NOTICE: This compilation incorporates the most recent revisions of statutes and administrative rules governing occupational therapists and occupational therapy assistants, as of July 1, 2009. Note that this compilation is not an official version of the Indiana Code or the Indiana Administrative Code. It is distributed as a general guide for Indiana’s occupational therapists and occupational therapy assistants. It is not intended to be offered as legal advice, and it may contain typographical errors. The Occupational Therapy Committee and the staff of the Indiana Professional Licensing Agency are prohibited from providing legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, please contact your nearest public library or visit the website of the Indiana General Assembly at www.in.gov/legislative.
# OCCUPATIONAL THERAPY COMMITTEE

## July 2009 Edition

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#### Title 844, Article 10 – Occupational Therapists and Occupational Therapy Assistants

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IC 25-23.5-1-1 Application of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-2 "Board"
Sec. 2. "Board" refers to the medical licensing board of Indiana.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-3 "Committee"
Sec. 3. "Committee" refers to the occupational therapy committee established under IC 25-23.5-2-1.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-3.5 "Examination"
Sec. 3.5. "Examination" refers to a nationally recognized test for occupational therapists that has been approved by the board under IC 25-23.5-5-4.5.
As added by P.L.197-2007, SEC.60.

IC 25-23.5-1-4 "Occupational therapist"
Sec. 4. "Occupational therapist" means a person who practices occupational therapy.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-5 "Practice of occupational therapy"
Sec. 5. "Practice of occupational therapy" means the functional assessment of learning and performance skills and the analysis, selection, and adaptation of exercises or equipment for a person whose abilities to perform the requirements of daily living are threatened or impaired by physical injury or disease, mental illness, a developmental deficit, the aging process, or a learning disability. The term consists primarily of the following functions:
(1) Planning and directing exercises and programs to improve sensory-integration and motor functioning at a level of performance neurologically appropriate for a person's stage of development.
(2) Analyzing, selecting, and adapting functional exercises to achieve and maintain a person's optimal functioning in daily living tasks and to prevent further disability.

IC 25-23.5-1-5.5 "Occupational therapy aide"
Sec. 5.5. (a) "Occupational therapy aide" means a person who:
(1) assists in the delivery of occupational therapy according to a treatment plan established by an occupational therapist; and
(2) works under the direct supervision of an:
(A) occupational therapist; or
(B) occupational therapy assistant.
(b) The term does not include a person who does any of the following:
(1) Performs assessments or reassessments.
(2) Establishes treatment plans.
(3) Initiates treatment modifications.
As added by P.L.177-1997, SEC.3.

IC 25-23.5-1-6 "Occupational therapy assistant"
Sec. 6. "Occupational therapy assistant" means a person who provides occupational therapy services under the supervision of an occupational therapist.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-7 "Person"
Sec. 7. "Person" means an individual.
As added by P.L.238-1989, SEC.1.
IC 25-23.5-2-3 Occupational therapist member; requirement of ongoing practice
Sec. 3. An occupational therapist appointed to the committee must continue to practice occupational therapy while serving as a member of the committee.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-4 Removal of members
Sec. 4. A member of the committee may be removed by the board without cause.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-5 Duties of committee
Sec. 5. The committee shall:
(1) consider the qualifications of persons who apply for licenses under this article;
(2) provide for examinations required under this article;
(3) license qualified persons;
(4) propose rules to the board concerning the:
(A) competent practice of occupational therapy;
(B) continuing competency requirement for the renewal of a license for an occupational therapist and renewal of a certificate for an occupational therapy assistant; and
(C) administration of this article; and
(5) recommend to the board the amounts of fees required under this article.

IC 25-23.5-2-6 Adoption of standards; fees
Sec. 6. (a) After considering the committee’s proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for:
(1) the competent practice of occupational therapy;
(2) the renewal of licenses or certificates issued under this article; and
(3) standards for the administration of this article.
(b) After considering the committee’s recommendations for fees, the board shall establish fees under IC 25-1-8-2.

IC 25-23.5-2-7 Preparation, conduct, and scoring of examinations; use of testing company services
Sec. 7. The committee may utilize the services of a testing company to prepare, conduct, and score examinations.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-8 Per diem, travel, and other expenses
Sec. 8. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
Each member of the committee is entitled to reimbursement for travel 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 budget agency.

IC 25-23.5-3-1 Unlawful practices
Sec. 1. A person may not:
(1) practice as an occupational therapist;
(2) practice as an occupational therapy assistant;
(3) use the title "occupational therapist";
(4) use the title "occupational therapy assistant"; or
(5) engage in the practice of occupational therapy; unless the person is licensed or certified under this article.

IC 25-23.5-3-1.5 Referral requirements; exceptions
Sec. 1.5. (a) Except as provided in subsection (b), an occupational therapist may not provide occupational therapy services to a person until the person has been referred to the occupational therapist by one of the following:
(1) a physician licensed under IC 25-22.5.
(2) a podiatrist licensed under IC 25-29.
(3) an advanced practice nurse licensed under IC 25-23.
(4) a psychologist licensed under IC 25-33.
(5) a chiropractor licensed under IC 25-10.
(6) an optometrist licensed under IC 25-24.
(b) An occupational therapist may provide the following services without a referral from a physician licensed under IC 25-22.5, a podiatrist licensed under IC 25-29, an advanced practice nurse licensed under IC 25-23, a psychologist licensed under IC 25-33, a chiropractor licensed under IC 25-10, or an optometrist licensed under IC 25-24:
(1) Ergonomic or home assessment.
(2) Injury or illness prevention education and wellness services.
(3) Occupational therapy activities provided in an educational setting.
(4) Occupational therapy activities that the board determines, after reviewing the recommendations of the committee, are appropriate to be conducted in a community based environment.

IC 25-23.5-3-2 Violations; misdemeanor
Sec. 2. A person who knowingly or intentionally violates this chapter commits a Class B misdemeanor.

IC 25-23.5-5-1 Application; contents
Sec. 1. A person who applies for a license as an occupational therapist or a certificate as an occupational therapy assistant must present satisfactory evidence to the committee that the person:
(1) does not have a conviction for a crime that has a direct bearing on the person’s ability to practice competently;
(2) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the person was not able to practice as an occupational therapist or occupational therapy assistant without endangering the public;
(3) has graduated from a school or program of occupational therapy or a program for occupational therapy assistants approved by the board; and
(4) has passed an occupational therapist or occupational therapy assistant licensing or certifying examination approved by the board under section 4.5 of this chapter.

IC 25-23.5-5-2 Application; supervised fieldwork experience
Sec. 2. (a) The board may require a person who applies for a license as an occupational therapist to have successfully completed supervised
fieldwork experience arranged and approved by the program from which the person graduated.

(b) The board may require a person who applies for a certificate as an occupational therapy assistant to have successfully completed supervised fieldwork experience arranged and approved by the program from which the person graduated.


IC 25-23-5-5-3 Application fee
Sec. 3. A person applying for a license or certificate under this article must pay a fee.

IC 25-23-5-5-4 Examination; minimum requirements
Sec. 4. A person who satisfies the requirements of sections 1 through 3 of this chapter may take the examination approved by the board under section 4.5 of this chapter.

IC 25-23-5-5-4.5 Board's duties; approve examination; establish passing score
Sec. 4.5. (a) The board shall do the following:
(1) Approve a nationally recognized examination for each type of license or certificate issued under this article.
(2) Establish the passing score necessary to obtain a license under this article.
(b) The board may use any part of an examination administered by:
(1) the National Board for Certification in Occupational Therapy, or its successor; or
(2) another nationally recognized body that provides examination services for occupational therapists, as determined by the committee, as the examination required to obtain a license under this article.

IC 25-23-5-5 Examinations; times and places; subject areas
Sec. 5. (a) The committee shall provide for examinations to be given at least two (2) times a year at times and places established by the board.
(b) The committee shall provide for examinations that test a person's knowledge of the basic and clinical sciences as they relate to the practice of occupational therapy, occupational therapy theory and procedures, and other subjects the committee considers useful to test a person's fitness to practice as an occupational therapist or occupational therapy assistant.

