessed for all participants, if any.

(B) An additional fee that may be assessed if the nurse is terminated or otherwise released from the program and then readmitted.

(C) An additional fee that may be assessed if the length of the nurse's RMA is extended.

(10) Any other information related to the rehabilitation and monitoring of the nurse.

(Indiana State Board of Nursing; 848 IAC 7-1-3; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1928; readopted filed Nov 9, 2012, 11:23 a.m.: 20121205-IR-848120387RFA)

848 IAC 7-1-4 Recovery monitoring agreement requirements; length of agreement

Authority: IC 25-23-1-7
Affected: IC 25-23-1-31

Sec. 4. (a) The RMA will last a minimum of three(3) years, except as provided in subsections (b) and (c). The requirements for monitoring will be:

(1) more stringent in the first two (2) years; and

(2) eased in the third year if the nurse's recovery is progressing well.

(b) Relapses and other failures to comply with the terms of the RMA may result in a longer period of monitoring. As appropriate, an addendum to the RMA may be initiated by ISNAP. However, the monitoring program shall not exceed five (5) years, except in case of extenuating circumstances. Participation in the monitoring program beyond the five (5) year maximum must receive preauthorization from the board.

(c) Mitigating factors including, but not limited to, the following may be taken into consideration by ISNAP in determining the length of an individual nurse's participation in the program and may cause the RMA to last less than three (3) years:

(1) Time spent in a treatment facility or treatment program before executing the RMA.

(2) Documented sobriety or recovery before executing the RMA.

(3) The severity of the nurse's use or abuse of alcohol or other drugs.

(Indiana State Board of Nursing; 848 IAC 7-1-4; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1928; readopted filed Nov 9, 2012, 11:23 a.m.: 20121205-IR-848120387RFA)

848 IAC 7-1-5 Recovery monitoring agreement requirements; voluntary and involuntary referrals

Authority: IC 25-23-1-7

Affected: IC 25-23-1-31

Sec. 5. (a) An impaired nurse may enter the rehabilitation and monitoring program either by voluntary referral or by involuntary referral.

(b) If the nurse contacts ISNAP voluntarily:

(1) the rehabilitation monitoring program shall be explained by ISNAP; and

(2) an appointment shall be scheduled for an initial screening.

(c) A nurse may enter the rehabilitation monitoring program by an involuntary referral if:

(1) the rehabilitation monitoring program is contacted by:

(A) individuals;

(B) supervisors; or

(C) professional organizations;

regarding the nurse in need of assistance; or

(2) a nurse is referred to the rehabilitation monitoring program by order of the board.

If a nurse is involuntarily referred under subdivision (1), ISNAP shall assist in developing individual strategies, including techniques for intervention to arrange a referral to the program.

(d) If the nurse does not agree to participate in the program by voluntary or involuntary referral, a written complaint shall be filed by ISNAP with the consumer protection division of the office of the attorney general. *(Indiana State Board of Nursing; 848 IAC 7-1-5; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1929; readopted filed Nov 9, 2012, 11:23 a.m.: 20121205-IR-848120387RFA)*

848 IAC 7-1-6 Recovery monitoring agreement requirements; additional program requirements

Authority: IC 25-23-1-7

Affected: IC 16-39; IC 25-23-1-31

Sec. 6. (a) ISNAP shall monitor each nurse's participation in the rehabilitation monitoring program for compliance with the program.

(b) The treatment plan referenced in the RMA must be abstinence based.

(c) Monitoring shall include the following, as each applies to the individual nurse's treatment plan:

(1) Treatment and therapy:

(A) recommendations;

(B) participation;

including aftercare.

(2) Participation in an abstinence based support group.

(3) Professional support group participation.

(4) Work activities, including the following:

(A) Return-to-work issues for all participants.

(B) Ongoing monitoring of work performance and compliance with restrictions or limitations imposed by the program contract or the board.

(5) Random drug testing.

(6) A determination by ISNAP whether or not the nurse shall be terminated from participation in the program for failure to comply with program requirements.

(d) In addition to subsection (a), ISNAP may monitor each nurse for compliance in family treatment and special treatment, including, but not limited to, the following if those treatments are included in the individual nurse's treatment plan:

(1) Pain management.

(2) Psychiatric treatment.

(3) Psychological treatment.

(e) ISNAP:

(1) shall report to the board the name and license number of a nurse that has failed to comply with the provisions of the rehabilitation and monitoring program and the circumstances surrounding the failure to comply;

(2) may release information to the board or to the consumer protection division of the office of the attorney general, in compliance with:

(A) IC 25-23-1-31; and

(B) all applicable state and federal confidentiality laws and regulations.

(f) ISNAP shall, upon the written request of the nurse, purge participant records provided that no additional occurrences of alcohol or other drug related violations have been reported to the board over a period of seven (7) years from the nurse's last use of alcohol or other drugs, under IC 16-39. ISNAP may purge records after seven (7) years as provided for in IC 16-39.

(g) After a nurse has completed the RMA period, upon the nurse's request, the nurse will be permitted to voluntarily sign a subsequent agreement for an additional period of time. The nurse is directly responsible for the cost of all monitoring conducted by ISNAP. The cost of monitoring of these individuals shall not be assessed to the board. *(Indiana State Board of Nursing; 848 IAC 7-1-6; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1929; readopted filed Nov 9, 2012, 11:23 a.m.: 20121205-IR-848120387RFA)*

848 IAC 7-1-7 Violations

Authority: IC 25-23-1-7

Affected: IC 25-1-9; IC 25-23-1-31

Sec. 7. A nurse's failure to:

(1) comply with the program requirements that result in the termination of that nurse's participation in ISNAP; or

(2) sign an RMA;

will subject the nurse to discipline under IC 25-1-9. *(Indiana State Board of Nursing; 848 IAC 7-1-7; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1929; readopted filed Nov 9, 2012, 11:23 a.m.: 20121205-IR-848120387RFA)*

IC 25-1
ARTICLE 1. GENERAL PROVISIONS

IC 25-1-0.1
Chapter 0.1. Effect of Certain Acts

IC 25-1-0.1-1
No effect of P.L.257-1987 on rights or liabilities accrued, penalties incurred, crimes committed, or proceedings begun

Sec. 1. A SECTION of P.L.257-1987 does not affect:

(1) rights or liabilities accrued;
(2) penalties incurred;
(3) crimes committed; or
(4) proceedings begun;

before September 1, 1987. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if P.L.257-1987 had not been enacted.

As added by P.L.220-2011, SEC.403.

IC 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

IC 25-1-1-1

Issuance of license; evidence of payment of personal property tax

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana. *(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.*

IC 25-1-1-2

"License"

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.
(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)

IC 25-1-1-3

Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-1-1-4

Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-1-1.1

Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

IC 25-1-1.1-1

Denial, revocation, or suspension of license or certificate of registration; conviction of crime

Sec. 1. Except as provided under sections 2 through 5 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6; P.L.155-2011, SEC.5.

IC 25-1-1.1-2

Suspension, denial, or revocation of a license or certificate for specified convictions

Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).

(5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) Possession of a synthetic drug or synthetic drug lookalike substance as a:

(A) Class D felony for a crime committed before July 1, 2014, under:

(i) IC 35-48-4-11, before its amendment in 2013; or

(ii) IC 35-48-4-11.5; or

(B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.

(10) Maintaining a common nuisance under IC 35-48-4-13.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(14) A sex crime under IC 35-42-4.

(15) A felony that reflects adversely on the individual's fitness to hold a professional license.

(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10; P.L.138-2011, SEC.6; P.L.182-2011, SEC.6; P.L.155-2011, SEC.6; P.L.6-2012, SEC.168; P.L.78-2012, SEC.7; P.L.196-2013, SEC.9; P.L.158-2013. SEC.277; P.L.168-2014, SEC.36.

IC 25-1-1.1-3

Suspension or revocation of license or certificate; conviction for additional drug related offenses

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, or salvia under

IC 35-48-4-10(b).

