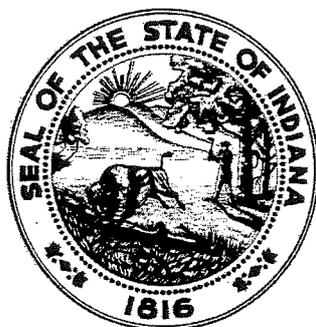


# INDIANA STATE BOARD OF NURSING

A compilation of the Indiana Code and Indiana Administrative Code

2014 Edition



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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

(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

(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) Accredite such programs as meet the requirements of this

*(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.

(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;

*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.

**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**

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

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.)*

**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*

*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

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.*

INDIANA STATE BOARD 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

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- (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)

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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, 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]

**SECTION 248, effective March 30, 2007.J** is to be determined by IC 25-1-8-6. (Indiana State Board of Nursing; 848 IAC 1-1-14; 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.

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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.

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**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.

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**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.
  - (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.

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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;

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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.

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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.

## 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.:

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- (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

## 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)

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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

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- (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).
- (e) The fee for endorsement out of Indiana for a nurse-midwife 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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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:

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- (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.

# 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.

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(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*)

# 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:

INDIANA STATE NURSES ASSISTANCE PROGRAM

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;

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 25-1-1.1

## 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:

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.

## 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:

- 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:

**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) 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.7; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, 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 25-1-4

## 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

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

(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

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

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

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

(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

**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 25-1-6****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**

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,

**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

**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

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.*

#### IC 25-1-7-7

**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

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.*

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

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) Reinstatement the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.

(3) Reinstatement 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, reinstatement the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or

**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

- (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 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

(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.*

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.*

*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.*

- 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

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

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

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.*

**"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

**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 25-1-15****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

**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**

(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.

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.*

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