IC 25-23-5-5-6 Issuing license or certificate
Sec. 6. The committee shall issue a license or certificate to a person who meets the requirements for a license or certificate under this article.

IC 25-23-5-5-7 Refusal to issue a license; probationary license
Sec. 7. (a) The committee may refuse to issue a license or may issue a probationary license to a person if:
(1) the person has been disciplined by an administrative agency in another jurisdiction; and
(2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice occupational therapy as an occupational therapist.
(b) The committee may refuse to issue a certificate or may issue a probationary certificate to a person if:
(1) the person has been disciplined by an administrative agency in another jurisdiction; and
(2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice as an occupational therapy assistant.

IC 25-23-5-5-8 Probationary license or certificate; conditions; removal of limitation
Sec. 8. (a) If the committee issues a probationary license or probationary certificate under section 7 of this chapter, the committee may require the person who holds the probationary license or probationary certificate to perform one (1) or more of the following conditions:
(1) Report regularly to the committee upon a matter that is the basis for the probation.
(2) Limit practice to areas prescribed by the committee.
(3) Continue or renew professional education.
(4) Engage in community restitution or service without compensation for a number of hours specified by the committee.
(b) The committee shall remove a limitation placed on a probationary license or probationary certificate if after a hearing the committee finds that the deficiency that caused the limitation has been remedied.

IC 25-23-5-5-9 Expiration of license or certificate; renewal
Sec. 9. (a) A license or certificate issued by the committee expires on a date established by the Indiana professional licensing agency under IC 25-1-5-4 in the next even-numbered year following the year in which the license or certificate was issued.
(b) A person may renew a license or certificate by paying a renewal fee on or before the expiration date of the license or certificate.
(c) If a person fails to pay a renewal fee on or before the expiration date of a license or certificate, the license or certificate becomes invalid.

IC 25-23-5-5-10 Reinstatement of invalid license or certificate; renewal
Sec. 10. (a) The committee shall reinstate an invalid license or certificate up to three (3) years after the expiration date of the license or certificate if the person holding the invalid license or certificate meets the requirements under IC 25-1-8-6.
(b) If more than three (3) years have elapsed since the date a license or certificate expired, the person holding the license or certificate may renew the license or certificate by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

IC 25-23-5-5-11 Temporary permit; requirements; expiration; renewal
Sec. 11. (a) The committee may issue a temporary permit to a person to engage in the practice of occupational therapy as an occupational therapist or occupational therapy assistant if the person pays a fee and the person:
(1) has a valid license or certificate to practice from another state and the person has applied for a license or certificate from the committee;
(2) is practicing in a state that does not license or certify occupational therapists or occupational therapy assistants but is certified by a national occupational therapy association approved by the board and the person has applied for a license or certificate from the committee; or
(3) meets all the following requirements:
(A) Has graduated from an accredited program.
(B) Has completed the fieldwork experience requirement for a license or certificate under this article.
(C) Is eligible to take the entry level examination.
(b) A person with a temporary permit issued under subsection (a)(3) may engage in the practice of occupational therapy as an occupational therapist or an occupational therapy assistant only under the supervision of an occupational therapist licensed under this article.

IC 25-23.5-5-12 Notice of retirement from practice
Sec. 12. (a) A person who is licensed or certified under this article shall notify the committee in writing when the person retires from practice. (b) Upon receipt of the notice, the committee shall: (1) record the fact the person is retired; and (2) release the person from further payment of renewal fees.

IC 25-23.5-5-13 Surrender of license or certificate; reinstatement
Sec. 13. (a) If a person surrenders a license or certificate to the committee, the committee may reinstate the license or certificate upon written request by the person. (b) If the committee reinstates a license or certificate, the committee may impose conditions on the license or certificate appropriate to the reinstatement. (c) A person may not surrender a license or certificate without written approval by the committee if a disciplinary proceeding under this article is pending against the person.

IC 25-23.5-5-14 Exemption from examination requirement
Sec. 14. A person who applies for a license or certificate under this article may be exempted by the committee from the examination requirement under section 6 of this chapter if the person: (1) is licensed or certified to practice occupational therapy as an occupational therapist or occupational therapy assistant in another state; or (2) is practicing occupational therapy in a state that does not license or certify occupational therapists or occupational therapy assistants and is certified by a national occupational therapy association approved by the board; and is otherwise qualified under sections 1 through 3 of this chapter and pays an additional fee.

IC 25-23.5-5-15 Graduate of educational program in foreign country; license or certificate requirements
Sec. 15. The committee may issue a license to a person who has graduated as an occupational therapist or issue a certificate to a person who has graduated as an occupational therapy assistant from an educational program in a foreign country if the person: (1) graduated from an educational program approved by the board; (2) does not have a conviction for: (A) an act that would constitute a ground for a disciplinary sanction under IC 25-1-9; or (B) a crime that has a direct bearing on the person's ability to practice competently; (3) has not been the subject of a disciplinary action initiated by a licensing agency of another state or jurisdiction on the ground that the person was not able to practice occupational therapy as an occupational therapist or occupational therapy assistant without endangering the public; (4) passes the examination required under this chapter; and (5) pays a fee.

P.L.197-2007, SECTION 96
(a) If an individual is certified as an occupational therapist under IC 25-23.5 on June 30, 2007, the individual is considered to be a licensed occupational therapist under IC 25-23.5, as amended by this act, on July 1, 2007. The license of an individual described in this subsection expires on the date the individual's certification that the license is replacing would have expired if this act had not been enacted. (b) The occupational therapy committee established by IC 25-23.5-2-1 shall issue a license under IC 25-23.5-5-6, as amended by this act, to an individual described in subsection (a). However, the occupational therapy committee and the Indiana professional licensing agency are not required to issue: (1) a wall license; or (2) a pocket license; to an individual described in subsection (a) until the license renewal period beginning November 1, 2008.
(c) The medical licensing board of Indiana may adopt temporary rules in the manner provided for emergency rule adoption under IC 4-22-2-37.1 to implement IC 25-23.5, as amended by this act. A temporary rule adopted under this subsection expires on the earliest of the following: (1) The date that the temporary rule is superseded by another temporary rule adopted under this subsection. (2) The date that the temporary rule is superseded by a rule adopted under IC 4-22-2. (3) The date specified in the temporary rule. (4) July 1, 2009. (d) This SECTION expires July 1, 2010.
IC 25-1-1-1  Issuance of license; evidence of payment of personal property tax

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.
(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.

IC 25-1-1-2  License defined

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.
(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)

IC 25-1-1-3  Repealed
(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-1-1-4  Repealed
(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-1-1-1.1  Suspension or revocation of license or certificate; conviction of drug related offenses

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) 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(b).
(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
(8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
(9) Maintaining a common nuisance under IC 35-48-4-13.
(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
(11) Conspiracy under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
(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 under subdivisions (1) through (12).

INDIANA CODE § 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.

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 established by IC 20-19-3-1.

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.

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.

IC 25-1-1.2-5 "License" defined
Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-1-2.6.

IC 25-1-1.2-6 "Practitioner" defined
Sec. 6. As used in this chapter, "practitioner" means a person that holds:
1. an unlimited license, certificate, registration, or permit;
2. a limited or probationary license, certificate, registration, or permit;
3. a temporary license, certificate, registration, or permit; or
4. an intern permit;
issued by a board regulating a profession or an occupation.

IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement
Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:
1. suspend the license of the practitioner; or
2. deny the application of the applicant;
who is the subject of the order.
(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:
1. That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.
2. That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.
3. The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement
Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:
1. Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.
2. Describes the amount of child support that the practitioner is in arrears.
3. Explains that unless the practitioner contacts the bureau and:
   (A) pays the practitioner's child support arrearage in full;
   (B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
   (C) requests a hearing under IC 31-25-4-33; within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.
4. Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.
5. Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.
6. Explains the procedures to:
   (A) pay the practitioner's child support arrearage in full;
   (B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
   (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) pay 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) pay the person's child support arrearage in full; or
   (B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.
2. That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:
   (A) pay the person's child support arrearage in full; or
(B) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:
   (1) pay the person's child support arrearage in full; or
   (2) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 IC 31-16-15-2.5; within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:
   (1) paid the person's child support arrearage in full; or
   (2) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.