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

As added by P.L.67-1990, SEC.8. Amended by P.L.182-1991, SEC.1; P.L.17-2001, SEC.6; P.L.1-2002, SEC.94; P.L.151-2006, SEC.11; P.L.138-2011, SEC.7; P.L.182-2011, SEC.7; P.L.78-2012, SEC.8; P.L.196-2013, SEC.10.

IC 25-1-1.1-4

National criminal history background check for certain licenses and certificates; release of background results; random audit

Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the occupations or professions described in IC 25-0.5-1.

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

As added by P.L.155-2011, SEC.7. Amended by P.L.28-2012, SEC.23; P.L.232-2013, SEC.9; P.L.3-2014, SEC.6.

IC 25-1-1.1-5

Memorandum of understanding for data exchange; use of personal information

Sec. 5. (a) As used in this section, "licensee" refers to an individual who is licensed or certified in a profession set forth in section 4 of this chapter.

(b) As used in this section, "personal information" means information that identifies an individual, including the following:

(1) Photograph.

(2) Social Security number.

(3) Driver's license number or identification card number.

(4) Name.

(5) Address.

(6) Telephone number.

(7) Fingerprints.

(c) The state police department and the Indiana professional licensing agency shall enter into a memorandum of understanding to provide data exchange and data matching regarding licensees who are charged with or convicted of an offense.

(d) Personal information data exchanged under subsection (c) shall be kept confidential and may be used only for the purposes of a government agency, including the following:

(1) A prosecuting attorney.

(2) The Indiana professional licensing agency or a board, committee, or commission administered by the Indiana professional licensing agency.

(3) A court.

(4) A law enforcement agency.

(5) The office of the attorney general.

As added by P.L.155-2011, SEC.8.

IC 25-1-1.2

Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

IC 25-1-1.2-1

"Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit; or

(4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-2

"Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education as established by IC 20-19-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L.1-2005, SEC.191; P.L.246-2005, SEC.210.

IC 25-1-1.2-3

"Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L.145-2006, SEC.157.

IC 25-1-1.2-4

"Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

(1) two thousand dollars ($2,000); or

(2) three (3) months;

past due on payment of court ordered child support.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.18.

IC 25-1-1.2-5

"License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-6

"Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

(1) an unlimited license, certificate, registration, or permit;
(2) a limited or probationary license, certificate, registration, or permit;
(3) a temporary license, certificate, registration, or permit; or
(4) an intern permit;
issued by a board regulating a profession or an occupation.
As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-7
Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-16-12-8 (or IC 31-1-11.5-13(k), IC 31-6-6.1-16(k), or IC 31-14-12-5 before their repeal), the board shall:
(1) suspend the license of the practitioner; or
(2) deny the application of the applicant;
who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-16-12-8 (or IC 31-1-11.5-13(k), IC 31-6-6.1-16(k), or IC 31-14-12-5 before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:
(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.
(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.
As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.19; P.L.1-1997, SEC.109; P.L.207-2013, SEC.11.

IC 25-1-1.2-8
Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:
(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.
(2) Describes the amount of child support that the practitioner is in arrears.
(3) Explains that unless the practitioner contacts the bureau and:
(A) pays the practitioner's child support arrearage in full;
(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order

under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and

(C) request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.

IC **25-1-1.2-9**

Repealed

(Repealed by P.L.23-1996, SEC.33.)

IC **25-1-1.2-10**

Repealed

(Repealed by P.L.23-1996, SEC.33.)

IC 25-1-2

Chapter 2. Renewal of Licenses Granted by State Agencies – Notice of Expiration

IC 25-1-2-1

Declaration of intent

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefor, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.

IC 25-1-2-2

Repealed

(Repealed by P.L.1-1990, SEC.247.)

IC 25-1-2-2.1

Two year or longer period for certain licenses

Sec. 2.1. Rather than being issued annually, the permits, licenses, certificates of registration, or evidences of authority granted by a state agency and described in IC 25-0.5-2 must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years.

As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L.87-2005, SEC.31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175; P.L.177-2009, SEC.10; P.L.84-2010, SEC.6; P.L.57-2013, SEC.24; P.L.232-2013, SEC.10; P.L.3-2014, SEC.7.

IC 25-1-2-3

Authorization to issue and reissue two year licenses

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for

a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.
(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154, SEC.1.

IC 25-1-2-4
Rebates and proration of fees
Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the license was issued.
(Formerly: Acts 1961, c.79, s.4.)

IC 25-1-2-5
Rules and regulations
Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.
(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.

IC 25-1-2-6
Definitions; application of section; notice to licensee of need to renew
Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.
(b) This section applies to the entities described in IC 25-0.5-3 that regulate occupations or professions under the Indiana Code.
(c) Notwithstanding any other law, the entities referenced in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.
(d) Notwithstanding any other law, the entities referenced in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:
(1) Inform the individual of the following:

(A) That the individual's license has expired.

(B) Any requirements that must be met before reinstatement of a license may occur.

(2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, SEC.7; P.L.113-2010, SEC.100; P.L.42-2011, SEC.49; P.L.197-2011, SEC.73; P.L.57-2013, SEC.25; P.L.232-2013, SEC.11; P.L.3-2014, SEC.8.

IC 25-1-2-7

Application of IC 25-1-2-6

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

As added by P.L.37-1985, SEC.56.

IC 25-1-2-8

Application of chapter; fees

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

IC 14-24-10

IC 16-19-5-2

IC 25-30-1-17

IC 33-42-2-1.

As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.

IC 25-1-2-9

Repealed

(Repealed by P.L.194-2005, SEC.87.)

IC 25-1-3

Chapter 3. Civil Immunity of Regulatory Agencies

IC 25-1-3-1

Definitions

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-2

Extent of immunity from civil liability

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-3

Immunity from civil liability; statements in course of investigatory hearing or review proceedings

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-4

Regulatory boards covered

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-4
Chapter 4. Continuing Education

IC 25-1-4-0.2
"Approved organization"
Sec. 0.2. As used in this chapter, "approved organization" refers to the following:
(1) United States Department of Education.
(2) Council on Post-Secondary Education.
(3) Joint Commission on Accreditation of Hospitals.
(4) Joint Commission on Healthcare Organizations.
(5) Federal, state, and local government agencies.
(6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
(7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title.
(8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
(9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
(10) Any other organization or individual approved by the board.
As added by P.L.157-2006, SEC.10. Amended by P.L.2-2008, SEC.51.

IC 25-1-4-0.3
"Board"
Sec. 0.3. As used in this chapter, "board" means any of the entities described in IC 25-0.5-4.
As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11; P.L.185-2007, SEC.2; P.L.2-2008, SEC.52; P.L.122-2009, SEC.2; P.L.160-2009, SEC.5; P.L.1-2010, SEC.101; P.L.84-2010, SEC.8; P.L.57-2013, SEC.26; P.L.3-2014, SEC.9.

IC 25-1-4-0.5
"Continuing education"
Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:
(1) that is approved by:
(A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
(B) for a real estate appraiser:
(i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or

(ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and

(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1; P.L.177-2009, SEC.11.

IC 25-1-4-0.6

"Practitioner"

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

(1) an unlimited license, certificate, or registration;

(2) a limited or probationary license, certificate, or registration;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) a provisional license;

issued by the board regulating the profession in question.

As added by P.L.269-2001, SEC.3.

IC 25-1-4-0.7

Computation of designated time periods

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

(1) a Saturday;

(2) a Sunday;

(3) a legal holiday under a state statute; or

(4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:

(1) the person is personally served with the notice; or

(2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that

notice.
As added by P.L.177-2009, SEC.12.

IC 25-1-4-1
Requirement
Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.
As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.53.

IC 25-1-4-2
Promotion
Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.
As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.54.

IC 25-1-4-3
Sworn statements of compliance; retention of copies of certificates of completion; audits
Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.
As added by P.L.269-2001, SEC.4. Amended by P.L.157-2006, SEC.13.

IC 25-1-4-3.2
Distance learning methods
Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least

one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.
As added by P.L.227-2001, SEC.1. Amended by P.L.2-2008, SEC.55.

IC 25-1-4-4
Hardship waiver

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under IC 16 or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board or agency.

As added by P.L.88-2004, SEC.1. Amended by P.L.2-2008, SEC.56.