IC 25-1-1.2-9 Repealed
(Repealed by P.L.23-1996, SEC.33.)

IC 25-1-1.2-10 Repealed
(Repealed by P.L.23-1996, SEC.33.)

INDIANA CODE § 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 therefore, 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 following permits, licenses, certificates of registration, or evidences of authority granted by a state agency 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:
   (1) Certified public accountants, public accountants, and accounting practitioners.
   (2) Architects and landscape architects.
   (3) Dry cleaners.
   (4) Professional engineers.
   (5) Land surveyors.
   (6) Real estate brokers.
   (7) Real estate agents.
   (8) Security dealers' licenses issued by the securities commissioner.
   (9) Dental hygienists.
   (10) Dentists.
   (11) Veterinarians.
   (12) Physicians.
   (13) Chiropractors.
   (14) Physical therapists.
   (15) Optometrists.
   (16) Pharmacists and assistants, drugstores or pharmacies.
   (17) Motels and mobile home community licenses.
   (18) Nurses.
   (19) Podiatrists.
   (20) Occupational therapists and occupational therapy assistants.
   (21) Respiratory care practitioners.
   (22) Social workers, marriage and family therapists, and mental health counselors.
   (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
   (25) Physician assistants.
   (26) Dietitians.
   (27) Hypnotists.
   (28) Athlete agents.
   (29) Manufactured home installers.
   (30) Home inspectors.
   (31) Massage therapists.
   (32) Interior designers.
   (33) Genetic counselors.


IC 25-1-2-3 Authorization to issue and reissue two year licenses
Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.

IC 25-1-2-4 Rebates and proration of fees
Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the license was issued.
(Formerly: Acts 1961, c.79, s.4.)

IC 25-1-2-5 Rules and regulations
Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew
Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued
under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:
   (1) Indiana board of accountancy.
   (2) Indiana grain buyers and warehouse licensing agency.
   (3) Indiana auctioneer commission.
   (4) Board of registration for architects and landscape architects.
   (5) State board of barber examiners.
   (6) State board of cosmetology examiners.
   (7) Medical licensing board of Indiana.
   (8) Secretary of state.
   (9) State board of dentistry.
   (10) State board of funeral and cemetery service.
   (11) Worker's compensation board of Indiana.
   (12) Indiana state board of health facility administrators.
   (13) Committee of hearing aid dealer examiners.
   (14) Indiana state board of nursing.
   (15) Indiana optometry board.
   (16) Indiana board of pharmacy.
   (17) Indiana plumbing commission.
   (18) Board of podiatric medicine.
   (19) Private investigator and security guard licensing board.
   (20) State board of registration for professional engineers.
   (21) Board of environmental health specialists.
   (22) State psychology board.
   (23) Indiana real estate commission.
   (24) Speech-language pathology and audiology board.
   (25) Department of natural resources.
   (26) State athletic commission.
   (27) Board of chiropractic examiners.
   (28) Mining board.
   (29) Indiana board of veterinary medical examiners.
   (30) State department of health.
   (31) Indiana physical therapy committee.
   (32) Respiratory care committee.
   (33) Occupational therapy committee.
   (34) Behavioral health and human services licensing board.
   (35) Real estate appraiser licensure and certification board.
   (36) State board of registration for land surveyors.
   (37) Physician assistant committee.
   (38) Indiana dietitians certification board.
   (39) Indiana hypnotist committee.
   (40) Attorney general (only for the regulation of athletes agents).
   (41) Manufactured home installer licensing board.
   (42) Home inspectors licensing board.
   (43) State board of massage therapy.
   (44) Any other occupational or professional agency created after June 30, 1981.
   (c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

IC 25-1-4-0.2 “Approved organization” defined
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.

IC 25-1-4-0.3 “Board” defined
Sec. 0.3. As used in section 3 of this chapter, “board” means any of the following:
(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) State board of barber examiners (IC 25-7-5-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).
(9) Indiana dietitians certification board (IC 25-14.5-2-1).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Board of environmental health specialists (IC 25-32).
(12) State board of funeral and cemetery service (IC 25-15-9).
(13) Indiana state board of health facility administrators (IC 25-19-1).
(14) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
(15) Home inspectors licensing board (IC 25-20-2-3-1).
(16) Indiana hypnotist committee (IC 25-20-5-1.7).
(17) State board of registration for land surveyors (IC 25-21.5-2-1).
(18) Manufactured home installer licensing board (IC 25-23.7).
(19) Medical licensing board of Indiana (IC 25-22.5-2).
(20) Indiana state board of nursing (IC 25-23-1).
(21) Occupational therapy committee (IC 25-23.5).
(22) Indiana optometry board (IC 25-24).
(23) Indiana board of pharmacy (IC 25-26).
(24) Indiana physical therapy committee (IC 25-27-1).
(25) Physician assistant committee (IC 25-27.5).
(26) Indiana plumbing commission (IC 25-28.5-1-3).
(27) Board of podiatric medicine (IC 25-29-2-1).
(28) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(29) State psychology board (IC 25-33).
(30) Indiana real estate commission (IC 25-34.1-2).
(31) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(32) Respiratory care committee (IC 25-34.5).
(33) Behavioral health and human services licensing board (IC 25-23.6).
(34) Speech-language pathology and audiology board (IC 25-35.6-2).
(35) Indiana board of veterinary medical examiners (IC 25-38.1-2).

IC 25-1-4-0.5 “Continuing education” defined
Sec. 0.5. As used in this chapter, “continuing education” means an orderly process of instruction:
(1) that is approved by:
   (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
   (B) for a real estate appraiser:
      (i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or
      (ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and
(2) that is designed to directly enhance the practitioner’s knowledge and skill in providing services relevant to the practitioner’s profession or occupation.
The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner’s knowledge and skill in providing services relevant to the practitioner’s profession or occupation.

IC 25-1-4-0.6 “Practitioner” defined
Sec. 0.6. As used in section 3 of this chapter, “practitioner” means an individual who holds:
(1) an unlimited license, certificate, or registration;
(2) a limited or probationary license, certificate, or registration;
(3) a temporary license, certificate, or registration, or permit;
(4) an intern permit; or
(5) a provisional license; issued by the board regulating the profession in question.
As added by P.L.269-2001, SEC.3.

IC 25-1-4-0.7
Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:
(1) a Saturday;
(2) a Sunday;
(3) a legal holiday under a state statute; or
(4) a day that the office in which the act is to be done is closed during regular business hours.
(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.
(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:
   (1) the person is personally served with the notice; or
   (2) a notice for the person is deposited in the United States mail.
(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.
As added by P.L.177-2009, SEC.12.

IC 25-1-4-1 Requirement
Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so
specifically authorized or mandated by statute.


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.


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.


IC 25-1-4-3.2 Distance learning methods

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.


IC 25-1-4-4 Hardship waiver

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or occupation under this title or under IC 16 or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board or agency.


IC 25-1-4-5 Failure to comply; license suspension; penalties; reinstatement requirements

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail to the practitioner’s last known address.

(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board’s determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars ($1,000) within twenty-one (21) days of service of the notice.

(B) Acquire, within six (6) months after service of the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars ($5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner’s license; or

(2) renew the practitioner’s license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.


IC 25-1-4-6 Failure to comply; denial of license renewal; 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.


IC 25-1-4-7 Credit Hours

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner’s credit hour requirement for the license period in which the credit hours are acquired.

As added by P.L.157-2006, SEC.16.

IC 25-1-4-8 Rules

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.157-2006, SEC.17.
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.


IC 25-1-5-2 Definitions
Sec. 2. As used in 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 included in section 3 of this chapter.


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 following:

1. Board of chiropractic examiners (IC 25-10-1).
2. State board of dentistry (IC 25-14-1).
3. Indiana state board of health facility administrators (IC 25-19-1).
5. Indiana state board of nursing (IC 25-23-1).
7. Indiana board of pharmacy (IC 25-26).
8. Board of podiatric medicine (IC 25-29-2-1).
9. Board of environmental health specialists (IC 25-32).
10. Speech-language pathology and audiology board (IC 25-35-6-2).
11. State psychology board (IC 25-33).
13. Controlled substances advisory committee (IC 35-48-2-1).
15. Indiana physical therapy committee (IC 25-27).
16. Respiratory care committee (IC 25-34-5).
17. Occupational therapy committee (IC 25-23-5).
18. Behavioral health and human services licensing board (IC 25-23-6).
20. Indiana athletic trainers board (IC 25-5-1-2-1).
21. Indiana dietitians certification board (IC 25-14-5-2-1).
22. Indiana hypnotherapy committee (IC 25-20-5-1-7).