IC 25-1-4-5
Failure to comply; license suspension or refusal to reinstate; penalties; reinstatement requirements

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.

(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars ($1,000) within twenty-one (21) days of service of the notice.

(B) Acquire, within six (6) months after service of the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars ($5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner's license; or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

As added by P.L.157-2006, SEC.14. Amended by P.L.197-2007, SEC.17; P.L.177-2009, SEC.13.

IC 25-1-4-6

Failure to comply; denial of license renewal or reinstatement; penalties

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal or reinstatement.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars ($1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

As added by P.L.157-2006, SEC.15. Amended by P.L.197-2007, SEC.18.

IC 25-1-4-7

Credit hours

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit

hours are acquired.
As added by P.L.157-2006, SEC.16.

IC 25-1-4-8

Rules

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.157-2006, SEC.17.

IC 25-1-5
Chapter 5. Professional Licensing Agency

IC 25-1-5-1
Centralization of staff, functions, and services; purpose
Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the Indiana professional licensing agency's ability to:
(1) make maximum use of data processing as a means of more efficient operation; and
(2) provide more services and carry out functions of superior quality.
As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.23; P.L.206-2005, SEC.1.

IC 25-1-5-2
Definitions
Sec. 2. The following terms are defined for this chapter:
(1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.
(2) "Board" means any agency, board, advisory committee, or group described in IC 25-0.5-5.
As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.206-2005, SEC.2; P.L.3-2014, SEC.10.

IC 25-1-5-3
Indiana professional licensing agency; functions; duties and responsibilities
Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the entities described in IC 25-0.5-5.
(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.
As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.8; P.L.137-1985, SEC.6; P.L.169-1985, SEC.24; P.L.149-1987, SEC.18; P.L.242-1989, SEC.5; P.L.238-1989, SEC.5; P.L.186-1990, SEC.3; P.L.48-1991, SEC.13; P.L.227-1993, SEC.4; P.L.213-1993, SEC.1; P.L.33-1993, SEC.10; P.L.124-1994, SEC.3; P.L.175-1997, SEC.4; P.L.147-1997, SEC.7; P.L.84-1998, SEC.2; P.L.24-1999, SEC.3; P.L.206-2005, SEC.3; P.L.2-2008, SEC.57; P.L.122-2009, SEC.3; P.L.84-2010, SEC.9; P.L.232-2013, SEC.12; P.L.3-2014, SEC.11.

IC 25-1-5-3.3
Treatment of rules adopted by health professions bureau before July 1, 2005; transfer of property and appropriations to agency; treatment of references to health professions bureau
Sec. 3.3. (a) The rules adopted by the health professions bureau

before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the agency.

(b) On July 1, 2005, the agency becomes the owner of all the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the agency.

As added by P.L.220-2011, SEC.404.

IC 25-1-5-3.5

Board membership not a lucrative office

Sec. 3.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a board is not a lucrative office.

As added by P.L.135-2012, SEC.3.

IC 25-1-5-4

Additional duties and functions; staff

Sec. 4. (a) The agency 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 agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards described in IC 25-0.5-5;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public;

(3) may consolidate, where feasible, office space, recordkeeping, and data processing services; and

(4) shall operate and maintain the electronic registry of professions established under IC 25-1-5.5.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall 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 agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, 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 agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency 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 agency shall process an application for renewal of a license or certificate:

(1) not later than ten (10) days after the agency 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 agency with all required forms and evidence.

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

(g) The agency 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 agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency 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 (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 agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency 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.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.25; P.L.149-1987, SEC.19; P.L.22-1999, SEC.1; P.L.44-2000, SEC.1; P.L.75-2002, SEC.1; P.L.206-2005, SEC.4; P.L.177-2009, SEC.14; P.L.3-2014, SEC.12.

IC 25-1-5-5

Executive director

Sec. 5. (a) The agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board described in IC 25-0.5-5, means the executive director of the agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director may appoint not more than three (3) deputy directors, who

must be qualified to work for the boards which are served by the agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.

As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.9; P.L.169-1985, SEC.26; P.L.149-1987, SEC.20; P.L.48-1991, SEC.14; P.L.49-1997, SEC.63; P.L.206-2005, SEC.5; P.L.6-2012, SEC.169; P.L.3-2014, SEC.13.

IC 25-1-5-6

Executive director; representatives; staff placement

Sec. 6. (a) The executive director may designate certain employees of the agency to represent the executive director of the agency at the board meetings, proceedings, or other activities of the board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.27; P.L.206-2005, SEC.6.

IC 25-1-5-7

Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-5-8

Repealed

(Repealed by P.L.206-2005, SEC.15.)

IC 25-1-5-9

Submission of certified document as proof of required diploma

Sec. 9. If a board or committee requires an applicant for a

certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program.
As added by P.L.177-1996, SEC.1.

IC 25-1-5-10
Provider profiles

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the entities described in IC 25-0.5-6.

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

(1) The provider's name.

(2) The provider's license, certification, registration, or permit number.

(3) The provider's license, certification, registration, or permit type.

(4) The date the provider's license, certification, registration, or permit was issued.

(5) The date the provider's license, certification, registration, or permit expires.

(6) The current status of the provider's license, certification, registration, or permit.

(7) The provider's city and state of record.

(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by an entity described in IC 25-0.5-6.

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The agency may adopt rules under IC 4-22-2 to implement this section.
As added by P.L.211-2001, SEC.1. Amended by P.L.177-2005, SEC.45; P.L.206-2005, SEC.7; P.L.2-2008, SEC.58; P.L.122-2009, SEC.4; P.L.84-2010, SEC.10; P.L.232-2013, SEC.13; P.L.3-2014, SEC.14.

IC 25-1-5-11
Personal information; confidentiality; Social Security numbers; access; exceptions to confidentiality

Sec. 11. (a) As used in this section, "applicant" means an individual who applies for a license, certificate, registration, or permit issued by a board under this title.

(b) As used in this section, "licensee" means an individual who is or has been licensed, certified, or registered by a board under this title.

(c) As used in this section, "personal information" means the following:

(1) Home telephone number.

(2) Electronic mail address.

(d) Except as otherwise provided in this section, the personal information of an individual who is:

(1) a licensee;

(2) an applicant; or

(3) a board member;

is confidential for purposes of IC 5-14-3-4 and may not be disclosed to the public by the agency or a board.

(e) An applicant or a licensee shall provide the applicant's or licensee's Social Security number to the agency.

(f) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(g) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each applicant or licensee to:

(1) a testing service that provides the examination for licensure, certification, or registration to the agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating:

(A) licensure, certification, or registration; and

(B) disciplinary activities among the individual states.

(h) Notwithstanding subsection (d), the agency or a board may disclose personal information of an individual described in subsection (d) if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

(1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.

(2) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(3) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals who are the subject of the personal information.

(4) For use by any person, when the person demonstrates, in a form and manner prescribed by the agency, that written consent

has been obtained from the individual who is the subject of the information.

(5) For any other use specifically authorized by law that is related to the agency or a board or to public safety.

As added by P.L.157-2006, SEC.18. Amended by P.L.151-2013, SEC.9.

IC 25-1-5.5
Chapter 5.5. Electronic Registry of Professions

IC 25-1-5.5-1
Establishment of electronic registry

Sec. 1. The electronic registry of professions is established. This chapter applies to any profession required to use the registry under this title.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-2
Definitions

Sec. 2. As used in the chapter:

(1) "Applicant" refers to a person who applies for a registration in the electronic registry of professions.

(2) "Executive director" refers to the executive director of the licensing agency appointed under IC 25-1-5-5.

(3) "Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

(4) "Registrant" means an individual who is registered in the electronic registry of professions as an interior designer under IC 25-20.7.

(5) "Registry" refers to the electronic registry of professions established by section 1 of this chapter.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-3
Registry requirements

Sec. 3. (a) The registry shall be maintained by the licensing agency.

(b) The registry must:

(1) be maintained in an electronic format;

(2) allow an applicant to electronically input information to certify, under penalty of perjury, the successful completion of any education, experience, and examination required for the applicant to become registered;

(3) allow for payment of registration fees through only electronic means;

(4) include each registrant's:

(A) name;

(B) city and state of residence;

(C) qualifications for registration;

(D) registration number;

(E) date the applicant was registered;

(F) place of business; and

(G) registration expiration date; and

(5) be made available to the public on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-4

Limitation of licensing agency's responsibilities and liability

Sec. 4. The licensing agency is not:

(1) responsible for performing or required to perform any due diligence or review of the veracity of the information represented by an applicant under this chapter;

(2) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by an applicant who applies for registration under this chapter; or

(3) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by any individual who is registered under this chapter.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-5

Rules

Sec. 5. The licensing agency may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-6

Review of registry

Sec. 6. (a) Beginning in July 2014, and each five (5) years thereafter, the agency shall review the use of the registry by each profession on the registry to determine whether there is sufficient use of the registry to justify continuing the registration of each profession under this chapter.

(b) If new professions are required by the general assembly to be registered by the agency, five (5) years after the addition of each profession, the agency shall review the use by the profession of the registry to determine whether there is sufficient use of the registry to justify continuing the registration of the profession under this chapter.

(c) After a review required under subsection (a) or (b), the agency shall prepare a report with recommendations for the general assembly. A report under this subsection shall be submitted to the legislative council by October 1 of the year in which the report is required. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

As added by P.L.177-2009, SEC.15.

IC 25-1-6
Chapter 6. Professional Licensing Agency Functions and Duties

IC 25-1-6-1
Centralization of staff, functions, and services

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

(1) make maximum use of data processing as a means of more efficient operation;

(2) provide more services and carry out functions of superior quality; and

(3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L.194-2005, SEC.1.

IC 25-1-6-2
Definitions

Sec. 2. The following terms are defined for this chapter:

(1) "Board" means any agency, board, advisory committee, or group described in IC 25-0.5-7.

(2) "Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L.206-2005, SEC.8; P.L.3-2014, SEC.15.

IC 25-1-6-3
Indiana professional licensing agency; functions, duties, and responsibilities

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the entities described in IC 25-0.5-7.

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L.194-2005, SEC.2; P.L.206-2005, SEC.9; P.L.185-2007, SEC.3; P.L.200-2007, SEC.4; P.L.3-2008, SEC.177; P.L.160-2009, SEC.6; P.L.84-2010, SEC.11; P.L.42-2011, SEC.50; P.L.57-2013, SEC.27; P.L.3-2014, SEC.16.

IC 25-1-6-3.5
Board membership not a lucrative office

Sec. 3.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a board is not a lucrative office.

As added by P.L.135-2012, SEC.4.

IC 25-1-6-4

Additional duties and functions; staff; requirements for renewal; delay of renewal; attorney general; investigation; sanctions; staggering renewal cycles; abandoned application

Sec. 4. (a) The licensing agency 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) record keeping of board meetings, proceedings, and actions;

(3) record keeping of all persons or individuals 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 licensing agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards described in IC 25-0.5-7;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and

(3) may consolidate, where feasible, office space, record keeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

(1) renew the license or certificate; and

(2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

(1) meets the minimum requirements for licensure or certification; and

(2) is not in violation of:

(A) the law regulating the applicant's profession; or

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

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the

licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.

(2) Renew the license or certificate upon satisfaction of all other requirements for renewal.

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

(4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(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 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

(1) denied; or

(2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate 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 or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than 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.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.5; P.L.194-2005, SEC.3; P.L.3-2014, SEC.17.

IC 25-1-6-5

Executive director

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board described in IC 25-0.5-7, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L.194-2005, SEC.4; P.L.6-2012, SEC.170; P.L.3-2014, SEC.18.

Appeal of license renewal denial

Sec. 5.5. A person who has a license renewal denied by a board described in IC 25-0.5-7 may file an appeal of the denial in accordance with IC 4-21.5-3.

As added by P.L.227-2001, SEC.4. Amended by P.L.1-2002, SEC.95; P.L.194-2005, SEC.5; P.L.3-2014, SEC.19.

IC 25-1-6-6

Executive director; representatives; staff placement

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.7.

IC 25-1-6-7

Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-6-8

Department of state revenue; access to names of licensees and applicants; persons on tax warrant list

Sec. 8. (a) The licensing agency and the boards shall allow the department of state revenue, the alcohol and tobacco commission, and the bureau of motor vehicles access to the name of each person who:

(1) is licensed under this chapter or IC 25-1-5; or

(2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency shall not issue or renew the person's license until:

(1) the person provides to the licensing agency a statement from the department of state revenue indicating that the person's tax warrant has been satisfied; or

(2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

(c) If the alcohol and tobacco commission notifies the licensing agency that a person has an outstanding balance due to the alcohol and tobacco commission, the licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the alcohol and tobacco commission indicating that the person's outstanding balance has been satisfied.

(d) If the bureau of motor vehicles notifies the licensing agency that a person has an outstanding balance due to the bureau of motor vehicles because a check, draft, or order issued or delivered by the

person to the bureau of motor vehicles was returned or dishonored because of insufficient funds, the licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the bureau of motor vehicles indicating that the person's outstanding balance has been satisfied.

As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L.2-2005, SEC.63; P.L.206-2005, SEC.10; P.L.172-2011, SEC.131; P.L.261-2013, SEC.41.

IC 25-1-6-9

Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-6-10

Provision of Social Security numbers; access to numbers

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

(1) a testing service that provides the examination for licensure to the licensing agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L.157-2006, SEC.19.

IC 25-1-7

Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

IC 25-1-7-1

Definitions

Sec. 1. The following terms are defined for this chapter:

(1) "Board" means the appropriate entity described in IC 25-0.5-8.

(2) "Director" refers to the director of the division of consumer protection.

(3) "Division" refers to the division of consumer protection, office of the attorney general.

(4) "Licensee" means a person who is:

(A) licensed, certified, or registered by an entity described in IC 25-0.5-8; and

(B) the subject of a complaint filed with the division.

(5) "Person" means an individual, a partnership, a limited liability company, or a corporation.

(6) "Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the entities described in IC 25-0.5-8.

As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.84-2010, SEC.12; P.L.113-2010, SEC.101; P.L.42-2011, SEC.51; P.L.57-2013, SEC.28; P.L.232-2013, SEC.14; P.L.3-2014, SEC.20.

IC 25-1-7-2

Duties of attorney general

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-3

Investigation of complaints

Sec. 3. (a) Except as provided in subsections (b) and (c), the

division is responsible for the investigation of complaints concerning licensees.

(b) The medical licensing board of Indiana shall investigate a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8. The division shall forward a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8 to the medical licensing board of Indiana for investigation by the board. However, if the complaint includes a violation in addition to a violation specified in IC 25-22.5-2-8, the division shall investigate the complaint in its entirety and notify the medical licensing board of Indiana of the investigation.

(c) The state board of cosmetology and barber examiners shall investigate complaints under IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-10, IC 25-8-9-14, and IC 25-8-15.4-5. The division shall forward a complaint concerning the practice of beauty culture under IC 25-8 to the state board of cosmetology and barber examiners for investigation by the state board of cosmetology and barber examiners. However, if the complaint includes a violation in addition to a violation specified in IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-10, IC 25-8-9-14, and IC 25-8-15.4-5, the division shall investigate the complaint in its entirety and notify the state board of cosmetology and barber examiners of the investigation. *As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.149-2011, SEC.1; P.L.226-2011, SEC.17; P.L.170-2013, SEC.1.*

IC 25-1-7-4

Complaints; requisites; standing

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the entities described in IC 25-0.5-8. *As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.3-2014, SEC.21.*

IC 25-1-7-5

Duties and powers of director

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

(A) a member of any of the entities described in IC 25-0.5-8; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) Except as provided in section 3(b) of this chapter, the director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation, that board thereby acquiring

jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L.206-2005, SEC.11; P.L.149-2011, SEC.2; P.L.226-2011, SEC.18; P.L.3-2014, SEC.22.