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.


IC 25-1-5-4 Additional duties and functions; staff
Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

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

(b) In addition the agency:

1. shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
2. may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public;
3. may consolidate, where feasible, office space, recordkeeping, and data processing services; and
4. shall operate and maintain the electronic registry of professions established under IC 25-1-5.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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.


IC 25-1-5-7 Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-5-8 Repealed

(Repealed by P.L. 206-2005, SEC. 15)

IC 25-1-5-9 Submission of certified document as proof of required diploma

Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program.

As added by P.L.177-1996, SEC.1.

IC 25-1-5-10 Provider profiles

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

(1) Board of chiropractic examiners (IC 25-10-1).
(2) State board of dentistry (IC 25-14-1).
(3) Indiana state board of health facility administrators (IC 25-19-1).
(4) Medical licensing board of Indiana (IC 25-22.5-2).
(5) Indiana state board of nursing (IC 25-23-1).
(6) Indiana optometry board (IC 25-24).
(7) Indiana board of pharmacy (IC 25-26).
(8) Board of podiatric medicine (IC 25-29-2-1).
(9) Board of environmental health specialists (IC 25-32-1).
(10) Speech-language pathology and audiology board (IC 25-35.6-2).
(11) State psychology board (IC 25-33).
(12) Indiana board of veterinary medical examiners (IC 25-38.1-2).
(13) Indiana physical therapy committee (IC 25-27).
(14) Respiratory care committee (IC 25-34.5).
(15) Occupational therapy committee (IC 25-23.5).
(16) Behavioral health and human services licensing board (IC 25-23.6).
(17) Physician assistant committee (IC 25-27.5).
(18) Indiana athletic trainers board (IC 25-5.1-2-1).
(19) Indiana dietitians certification board (IC 25-14.5-2-1).
(20) Indiana hypnotherapist committee (IC 25-20.5-1-7).

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:
(1) The provider's name.
IC 25-1-5-11 Provision of Social Security number; access to numbers
Sec. 11. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual’s Social Security number to the agency.
(b) 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.
(c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or who holds a license issued by a board under this chapter or has applied for a license under this chapter to:
(1) a testing service that provides the examination for licensure to the agency or the boards; or
(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant’s or licensee’s profession for the purpose of coordinating licensure and disciplinary activities among the individual states.
As added by P.L.157-2006, SEC.18.

INDIANA CODE § 25-1-7-

Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

IC 25-1-7-1 Definitions
Sec. 1. As used in this chapter:
"Board" means the appropriate agency listed in the definition of regulated occupation in this section.
"Director" refers to the director of the division of consumer protection.
"Division" refers to the division of consumer protection, office of the attorney general.
"Licensee" means a person who is:
(1) licensed, certified, or registered by a board listed in this section; and
(2) the subject of a complaint filed with the division.
"Person" means an individual, a partnership, a limited liability company, or a corporation.
"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:
(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State athletic commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).
(9) State board of funeral and cemetery service (IC 25-15-9).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Indiana state board of nursing (IC 25-23-1).
(14) Indiana optometry board (IC 25-24).
(15) Indiana pharmacy board (IC 25-25).
(16) Indiana psychology board (IC 25-26).
(17) Board of podiatric medicine (IC 25-29-2-1).
(18) Board of professional examination committees (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2).
(22) Indiana board of veterinary medical examiners (IC 25-38.1).
(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(24) Respiratory care committee (IC 25-34.5).
(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(26) Occupational therapy committee (IC 25-23.5).
(27) Behavioral health and human services licensing board (IC 25-23.6).
(28) Real estate appraiser licensing board (IC 25-34-1.8).
(29) State board of registration for land surveyors (IC 25-21.5-2-1).
(30) Physician assistant committee (IC 25-27.5).
(31) Indiana athletic trainers board (IC 25-5.1-2-1).
(32) Indiana dietitians certification board (IC 25-14.5-2-1).
(33) Indiana hypnotist committee (IC 25-20.5-1-7).
(34) Indiana physical therapy committee (IC 25-27).
(35) Manufactured home installer licensing board (IC 25-23.7).
(36) Home inspectors licensing board (IC 25-20.2-3-1).
(37) State department of health, for out-of-state mobile health care facilities.
(38) State board of massage therapy (IC 25-21.8-2-1).
(39) Any other occupational or professional agency created after June 30, 1981.

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.
IC 25-1-7-3 Investigation of complaints
Sec. 3. The division is responsible for the investigation of complaints concerning licensees.

IC 25-1-7-4 Complaints; requisites; standing
Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general’s office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

IC 25-1-7-5 Duties and powers of director
Sec. 5. (a) Subsection (b)(1) does not apply to:
(1) a complaint filed by:
   (A) a member of any of the boards listed in section 1 of this chapter; or
   (B) the Indiana professional licensing agency; or
(2) a complaint filed under IC 25-1-5-4.
(b) The director has the following duties and powers:
(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee’s regulated occupation that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.
(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.
(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.
(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.
(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

IC 25-1-7-6 Statement of settlement; period of time to resolve
Sec. 6. (a) This section does not apply to:
(1) a complaint filed by:
   (A) a member of any of the boards listed in section 1 of this chapter; 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 time 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.

IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer
Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director’s report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.
(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

IC 25-1-7-8 Witnesses
Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

IC 25-1-7-9 Disqualification of board member
Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board’s final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (Repealed)).

IC 25-1-7-10 Confidentiality of complaints and information
Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general’s intent to prosecute the licensee.
(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:
(1) under law; or
(2) for the advancement of an investigation.

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.

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);
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.

INDIANA CODE § 25-1-8

Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees

IC 25-1-8-1 "Board" defined
Sec. 1. As used in this chapter, "board" means any of the following:
(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State athletic commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).
(9) State board of funeral and cemetery service (IC 25-15).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Mining board (IC 22-10-1-5-2).
(14) Indiana state board of nursing (IC 25-23-1).
(15) Indiana optometry board (IC 25-24).
(16) Indiana board of pharmacy (IC 25-26).
(17) Indiana plumbing commission (IC 25-28.5-1-3).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35-6-2).
(21) Indiana real estate commission (IC 25-34-1-2-1).
(22) Indiana board of veterinary medical examiners (IC 25-38-1-2-1).
(23) Department of insurance (IC 27-1).
(24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(26) Private investigator and security guard licensing board (IC 25-30-1-5-2).
(27) Occupational therapy committee (IC 25-23.5-2-1).
(28) Behavioral health and human services licensing board (IC 25-23.6-2-1).
(29) Real estate appraiser licensure and certification board (IC 25-34-1-8).
(30) State board of registration for land surveyors (IC 25-21.5-2-1).
(31) Physician assistant committee (IC 25-27.5).
(32) Indiana athletic trainers board (IC 25-5.1-2-1).
(33) Board of podiatric medicine (IC 25-29-2-1).
(34) Indiana dietitians certification board (IC 25-14.5-2-1).
(35) Indiana physical therapy committee (IC 25-27).
(36) Manufactured home installer licensing board (IC 25-23.7).
(37) Home inspectors licensing board (IC 25-20.2-3-1).
(38) State board of massage therapy (IC 25-21.8-2-1).
(39) Any other occupational or professional agency created after June 30, 1981.

IC 25-1-8-1.1 Repealed
(Repealed by P.L.19-1986, SEC.43.)

IC 25-1-8-2 Fees; establishment and collection
Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:
(1) Examination of applicants for licensure, registration, or certification.
(2) Issuance, renewal, or transfer of a license, registration, or certificate.
(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
(4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.
No fee shall be less than twenty-five dollars ($25) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.
(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.
(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.
(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an unaccepted personal check for 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 ten dollars ($10) for the issuance of a duplicate license, registration, or certificate.

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.

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.
IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review
Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.
(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.
(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration.
The standards of review may include:
(1) setting fees for review;
(2) requiring that an examination remain confidential; and
(3) prohibiting the release of the examination or copies of the examination.


IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses
Sec. 6. (a) As used in this section, "board" means any of the following:
(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) State board of barber examiners (IC 25-7-5-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).
(9) Indiana dietitians certification board (IC 25-14.5-2-1).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Board of environmental health specialists (IC 25-32-1).
(12) State board of funeral and cemetery service (IC 25-15-9).
(13) Indiana state board of health facility administrators (IC 25-19-1).
(14) Committee of hearing aid dealers examiners (IC 25-20-1-1.5).
(15) Home inspectors licensing board (IC 25-20-2.3-1).
(16) Indiana hypnotherapy committee (IC 25-20.5-1-7).
(17) State board of registration for land surveyors (IC 25-21.5-2-1).
(18) Manufactured home installer licensing board (IC 25-23.7).
(19) Medical licensing board of Indiana (IC 25-22.5-2).
(20) Indiana state board of nursing (IC 25-23-1).
(21) Occupational therapy committee (IC 25-23.5).
(22) Indiana optometry board (IC 25-24).
(23) Indiana board of pharmacy (IC 25-26).
(24) Indiana physical therapy committee (IC 25-27).
(25) Physician assistant committee (IC 25-27.5).
(26) Indiana plumbing commission (IC 25-28.5-1-3).
(27) Board of podiatric medicine (IC 25-29-2-1).
(28) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(29) State psychology board (IC 25-33).
(30) Indiana real estate commission (IC 25-34.1-2).
(31) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(32) Respiratory care committee (IC 25-34.5).
(33) Behavioral health and human services licensing board (IC 25-23.8).
(34) Speech-language pathology and audiology board (IC 25-35.6-2).
(35) Indiana board of veterinary medical examiners (IC 25-38.1).
(36) State board of massage therapy (IC 25-21.8-2-1).
(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.
(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:
(1) Submission of the holder's completed renewal application.
(2) Payment of the current renewal fee established by the board under section 2 of this chapter.
(3) Payment of a reinstatement fee established by the Indiana professional licensing agency
(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:
(1) Submission of the holder's completed renewal application.
(2) Payment of the current renewal fee established by the board under section 2 of this chapter.
(3) Payment of a reinstatement fee equal to the current initial application fee.
(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
(6) Any other requirement that is provided for in statute or rule that is not related to fees.


IC 25-1-8-7 Repealed
(Repealed by P.L.157-2006, SEC.76.)

IC 25-1-8-8 License reinstatement; grounds for denial
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:
Chapter 9. Health Professions Standards of Practice

IC 25-1-9-1 "Board" defined
Sec. 1. As used in this chapter, "board" means any of the following:
(1) Board of chiropractic examiners (IC 25-10-1).
(2) State board of dentistry (IC 25-14-1).
(3) Indiana state board of health facility administrators (IC 25-19-1).
(4) Medical licensing board of Indiana (IC 25-22-5-2).
(5) Indiana state board of nursing (IC 25-23).
(6) Indiana optometry board (IC 25-24).
(7) Indiana board of pharmacy (IC 25-26).
(8) Board of podiatric medicine (IC 25-29-2-1).
(9) Board of environmental health specialists (IC 25-32).
(10) Speech-language pathology and audiology board (IC 25-35.6-2).
(11) State psychology board (IC 25-33).
(12) Indiana board of veterinary medical examiners (IC 25-38-1-2).
(13) Indiana physical therapy committee (IC 25-27-1).
(14) Respiratory care committee (IC 25-34-5).
(15) Occupational therapy committee (IC 25-23.5).
(16) Behavioral health and human services licensing board (IC 25-23.6).

IC 25-1-9-2 "Practitioner" defined
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" defined
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" defined
Sec. 3.5. As used in this chapter, "sexual contact" means:
(1) sexual intercourse (as defined in IC 35-41-1-26);
(2) deviate sexual conduct (as defined in IC 35-41-1-9); 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.

IC 25-1-9-4 Standards of professional practice; findings required for sanctions; evidence of foreign discipline
Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:
(1) a practitioner has:
(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a license examination;
(B) engaged in fraud or material deception in the course of professional services or activities;
(C) advertised services in a false or misleading manner; or
(D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:
(i) Medicaid (42 U.S.C. 1396 et seq.);
(ii) Medicare (42 U.S.C. 1395 et seq.);
(iii) the children's health insurance program under IC 12-17.6; or
(iv) insurance claims;
(2) a practitioner has been convicted of a crime that
(A) has a direct bearing on the practitioner's ability to continue to practice competently; or
(B) is harmful to the public;
(3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
(A) professional incompetence that:
IC 25-1-9-6.5 Chiropractors; waiver of deductible or copayment
Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

1. waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and
2. advertised the waiver of a payment described in subdivision (1).
(b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:

1. the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;
2. the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and
3. the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.


IC 25-1-9-6.7 Marriage and family therapists; disciplinary sanctions
Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23.6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

1. performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;
2. failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;
3. performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;
4. without the consent of the child's parent, guardian, or custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:
   (A) the child's physical health was endangered due to injury as a result of the act or omission of the child's parent, guardian, or custodian;
   (B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or
   (C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;
5. willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:
   (A) make or file a false report or record; or
   (B) impede or obstruct the filing of a report or record; or
   (C) performed a diagnosis (as defined in IC 25-22.5-1.1(c));
6. provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;
7. willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or
8. performed services outside the scope of practice of the license issued under IC 25-23.6.

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.


IC 25-1-9-6.9 Failing to provide or providing false information to agency

Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:
(1) failed to provide information requested by the Indiana professional licensing agency; or
(2) knowingly provided false information to the Indiana professional licensing agency;
for a provider profile required under IC 25-1-5-10.

IC 25-1-9-7 Physical or mental examination; power to require

Sec. 7. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's own expense, if the practitioner's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

IC 25-1-9-8 Failure to submit to physical or mental examination; sanctions

Sec. 8. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 10 of this chapter.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-9 Disciplinary sanctions

Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:
(1) Permanently revoke a practitioner's license.
(2) Suspend a practitioner's license.
(3) Censure a practitioner.
(4) Issue a letter of reprimand.
(5) Place a practitioner on probation status and require the practitioner to:
(A) report regularly to the board upon the matters that are the basis of probation;
(B) limit practice to those areas prescribed by the board;
(C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(b) 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.

(c) 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.

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.

IC 25-1-9-10.1 Retention of clinical consultants and experts to advise on suspension

Sec. 10.1. The attorney general may retain the services of a clinical consultant or an expert to provide the attorney general with advice concerning the acts that are the subject of a suspension under this chapter.
As added by P.L.43-1995, SEC.3.

IC 25-1-9-11 Reinstatement of suspended licenses

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-12 Reinstatement of revoked license

Sec. 12. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after
IC 25-1-9-13 Consistency of sanctions prescribed
Sec. 13. The board shall seek to achieve consistency in the application of the sanctions authorized in this section. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-14 Surrender of practitioners license instead of hearing; approval
Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-15 Costs in disciplinary proceedings
Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension proceeding may be required by a board to pay for the costs of the practitioner's license instead of a hearing before the board. The practitioner's ability to pay shall be considered when sanctions may be required by a board to pay for the costs of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.
As added by P.L.152-1988, SEC.1.

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.
The air national guard; or
the Indiana army national guard; or
the armed forces of the United States; or
the coast guard; or
the army; or
the marine corps; or
the merchant marine.

The practitioner must meet the following requirements to receive the practitioner's license, certificate, registration, or permit:

(1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and
(2) is called to active duty.

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.

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.

The practitioner's license, certificate, registration, or permit may extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.
must state the name of:

IC 25-1-14-4 Meeting memoranda requirements
Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:
(1) each member who was physically present at the place where the meeting was conducted;
(2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and
(3) each member who was absent.

IC 25-1-15-3 Member considered present
Sec. 3. A member who participates in a meeting under section 2 of this chapter:
(1) is considered to be present at the meeting;
(2) shall be counted for purposes of establishing a quorum; and
(3) may vote at the meeting.