IC 25-1-7-6

Statement of settlement; period to resolve

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

(A) a member of any of the entities described in IC 25-0.5-8; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L.206-2005, SEC.12; P.L.3-2014, SEC.23.

Disciplinary sanctions; report to attorney general; prosecution; hearing officer

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-8

Witnesses

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-9

Disqualification of board member

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (repealed)).

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.

IC 25-1-7-10

Confidentiality of complaints and information

Sec. 10. (a) Except as provided in section 3(b) of this chapter, all complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

(1) under law; or

(2) for the advancement of an investigation.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167; P.L.149-2011, SEC.3; P.L.226-2011, SEC.19.

IC 25-1-7-11
Administrative orders and procedures

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.

IC 25-1-7-12
Reimbursement of attorney general

Sec. 12. (a) If:

(1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

(1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

As added by P.L.255-1987, SEC.1.

IC 25-1-7-13
Reports; contents

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

(1) The number of complaints filed.

(2) The number of cases currently under investigation.

(3) The number of cases closed.

(4) The number of cases resolved.

(5) The age of the complaints.

As added by P.L.177-1997, SEC.1.

IC 25-1-7-14
Cease and desist orders

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

(1) File a complaint with the attorney general, who shall investigate and may file:

(A) with notice; or

(B) without notice, if the attorney general determines that the

person is engaged in activities that may affect an individual's health or safety;

a motion for a cease and desist order with the appropriate board. For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

(b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from prosecution under any other law.

(f) In addition to the powers specified in subsections (a) through (e), the state board of funeral and cemetery service may:

(1) file complaints under subsection (a)(1);

(2) issue show cause orders under subsection (a)(2); and

(3) hold hearings and issue cease and desist orders under subsection (b);

in relation to persons who are engaged in or believed to be engaged in activities for which a certificate of authority is required under IC 30-2-13.

(g) Cease and desist orders may be issued by the state board of funeral and cemetery service under subsection (f) for failure to possess a certificate of authority even if the person has a valid:

(1) funeral home license;

(2) funeral director license;

(3) embalmer license; or

(4) cemetery registration.

(h) A cease and desist order issued under this section by a board defined in IC 25-1-11-1 may also include an order for the person to pay consumer restitution to a person who suffered damages as a result of the activities that were the basis for the cease and desist order.

(i) A cease and desist order issued under this section may also

include an order for repayment of the costs of the proceedings. The person's ability to pay must be considered when costs are assessed. These costs are limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.
(10) Administrative law judges.
(11) Real estate review appraisals.

As added by P.L.84-2010, SEC.13. Amended by P.L.155-2011, SEC.9; P.L.134-2013, SEC.2.

IC 25-1-8

Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees

IC 25-1-8-1

"Board"

Sec. 1. As used in this chapter, "board" means any of the entities described in IC 25-0.5-9.

As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.84-2010, SEC.14; P.L.113-2010, SEC.102; P.L.42-2011, SEC.52; P.L.57-2013, SEC.29; P.L.3-2014, SEC.24.

IC 25-1-8-1.1

Repealed

(Repealed by P.L.19-1986, SEC.43.)

IC 25-1-8-2

Fees; establishment and collection

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

(1) Examination of applicants for licensure, registration, or certification.

(2) Issuance, renewal, or transfer of a license, registration, or certificate.

(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.

(4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars ($10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of

the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than twenty-five dollars ($25) for the issuance of a duplicate license, registration, or certificate.

As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1; P.L.197-2007, SEC.19.

IC 25-1-8-3

Quadrennial license or registration cycle; refunds

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

As added by Acts 1982, P.L.113, SEC.14.

IC 25-1-8-4

Quadrennial license renewal system

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

As added by P.L.234-1983, SEC.3.

IC 25-1-8-5

Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or

registration. The standards of review may include:

(1) setting fees for review;

(2) requiring that an examination remain confidential; and

(3) prohibiting the release of the examination or copies of the examination.

As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.

IC 25-1-8-6

Reinstatement of delinquent or lapsed licenses

Sec. 6. (a) As used in this section, "board" means any of the entities described in IC 25-0.5-10.

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing

education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

As added by P.L.269-2001, SEC.5. Amended by P.L.206-2005, SEC.13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9; P.L.1-2010, SEC.104; P.L.84-2010, SEC.15; P.L.3-2014, SEC.25.

IC 25-1-8-7

Repealed

(Repealed by P.L.157-2006, SEC.76.)

IC 25-1-8-8

Delaying reinstatement; investigation; attorney general; petition; sanctions; invalid during investigation

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.

(2) Reinstate the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.

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

(4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or

IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(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 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

(1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;

(2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or

(3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

As added by P.L.197-2007, SEC.21.

IC 25-1-9
Chapter 9. Health Professions Standards of Practice

IC 25-1-9-1
"Board"
Sec. 1. As used in this chapter, "board" means any of the entities described in IC 25-0.5-11.
As added by P.L.152-1988, SEC.1. Amended by P.L.242-1989, SEC.7; P.L.238-1989, SEC.7; P.L.186-1990, SEC.7; P.L.48-1991, SEC.20; P.L.227-1993, SEC.7; P.L.33-1993, SEC.14; P.L.213-1993, SEC.4; P.L.1-1994, SEC.122; P.L.124-1994, SEC.6; P.L.175-1997, SEC.6; P.L.147-1997, SEC.10; P.L.84-1998, SEC.5; P.L.24-1999, SEC.6; P.L.2-2008, SEC.59; P.L.122-2009, SEC.8; P.L.84-2010, SEC.16; P.L.3-2014, SEC.26.

IC 25-1-9-2
"Practitioner"
Sec. 2. As used in this chapter, "practitioner" means an individual who holds:
(1) an unlimited license, certificate, or registration;
(2) a limited or probationary license, certificate, or registration;
(3) a temporary license, certificate, registration, or permit;
(4) an intern permit; or
(5) a provisional license;
issued by the board regulating the profession in question, including a certificate of registration issued under IC 25-20.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-3
"License"
Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-3.5
"Sexual contact".
Sec. 3.5. As used in this chapter, "sexual contact" means:
(1) sexual intercourse (as defined in IC 35-31.5-2-302);
(2) other sexual conduct (as defined in IC 35-31.5-2-221.5); or
(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.
As added by P.L.200-2001, SEC.1. Amended by P.L.114-2012, SEC.50; P.L.158-2013, SEC.278.

IC 25-1-9-4
Standards of professional practice; findings required for sanctions; evidence of foreign discipline
Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating

the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(B) engaged in fraud or material deception in the course of professional services or activities;

(C) advertised services in a false or misleading manner; or

(D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:

(i) Medicaid (42 U.S.C. 1396 et seq.);

(ii) Medicare (42 U.S.C. 1395 et seq.);

(iii) the children's health insurance program under IC 12-17.6; or

(iv) insurance claims;

(2) a practitioner has been convicted of a crime that:

(A) has a direct bearing on the practitioner's ability to continue to practice competently; or

(B) is harmful to the public;

(3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence that:

(i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and

(ii) does not include activities performed under IC 16-21-2-9;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;

(10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;

(11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care;

(12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; or

(13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.152-1988, SEC.1. Amended by P.L.2-1993, SEC.136; P.L.149-1997, SEC.7; P.L.22-1999, SEC.4; P.L.200-2001, SEC.2; P.L.203-2001, SEC.3; P.L.1-2002, SEC.96; P.L.197-2007, SEC.22.

IC 25-1-9-5

Optometry employment practice

Sec. 5. In addition to section 4 of this chapter, a practitioner licensed to practice optometry is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has accepted employment to practice optometry from a person other than:

(1) a corporation formed by an optometrist under IC 23-1.5; or

(2) an individual who is licensed as an optometrist under this article and whose legal residence is in Indiana.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-6

Veterinary practitioners; cruelty to animals

Sec. 6. In addition to section 4 of this chapter, a practitioner licensed to practice veterinary medicine or registered as a veterinary technician is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has engaged in cruelty to animals.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-6.5

Chiropractors; waiver of deductible or copayment

Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

(1) waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and

(2) advertised the waiver of a payment described in subdivision (1).