IC 25-1-14-4 Meeting memoranda requirements
Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:
(1) each member who was physically present at the place where the meeting was conducted;
(2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and
(3) each member who was absent.

IC 25-1-15-2 “Practitioner” defined
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
Sec. 3. (a) A practitioner licensed in another state, territory, or jurisdiction of the United States or of any nation or foreign jurisdiction is exempt from the requirements of licensure under this title, if the practitioner:
(1) holds an active license to practice the profession in question in the other jurisdiction;
(2) engages in the active practice of the profession in which the practitioner is licensed in the other jurisdiction; and
(3) is employed or designated as the athletic or sports organization's practitioner by an athletic or sports organization visiting Indiana for a specific sporting event.
(b) A practitioner's practice under this section is limited to the members, coaches, and staff of the athletic or sports organization that employs or designates the practitioner.
(c) A practitioner practicing in Indiana under the authority of this section:
(1) does not have practice privileges in any licensed hospital or health care facility; and
(2) is not authorized to issue orders or prescriptions or to order testing at a medical facility; in Indiana.
(d) A practitioner's practice under this section may not exceed thirty (30) consecutive days for a specific event.
As added by P.L.177-2009, SEC.18.

Non-Code Provision under Public Law 206-2005
P.L. 206-2005, SECTION 16
(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.
(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.
(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

Non-Code Provision under Public Law 177-2009
P.L. 177-2009, SECTION 66.
(a) As used in this SECTION, "board" means a board, commission, or committee.
(b) As used in this SECTION, "committee" refers to the professional licensing study committee established under this SECTION.
(c) The professional licensing study committee is established.
(d) The committee shall do the following:
(1) Study all of the boards that regulate occupations or professions under the Indiana professional licensing agency or the state department of health.
(2) Make recommendations concerning any changes that should be made to a board described under subdivision (1) or the regulation of a profession or occupation by a board described under subdivision (1), including the following recommendations:
   (A) Eliminating the board.
   (B) Having the board continue regulating the profession or occupation in the same manner that the profession or occupation is currently regulated by the board.
   (C) Requiring registration of a profession or occupation through the electronic registry of professions under IC 25-1-5.5, as added by this act.
(D) Requiring national certification or registration of a profession or occupation.

(E) Restructuring the board.

(F) Merging two (2) or more boards.

(e) The committee shall operate under the policies governing study committees adopted by the legislative council.

(f) Before November 1, 2009, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee.

(g) This SECTION expires December 31, 2009.
TITLE 844 MEDICAL LICENSING BOARD
ARTICLE 10. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

Rule 1. Definitions

844 IAC 10-1-1 Applicability
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 1. The definitions in this rule apply throughout this article.
(Medical Licensing Board of Indiana; 844 IAC 10-1-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1064; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-1-2 "Bureau" defined
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 2. "Bureau" refers to the health professions bureau established under IC 25-1-5-3.
(Medical Licensing Board of Indiana; 844 IAC 10-1-2; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1064; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-1-2.2 "Contact hour" defined
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 2.2. "Contact hour" means a unit of measure for a continuing competency activity. One (1) contact hour equals at least fifty (50) minutes in a learning activity.
(Medical Licensing Board of Indiana; 844 IAC 10-1-2.2; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-1-2.3 "Continuing competency" defined
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 2.3. "Continuing competency" means those activities under category I continuing competency courses and category II continuing competency activities as used in 844 IAC 10-7.
(Medical Licensing Board of Indiana; 844 IAC 10-1-2.3; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-1-2.5 "Objective tests" defined
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 2.5. "Objective tests" means, but is not limited to, the following:
(1) Sensation.
(2) Range of motion/goniometry.
(3) Muscle strength.
(4) Perceptual/visual motor skills.
(5) Gross and fine motor coordination.
(6) Vocational/avocational.
(7) Activities of daily living/instrumental activities of daily living.
(8) Cognition.
(9) Other such tests.
(Medical Licensing Board of Indiana; 844 IAC 10-1-2.5; filed Nov 14, 1991, 3:30 p.m.: 15 IR 581; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-1-2.7 "Permanent record" defined
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 2.7. "Permanent record" means medical charts and/or educational files.
(Medical Licensing Board of Indiana; 844 IAC 10-1-2.7; filed Nov 14, 1991, 3:30 p.m.: 15 IR 581; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-1-3 "School or program of occupational therapy or program of occupational therapy assistants approved by the board" defined
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 3. "School or program of occupational therapy or program of occupational therapy assistants approved by the board" means a school or program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association, Inc. (AOTA) or predecessor organizations or is deemed by the board to be equivalent to the standards set by ACOTE.
(Medical Licensing Board of Indiana; 844 IAC 10-1-3; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1064; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

Rule 2. Fees

844 IAC 10-2-1 Fees
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 1. (Repealed by Medical Licensing Board of Indiana; filed Feb 11, 2002, 4:40 p.m.: 25 IR 2247)

844 IAC 10-2-2 Fees
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 2. (Repealed by Medical Licensing Board of Indiana; filed Feb 11, 2002, 4:40 p.m.: 25 IR 2247)

Rule 3. Admission to Practice

844 IAC 10-3-1 Application for licensure or certification; deadlines
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 1. (Repealed by Medical Licensing Board of Indiana; filed Feb 11, 2002, 4:40 p.m.: 25 IR 2247)

844 IAC 10-3-2 Licensure or certification by examination
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 2. The committee shall issue a license or certificate by examination to an applicant who completes the following:
(1) Applies in the form and manner prescribed by the committee.
(2) submits the fees specified in 844 IAC 10-2-1.

844 IAC 10-3-3 Application for licensure or certification; deadlines
Affected: IC 25-23.5-2-5; IC 25-23.5-2-6
Sec. 1. All applicants for licensure or certification must apply on such form and in such manner as the committee shall prescribe. Complete applications for licensure or certification must be submitted at least thirty (30) days prior to the examination date.
(Medical Licensing Board of Indiana; 844 IAC 10-3-3; filed Aug 22, 2008, 3:55 p.m.: 20081105-IR-844080342RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)
Sec. 3. The committee may issue a license or certificate by endorsement to an applicant who completes the following:
(1) Applies to the committee in the form and manner required by the board.
(2) Submits the fees required under 844 IAC 10-2-1.
(3) Submits a diploma to the committee of the applicant's graduation from a school or program of occupational therapy or a program of occupational therapy assistants approved by the board that meets the standards set by the board under 844 IAC 10-1-2.
(4) Submits two (2) recent passport-quality photographs of the applicant, not smaller than two (2) inches by two (2) inches, each signed by the applicant, in black ink.
(5) Submits an official transcript of grades from which the applicant obtained the applicant's degree that shows that all requirements for graduation have been met.
(6) Submits verification of licensure/certification status from the initial state in which the applicant has been or is currently licensed/certified.
(7) Submits verification from all states in which the applicant has been or is currently licensed/certified, which statement shall include whether the applicant has ever been disciplined in any manner.
(8) Otherwise meets the requirements of IC 25-23.5-5.
(Medical Licensing Board of Indiana; 844 IAC 10-3-3; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1067; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-3-3 Licensure or certification by endorsement
Affected: IC 25-23.5-2-6

Rule 4. Certification
844 IAC 10-4-1 Mandatory registration; renewal
Authority: IC 25-23.5-2-6
Affected: IC 25-23.5-5-9; IC 25-23.5-5-12
Sec. 1. Every occupational therapist and occupational therapy assistant holding a license or certificate issued by the committee shall renew his or her license or certificate biennially on or before December 31 of each even-numbered year.
(Medical Licensing Board of Indiana; 844 IAC 10-4-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 12, 2004, 10:12 a.m.: 28 IR 211; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-4-2 Address; change of name
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-23.5-5
Sec. 2. (a) Each license or certificate holder shall inform the board in writing, of all changes of address or name within fifteen (15) days of the change.
(b) A license or certificate holder's failure to receive notification of renewal due to failure to notify the board of a change of address or name shall not constitute an error on the part of the committee, board, or Indiana professional licensing agency, nor shall it exonerate or otherwise excuse the license or certificate holder from renewing such license or certification.
(Medical Licensing Board of Indiana; 844 IAC 10-4-2; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-4-3 Reinstatement of delinquent certificate (Repealed)
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-23.5-5-10
Sec. 3. (Repealed by Medical Licensing Board of Indiana; Aug 15, 2008, 1:44 p.m.: 20080910-IR-844070843FRA)

Rule 5. Standards of Competent Practice of Occupational Therapy
844 IAC 10-5-1 Applicability
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 1. An occupational therapist in the conduct of his or her practice of occupational therapy shall abide by, and comply with, the standards of competent practice in this rule.
(Medical Licensing Board of Indiana; 844 IAC 10-5-1; filed Nov 14, 1991, 3:30 p.m.: 15 IR 581; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-2 Confidentiality
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 2. An occupational therapist shall maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the patient's diagnosis, treatment, and prognosis, and of all records relating thereto, about which the practitioner may learn or otherwise be informed during the course of, or as a result of, the patient-practitioner relationship. Information about a patient shall be disclosed by an occupational therapist when required by law or when authorized by the patient or those responsible for the patient's care.
(Medical Licensing Board of Indiana; 844 IAC 10-5-2; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-3 Professional practice
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 3. When the occupational therapist refers a patient to another professional or suggests purchase or rental of therapy or rehabilitative equipment, the occupational therapist shall allow the patient a choice of qualified professionals or equipment companies.
(Medical Licensing Board of Indiana; 844 IAC 10-5-3; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-4 Information to patient
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 4. An occupational therapist shall give a truthful, candid, and reasonably complete account of the patient's condition to the patient or to those responsible for the patient's care.
844 IAC 10-5-5 Supervision of occupational therapy assistant
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 5. Under the supervision of an occupational therapist, an occupational therapy assistant may contribute to the screening and evaluation process. The occupational therapy assistant may also contribute to the following:
   1. The development and implementation of the intervention plan.
   2. The monitoring and documentation of progress.
   3. The discontinuation or discharge from care or transitioning to another level of care.

The occupational therapy assistant may not independently develop the intervention plan or initiate treatment.

844 IAC 10-5-6 Documentation
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 6. The occupational therapist shall countersign within seven (7) calendar days all documentation written by the occupational therapy assistant, which will become part of the patient’s permanent record.

844 IAC 10-5-7 Fees
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 7. Fees charged by an occupational therapist for his or her professional services shall be reasonable and shall reasonably compensate the practitioner only for services actually rendered.

844 IAC 10-5-8 Fee division
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 8. An occupational therapist shall not divide a fee for professional services with another practitioner who is not a partner, employee, or shareholder in a professional corporation, unless:
   1. The patient consents to the employment of the other practitioner after a full disclosure that a division of fees will be made; and
   2. The division of fees is made in proportion to actual services performed and responsibility assumed by each practitioner.

844 IAC 10-5-9 Advertising
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 9. (a) An occupational therapist shall not, on behalf of himself or herself, a partner, an associate, a shareholder in a professional corporation, or any other practitioner or specific health care provider affiliated with the practitioner, use, or participate in the use of, any form of public communication containing a false, fraudulent, misleading, deceptive, or unfair statement or claim.

(b) Subject to the requirements of subsection (a), and in order to facilitate the process of informed selection of a practitioner by the public, an occupational therapist may advertise services through the public media, provided that the advertisement is dignified and confines itself to the existence, scope, nature, and field of practice of occupational therapy.

(c) If the advertisement is communicated to the public by radio, cable, or television, it shall be prerecorded, approved for broadcast by the occupational therapist, and a recording and transcript of the actual transmission shall be retained by the occupational therapist for a period of five (5) years from the last date of broadcast.

(d) If an occupational therapist advertises a fee for a service, treatment, consultation, examination, or other procedure, the practitioner must render that service or procedure for no more than the fee advertised.

(e) Unless otherwise specified in the advertisement, if an occupational therapist publishes or communicates any fee information in a publication which has no fixed date for publication of a succeeding issue, the occupational therapist shall be bound by any representation made therein for thirty (30) days.

844 IAC 10-5-10 Contingency fee prohibited
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 10. An occupational therapist shall not base his or her fee upon the uncertain outcome of a contingency, whether such contingency be the outcome of litigation or any other occurrence or condition which may or may not develop, occur, or happen.

844 IAC 10-5-11 Liability to patients
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 11. An occupational therapist shall not attempt to exonerate himself or herself from or limit his or her liability to a patient for his or her personal malpractice except that an occupational therapist may enter into agreements which contain informed, voluntary releases and/or waivers of liability in settlement of a claim made by a patient or by those responsible for a patient’s care.

844 IAC 10-5-12 Patient complaints
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 12. An occupational therapist shall not attempt to preclude, prohibit, or otherwise prevent the filing of a complaint against him or her by a patient or other practitioner for the alleged violation of any law.

844 IAC 10-5-13 Supervision of a holder of a temporary permit
Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-5-3; IC 25-23.5
Sec. 13. The supervising occupational therapist shall be reasonably available and responsible at all times for the direction and action of the person supervised when services are performed by the holder of a temporary permit issued under IC 25-23.5-5-11(a)(3). Unless the supervising occupational therapist is on the premises to provide constant supervision, the holder of the temporary permit shall meet once each working day to review all patients’ treatments. This meeting must include the actual presence of the occupational therapist or the designated assistant, which will become part of the patient’s permanent record.
occupational therapist. The patient's care shall always be the responsibility of the supervising occupational therapist. Reports written by the holder of a temporary permit issued under IC 25-23.5-5-11(a)(3) for inclusion in the patient's permanent record shall be countersigned by the supervising occupational therapist who may enter any remarks, revisions, or additions as the occupational therapist deems appropriate. The occupational therapist shall countersign within seven (7) calendar days all documentation written by the holder of the temporary permit issued under IC 25-23.5-5-11(a)(3). The supervising occupational therapist shall, within fourteen (14) days, notify the committee in writing when the supervising relationship with the holder of the temporary permit has changed or been terminated. The notification to the committee shall indicate the reason for the change or termination in supervision. It shall be the responsibility of the holder of the temporary permit to notify the committee in writing of the name and license number of a new supervisor.

(Medical Licensing Board of Indiana; 844 IAC 10-5-13; filed Apr 22, 1994, 5:00 p.m.; 17 IR 2076; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-5-14 Limit on number of temporary permit holders supervised

Affected: IC 25-23.5-5-11

Sec. 14. An occupational therapist may not supervise more than three (3) holders of temporary permits issued under IC 25-23.5-5-11(a)(3) at one (1) time.

(Medical Licensing Board of Indiana; 844 IAC 10-5-14; filed Apr 22, 1994, 5:00 p.m.; 17 IR 2076; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

844 IAC 10-5-15 Limit on number of temporary permit applications

Affected: IC 25-23.5-5-11

Sec. 15. Under IC 25-23.5-5-11, temporary permits of applicants who fail to appear for the scheduled examination will be invalidated. If the applicant shows good cause to the committee in writing for missing the scheduled examination, the committee may allow the applicant to submit a new application for a temporary permit. The applicant may make up to two (2) applications for a temporary permit.

(Medical Licensing Board of Indiana; 844 IAC 10-5-15; filed Apr 22, 1994, 5:00 p.m.; 17 IR 2076; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA)

Rule 6. Occupational Therapy Aides; Training and Supervision

844 IAC 10-6-1 Training programs

Affected: IC 25-23.5-2-6

Sec. 1. An occupational therapy aide is an unlicensed or uncertified person who assists in the practice of occupational therapy. Therefore, before an occupational therapy aide may be involved in the provision of direct services to patients, the occupational therapy aide shall have received site-specific training that is appropriate and consistent with the role and function of the aide in the facility to which he or she is assigned. Well-defined and documented training programs are required for the occupational therapy aide to ensure the delivery of quality services.

(Medical Licensing Board of Indiana; 844 IAC 10-6-1; filed Sep 1, 2000, 2:04 p.m.; 24 IR 23; readopted filed Nov 16, 2006, 10:52 a.m.: 20061129-IR-844060240FRA)

844 IAC 10-6-2 Indirect and direct patient services

Affected: IC 25-23.5-2-6

Sec. 2. An occupational therapy aide may contribute to indirect patient services through the provision of the following:

(1) Routine department maintenance.
(2) Transportation of patients.
(3) Preparation and setting up of treatment equipment.
(4) Performing clerical activities.