(b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:

(1) the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;

(2) the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and

(3) the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.

As added by P.L.151-1989, SEC.9.

IC 25-1-9-6.7

Marriage and family therapists; disciplinary sanctions

Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23.6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

(1) performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;

(2) failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;

(3) performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;

(4) without the consent of the child's parent, guardian, or custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:

(A) the child's physical health was endangered due to injury

as a result of the act or omission of the child's parent, guardian, or custodian;

(B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or

(C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;

(5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:

(A) make or file a false report or record; or

(B) impede or obstruct the filing of a report or record; or

(6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));

(7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;

(8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or

(9) performed services outside of the scope of practice of the license issued under IC 25-23.6.

As added by P.L.147-1997, SEC.11. Amended by P.L.2-1998, SEC.65.

IC 25-1-9-6.8

Practitioner guidelines before prescribing stimulant medication for a child for treatment of certain disorders

Sec. 6.8. (a) This section applies to a practitioner who is:

(1) licensed to practice medicine or osteopathic medicine under IC 25-22.5; or

(2) an advanced practice nurse granted prescriptive authority under IC 25-23, and whose practice agreement with a collaborating physician reflects the conditions specified in subsection (b).

(b) Before prescribing a stimulant medication for a child for the treatment of attention deficit disorder or attention deficit hyperactivity disorder, a practitioner described in subsection (a) shall follow the most recent guidelines adopted by the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry for the diagnosis and evaluation of a child with attention deficit disorder or attention deficit hyperactivity disorder.

As added by P.L.107-2002, SEC.28.

IC 25-1-9-6.9

Failing to provide or providing false information to agency

Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a

practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) failed to provide information requested by the Indiana professional licensing agency; or

(2) knowingly provided false information to the Indiana professional licensing agency;

for a provider profile required under IC 25-1-5-10.

As added by P.L.211-2001, SEC.2. Amended by P.L.206-2005, SEC.14.

IC 25-1-9-7

Physical or mental examination; power to require

Sec. 7. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's own expense, if the practitioner's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.2.

IC 25-1-9-8

Failure to submit to physical or mental examination; sanctions

Sec. 8. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 10 of this chapter.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-9

Disciplinary sanctions

Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars ($1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.

(b) The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.

As added by P.L.152-1988, SEC.1. Amended by P.L.48-1991, SEC.21; P.L.22-1999, SEC.5; P.L.32-2000, SEC.10; P.L.211-2001, SEC.3.

IC 25-1-9-10

Summary license suspension pending final adjudication; notice; opportunity to be heard

Sec. 10. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under IC 25-22.5, IC 25-38.1, or IC 25-14, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

(c) After a reasonable attempt is made to notify a practitioner under subsection (b):

(1) a court may not stay or vacate a summary suspension of a practitioner's license for the sole reason that the practitioner was not notified; and

(2) the practitioner may not petition the board for a delay of the summary suspension proceedings.

As added by P.L.152-1988, SEC.1. Amended by P.L.43-1995, SEC.2; P.L.71-2000, SEC.18; P.L.2-2008, SEC.60.

IC 25-1-9-10.1
Retention of clinical consultants and experts to advise on suspension

Sec. 10.1. The attorney general may retain the services of a clinical consultant or an expert to provide the attorney general with advice concerning the acts that are the subject of a suspension under this chapter.
As added by P.L.43-1995, SEC.3.

IC 25-1-9-11
Reinstatement of suspended licenses

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-12
Reinstatement of revoked license

Sec. 12. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-13
Consistency of sanctions prescribed

Sec. 13. The board shall seek to achieve consistency in the application of the sanctions authorized in this section. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-14
Surrender of practitioners license instead of hearing; approval

Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-15
Costs in disciplinary proceedings

Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a

suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photoduplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.
(10) Administrative law judges.

As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.3.

IC 25-1-9-16

Refusal of licensure or grant of probationary license

Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has been disciplined by a licensing entity of any state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and
(2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) The board may:

(1) refuse to issue a license; or
(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
(2) Limit practice to those areas prescribed by the board.
(3) Continue or renew professional education.
(4) Engage in community restitution or service without compensation for a number of hours specified by the board.
(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L.33-1993, SEC.15. Amended by P.L.32-2000, SEC.11; P.L.197-2007, SEC.23.

IC 25-1-9-17

Applicant appearance before board

Sec. 17. The board may require an applicant for licensure to appear before the board before issuing a license.

As added by P.L.33-1993, SEC.16. Amended by P.L.84-2010, SEC.17.

IC 25-1-9-18

Fitness determination of health care provider; filing complaint

Sec. 18. (a) If the insurance commissioner forwards to the board the name of a practitioner under IC 34-18-9-4(a) (or IC 27-12-9-4(a) before its repeal), the board shall consider whether:

(1) the practitioner has become unfit to practice under section 4 of this chapter; and

(2) a complaint should be filed under IC 25-1-7-4.

(b) If the board determines that a complaint should be filed under subsection (a), the board must report to the consumer protection division whether the board will schedule the matter:

(1) for informal negotiation under IC 25-1-7-6;

(2) on the board's agenda for a vote requesting that the attorney general prosecute the matter before the board under IC 25-1-7-7; or

(3) on the board's agenda for a vote on summary suspension of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.

(c) A board may designate a board member or staff member to act on behalf of the board under this section.

As added by P.L.43-1995, SEC.4. Amended by P.L.1-1998, SEC.131.

IC 25-1-9-19

Third party billing notice

Sec. 19. A practitioner that provides to a patient notice concerning a third party billing for a health care service provided to the patient shall ensure that the notice:

(1) conspicuously states that the notice is not a bill;

(2) does not include a tear-off portion; and

(3) is not accompanied by a return mailing envelope.

As added by P.L.178-2003, SEC.12.

IC 25-1-9-20

Authority to adopt rules

Sec. 20. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

(1) license;

(2) certificate;

(3) registration; or

(4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

As added by P.L.144-2007, SEC.25.

IC 25-1-9-21

Rules; management and disposition of health records

Sec. 21. The board may adopt rules under IC 4-22-2 to establish requirements for the management and disposition of health records (as defined in IC 16-18-2-168) on the discontinuation of practice by:

(1) sale;
(2) transfer;
(3) closure;
(4) disciplinary action;
(5) retirement; or
(6) death;

of the practitioner.

As added by P.L.177-2009, SEC.16.

IC 25-1-11
Chapter 11. Professional Licensing Standards of Practice

IC 25-1-11-1
"Board"

Sec. 1. As used in this chapter, "board" means any of the entities described in IC 25-0.5-12.

As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10; P.L.84-2010, SEC.18; P.L.113-2010, SEC.103; P.L.42-2011, SEC.53; P.L.3-2014, SEC.27.

IC 25-1-11-2
"Practitioner"

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) an inactive license;

issued by the board regulating a profession.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.

IC 25-1-11-3
"License"

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-4
"Person"

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.

IC 25-1-11-5
Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including

cheating on a licensing examination;

(B) engaged in fraud or material deception in the course of professional services or activities;

(C) advertised services or goods in a false or misleading manner; or

(D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;

(2) a practitioner has been convicted of a crime that:

(A) has a direct bearing on the practitioner's ability to continue to practice competently; or

(B) is harmful to the public;

(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant

from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1; P.L.197-2007, SEC.24.

IC 25-1-11-6

Architect or landscape architect; grounds for disciplinary sanctions

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-7

Auctioneers; grounds for disciplinary sanctions

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

(1) account and to make payment under IC 25-6.1-6-2; or

(2) keep the funds of others separate from the practitioner's own private accounts.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-8

Barbers; grounds for disciplinary sanctions

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9

Engineers or professional surveyors; grounds for disciplinary sanctions

Sec. 9. A practitioner registered as an engineer or a professional surveyor is subject to the disciplinary sanctions under section 12 of

this chapter if, after a hearing, the board finds that the practitioner:

(1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

As added by P.L.214-1993, SEC.1. Amended by P.L.42-2011, SEC.54; P.L.57-2013, SEC.30.

IC 25-1-11-9.5

Repealed

(Repealed by P.L.194-2005, SEC.87.)

IC 25-1-11-10

Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1; P.L.194-2005, SEC.7.

IC 25-1-11-11

Refusal of physical or mental examination; summary suspension

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-12

Sanctions for violations

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation;

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that

the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner; or

(E) satisfactorily complete a quality review (before July 1, 2012) or peer review (after June 30, 2012) specified by the board as a condition for termination of probationary status if the practitioner is a licensee (as defined in IC 25-2.1-1-8).

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars ($1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12; P.L.177-2009, SEC.17; P.L.197-2011, SEC.74.

IC 25-1-11-13

Summary license suspension of real estate appraisers and other practitioners; notification by consumer protection division

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) The board may summarily suspend the license of an individual licensed under IC 25-34.1 for ninety (90) days before a final adjudication or during the appeals process if the board finds that the individual has engaged in material and intentional misrepresentations

or omissions in at least three (3) transactions. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(d) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

(1) a hearing by the board to suspend the practitioner's license; and

(2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182; P.L.231-2013, SEC.9.

IC 25-1-11-14

Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.

IC 25-1-11-15

Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-16

Consistency of sanctions

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-17

Surrender of practitioner license; surrender prohibited if attorney general opposes

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

(1) has filed an administrative complaint concerning the practitioner's license; and

(2) opposes the surrender of the practitioner's license.

As added by P.L.214-1993, SEC.1. Amended by P.L.52-2009, SEC.10; P.L.105-2009, SEC.13.

IC 25-1-11-18

Costs; practitioners subject to sanctions

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.
(10) Administrative law judges.
(11) Real estate review appraisals, if applicable.

As added by P.L.214-1993, SEC.1. Amended by P.L.194-2005, SEC.8; P.L.52-2009, SEC.11; P.L.105-2009, SEC.14.

IC 25-1-11-19

Refusal to issue license; probationary license; requirements

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:
(A) been disciplined by a licensing entity of another state or jurisdiction; or
(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been

disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.

IC 25-1-11-20

Appearance before board

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

As added by P.L.194-2005, SEC.10.

IC 25-1-11-21

Authority to adopt rules

Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

(1) license;

(2) certificate;

(3) registration; or

(4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

As added by P.L.144-2007, SEC.26.

IC 25-1-12

Chapter 12. Renewal of Licenses Held by Individuals in Military Service

IC 25-1-12-1

Applicability of chapter

Sec. 1. (a) This chapter applies to an individual who:

(1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and

(2) is called to active duty.

(b) This chapter applies to all individuals who:

(1) hold a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and

(2) have been called to full-time service in the:

(A) armed forces of the United States; or

(B) National Guard;

after September 11, 2001.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61; P.L.220-2011, SEC.405.

IC 25-1-12-2

"Active duty" defined

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

(1) armed forces of the United States; or

(2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-3

"Armed forces of the United States" defined

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

(1) the Army;

(2) the Navy;

(3) the Air Force;

(4) the Coast Guard;

(5) the Marine Corps; or

(6) the Merchant Marine.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2005, SEC.64.

IC 25-1-12-4

"National guard" defined

Sec. 4. As used in this chapter, "national guard" means:

(1) the Indiana army national guard; or

(2) the Indiana air national guard.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-5

"Practitioner" defined

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

(1) an unlimited license, certificate, or registration;

(2) a limited or probationary license, certificate, or registration;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) a provisional license;

issued under this title, IC 16, or IC 22.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.

IC 25-1-12-6

Extension to renew license or complete continuing education; requirements for extension; additional extensions

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out of state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

(1) renew; and

(2) complete the continuing education required by;

the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

(1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.

(2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out of state on active duty, and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.

(3) The practitioner shall provide proof of out of state active duty by providing a copy of the practitioner's:

(A) discharge; or

(B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for

longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.
As added by P.L.88-2004, SEC.2. Amended by P.L.2-2005, SEC.65.

IC 25-1-12-7
Waiver of late fees

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.
As added by P.L.88-2004, SEC.2.

IC 25-1-12-8
Construction with federal law

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

(1) the armed forces of the United States; or

(2) the national guard;

under federal law.
As added by P.L.88-2004, SEC.2.

IC 25-1-13
Chapter 13. Indiana Scheduled Prescription Electronic Collection and Tracking Program

IC 25-1-13-1
Effective date
Sec. 1. This chapter applies after June 30, 2007.
As added by P.L.65-2006, SEC.1.

IC 25-1-13-2
"Agency"
Sec. 2. As used in this chapter, "agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.
As added by P.L.65-2006, SEC.1.

IC 25-1-13-3
"INSPECT"
Sec. 3. As used in this chapter, "INSPECT" refers to the Indiana scheduled prescription electronic collection and tracking program established by section 4 of this chapter.
As added by P.L.65-2006, SEC.1.

IC 25-1-13-4
Establishment of the Indiana scheduled prescription electronic collection and tracking program
Sec. 4. The Indiana scheduled prescription electronic collection and tracking program is established within the agency.
As added by P.L.65-2006, SEC.1.

IC 25-1-13-5
Agency functions, duties, and responsibilities
Sec. 5. The agency shall perform all administrative functions, duties, and responsibilities for the INSPECT program.
As added by P.L.65-2006, SEC.1.

IC 25-1-13-6
INSPECT program duties
Sec. 6. The INSPECT program shall collect and process information received under IC 35-48-7-8.1 and has duties described in IC 35-48-7-10.1 and IC 35-48-7-11.1.
As added by P.L.65-2006, SEC.1.

IC 25-1-14
Repealed
(Repealed by P.L.134-2012, SEC.28.)

IC 25-1-15

Chapter 15. Exemptions for Athletic Organization Practitioners Licensed in Other Jurisdictions

IC 25-1-15-1

License

Sec. 1. As used in this chapter, "license" includes a license, certificate, or registration.

As added by P.L.177-2009, SEC.18.

IC 25-1-15-2

Practitioner

Sec. 2. As used in this chapter, "practitioner" refers to any of the following:

(1) Athletic trainer.
(2) Chiropractor.
(3) Dentist.
(4) Dietitian.
(5) Marriage and family therapist.
(6) Massage therapist.
(7) Mental health counselor.
(8) Nurse.
(9) Occupational therapist.
(10) Optometrist.
(11) Physical therapist.
(12) Physician.
(13) Physician assistant.
(14) Podiatrist.
(15) Psychologist.
(16) Respiratory care practitioner.
(17) Social worker.

As added by P.L.177-2009, SEC.18.

IC 25-1-15-3

Exemption

Sec. 3. (a) A practitioner licensed in another state, territory, or jurisdiction of the United States or of any nation or foreign jurisdiction is exempt from the requirements of licensure under this title, if the practitioner:

(1) holds an active license to practice the profession in question in the other jurisdiction;

(2) engages in the active practice of the profession in which the practitioner is licensed in the other jurisdiction; and

(3) is employed or designated as the athletic or sports organization's practitioner by an athletic or sports organization visiting Indiana for a specific sporting event.

(b) A practitioner's practice under this section is limited to the members, coaches, and staff of the athletic or sports organization that employs or designates the practitioner.

(c) A practitioner practicing in Indiana under the authority of this

section:

(1) does not have practice privileges in any licensed hospital or health care facility; and

(2) is not authorized to issue orders or prescriptions or to order testing at a medical facility;

in Indiana.

(d) A practitioner's practice under this section may not exceed thirty (30) consecutive days for a specific event.

As added by P.L.177-2009, SEC.18.

IC 25-1-16

Chapter 16. Evaluation of Regulated Occupations

IC 25-1-16-1

"Agency"

Sec. 1. As used in this chapter, "agency" refers to the Indiana professional licensing agency.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-2

"Board"

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-3

"Committee"

Sec. 3. As used in this chapter, "committee" means the jobs creation committee established by section 6 of this chapter.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.4.

IC 25-1-16-4

"License"

Sec. 4. As used in this chapter, "license" means:

(1) an unlimited license, permit, certificate, or certificate of registration;

(2) a temporary, limited, or probationary license, permit, certificate, or certificate of registration;

(3) an intern permit; or

(4) a provisional license;

issued by the board regulating the regulated occupation in question. "Licensed" has a corresponding meaning.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.5.

IC 25-1-16-4.5

"Office"

Sec. 4.5. As used in this chapter, "office" refers to the office of management and budget.

As added by P.L.112-2014, SEC.6.

IC 25-1-16-5

"Regulated occupation"

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-6

Jobs creation committee established

Sec. 6. The jobs creation committee is established.
As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.7.

IC 25-1-16-7
Members; terms; votes

Sec. 7. (a) The committee consists of the following individuals:

(1) The executive director of the agency or the executive director's designee. The executive director or the executive director's designee shall serve as chairperson of the committee.

(2) The director of the office or the director's designee.

(3) The attorney general or the attorney general's designee, as a nonvoting member.

(4) An individual appointed by the governor who represents an association that has small businesses, small business owners, or licensed professionals as a majority of its members, as a nonvoting member. The member serves at the pleasure of the governor.

(5) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

(6) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(5) or (a)(6) is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

(d) Notwithstanding any other law, the term of a member appointed before July 1, 2014, under subsection (a)(5) or (a)(6) expires on July 1, 2014.
As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.8.

IC 25-1-16-8
Review and evaluation of regulated occupations and boards; report

Sec. 8. (a) The committee shall review and evaluate each regulated occupation and board. The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) An assessment of the necessity, burden, and alternatives to the licenses issued by the board.

(5) An assessment of the fees that the board charges for licenses.

(6) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation and board that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether:

(A) the regulation of a regulated occupation should be modified;

(B) the board should be combined with another board;

(C) whether the board or the regulation of the regulated occupation should be terminated;

(D) whether a license should be eliminated; or

(E) whether multiple licenses should be consolidated into a single license.

(6) Any recommendations for administrative changes.

(7) Information that supports the committee's recommendations.

(c) This section does not apply to fees that support dedicated funds. After the committee has reviewed and evaluated a regulated occupation and board, the committee shall provide the agency and the board that is the subject of the committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars ($100) or the actual administrative cost to process the application or renew or issue the license.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.9.

IC 25-1-16-9

Cooperation with committee; testimony

Sec. 9. (a) A board shall cooperate with the committee, as the committee determines is necessary in the committee's review and evaluation of the board.

(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-10

Review schedule

Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every five (5) years.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.10.

IC 25-1-16-11
Staff; expenditures

Sec. 11. (a) The office shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the office, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the office.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.11.

IC 25-1-16-12
Member reimbursement

Sec. 12. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-13 Version a
Annual report

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 13. The committee shall submit a report to the:

(1) governor;

(2) interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6; and

(3) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

As added by P.L.84-2010, SEC.19. Amended by P.L.53-2014, SEC.140.

IC 25-1-16-13 Version b
Annual report

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 13. The committee shall submit a report to the:

(1) governor; and

(2) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

As added by P.L.84-2010, SEC.19. Amended by P.L.53-2014, SEC.140; P.L.112-2014, SEC.12.

IC 25-1-16-14

Public input

Sec. 14. The committee shall seek public input when considering any proposals or reports concerning the elimination of a license or change to a regulated occupation.

As added by P.L.112-2014, SEC.13.

IC 25-1-16-15

Review of new license proposals

Sec. 15. The committee shall review and evaluate a proposal to license a new occupation upon the request of any of the following:

(1) A member of the general assembly.

(2) A legislative staff member on behalf of a member of the general assembly.

(3) A member of the legislative services agency on behalf of a member of the general assembly.

As added by P.L.112-2014, SEC.14.

IC 25-1-17

Chapter 17. Licensure of Individuals with Military Training; Licensure of Military Spouses

IC 25-1-17-1

"Board"

Sec. 1. As used in this chapter, "board" has the meaning set forth in IC 25-1-8-1.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-2

"Military service"

Sec. 2. As used in this chapter, "military service" means service performed while an active member of any of the following:

(1) The armed forces of the United States.

(2) A reserve component of the armed forces of the United States.

(3) The National Guard.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-3

"Military spouse"

Sec. 3. As used in this chapter, "military spouse" means the husband or wife of an individual who is a member of the armed forces of the United States.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-4

Issuance of license, certificate, registration, or permit to military service applicant; conditions

Sec. 4. Notwithstanding any other law, a board shall issue a license, certificate, registration, or permit to a military service applicant to allow the applicant to practice the applicant's occupation in Indiana if, upon application to a licensing board, the applicant satisfies the following conditions:

(1) Has:

(A) completed a military program of training;

(B) been awarded a military occupational specialty; and

(C) performed in that occupational specialty;

at a level that is substantially equivalent to or exceeds the academic or experience requirements for a license, certificate, registration, or permit of the board from which the applicant is seeking licensure, certification, registration, or a permit.

(2) Has engaged in the active practice of the occupation for which the person is seeking a license, certificate, registration, or permit from the board for at least two (2) of the five (5) years preceding the date of the application under this section.

(3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that

occupation in Indiana at the time the act was committed.

(4) Pays the fees required by the board from which the applicant is seeking licensure, certification, registration, or a permit.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-5

Issuance of license, certificate, registration, or permit to military spouse applicant; conditions

Sec. 5. Notwithstanding any other law, a board shall issue a license, certificate, registration, or permit to a military spouse to allow the military spouse to practice the military spouse's occupation in Indiana if, upon application to the board, the military spouse satisfies the following conditions:

(1) Holds a current license, certification, registration, or permit from another jurisdiction, and that jurisdiction's requirements for a license, certificate, registration, or permit are substantially equivalent to or exceed the requirements for a license, certificate, registration, or permit of the board from which the applicant is seeking licensure, certification, registration, or a permit.

(2) Can demonstrate competency in the occupation through methods as determined by the board, including having completed continuing education units or having had recent experience for at least two (2) of the five (5) years preceding the date of the application under this section.

(3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that occupation in Indiana at the time the act was committed.

(4) Is in good standing and has not been disciplined by the agency that has jurisdiction to issue the license, certification, registration, or permit.

(5) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, registration, or a permit.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-6

Relevant experience

Sec. 6. (a) All relevant experience of a:

(1) military service member in the discharge of official duties; or

(2) military spouse, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity;

must be credited in the calculation of years of practice in an occupation as required under section 4 or 5 of this chapter.

(b) In determining if a military service member substantially meets the academic requirements for a license, certificate, registration, or permit issued by a board, the board shall consider the

recommendations in the Guide to the Evaluation of Educational Experiences in the Armed Services published by the American Council on Education, or the council's successor organization.
As added by P.L.57-2012, SEC.2.

IC 25-1-17-7
Effect of nonresidency

Sec. 7. A nonresident who is issued a license, certificate, registration, or permit under this chapter is entitled to the same rights and subject to the same obligations as required of a resident who is issued a license, certificate, registration, or permit by a board.
As added by P.L.57-2012, SEC.2.

IC 25-1-17-8
Temporary practice permit

Sec. 8. (a) Notwithstanding any other law, a board may issue a temporary practice permit or provisional license to a:

(1) military service applicant; or

(2) military spouse who is licensed, certified, registered, or issued a permit in another jurisdiction;

while the military service applicant or military spouse is satisfying certain requirements, as determined by the board, for a license, certificate, registration, or permit under section 4 or 5 of this chapter.

(b) The military service applicant or military spouse may practice under the temporary practice permit or provisional license issued under subsection (a) until:

(1) a license, certification, registration, or permit is granted or denied by the board;

(2) a temporary permit expires; or

(3) a provisional license holder fails to comply with the terms of the provisional license.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-9
Rules

Sec. 9. A board may adopt rules under IC 4-22-2 necessary to implement this chapter.
As added by P.L.57-2012, SEC.2.

IC 25-1-17-10
Applications under established requirements

Sec. 10. This chapter does not prohibit a military service applicant or military spouse from proceeding under other licensure, certification, registration, or permit requirements established by a board.
As added by P.L.57-2012, SEC.2.