An aide, with direct on-site supervision of a licensed occupational therapist or, when appropriate, a certified occupational therapy assistant, may provide direct patient service.

(Medical Licensing Board of Indiana; 844 IAC 10-6-2; filed Sep 1, 2000, 2:04 p.m.; 24 IR 23; readopted filed Nov 16, 2006, 10:52 a.m.: 20061129-IR-844060240FRA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-6-3 Direct supervision

Affected: IC 25-23.5-2

Sec. 3. Direct supervision means that the supervising occupational therapist or occupational therapy assistant shall:

(1) be on the premises, immediately available, in person, and responsible at all times whenever an occupational therapy aide is performing direct client services; and
(2) examine each client prior to the treatment session of the purpose of determining whether a portion of the treatment may be delegated to the occupational therapy aide.

(Medical Licensing Board of Indiana; 844 IAC 10-6-3; filed Sep 1, 2000, 2:04 p.m.; 24 IR 24; readopted filed Nov 16, 2006, 10:52 a.m.: 20061129-IR-844060240FRA)

Rule 7. Continuing Competency Requirements

844 IAC 10-7-1 Continuing competency requirements

Affected: IC 25-1-4; IC 25-23.5-2

Sec. 1. (a) Eighteen (18) hours of continuing competency are required for license renewal.

(b) Programs that have not been approved under this article will not be accepted as credit for license renewal.

(c) Continuing competency hours:

(1) must be obtained within the biennial renewal period; and
(2) may not be carried over from one (1) licensure period to another.

(d) If a license or certificate is valid for less than twelve (12) months, no continuing competency is required for renewal. If the license or certificate is valid for twelve (12) to twenty-four (24) months, nine (9) hours of continuing competency is required for renewal.

(e) Audits for compliance with continuing competency requirements and actions regarding noncompliance will be conducted as provided for in IC 25-1-4.

(Medical Licensing Board of Indiana; 844 IAC 10-7-1; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-7-2 Responsibilities of licensees

Affected: IC 25-23.5-2

Sec. 2. A license or certificate holder must do the following:

(1) Certify completion of continuing competency required by this rule at the time of license renewal.
(2) Retain verification of completion of continuing competency required by this rule for three (3) years after the last renewal date.
(3) Present verification of completion of continuing competency required by this rule at the request of the committee.

(Medical Licensing Board of Indiana; 844 IAC 10-7-2; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)
844 IAC 10-7-3 License period; number of hours required
Authority: IC 25-1-4-8; IC 25-23.5-2-5
Affected: IC 25-23.5-2
Sec. 3. (a) During each two (2) year license period, an occupational therapist or occupational therapy assistant must complete at least eighteen (18) hours of continuing competency of which at least nine (9) hours must be in category I courses.
(b) An occupational therapist or occupational therapy assistant may not earn more than nine (9) category II credit hours towards the requirements under this section.
(c) All eighteen (18) hours of the continuing competency requirements may be obtained through distance learning methods.
(Medical Licensing Board of Indiana; 844 IAC 10-7-3; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-7-4 "Category I continuing competency courses" and "category II continuing competency activities" defined
Authority: IC 25-23.5-2-5
Affected: IC 25-23.5-2
Sec. 4. (a) As used in this rule, "category I continuing competency courses" includes the following and must be at least one (1) contact hour in length:
1. Formally organized courses.
2. Workshops.
3. Seminars.
4. Symposia.
5. Home study programs, including approved online or web-based, audio, and video instructional programs.
6. Undergraduate or graduate courses from an accredited institution related to the management, practice, and education of occupational therapy.
(b) As used in this rule, "category II continuing competency activities" includes the following:
1. Publications of books, articles, or films related to practice, management, or education of occupational therapy. A maximum of five (5) contact hours will be awarded under this subdivision.
2. Preparation for teaching a course in occupational therapy in an accredited program. A maximum of six (6) contact hours will be awarded under this subdivision.
3. Supervision of fieldwork for Level I and Level II students. One (1) contact hour will be awarded for every thirty-two (32) hours of supervision with a maximum of six (6) contact hours.
4. In-house or in-service seminars specifically designed for training or teaching.
5. Actively participating with professional organizations as an officer or committee chairperson.
6. Supervising occupational therapy students when doing their observational hours as a pre-OT student applicant.
7. Research activities other than publications and presentations.
(Medical Licensing Board of Indiana; 844 IAC 10-7-4; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-7-5 Approved organizations; standards for approval
Authority: IC 25-1-4-4; IC 25-23.5-2-5
Affected: IC 25-1-4-0-2; IC 25-23.5-2
Sec. 5. (a) In addition to those approved organizations approved under IC 25-1-4-0-2, the following organizations are approved organizations for the purpose of sponsoring continuing competency courses without making further application to the committee:
1. American Occupational Therapy Association or AOTA approved providers.
3. Indiana Occupational Therapy Association or IOTA approved providers.
(b) Continuing education courses offered by accredited colleges are acceptable for purposes of this rule if the course content is designed to directly enhance the practitioner’s knowledge and skill in providing services relevant to the practice of occupational therapy. The following conversion will be used for this type of credit:
1. One (1) semester hour equals fifteen (15) contact hours.
2. One (1) quarter hour equals ten (10) contact hours.
(c) The committee will approve continuing competency activities if it determines that it:
1. contributes directly to professional competency;
2. relates directly to the practice or management of education of occupational therapy practitioners; and
3. is conducted by individuals who have demonstrated expertise in the subject matter of the program.
(A) Prior approval by the committee is not required.
(B) Proof of content shall be demonstrated by the original workshop or conference brochure, agenda, notes, or materials given to participants during the presentations.
(Medical Licensing Board of Indiana; 844 IAC 10-7-5; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-7-6 Application for approval as continuing education sponsor
Authority: IC 25-23.5-2-5
Affected: IC 25-23.5-2
Sec. 6. (a) Individuals or organizations applying for approval as sponsors of category I continuing competency courses must submit a written application for approval at least thirty (30) days prior to the date of the individual’s or organization’s presentation of a program for continuing competency credit. Programs presented:
1. prior to the receipt of approval; or
2. after the withdrawal or termination of approval of the individual or organization;
by the committee shall not count toward continuing competency requirements.
(b) The written request for approval shall include the following:
1. The name of the sponsoring individual or organization.
2. The address and telephone number of the individual or organization.
3. The following for organizations:
(A) A description of the specific purposes for which the organization was formed.
(B) For each individual in the organization with direct responsibility for the training activities of the organization, a vita or resume listing all educational and relevant work experience.
(C) For individuals, a vita or resume listing all educational and relevant work experience.
(D) A list of each educational program presented or sponsored by the individual or organization for one (1) year prior to the date of the request for approval.
(E) For each program listed under subdivision (5), the following:
(A) The date and location of the program.
(B) A brief summary of the content of the program.
(C) The name and the academic and professional background of the lecturer.
(D) The number of clock hours of continuing education credit granted by a state licensing or similar regulatory authority for the program.
(E) A description of the course evaluation technique utilized for all educational programs.
(F) A sample of the certificate awarded for the completion of all educational programs, if available.
(G) A list of all programs anticipated to be presented or sponsored during the requested approval period, if available.
(H) A description of the procedure to be utilized for monitoring and documenting attendance.
(c) The individual or organization is responsible for monitoring attendance in such a way that verification of attendance throughout the program can be reliably assured.
(d) Approval of the individual or organization will be valid for a maximum period of two (2) years. The individual or organization is responsible for applying to the committee for approval.
(Medical Licensing Board of Indiana; 844 IAC 10-7-6; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)

844 IAC 10-7-7 Renewal; sworn statement
Authority: IC 25-23.5-2-5
Affected: IC 25-23.5-2
Sec. 7. An application for renewal of a license or certificate must contain a sworn statement by the licensee attesting that the continuing competency requirements as required by this section have been fulfilled.
(Medical Licensing Board of Indiana; 844 IAC 10-7-7; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA)