



January 25, 2008

HOUSE BILL No. 1172

DIGEST OF HB 1172 (Updated January 24, 2008 11:01 am - DI 77)

Citations Affected: IC 16-18; IC 16-20; IC 16-22; IC 16-27; IC 16-28; IC 25-1; IC 25-2.5; IC 25-13; IC 25-14; IC 25-20.5; IC 25-23; IC 25-23.3; IC 25-23.5; IC 25-23.6; IC 34-30; noncode.

Synopsis: Various professions and occupations. Requires a home health agency and a personal services agency to obtain an employee's limited criminal history not more than three business days after the date that an employee begins to provide services. Requires a home health agency and a personal services agency to obtain an employee's national criminal history background check if the agency discovers that the employee lived in another state at any time during the two years immediately before the date the individual was hired by the agency. Establishes criteria when a nursing home is not required to provide cardiopulmonary resuscitation or other intervention on a patient who has died. Removes the licensure and physician referral requirements to receive acupuncture. Amends the places a dental hygienist may practice under direct supervision, prescriptive supervision, and without supervision of a dentist. Establishes requirements for a dental hygienist to administer local dental anesthesia. Requires a dental assistant to work under the direct supervision of a dentist. Specifies certain procedures that may and may not be delegated to a dental assistant. Exempts licensed mental health counselors from the licensed hypnotist requirements. Establishes the interstate nurse licensure compact beginning July 1, 2009. Allows the state board of nursing to issue a registered nurse's license to an applicant who completes the Canadian Registered Nurse Examination. Requires part of the examination and registration fees collected by the board to be used for the rehabilitation
(Continued next page)

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Effective: Upon passage; July 1, 2008.

Welch, Brown C

January 10, 2008, read first time and referred to Committee on Public Health.
January 24, 2008, amended, reported — Do Pass.

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Digest Continued

of impaired registered nurses and impaired licensed practical nurses. Establishes the amount of fees to be deposited in the impaired nurses account. Allows an optometrist to refer patients to an occupational therapist. Establishes licensing and continuing education requirements for marriage and family therapist associates. Requires marriage and family therapists to meet certain clinical requirements and hold an associate license or be licensed in another state to receive a license. Makes conforming changes. Repeals a provision that abolishes and transfers the rights, powers, and duties of the state board of examination and registration of nurses.

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January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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HOUSE BILL No. 1172

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-204.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 204.5. "Limited criminal**
4 **history", for purposes of IC 16-27-2, has the meaning set forth in**
5 **IC 16-27-2-2.6.**

6 SECTION 2. IC 16-20-1-14, AS AMENDED BY P.L.121-2007,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2008]: Sec. 14. (a) Local health officers may appoint and
9 employ public health nurses, environmental health specialists,
10 computer programmers, clerks, other personnel, and an administrator
11 of public health, subject to the confirmation of the local board of
12 health, as is necessary and reasonable to carry out and perform the
13 duties of the local health department.

14 (b) Except as provided in subsection (d), the employees of local
15 health departments shall perform any of the duties of the health officer
16 delegated by the health officer, with the approval of the local board of
17 health, on the basis of an agent-principal relation.

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- 1 (c) The public health personnel of local health departments:
- 2 (1) must meet the minimum qualification requirements of the
- 3 local board of health;
- 4 (2) by local ordinance, become part of the county classification
- 5 system for the respective public health personnel positions; and
- 6 (3) shall perform additional duties prescribed by the rules of the
- 7 state department and local board of health under the general
- 8 supervision of the local health officer.

9 (d) If an appointee or employee of a local health officer is not a
 10 licensed water well driller under IC 25-39-3, the appointee or employee
 11 may not inspect the drilling of a water well.

12 (e) After a dentist licensed under IC 25-14 who is employed by a
 13 local health department examines a child enrolled in any grade up to
 14 and including grade 12 and prescribes a treatment plan in writing for
 15 the child, a licensed dental hygienist employed by the local health
 16 department may, without supervision by the dentist, provide the child
 17 with the following treatment in accordance with the treatment plan:

- 18 (1) Prophylaxis;
- 19 (2) Fluoride application;
- 20 (3) Sealants;

21 However, the treatment must be completed not more than ninety (90)
 22 days after the dentist prescribes the treatment plan. This subsection
 23 expires June 30, 2009.

24 SECTION 3. IC 16-22-8-34, AS AMENDED BY P.L.121-2007,
 25 SECTION 2, AS AMENDED BY P.L.194-2007, SECTION 4, AND
 26 AS AMENDED BY P.L.215-2007, SECTION 2, IS CORRECTED
 27 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 28 2008]: Sec. 34. (a) The board or corporation may do all acts necessary
 29 or reasonably incident to carrying out the purposes of this chapter,
 30 including the following:

- 31 (1) As a municipal corporation, sue and be sued in any court with
- 32 jurisdiction.
- 33 (2) To serve as the exclusive local board of health and local
- 34 department of health within the county with the powers and duties
- 35 conferred by law upon local boards of health and local
- 36 departments of health.
- 37 (3) To adopt and enforce ordinances consistent with Indiana law
- 38 and administrative rules for the following purposes:
- 39 (A) To protect property owned or managed by the corporation.
- 40 (B) To determine, prevent, and abate public health nuisances.
- 41 (C) To establish *isolation and quarantine regulations impose*
- 42 *restrictions on persons having infectious or contagious*

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~~diseases and contacts of the persons, and regulate the disinfection of premises in accordance with IC 16-41-9.~~

(D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.

(E) To control:

(i) rodents, mosquitos, and other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals; and

(ii) the animals' breeding places.

(F) To require persons to connect to available sewer systems and to regulate the disposal of domestic or sanitary sewage by private methods. However, the board and corporation have no jurisdiction over publicly owned or financed sewer systems or sanitation and disposal plants.

(G) To control rabies.

(H) For the sanitary regulation of water supplies for domestic use.

(I) To protect, promote, or improve public health. For public health activities and to enforce public health laws, the state health data center described in IC 16-19-10 shall provide health data, medical information, and epidemiological information to the corporation.

(J) To detect, report, prevent, and control disease affecting public health.

(K) To investigate and diagnose health problems and health hazards.

(L) To regulate the sanitary and structural conditions of residential and nonresidential buildings and unsafe premises.

~~(M)~~ *To regulate the remediation of lead hazards.*

~~(N)~~ (N) To license and regulate the design, construction, and operation of public pools, spas, and beaches.

~~(O)~~ (O) To regulate the storage, containment, handling, use, and disposal of hazardous materials.

~~(P)~~ (P) To license and regulate tattoo ~~parlors~~ and body piercing facilities.

~~(Q)~~ *To regulate the storage and disposal of waste tires.*

(4) To manage the corporation's hospitals, medical facilities, and mental health facilities.

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- 1 (5) To ~~furnish~~ provide school based health ~~and nursing~~ services.
- 2 ~~to elementary and secondary schools within the county.~~
- 3 (6) To furnish medical care to ~~the indigent within~~ insured and
- 4 uninsured residents of the county. ~~unless medical care is~~
- 5 ~~furnished to the indigent by the division of family resources.~~
- 6 (7) To furnish dental services to the insured and uninsured
- 7 residents of the county. ~~including the services as provided in~~
- 8 ~~subsection (c) until the expiration of subsection (c).~~
- 9 ~~(7) (8) To determine the establish~~ public health policies and
- 10 programs. ~~to be carried out and administered by the corporation.~~
- 11 ~~(8) (9) To adopt an annual budget ordinance and levy taxes.~~
- 12 ~~(9) (10) To incur indebtedness in the name of the corporation.~~
- 13 ~~(10) (11) To organize the personnel and functions of the~~
- 14 corporation into divisions. ~~and subdivisions to carry out the~~
- 15 ~~corporation's powers and duties and to consolidate, divide, or~~
- 16 ~~abolish the divisions and subdivisions.~~
- 17 ~~(11) (12) To acquire and dispose of property.~~
- 18 ~~(12) (13) To receive charitable contributions and gifts as provided~~
- 19 ~~in 26 U.S.C. 170.~~
- 20 ~~(13) (14) To make charitable contributions and gifts.~~
- 21 ~~(14) (15) To establish a charitable foundation as provided in 26~~
- 22 ~~U.S.C. 501.~~
- 23 ~~(15) (16) To receive and distribute federal, state, local, or private~~
- 24 ~~grants.~~
- 25 ~~(16) (17) To receive and distribute grants from charitable~~
- 26 ~~foundations.~~
- 27 ~~(17) (18) To establish nonprofit corporations and enter into~~
- 28 ~~partnerships and joint ventures to carry out the purposes of the~~
- 29 ~~corporation. This subdivision does not authorize the merger of the~~
- 30 ~~corporation with a hospital licensed under IC 16-21.~~
- 31 ~~(18) (19) To erect, improve, remodel, or repair corporation~~
- 32 ~~buildings. or structures or improvements to existing buildings or~~
- 33 ~~structures.~~
- 34 ~~(19) (20) To determine matters of policy regarding internal~~
- 35 ~~organization and operating procedures.~~
- 36 ~~(20) (21) To do the following:~~
- 37 (A) Adopt a schedule of reasonable charges for nonresidents
- 38 of the county for medical and mental health services.
- 39 (B) Collect the charges from the patient, ~~the patient's~~
- 40 ~~insurance company, or from the governmental unit where the~~
- 41 ~~patient resided at the time of the service. a government~~
- 42 ~~program.~~

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1 (C) Require security for the payment of the charges.
 2 ~~(21)~~ (22) To adopt a schedule of and to collect reasonable charges
 3 for *patients able to pay in full or in part. medical and mental*
 4 *health services.*
 5 ~~(22)~~ (23) To enforce Indiana laws, administrative rules,
 6 *ordinances,* and the code of the health and hospital corporation of
 7 the county.
 8 ~~(23)~~ (24) To purchase supplies, materials, and equipment. *for the*
 9 *corporation.*
 10 ~~(24)~~ (25) To employ personnel and establish personnel policies.
 11 *to carry out the duties, functions, and powers of the corporation.*
 12 ~~(25)~~ (26) To employ attorneys admitted to practice law in Indiana.
 13 ~~(26)~~ (27) To acquire, erect, equip, and operate the corporation's
 14 hospitals, medical facilities, and mental health facilities.
 15 ~~(27)~~ (28) To dispose of surplus property in accordance with a
 16 policy by the board.
 17 ~~(28)~~ (29) To determine the duties of officers and division
 18 directors.
 19 ~~(29)~~ (30) To fix the compensation of the officers and division
 20 directors.
 21 ~~(30)~~ (31) To carry out the purposes and object of the corporation.
 22 ~~(31)~~ (32) To obtain loans for hospital expenses in amounts and
 23 upon terms agreeable to the board. The board may secure the
 24 loans by pledging accounts receivable or other security in hospital
 25 funds.
 26 ~~(32)~~ (33) To establish fees for licenses, services, and records. The
 27 corporation may accept payment by credit card for fees.
 28 *IC 5-14-3-8(d) does not apply to fees established under this*
 29 *subdivision for certificates of birth, death, or stillbirth*
 30 *registration.*
 31 ~~(33)~~ (34) *To use levied taxes or other funds to make*
 32 *intergovernmental transfers to the state to fund governmental*
 33 *health care programs, including Medicaid and Medicaid*
 34 *supplemental programs.*
 35 (b) The board shall exercise the board's powers and duties in a
 36 manner consistent with Indiana law, administrative rules, and the code
 37 of the health and hospital corporation of the county.
 38 (c) *After a dentist licensed under IC 25-14 who is employed by a*
 39 *local health department or the health and hospital corporation*
 40 *examines a child enrolled in any grade up to and including grade 12*
 41 *and prescribes a treatment plan in writing for the child, a licensed*
 42 *dental hygienist employed by the local health department or the health*

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1 *and hospital corporation may, without supervision by the dentist,*
2 *provide the child with the following treatment in accordance with the*
3 *treatment plan:*

- 4 (1) *Prophylaxis.*
- 5 (2) *Fluoride application.*
- 6 (3) *Sealants.*

7 *However, the treatment must be completed not more than ninety (90)*
8 *days after the dentist prescribes the treatment plan. This subsection*
9 *expires June 30, 2009.*

10 SECTION 4. IC 16-27-2-2.6 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: **Sec. 2.6. As used in this chapter, "limited**
13 **criminal history" means an individual's limited criminal history**
14 **from the Indiana central repository for criminal history**
15 **information established under IC 10-13-3.**

16 SECTION 5. IC 16-27-2-4, AS AMENDED BY P.L.197-2007,
17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 4. (a) A person who operates a home health
19 agency under IC 16-27-1 or a personal services agency under
20 IC 16-27-4 shall apply, not more than three (3) business days after the
21 date that an employee begins to provide services in a patient's
22 temporary or permanent residence, for a ~~determination concerning~~
23 **copy of the employee's national limited criminal history background**
24 **check from the Indiana central repository for criminal history**
25 **information under ~~IC 10-13-3-39~~ IC 10-13-3.** **However, if a home**
26 **health agency under IC 16-27-1 or a personal services agency**
27 **under IC 16-27-4 determines an employee lived outside Indiana at**
28 **any time during the two (2) years immediately before the date the**
29 **individual was hired by the agency, the home health agency or**
30 **personal services agency shall apply, not more than three (3)**
31 **business days after the date that an employee begins to provide**
32 **services in a patient's temporary or permanent residence, for the**
33 **employee's national criminal history background check from the**
34 **Indiana central repository for criminal history information under**
35 **IC 10-13-3-39.**

36 (b) **Notwithstanding IC 10-13-3-39(b)(1), if, after hiring an**
37 **individual, a home health agency under IC 16-27-1 or a personal**
38 **services agency under IC 16-27-4 discovers the employee lived**
39 **outside Indiana during the two (2) years immediately before the**
40 **date the individual was hired, the agency shall apply, not more**
41 **than three (3) business days after the date the agency first learns**
42 **the employee lived outside Indiana, for the employee's national**

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1 **criminal background check from the Indiana central repository for**
 2 **criminal history information under IC 10-13-3-39.**

3 ~~(b)~~ (c) A home health agency or personal services agency may not
 4 employ a person to provide services in a patient's or client's temporary
 5 or permanent residence for more than three (3) business days without
 6 applying for a ~~determination concerning that person's~~ **that person's**
 7 **limited criminal history check** or national criminal history
 8 background check as required by ~~subsection~~ **subsections (a) and (b).**

9 SECTION 6. IC 16-27-2-5, AS AMENDED BY P.L.197-2007,
 10 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), a
 12 person who operates a home health agency under IC 16-27-1 or a
 13 personal services agency under IC 16-27-4 may not employ a person to
 14 provide services in a patient's or client's temporary or permanent
 15 residence if a ~~determination of~~ that person's **limited criminal history**
 16 **check** or national criminal history background check indicates that the
 17 person has been convicted of any of the following:

- 18 (1) Rape (IC 35-42-4-1).
 19 (2) Criminal deviate conduct (IC 35-42-4-2).
 20 (3) Exploitation of an endangered adult (IC 35-46-1-12).
 21 (4) Failure to report battery, neglect, or exploitation of an
 22 endangered adult (IC 35-46-1-13).
 23 (5) Theft (IC 35-43-4), if the conviction for theft occurred less
 24 than ten (10) years before the person's employment application
 25 date.
 26 **(6) A felony that is substantially equivalent to a felony listed**
 27 **in subdivisions (1) through (2) for which the conviction was**
 28 **entered in another state.**

29 (b) A home health agency or personal services agency may not
 30 employ a person to provide services in a patient's or client's temporary
 31 or permanent residence for more than twenty-one (21) calendar days
 32 without receipt of a ~~determination of~~ that person's **limited criminal**
 33 **history** or national criminal history background check required by
 34 section 4 of this chapter, unless either the state police department or the
 35 Federal Bureau of Investigation under IC 10-13-3-39 is responsible for
 36 failing to provide the ~~determination of~~ the person's **limited criminal**
 37 **history** or national criminal history background check to the home
 38 health agency or personal services agency within the time required
 39 under this subsection.

40 SECTION 7. IC 16-28-11-5.5 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2008]: **Sec. 5.5. (a) This section does not**

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apply to the implementation of a do not resuscitate order.
(b) This article does not require an employee of a health facility to provide cardiopulmonary resuscitation (CPR) or other intervention on a patient if a licensed registered nurse who is employed by the health facility has determined that the following criteria have been met:

- (1) The patient has experienced an unwitnessed cessation of circulatory and respiratory functions.
- (2) The patient is unresponsive.
- (3) The patient's pupils are fixed and dilated.
- (4) The patient's body temperature indicates hypothermia.
- (5) The patient has generalized cyanosis.
- (6) The patient has livor mortis.

SECTION 8. IC 25-1-7-9, AS AMENDED BY P.L.1-2007, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: 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 25-23.3-2-6**).

SECTION 9. IC 25-1-7-10, AS AMENDED BY P.L.1-2007, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: 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.

(c) Notwithstanding subsections (a) and (b), under IC 25-23.3, the Indiana state board of nursing may disclose to the coordinated licensure information system (as defined in IC 25-23.3-2-5) complaints and information concerning complaints that the board determines to be current significant investigative information (as defined in IC 25-23.3-2-6).

SECTION 10. IC 25-2.5-3-3 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Subject to section
 2 † of this chapter, it is unlawful to practice acupuncture without a
 3 license issued under this article.
 4 (b) Subject to subsection (c), it is unlawful for a licensed
 5 acupuncturist, other than a chiropractor licensed under IC 25-10;
 6 podiatrist licensed under IC 25-29; or dentist licensed under IC 25-14;
 7 to practice acupuncture on a patient unless the acupuncturist obtains:
 8 (1) a written letter of referral; and
 9 (2) either:
 10 (A) a written diagnosis of the patient; or
 11 (B) written documentation relating to the condition for which
 12 the patient receives acupuncture;
 13 from an individual licensed under IC 25-22.5 within the twelve (12)
 14 months immediately preceding the date of acupuncture treatment.
 15 (c) An acupuncturist licensed under this article may practice
 16 auricular acupuncture on a patient for the purpose of treating
 17 alcoholism, substance abuse, or chemical dependency without a written
 18 letter of referral or written diagnosis from a physician licensed under
 19 IC 25-22.5.
 20 (d) If a licensed acupuncturist practices acupuncture on a patient
 21 after having obtained a written letter of referral or written diagnosis of
 22 the patient from a physician licensed under IC 25-22.5, as described in
 23 subsection (b), the physician is immune from civil liability relating to
 24 the patient's or acupuncturist's use of that diagnosis or referral except
 25 for acts or omissions of the physician that amount to gross negligence
 26 or willful or wanton misconduct.
 27 SECTION 11. IC 25-13-1-2 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. As used in this
 29 article:
 30 (a) "Dental hygienist" means one who is especially educated and
 31 trained in the science and art of maintaining the dental health of the
 32 individual or community through prophylactic or preventive measures
 33 applied to the teeth and adjacent structures.
 34 (b) "License" means the license to practice dental hygiene issued by
 35 the state board of dentistry to dental hygienist candidates who
 36 satisfactorily pass the board's examinations.
 37 (c) "Board" means the state board of dentistry established by
 38 IC 25-14-1.
 39 (d) "Proprietor dentist" means a licensed dentist who is the owner
 40 and operator of the dental office in which he practices the profession
 41 of dentistry and who employs at least one (1) dentist or dental hygienist
 42 to supplement his operation and conduct of his dental office.

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1 (e) "Employer dentist" means a proprietor dentist who employs at
2 least one (1) dental hygienist to supplement his dental service to his
3 clientele.

4 (f) "Referral" means a recommendation that a patient seek further
5 dental care from a licensed dentist, but not a specific dentist.

6 (g) "Screening" means to identify and assess the health of the hard
7 or soft tissues of the human oral cavity.

8 (h) "Public health setting" means a location, including a mobile
9 health care vehicle, where the public is invited for health care,
10 information, and services by a program sponsored or endorsed by a
11 governmental entity or charitable organization.

12 (i) **"Direct supervision" means that a licensed dentist is**
13 **physically present in the facility when patient care is provided.**

14 (j) **"Prescriptive supervision" means that a licensed dentist is**
15 **not required to be physically present in the facility when patient**
16 **care is provided, when a licensed dentist has examined the patient**
17 **and has prescribed the patient care within the previous forty-five**
18 **(45) days.**

19 SECTION 12. IC 25-13-1-10, AS AMENDED BY P.L.121-2007,
20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2008]: Sec. 10. (a) A licensed dental hygienist may ~~be~~
22 ~~employed~~ to practice dental hygiene in Indiana in the following:

23 (1) ~~The A dental office or clinical setting where the dental~~
24 ~~hygienist is practicing under the direct supervision~~ of a legally
25 practicing proprietor dentist.

26 (2) A dental school or dental hygiene school to teach and
27 demonstrate the practice of dental hygiene.

28 (3) The dental clinic of any public, parochial, or private school or
29 other institution supported by public or private funds in which the
30 licensee is employed by the state department of health or any
31 county or city board of health or board of education or school
32 trustee or parochial authority or the governing body of any private
33 school ~~However, institutional practice, other than dental hygiene~~
34 ~~instruction and dental prophylaxis for children up to and~~
35 ~~including grade 12 pupils at all times must be where the dental~~
36 ~~hygienist is practicing~~ under the **direct or prescriptive**
37 **supervision** of a licensed dentist.

38 (4) The dental clinic of a bona fide hospital, sanitarium, or
39 ~~eleemosynary~~ **charitable** institution duly established and being
40 operated under the laws of Indiana in which the licensee is
41 employed by the directors or governing board of such hospital,
42 sanitarium, or institution. However, such practice must be under

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1 the **direct or prescriptive** supervision at all times of a licensed
2 dentist who is a staff member of the hospital or sanitarium or a
3 member of the governing board of the institution.

4 (5) ~~The A:~~
5 (A) ~~fixed charitable dental care clinic; of an industrial or a~~
6 ~~commercial establishment in which the licensee's services are~~
7 (B) **public health setting; or**
8 (C) **correctional institution;**
9 **that has been approved by the board and where the dental**
10 **hygienist is under the direct or prescriptive supervision of a**
11 **licensed dentist.**

12 (b) A licensed dental hygienist may provide without supervision the
13 following:

14 (1) Dental hygiene instruction and in-service training without
15 restriction on location.

16 (2) ~~Dental prophylaxis for children up to and including grade 12~~
17 ~~if the dental hygienist is employed by any of the following:~~

18 (A) ~~The state department of health.~~

19 (B) ~~The department of education.~~

20 (C) ~~The elementary or secondary school where the services are~~
21 ~~provided.~~

22 (3) ~~(2)~~ Screening and referrals for any person in a public health
23 setting.

24 (4) ~~Services as provided in IC 16-20-1-14 and IC 16-22-8-34.~~

25 SECTION 13. IC 25-13-1-10.6 IS ADDED TO THE INDIANA
26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2008]: **Sec. 10.6. A licensed dental hygienist**
28 **may administer local dental anesthetics under the direct**
29 **supervision of a licensed dentist if the dental hygienist has:**

30 (1) **completed board approved educational requirements; and**

31 (2) **received a board issued dental hygiene anesthetic permit.**

32 SECTION 14. IC 25-13-1-11 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. A person is deemed
34 to be practicing dental hygiene within the meaning of this chapter who:

35 (1) uses the titles "Licensed Dental Hygienist", "Dental
36 Hygienist", or the letters "L.D.H." or "D.H." in connection with
37 his or her name;

38 (2) holds himself or herself out to the public in any manner that
39 he or she can or will render services as a dental hygienist;

40 (3) removes calcific deposits or accretions from the surfaces of
41 human teeth or cleans or polishes such teeth;

42 (4) applies and uses within the patient's mouth such antiseptic

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- 1 sprays, washes, or medicaments for the control or prevention of
- 2 dental caries as his or her employer dentist may direct;
- 3 (5) treats gum disease; ~~or~~
- 4 (6) uses impressions and x-ray photographs for treatment
- 5 purposes; **or**
- 6 **(7) administers local dental anesthetics under section 10.6 of**
- 7 **this chapter.**

8 SECTION 15. IC 25-14-1-1.5, AS AMENDED BY P.L.1-2006,
 9 SECTION 430, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2008]: Sec. 1.5. As used in this article:

11 "Agency" refers to the Indiana professional licensing agency
 12 established by IC 25-1-5-3.

13 "Board" refers to the state board of dentistry established under this
 14 chapter.

15 "Deep sedation" means a controlled state of depressed
 16 consciousness, accompanied by partial loss of protective reflexes,
 17 including inability to respond purposefully to verbal command,
 18 produced by a pharmacologic method.

19 **"Dental assistant" means a qualified dental staff member, other**
 20 **than a licensed dental hygienist, who assists a licensed dentist with**
 21 **patient care while working under the dentist's direct supervision.**

22 **"Direct supervision" means that a licensed dentist is physically**
 23 **present in the facility when patient care is provided.**

24 "General anesthesia" means a controlled state of unconsciousness,
 25 accompanied by partial or complete loss of protective reflexes,
 26 including inability to independently maintain an airway and respond
 27 purposefully to physical stimulation or verbal command, produced by
 28 a pharmacologic method.

29 "Light parenteral conscious sedation" means a minimally depressed
 30 level of consciousness under which an individual retains the ability to
 31 independently and continuously maintain an airway and respond
 32 appropriately to physical stimulation and verbal command, produced
 33 by an intravenous pharmacologic method.

34 SECTION 16. IC 25-14-1-23, AS AMENDED BY P.L.121-2007,
 35 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2008]: Sec. 23. (a) A person is practicing dentistry within the
 37 meaning of this chapter if the person does any of the following:

38 (1) Uses the word "dentist" or "dental surgeon", the letters
 39 "D.D.S." or "D.M.D.", or other letters or titles in connection with
 40 dentistry.

41 (2) Directs and controls the treatment of patients within a place
 42 where dental services are performed.

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- 1 (3) Advertises or permits to be advertised by sign, card, circular,
- 2 handbill, newspaper, radio, or otherwise that ~~he~~ **the person** can
- 3 or will attempt to perform dental operations of any kind.
- 4 (4) Offers to diagnose or professes to diagnose or treats or
- 5 professes to treat any of the lesions or diseases of the human oral
- 6 cavity, teeth, gums, or maxillary or mandibular structures.
- 7 (5) Extracts human teeth or corrects malpositions of the teeth or
- 8 jaws.
- 9 (6) Except as provided in IC 25-13-1-10.5, administers dental
- 10 anesthetics.
- 11 (7) Uses x-ray pictures for dental diagnostic purposes.
- 12 (8) Makes impressions or casts of any oral tissues or structures for
- 13 the purpose of diagnosis or treatment thereof or for the
- 14 construction, repair, reproduction, or duplication of any prosthetic
- 15 device to alleviate or cure any oral lesion or replace any lost oral
- 16 structures, tissue, or teeth.
- 17 (9) Advertises to the public by any method, except trade and
- 18 professional publications, to furnish, supply, construct, reproduce,
- 19 repair, or adjust any prosthetic denture, bridge, appliance, or other
- 20 structure to be worn in the human mouth.
- 21 (10) Is the employer of a dentist who is hired to provide dental
- 22 services.
- 23 (11) Directs or controls the use of dental equipment or dental
- 24 material while the equipment or material is being used to provide
- 25 dental services. However, a person may lease or provide advice
- 26 or assistance concerning dental equipment or dental material if
- 27 the person does not restrict or interfere with the custody, control,
- 28 or use of the equipment or material by the dentist. This
- 29 subdivision does not prevent a dental hygienist who is licensed
- 30 under IC 25-13 from owning dental equipment or dental materials
- 31 within the dental hygienist's scope of practice.
- 32 (12) Directs, controls, or interferes with a dentist's clinical
- 33 judgment.
- 34 (13) Exercises direction or control over a dentist through a written
- 35 contract concerning the following areas of dental practice:
- 36 (A) The selection of a patient's course of treatment.
- 37 (B) Referrals of patients, except for requiring referrals to be
- 38 within a specified provider network, subject to the exceptions
- 39 under IC 27-13-36-5.
- 40 (C) Content of patient records.
- 41 (D) Policies and decisions relating to refunds, if the refund
- 42 payment would be reportable under federal law to the National

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- 1 Practitioner Data Bank, and warranties.
- 2 (E) The clinical content of advertising.
- 3 (F) Final decisions relating to the employment of dental office
- 4 personnel.

5 However, this subdivision does not prohibit a person from
 6 providing advice or assistance concerning the areas of dental
 7 practice referred to in this subdivision or an insurer (as defined in
 8 IC 27-1-26-1) from carrying out the applicable provisions of
 9 IC 27 under which the insurer is licensed.

10 However, a person does not have to be a dentist to be a manufacturer
 11 of dental prostheses.

12 (b) In addition to subsection (a), a person is practicing dentistry who
 13 directly or indirectly by any means or method furnishes, supplies,
 14 constructs, reproduces, repairs, or adjusts any prosthetic denture,
 15 bridge, appliance, or any other structure to be worn in the human
 16 mouth and delivers the resulting product to any person other than the
 17 duly licensed dentist upon whose written work authorization the work
 18 was performed. A written work authorization shall include the
 19 following:

- 20 (1) The name and address of the dental laboratory to which it is
- 21 directed.
- 22 (2) The case identification.
- 23 (3) A specification of the materials to be used.
- 24 (4) A description of the work to be done and, if necessary,
- 25 diagrams thereof.
- 26 (5) The date of issuance of the authorization.
- 27 (6) The signature and address of the licensed dentist or other
- 28 dental practitioner by whom the work authorization is issued.

29 A separate work authorization shall be issued for each patient of the
 30 issuing licensed dentist or other dental practitioner for whom dental
 31 technological work is to be performed.

32 (c) This section shall not apply to those procedures which a legally
 33 licensed and practicing dentist may delegate to ~~competent office~~
 34 ~~personnel~~ **a dental assistant** as to which procedures the dentist
 35 exercises **direct** supervision and responsibility. ~~Delegated~~

36 (d) Procedures **delegated by a dentist** may not include ~~either: the~~
 37 **following:**

- 38 (1) Those procedures which require professional judgment and
- 39 skill such as diagnosis, treatment planning, ~~and~~ the cutting of hard
- 40 or soft tissues, or any intraoral impression which would lead to
- 41 the fabrication of an appliance, ~~which, when worn by the patient,~~
- 42 ~~would come in direct contact with hard or soft tissues and which~~

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1 could result in tissue irritation or injury; or a final prosthetic
2 appliance.

3 (2) ~~those~~ Except for procedures described in subsections (g)
4 and (h), procedures delegated to a dental assistant may not
5 include procedures allocated under IC 25-13-1 to a licensed
6 dental ~~hygienists~~ hygienist.

7 (e) This chapter shall not prevent dental students from performing
8 dental operations under the supervision of competent instructors within
9 the dental school or a university recognized by the board or in any
10 public clinic under the supervision of the authorized superintendent of
11 such clinic authorized under the authority and general direction of the
12 board of health or school board of any city or town in Indiana.

13 ~~(d)~~ (f) Licensed pharmacists of this state may fill prescriptions of
14 licensed dentists of this state for any drug necessary in the practice of
15 dentistry.

16 (g) Notwithstanding IC 25-13-1-11(4), a dental assistant who has
17 completed a board approved curriculum may apply medicaments
18 for the control or prevention of dental caries under the direct
19 supervision of a licensed dentist. The curriculum must include
20 instruction on the following:

- 21 (1) Ethics and jurisprudence.
- 22 (2) Reasons for fluorides.
- 23 (3) Systemic fluoride.
- 24 (4) Topical fluoride.
- 25 (5) Fluoride application.
- 26 (6) Laboratory work on topical fluoride applications and
27 patient competency.

28 (h) Notwithstanding IC 25-13-1(3), a dental assistant who has
29 completed a board approved curriculum may polish the coronal
30 surface of teeth under the direct supervision of a licensed dentist.
31 The curriculum must include instruction on the following:

- 32 (1) Ethics and jurisprudence.
- 33 (2) Plaque and materia alba.
- 34 (3) Intrinsic and extrinsic stain.
- 35 (4) Abrasive agents.
- 36 (5) Use of a slow speed hand piece, prophy cup, and occlusal
37 polishing brush.
- 38 (6) Theory of selective polishing.
- 39 (7) Laboratory work concerning slow speed hand piece, hand
40 dexterity, and patient competency.

41 SECTION 17. IC 25-20.5-1-1 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter does not

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- 1 apply to the following:
- 2 (1) A licensed dentist practicing dentistry under IC 25-14.
- 3 (2) A licensed physician practicing medicine under IC 25-22.5.
- 4 (3) A licensed osteopath practicing medicine under IC 25-22.5.
- 5 (4) A licensed psychologist practicing psychology under
- 6 IC 25-33.
- 7 (5) A ~~certified~~ **licensed** social worker or clinical social worker
- 8 practicing social work or clinical social work under IC 25-23.6.
- 9 (6) A registered nurse licensed under IC 25-23.
- 10 (7) A ~~certified~~ **licensed** marriage and family therapist practicing
- 11 marriage and family therapy under IC 25-23.6.
- 12 **(8) A licensed mental health counselor practicing mental**
- 13 **health counseling under IC 25-23.6.**
- 14 ~~(8)~~ **(9)** An individual who teaches Lamaze prenatal and delivery
- 15 relaxation techniques to pregnant women.
- 16 ~~(9)~~ **(10)** A law enforcement officer who:
- 17 (A) is trained in hypnotism; and
- 18 (B) uses hypnosis only for law enforcement purposes.
- 19 ~~(10)~~ **(11)** A licensed chiropractor practicing the science of
- 20 chiropractic under IC 25-10.
- 21 ~~(11)~~ **(12)** An individual who performs hypnotism exclusively for
- 22 entertainment or amusement purposes at a theater, night club, or
- 23 other place that offers entertainment to the public for
- 24 consideration or promotional purposes.
- 25 SECTION 18. IC 25-23-1-1.1, AS AMENDED BY P.L.1-2007,
- 26 SECTION 170, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2008]: Sec. 1.1. (a) As used in this chapter,
- 28 "registered nurse" means a person who holds a valid license issued:
- 29 (1) under this chapter; **or**
- 30 (2) **by a party state (as defined in IC 25-23.3-2-12);** and
- 31 who bears primary responsibility and accountability for nursing
- 32 practices based on specialized knowledge, judgment, and skill derived
- 33 from the principles of biological, physical, and behavioral sciences.
- 34 (b) As used in this chapter, "registered nursing" means performance
- 35 of services which include but are not limited to:
- 36 (1) assessing health conditions;
- 37 (2) deriving a nursing diagnosis;
- 38 (3) executing a nursing regimen through the selection,
- 39 performance, and management of nursing actions based on
- 40 nursing diagnoses;
- 41 (4) advocating the provision of health care services through
- 42 collaboration with or referral to other health professionals;

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- 1 (5) executing regimens delegated by a physician with an
- 2 unlimited license to practice medicine or osteopathic medicine, a
- 3 licensed dentist, a licensed chiropractor, a licensed optometrist,
- 4 or a licensed podiatrist;
- 5 (6) teaching, administering, supervising, delegating, and
- 6 evaluating nursing practice;
- 7 (7) delegating tasks which assist in implementing the nursing,
- 8 medical, or dental regimen; or
- 9 (8) performing acts which are approved by the board or by the
- 10 board in collaboration with the medical licensing board of
- 11 Indiana.

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

- 15 (1) deriving a nursing diagnosis;
- 16 (2) identifying the need for additional data collection by nursing
- 17 personnel; and
- 18 (3) identifying the need for additional data collection by other
- 19 health professionals.

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

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

25 SECTION 19. IC 25-23-1-1.2, AS AMENDED BY P.L.1-2007,
 26 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2008]: Sec. 1.2. As used in this chapter,
 28 "licensed practical nurse" means a person who holds a valid license
 29 issued under this chapter **or by a party state (as defined in**
 30 **IC 25-23.3-2-12)** and who functions at the direction of:

- 31 (1) a registered nurse;
- 32 (2) a physician with an unlimited license to practice medicine or
- 33 osteopathic medicine;
- 34 (3) a licensed dentist;
- 35 (4) a licensed chiropractor;
- 36 (5) a licensed optometrist; or
- 37 (6) a licensed podiatrist;

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

40 SECTION 20. IC 25-23-1-7, AS AMENDED BY P.L.1-2007,
 41 SECTION 172, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The board shall do the

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- 1 following:
- 2 (1) Adopt under IC 4-22-2 rules necessary to enable it to carry
- 3 into effect this chapter.
- 4 (2) Prescribe standards and approve curricula for nursing
- 5 education programs preparing persons for licensure under this
- 6 chapter.
- 7 (3) Provide for surveys of such programs at such times as it
- 8 considers necessary.
- 9 (4) Accredite such programs as meet the requirements of this
- 10 chapter and of the board.
- 11 (5) Deny or withdraw accreditation from nursing education
- 12 programs for failure to meet prescribed curricula or other
- 13 standards.
- 14 (6) Examine, license, and renew the license of qualified
- 15 applicants.
- 16 (7) Issue subpoenas, compel the attendance of witnesses, and
- 17 administer oaths to persons giving testimony at hearings.
- 18 (8) Cause the prosecution of all persons violating this chapter and
- 19 have power to incur necessary expenses for these prosecutions.
- 20 (9) Adopt rules under IC 4-22-2 that do the following:
- 21 (A) Prescribe standards for the competent practice of
- 22 registered, practical, and advanced practice nursing.
- 23 (B) Establish with the approval of the medical licensing board
- 24 created by IC 25-22.5-2-1 requirements that advanced practice
- 25 nurses must meet to be granted authority to prescribe legend
- 26 drugs and to retain that authority.
- 27 (C) Establish, with the approval of the medical licensing board
- 28 created by IC 25-22.5-2-1, requirements for the renewal of a
- 29 practice agreement under section 19.4 of this chapter, which
- 30 shall expire on October 31 in each odd-numbered year.
- 31 (10) Keep a record of all its proceedings.
- 32 (11) Collect and distribute annually demographic information on
- 33 the number and type of registered nurses and licensed practical
- 34 nurses employed in Indiana.
- 35 **(12) Adopt rules and administer the interstate nurse licensure**
- 36 **compact under IC 25-23.3.**
- 37 (b) The board may do the following:
- 38 (1) Create ad hoc subcommittees representing the various nursing
- 39 specialties and interests of the profession of nursing. Persons
- 40 appointed to a subcommittee serve for terms as determined by the
- 41 board.
- 42 (2) Utilize the appropriate subcommittees so as to assist the board

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- 1 with its responsibilities. The assistance provided by the
- 2 subcommittees may include the following:
- 3 (A) Recommendation of rules necessary to carry out the duties
- 4 of the board.
- 5 (B) Recommendations concerning educational programs and
- 6 requirements.
- 7 (C) Recommendations regarding examinations and licensure
- 8 of applicants.
- 9 (3) Appoint nurses to serve on each of the ad hoc subcommittees.
- 10 **(4) Withdraw from the interstate nurse licensure compact**
- 11 **under IC 25-23.3.**
- 12 (c) Nurses appointed under subsection (b) must:
- 13 (1) be committed to advancing and safeguarding the nursing
- 14 profession as a whole; and
- 15 (2) represent nurses who practice in the field directly affected by
- 16 a subcommittee's actions.
- 17 SECTION 21. IC 25-23-1-11, AS AMENDED BY P.L.1-2007,
- 18 SECTION 173, IS AMENDED TO READ AS FOLLOWS
- 19 [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) Any person who applies to
- 20 the board for a license to practice as a registered nurse must:
- 21 (1) not have:
- 22 (A) been convicted of a crime that has a direct bearing on the
- 23 person's ability to practice competently; or
- 24 (B) committed an act that would constitute a ground for a
- 25 disciplinary sanction under IC 25-1-9;
- 26 (2) have completed:
- 27 (A) the prescribed curriculum and met the graduation
- 28 requirements of a state accredited program of registered
- 29 nursing that only accepts students who have a high school
- 30 diploma or its equivalent as determined by the board; or
- 31 (B) the prescribed curriculum and graduation requirements of
- 32 a nursing education program in a foreign country that is
- 33 substantially equivalent to a board approved program as
- 34 determined by the board. The board may by rule adopted under
- 35 IC 4-22-2 require an applicant under this subsection to
- 36 successfully complete an examination approved by the board
- 37 to measure the applicant's qualifications and background in the
- 38 practice of nursing and proficiency in the English language;
- 39 and
- 40 (3) be physically and mentally capable of and professionally
- 41 competent to safely engage in the practice of nursing as
- 42 determined by the board.

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

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

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

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

16 (1) has completed the English version of the:

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

19 (B) Canadian Registered Nurse Examination (CRNE);

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

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

24 (4) meets the other requirements under this section.

25 (e) Each applicant for examination and registration to practice as a
26 registered nurse shall pay a fee set by the board, ~~The board may set a~~
27 ~~proctoring fee to be paid by applicants who are graduates of a state~~
28 ~~accredited school in another state; a part of which must be used for~~
29 **the rehabilitation of impaired registered nurses and impaired**
30 **licensed practical nurses.** Payment of the fee or fees shall be made by
31 the applicant prior to the date of examination. **The lesser of the**
32 **following amounts from fees collected under this subsection shall**
33 **be deposited in the impaired nurses account of the state general**
34 **fund established by section 34 of this chapter:**

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

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

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

42 (1) Indiana; or

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1 **(2) a party state (as defined in IC 25-23.3-2-12);**
2 may use the title "Registered Nurse" and the abbreviation "R.N.". No
3 other person shall practice or advertise as or assume the title of
4 registered nurse or use the abbreviation of "R.N." or any other words,
5 letters, signs, or figures to indicate that the person using same is a
6 registered nurse.

7 SECTION 22. IC 25-23-1-12, AS AMENDED BY P.L.1-2007,
8 SECTION 174, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) A person who applies to the
10 board for a license to practice as a licensed practical nurse must:

- 11 (1) not have been convicted of:
 - 12 (A) an act which would constitute a ground for disciplinary
 - 13 sanction under IC 25-1-9; or
 - 14 (B) a crime that has a direct bearing on the person's ability to
 - 15 practice competently;
- 16 (2) have completed:
 - 17 (A) the prescribed curriculum and met the graduation
 - 18 requirements of a state accredited program of practical nursing
 - 19 that only accepts students who have a high school diploma or
 - 20 its equivalent, as determined by the board; or
 - 21 (B) the prescribed curriculum and graduation requirements of
 - 22 a nursing education program in a foreign country that is
 - 23 substantially equivalent to a board approved program as
 - 24 determined by the board. The board may by rule adopted under
 - 25 IC 4-22-2 require an applicant under this subsection to
 - 26 successfully complete an examination approved by the board
 - 27 to measure the applicant's qualifications and background in the
 - 28 practice of nursing and proficiency in the English language;
 - 29 and
 - 30 (3) be physically and mentally capable of, and professionally
 - 31 competent to, safely engage in the practice of practical nursing as
 - 32 determined by the board.

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

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

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under this subsection.

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

- (1) Twenty-five percent (25%) of the license application fee per license applied for under this section.**
- (2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.**

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

- (1) Indiana; or**
- (2) a party state (as defined in IC 25-23.3-2-12);**

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

SECTION 23. IC 25-23-1-16.1, AS AMENDED BY P.L.1-2006, SECTION 451, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16.1. (a) A license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

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

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

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

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1 impaired nurses account of the state general fund established by section
2 34 of this chapter:

3 (1) ~~Sixteen percent (16%)~~ **Twenty-five percent (25%)** of the
4 license renewal fee per license renewed under this section.

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

7 SECTION 24. IC 25-23-1-27, AS AMENDED BY P.L.1-2007,
8 SECTION 175, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2008]: Sec. 27. A person who:

10 (1) sells or fraudulently obtains or furnishes any nursing diploma,
11 license or record;

12 (2) practices nursing under cover of any diploma or license or
13 record illegally or fraudulently obtained or assigned or issued
14 unlawfully or under fraudulent representation;

15 (3) practices nursing as a registered nurse or licensed practical
16 nurse unless licensed to do so under this chapter **or IC 25-23.3;**

17 (4) uses in connection with the person's name any designation
18 tending to imply that the person is a registered nurse or a licensed
19 practical nurse unless licensed to practice under this chapter **or**
20 **IC 25-23.3;**

21 (5) practices nursing during the time the person's license issued
22 under this chapter **or IC 25-23.3** is suspended or revoked;

23 (6) conducts a school of nursing or a program for the training of
24 practical nurses unless the school or program has been accredited
25 by the board; or

26 (7) otherwise violates this chapter;

27 commits a Class B misdemeanor.

28 SECTION 25. IC 25-23-1-34, AS AMENDED BY P.L.1-2007,
29 SECTION 176, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2008]: Sec. 34. (a) The impaired nurses account
31 is established within the state general fund for the purpose of providing
32 money for providing rehabilitation of impaired registered nurses or
33 licensed practical nurses under this article. The account shall be
34 administered by the Indiana professional licensing agency.

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

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

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

41 (3) ~~Funds collected for the rehabilitation of impaired registered~~
42 ~~nurses and impaired licensed practical nurses under~~

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1 ~~IC 25-23.2-3-5 (repeated):~~
 2 ~~(4)~~ **(3)** Fines collected from registered nurses or licensed practical
 3 nurses under IC 25-1-9-9(a)(6).
 4 (c) The treasurer of state shall invest the money in the account not
 5 currently needed to meet the obligations of the account in the same
 6 manner as other public money may be invested.
 7 (d) Money in the account is appropriated to the board for the
 8 purpose stated in subsection (a).
 9 SECTION 26. IC 25-23.3 IS ADDED TO THE INDIANA CODE
 10 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2008]:
 12 **ARTICLE 23.3. INTERSTATE NURSE LICENSURE**
 13 **COMPACT**
 14 **Chapter 1. Purpose**
 15 **Sec. 1. It is the purpose of this compact to allow qualified nurses**
 16 **who are licensed in a compact state to practice nursing in another**
 17 **compact state and to reduce redundant licensing requirements of**
 18 **nurses who practice in multiple states.**
 19 **Chapter 2. Definitions**
 20 **Sec. 1. The definitions in this chapter apply throughout this**
 21 **article.**
 22 **Sec. 2. "Adverse action" means a home or remote state action.**
 23 **Sec. 3. "Alternative program" means a voluntary,**
 24 **nondisciplinary monitoring program approved by a nurse licensing**
 25 **board.**
 26 **Sec. 4. "Board" has the meaning set forth in IC 25-23-1-1.**
 27 **Sec. 5. "Coordinated licensure information system" means an**
 28 **integrated process:**
 29 **(1) for collecting, storing, and sharing information on nurse**
 30 **licensure and enforcement activities related to nurse licensure**
 31 **laws; and**
 32 **(2) administered by a nonprofit organization composed of and**
 33 **controlled by state nurse licensing boards.**
 34 **Sec. 6. "Current significant investigative information" means:**
 35 **(1) investigative information that a licensing board, after a**
 36 **preliminary inquiry that includes notification and an**
 37 **opportunity for the nurse to respond if required by state law,**
 38 **has reason to believe is not groundless and, if proved true,**
 39 **would indicate more than a minor infraction; or**
 40 **(2) investigative information that indicates that the nurse**
 41 **represents an immediate threat to public health and safety**
 42 **regardless of whether the nurse has been notified and has had**

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an opportunity to respond.

Sec. 7. "Home state" means the party state that is a nurse's primary state of residence.

Sec. 8. "Home state action" means any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority, including an action against an individual's license, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.

Sec. 9. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

Sec. 10. "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in that party state. All party states have the authority, in accordance with state due process law, to take actions against a nurse's privilege, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.

Sec. 11. "Nurse" means a registered nurse or licensed practical/vocational nurse as defined by the state practice laws of each party state.

Sec. 12. "Party state" means any state that has adopted this compact.

Sec. 13. "Remote state" means a party state, other than the home state:

- (1) where a patient is located at the time nursing care is provided; or
- (2) in the case of the practice of nursing not involving a patient, in a party state where the recipient of nursing practice is located.

Sec. 14. "Remote state action" means:

- (1) any administrative, civil, equitable, or criminal action permitted by a remote state's laws that are imposed on a nurse by the remote state's licensing board or other authority, including actions against an individual's multistate licensure privilege to practice in the remote state; and
- (2) cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards of remote states.

Sec. 15. "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

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1 **Sec. 16. "State practice laws" means the individual party state's**
 2 **laws and rules that govern the practice of nursing, define the scope**
 3 **of nursing practice, and create the methods and grounds for**
 4 **imposing discipline. The term does not include the initial**
 5 **qualifications for licensure or requirements necessary to obtain**
 6 **and retain a license, except for qualifications or requirements of**
 7 **the home state.**

8 **Chapter 3. General Provisions and Jurisdiction**

9 **Sec. 1. A license to practice registered nursing issued by a home**
 10 **state to a resident in that state shall be recognized by each party**
 11 **state as authorizing a multistate licensure privilege to practice as**
 12 **a registered nurse in the party state. A license to practice licensed**
 13 **practical/vocational nursing issued by a home state to a resident in**
 14 **that state shall be recognized by each party state as authorizing a**
 15 **multistate licensure privilege to practice as a licensed**
 16 **practical/vocational nurse in the party state. To obtain or retain a**
 17 **license, an applicant must meet the home state's qualifications for**
 18 **licensure and license renewal and all other applicable state laws.**

19 **Sec. 2. A party state may, in accordance with state due process**
 20 **laws, limit or revoke the multistate licensure privilege of any nurse**
 21 **to practice in the state and may take any other actions under**
 22 **applicable state laws necessary to protect the health and safety of**
 23 **the state's citizens. If a party state takes such an action, it shall**
 24 **promptly notify the administrator of the coordinated licensure**
 25 **information system. The administrator of the coordinated licensure**
 26 **information system shall promptly notify the home state of any**
 27 **such actions by remote states.**

28 **Sec. 3. A nurse practicing in a party state must comply with the**
 29 **state practice laws of the state in which a patient is located at the**
 30 **time care is rendered. In addition, the practice of nursing is not**
 31 **limited to patient care, but includes all nursing practice as defined**
 32 **by the state practice laws of a party state. The practice of nursing**
 33 **subjects a nurse to the jurisdiction of the nurse licensing board, the**
 34 **courts, and the laws in that party state.**

35 **Sec. 4. This compact does not affect additional requirements**
 36 **imposed by states for advanced practice registered nursing.**
 37 **However, a multistate licensure privilege to practice registered**
 38 **nursing granted by a party state shall be recognized by other party**
 39 **states as a license to practice registered nursing if a license is**
 40 **required by state law as a precondition for qualifying for advanced**
 41 **practice registered nurse authorization.**

42 **Sec. 5. Individuals not residing in a party state continue to be**

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1 able to apply for nurse licensure as provided under the laws of
2 each party state. However, the license granted to these individuals
3 is not recognized as granting the privilege to practice nursing in
4 any other party state unless explicitly agreed to by that party state.

5 **Chapter 4. Applications for Licensure in a Party State**

6 **Sec. 1. Upon application for a license, the licensing board in a**
7 **party state shall ascertain, through the coordinated licensure**
8 **information system, whether the applicant has ever held, or is the**
9 **holder of, a license issued by any other party state, whether there**
10 **are any restrictions on the multistate licensure privilege, and**
11 **whether any other adverse action by any state has been taken**
12 **against the license.**

13 **Sec. 2. A nurse in a party state may hold licensure in only one**
14 **(1) party state at a time, issued by the home state.**

15 **Sec. 3. A nurse who intends to change primary state of residence**
16 **may apply for licensure in the new home state before the change.**
17 **However, a new license may not be issued by a party state until a**
18 **nurse provides evidence of change in primary state of residence**
19 **satisfactory to the new home state's licensing board.**

20 **Sec. 4. (a) If a nurse:**

- 21 (1) changes primary state of residence by moving between two
- 22 (2) party states; and
- 23 (2) obtains a license from the new home state;
- 24 the license from the former home state is no longer valid.

25 **(b) If a nurse:**

- 26 (1) changes primary state of residence by moving from a
- 27 nonparty state to a party state; and
- 28 (2) obtains a license from the new home state;
- 29 the individual state license issued by the nonparty state is not
- 30 affected and remains in force if provided by the laws of the
- 31 nonparty state.

32 **(c) If a nurse changes primary state of residence by moving**
33 **from a party state to a nonparty state, the license issued by the**
34 **prior home state converts to an individual state license, valid only**
35 **in the former home state, without multistate license privilege to**
36 **practice in other party states.**

37 **Chapter 5. Adverse Actions**

38 **Sec. 1. The licensing board of a remote state shall promptly**
39 **report to the administrator of the coordinated licensure**
40 **information system any remote state actions, including the factual**
41 **and legal basis for such actions, if known. The licensing board of a**
42 **remote state shall promptly report any current significant**

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1 investigative information yet to result in a remote state action. The
2 administrator of the coordinated licensure information system
3 shall promptly notify the home state of any such reports.

4 **Sec. 2.** The licensing board of a party state has authority to
5 complete any pending investigation for a nurse who changes
6 primary state of residence during the course of the investigation.
7 The licensing board also has authority to take appropriate action
8 and shall promptly report the conclusions of such investigations to
9 the administrator of the coordinated licensure information system.
10 The administrator of the coordinated licensure information system
11 shall promptly notify the new home state of any such actions.

12 **Sec. 3.** A remote state may take adverse action affecting the
13 multistate licensure privilege to practice within the remote state.
14 However, only the home state has authority to impose adverse
15 action against the license issued by the home state.

16 **Sec. 4.** For purposes of imposing adverse action, the licensing
17 board of the home state shall give the same priority and effect to
18 reported conduct received from a remote state as it would if such
19 conduct had occurred within the home state. In so doing, it shall
20 apply its own state laws to determine appropriate action.

21 **Sec. 5.** The home state may take adverse action based on the
22 factual findings of a remote state, so long as each state follows its
23 own procedures for imposing such adverse action.

24 **Sec. 6.** This compact does not override a party state's decision
25 that participation in an alternative program may be used instead
26 of licensure action and that such participation shall remain
27 nonpublic if required by the party state's laws. Party states must
28 require nurses who enter any alternative programs to agree not to
29 practice in any other party state during the term of the alternative
30 program without prior authorization from the other party state.

31 **Chapter 6. Additional Authority Invested in Party State Nurse**
32 **Licensing Boards**

33 **Sec. 1.** Notwithstanding any other powers, a party state nurse
34 licensing board may do the following:

35 (1) If otherwise permitted by state law, recover from a nurse
36 the costs of investigations and disposition of cases resulting
37 from any adverse action taken against the nurse.

38 (2) Issue subpoenas for both hearings and investigations that
39 require the attendance and testimony of witnesses and the
40 production of evidence. Subpoenas issued by a nurse licensing
41 board in a party state for the attendance and testimony of
42 witnesses and the production of evidence from another party

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1 state shall be enforced in the latter state by a court with
2 jurisdiction, according to the practice and procedure of that
3 court applicable to subpoenas issued in proceedings pending
4 before it. The issuing authority shall pay any witness fees,
5 travel expenses, mileage, and other fees required by the
6 service statutes of the state where the witnesses and evidence
7 are located.

8 (3) Issue cease and desist orders to limit or revoke a nurse's
9 authority to practice in the state.

10 (4) Adopt uniform rules as provided for in IC 25-23.3-8-3.

11 Chapter 7. Coordinated Licensure Information System

12 Sec. 1. All party states shall participate in a cooperative effort
13 to create a coordinated data base of all licensed registered nurses
14 and licensed practical/vocational nurses. This system must include
15 information on the licensure and disciplinary history of each nurse,
16 as contributed by party states, to assist in the coordination of nurse
17 licensure and enforcement efforts.

18 Sec. 2. Notwithstanding any other law, all party states' licensing
19 boards shall promptly report adverse actions, actions against
20 multistate licensure privileges, any current significant investigative
21 information yet to result in adverse action, denials of applications,
22 and the reasons for such denials to the coordinated licensure
23 information system.

24 Sec. 3. Current significant investigative information shall be
25 transmitted through the coordinated licensure information system
26 only to party state licensing boards.

27 Sec. 4. Notwithstanding any other law, all party states' licensing
28 boards contributing information to the coordinated licensure
29 information system may designate information that may not be
30 shared with nonparty states or disclosed to other entities or
31 individuals without the express permission of the contributing
32 state.

33 Sec. 5. Any personally identifiable information obtained by a
34 party state's licensing board from the coordinated licensure
35 information system may not be shared with nonparty states or
36 disclosed to other entities or individuals except to the extent
37 permitted by the laws of the party state contributing the
38 information.

39 Sec. 6. Any information contributed to the coordinated licensure
40 information system that is subsequently required to be expunged
41 by the laws of the party state contributing that information shall
42 also be expunged from the coordinated licensure information

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system.

Sec. 7. The compact administrators, acting jointly and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

Chapter 8. Compact Administration and Interchange of Information

Sec. 1. The head of the nurse licensing board of each party state, or that person's designee, shall be the administrator of this compact for that person's state. For purposes of this article, the executive director of the Indiana professional licensing agency or the executive director's designee shall be the administrator of this compact.

Sec. 2. The compact administrator of each party state shall furnish to the compact administrator of each other party state any information and documents, including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information, to facilitate the administration of this compact.

Sec. 3. Compact administrators may develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by a board under IC 25-23.3-6-1.

Chapter 9. Immunity

Sec. 1. Neither a party state nor an officer, employee, or agent of a party state's nurse licensing board who acts in accordance with this compact is liable on account of any act or omission in good faith while engaged in the performance of duties under this compact. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

Chapter 10. Entry Into Force, Withdrawal, and Amendment

Sec. 1. This compact becomes effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact.

Sec. 2. No withdrawal affects the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring before the withdrawal.

Sec. 3. This compact shall not be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with this compact.

Sec. 4. This compact may be amended by the party states. No

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1 amendment to this compact becomes effective and binding upon
2 the party states unless and until it is enacted into the laws of all
3 party states.

4 Chapter 11. Construction and Severability

5 Sec. 1. This compact shall be liberally construed to effectuate its
6 purposes. The provisions of this compact are severable and if any
7 phrase, clause, sentence, or provision of this compact is declared to
8 be contrary to the constitution of any party state or of the United
9 States or if the applicability of this compact to any government,
10 agency, person, or circumstance is held invalid, the validity of the
11 remainder of this compact and the applicability of this compact to
12 any government, agency, person, or circumstance is not affected
13 thereby. If this compact is held contrary to the constitution of any
14 party state, this compact remains in full force and effect as to the
15 remaining party states and in full force and effect as to the party
16 state affected as to a severable matter.

17 Sec. 2. If party states find a need for settling disputes arising
18 under this compact:

19 (1) the party states may submit the issues in dispute to an
20 arbitration panel comprised of an individual appointed by the
21 compact administrator in the home state, an individual
22 appointed by the compact administrator in each remote state
23 involved, and an individual mutually agreed upon by the
24 compact administrators of all the party states involved in the
25 dispute; and

26 (2) the decision of a majority of the arbitrators is final and
27 binding.

28 Sec. 3. (a) Notwithstanding any other law, this article does not
29 take effect until July 1, 2009.

30 (b) This article expires July 1, 2012.

31 SECTION 27. IC 25-23.5-3-1.5, AS ADDED BY P.L.197-2007,
32 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2008]: Sec. 1.5. (a) Except as provided in subsection (b), an
34 occupational therapist may not provide occupational therapy services
35 to a person until the person has been referred to the occupational
36 therapist by **one (1) of the following:**

- 37 (1) A physician licensed under IC 25-22.5.
- 38 (2) A podiatrist licensed under IC 25-29.
- 39 (3) An advanced practice nurse licensed under IC 25-23.
- 40 (4) A psychologist licensed under IC 25-33. or
- 41 (5) A chiropractor licensed under IC 25-10.
- 42 (6) An optometrist licensed under IC 25-24.

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1 (b) An occupational therapist may provide the following services
2 without a referral from a physician licensed under IC 25-22.5, a
3 podiatrist licensed under IC 25-29, an advanced practice nurse licensed
4 under IC 25-23, a psychologist licensed under IC 25-33, or a
5 chiropractor licensed under IC 25-10, **or an optometrist licensed**
6 **under IC 25-24:**

- 7 (1) Ergonomic or home assessment.
- 8 (2) Injury or illness prevention education and wellness services.
- 9 (3) Occupational therapy activities provided in an educational
10 setting.
- 11 (4) Occupational therapy activities that the board determines,
12 after reviewing the recommendations of the committee, are
13 appropriate to be conducted in a community based environment.

14 SECTION 28. IC 25-23.6-3-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) An individual
16 may not:

- 17 (1) profess to be a licensed marriage and family therapist;
 - 18 (2) use the title:
 - 19 (A) "licensed marriage and family therapist";
 - 20 (B) "marriage and family therapist"; or
 - 21 (C) "family therapist";
 - 22 (3) use any other words, letters, abbreviations, or insignia
23 indicating or implying that the individual is a licensed marriage
24 and family therapist; or
 - 25 (4) practice marriage and family therapy for compensation;
- 26 unless the individual is licensed under ~~this article~~, IC 25-22.5,
27 **IC 25-23.6-8-1**, or IC 25-33.

28 (b) An individual may not:

- 29 (1) profess to be a licensed marriage and family therapist
30 associate;
- 31 (2) use the title:
 - 32 (A) "licensed marriage and family therapist associate";
 - 33 (B) "marriage and family therapist associate"; or
 - 34 (C) "family therapist associate";
- 35 (3) use any other words, letters, abbreviations, or insignia
36 indicating or implying that the individual is a licensed
37 marriage and family therapist associate; or
- 38 (4) practice marriage and family therapy for compensation;
39 unless the individual is licensed under IC 25-22.5, IC 25-23.6-8-1.5,
40 or IC 25-33.

41 SECTION 29. IC 25-23.6-3-2, AS AMENDED BY P.L.2-2007,
42 SECTION 330, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) This article may not be
2 construed to limit the marriage and family therapy services performed
3 by a person who does not use a title specified in this article and who is
4 one (1) of the following:

5 (1) A licensed or certified health care professional acting within
6 the scope of the person's license or certificate.

7 (2) A student, an intern, or a trainee pursuing a course of study in
8 medicine or psychology or a course of study to gain licensure
9 under this article in an accredited eligible postsecondary
10 educational institution or training institution ~~or is a graduate~~
11 ~~accumulating experience required for licensure if:~~

12 (A) the activities are performed under qualified supervision
13 and constitute a part of the person's supervised course of study
14 or other level of supervision; and

15 (B) the student ~~or graduate~~ uses a title that contains the term
16 "intern" or "trainee";

17 (3) Not a resident of Indiana if the person performed services in
18 Indiana for not more than five (5) days in any one (1) month and
19 not more than fifteen (15) days in any one (1) calendar year and
20 the person is authorized to perform such services under the laws
21 of the state or country in which the person resides.

22 (4) A rabbi, priest, Christian Science practitioner, minister, or
23 other member of the clergy.

24 (5) An employee of or a volunteer for a nonprofit corporation or
25 an organization performing charitable, religious, or educational
26 functions, providing pastoral counseling or other assistance.

27 (6) A person who provides school counseling or a person who is
28 certified by a state or national organization that is recognized by
29 the Indiana division of mental health and addiction and who
30 provides counseling in the areas of alcohol or drug abuse
31 addictions.

32 (b) Nothing in this section prohibits a person referred to in
33 subsection (a) from qualifying for licensure under this article.

34 SECTION 30. IC 25-23.6-3-4 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) An individual
36 who is licensed as a marriage and family therapist **under**
37 **IC 25-23.6-8-1** shall:

38 (1) display the license or a clear copy of the license at each
39 location where the marriage and family therapist regularly
40 practices; and

41 (2) include the words "licensed marriage and family therapist" or
42 the letters "LMFT" on all promotional materials, including

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1 business cards, brochures, stationery, advertisements, and signs
2 that name the individual.

3 **(b) An individual who is licensed as a marriage and family
4 therapist associate under IC 25-23.6-8-1.5 shall:**

5 **(1) display the license or a clear copy of the license at each
6 location where the marriage and family therapist associate
7 regularly practices; and**

8 **(2) include the words "licensed marriage and family therapist
9 associate" or the letters "LMFTA" on all promotional
10 materials, including business cards, brochures, stationery,
11 advertisements, and signs that name the individual.**

12 SECTION 31. IC 25-23.6-8-1, AS AMENDED BY P.L.2-2007,
13 SECTION 337, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2008]: Sec. 1. An individual who applies for a
15 license as a marriage and family therapist must meet the following
16 requirements:

17 (1) Furnish satisfactory evidence to the board that the individual
18 has:

19 (A) received a master's or doctor's degree in marriage and
20 family therapy, or in a related area as determined by the board
21 from an eligible postsecondary educational institution that
22 meets the requirements under section 2.1(a)(1) of this chapter
23 or from a foreign school that has a program of study that meets
24 the requirements under section 2.1(a)(2) or (2.1)(a)(3) of this
25 chapter; and

26 (B) completed the educational requirements under section 2.5
27 of this chapter.

28 **(2) Furnish satisfactory evidence to the board that the
29 individual has met the clinical experience requirements under
30 section 2.7 of this chapter.**

31 **(3) Furnish satisfactory evidence to the board that the
32 individual:**

33 **(A) holds a marriage and family therapist associate license,
34 in good standing, issued under section 5 of this chapter; or**

35 **(B) is licensed or certified to practice as a marriage and
36 family therapist in another state and is otherwise qualified
37 under this chapter.**

38 ~~(2)~~ **(4) Furnish satisfactory evidence to the board that the
39 individual does not have a conviction for a crime that has a direct
40 bearing on the individual's ability to practice competently.**

41 ~~(3)~~ **(5) Furnish satisfactory evidence to the board that the
42 individual has not been the subject of a disciplinary action by a**

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- 1 licensing or certification agency of another state or jurisdiction on
- 2 the grounds that the individual was not able to practice as a
- 3 marriage and family therapist without endangering the public.
- 4 ~~(4) Pass an examination provided by the board.~~
- 5 ~~(5)~~ **(6) Pay the fee established by the board.**

6 SECTION 32. IC 25-23.6-8-1.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2008]: **Sec. 1.5. An individual who applies for**
 9 **a license as a marriage and family therapist associate must meet**
 10 **the following requirements:**

11 **(1) Furnish satisfactory evidence to the board that the**
 12 **individual has:**

13 **(A) received a master's or doctor's degree in marriage and**
 14 **family therapy, or in a related area as determined by the**
 15 **board from an institution of higher education that meets**
 16 **the requirements under section 2.1(a)(1) of this chapter or**
 17 **from a foreign school that has a program of study that**
 18 **meets the requirements under section 2.1(a)(2) or 2.1(a)(3)**
 19 **of this chapter; and**

20 **(B) completed the educational requirements under section**
 21 **2.5 of this chapter.**

22 **(2) Furnish satisfactory evidence to the board that the**
 23 **individual does not have a conviction for a crime that has a**
 24 **direct bearing on the individual's ability to practice**
 25 **competently.**

26 **(3) Furnish satisfactory evidence to the board that the**
 27 **individual has not been the subject of a disciplinary action by**
 28 **a licensing or certification agency of another state or**
 29 **jurisdiction on the grounds that the individual was not able to**
 30 **practice as a marriage and family therapist without**
 31 **endangering the public.**

32 **(4) Pay the fee established by the board.**

33 **(5) Pass an examination provided by the board.**

34 SECTION 33. IC 25-23.6-8-2.1, AS AMENDED BY P.L.2-2007,
 35 SECTION 338, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2008]: **Sec. 2.1. (a) An applicant for a license**
 37 **as a marriage and family therapist under section 1 of this chapter or**
 38 **an applicant for a license as a marriage and family therapist**
 39 **associate under section 1.5 of this chapter must have received a**
 40 **master's or doctor's degree in marriage and family therapy, or in a**
 41 **related area as determined by the board, from an eligible postsecondary**
 42 **educational institution that meets the following requirements:**

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- 1 (1) If the institution was located in the United States or a territory
- 2 of the United States, at the time of the applicant's graduation the
- 3 institution was accredited by a regional accrediting body
- 4 recognized by the Commission on Recognition of Postsecondary
- 5 Accreditation.
- 6 (2) If the institution was located in Canada, at the time of the
- 7 applicant's graduation the institution was a member in good
- 8 standing with the Association of Universities and Colleges of
- 9 Canada.
- 10 (3) If the institution was located in a foreign country other than
- 11 Canada, at the time of the applicant's graduation the institution:
- 12 (A) was recognized by the government of the country where
- 13 the school was located as a program to train in the practice of
- 14 marriage and family therapy or psychotherapy; and
- 15 (B) maintained a standard of training substantially equivalent
- 16 to the standards of institutions accredited by a regional
- 17 accrediting body recognized by the Commission on
- 18 Recognition of Postsecondary Accreditation.
- 19 (b) An applicant **for a license as a marriage and family therapist**
- 20 **under section 1 of this chapter or an applicant for a license as a**
- 21 **marriage and family therapist associate under section 1.5 of this**
- 22 **chapter** who has a master's or doctoral degree from a program that did
- 23 not emphasize marriage and family therapy may complete the course
- 24 work requirement from an institution that is:
- 25 (1) accredited by the Commission on Accreditation for Marriage
- 26 and Family Therapy Education; and
- 27 (2) recognized by the United States Department of Education.
- 28 SECTION 34. IC 25-23.6-8-2.5, AS AMENDED BY P.L.2-2007,
- 29 SECTION 339, IS AMENDED TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2008]: Sec. 2.5. (a) An applicant **for a license**
- 31 **as a marriage and family therapist** under section 1 of this chapter **or**
- 32 **an applicant for a license as a marriage and family therapist**
- 33 **associate under section 1.5 of this chapter** must complete the
- 34 following educational requirements:
- 35 (1) Except as provided in subsection (b), complete twenty-seven
- 36 (27) semester hours or forty-one (41) quarter hours of graduate
- 37 course work that must include graduate level course credits with
- 38 material in at least the following content areas:
- 39 (A) Theoretical foundations of marriage and family therapy.
- 40 (B) Major models of marriage and family therapy.
- 41 (C) Individual development.
- 42 (D) Family development and family relationships.

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- 1 (E) Clinical problems.
 2 (F) Collaboration with other disciplines.
 3 (G) Sexuality.
 4 (H) Gender and sexual orientation.
 5 (I) Issues of ethnicity, race, socioeconomic status, and culture.
 6 (J) Therapy techniques.
 7 (K) Behavioral research that focuses on the interpretation and
 8 application of research data as it applies to clinical practice.
 9 The content areas may be combined into any one (1) graduate
 10 level course, if the applicant can prove that the course work was
 11 devoted to each content area.
 12 (2) Not less than one (1) graduate level course of two (2) semester
 13 hours or three (3) quarter hours in the following areas:
 14 (A) Legal, ethical, and professional standards issues in the
 15 practice of marriage and family therapy or an equivalent
 16 course approved by the board.
 17 (B) Appraisal and assessment for individual or interpersonal
 18 disorder or dysfunction.
 19 (3) At least one (1) supervised clinical practicum, internship, or
 20 field experience in a marriage and family counseling setting that
 21 meets the following requirements:
 22 (A) The applicant provided five hundred (500) face to face
 23 client contact hours of marriage and family therapy services
 24 under the supervision of a licensed marriage and family
 25 therapist who has at least five (5) years of experience or a
 26 qualified supervisor approved by the board.
 27 (B) The applicant received one hundred (100) hours of
 28 supervision from a licensed marriage and family therapist who
 29 has at least five (5) years experience as a qualified supervisor.
 30 The requirements under subdivisions (A) and (B) may be met by
 31 a supervised practice experience that took place away from an
 32 institution of higher education but that is certified by an official
 33 of the eligible postsecondary educational institution as being
 34 equivalent to a graduate level practicum or internship program at
 35 an institution accredited by an accrediting agency approved by the
 36 United States Department of Education Commission on
 37 Recognition of Postsecondary Education, the Association of
 38 Universities and Colleges of Canada, or the Commission on
 39 Accreditation for Marriage and Family Therapy Education.
 40 (b) The following graduate work may not be used to satisfy the
 41 content area requirements under subsection (a):
 42 (1) Thesis or dissertation work.

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1 (2) Practicums, internships, or fieldwork.
 2 SECTION 35. IC 25-23.6-8-2.7, AS AMENDED BY P.L.197-2007,
 3 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2008]: Sec. 2.7. (a) An applicant **for a license as a marriage**
 5 **and family therapist** under section 1 of this chapter must have at least
 6 two (2) years of clinical experience, during which at least fifty percent
 7 (50%) of the applicant's clients were receiving marriage and family
 8 therapy services. The applicant's clinical experience must include one
 9 thousand (1,000) hours of post degree clinical experience and two
 10 hundred (200) hours of post degree clinical supervision, of which one
 11 hundred (100) hours must be individual supervision, under the
 12 supervision of a licensed marriage and family therapist who has at least
 13 five (5) years of experience or an equivalent supervisor, as determined
 14 by the board.

15 (b) ~~Within the two (2) years~~ **Before an individual obtains any post**
 16 **degree clinical experience, the individual must be licensed as a**
 17 **marriage therapist associate under this chapter. When obtaining**
 18 **the clinical experience** required under subsection (a), the applicant
 19 must provide direct individual, group, and family therapy and
 20 counseling to the following categories of cases:

- 21 (1) Unmarried couples.
- 22 (2) Married couples.
- 23 (3) Separating or divorcing couples.
- 24 (4) Family groups, including children.

25 (c) A doctoral internship may be applied toward the supervised
 26 work experience requirement.

27 (d) Except as provided in subsection (e), the experience requirement
 28 may be met by work performed at or away from the premises of the
 29 supervising marriage and family therapist.

30 (e) The work requirement may not be performed away from the
 31 supervising marriage and family therapist's premises if:

- 32 (1) the work is the independent private practice of marriage and
 33 family therapy; and
- 34 (2) the work is not performed at a place that has the supervision
 35 of a licensed marriage and family therapist or an equivalent
 36 supervisor, as determined by the board.

37 SECTION 36. IC 25-23.6-8-3 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. An individual who
 39 satisfies the requirements of ~~sections 1 and 2~~ **section 1.5(1) through**
 40 **1.5(4)** of this chapter may take the examination provided by the board.

41 SECTION 37. IC 25-23.6-8-5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. The board shall issue

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1 a **marriage and family therapist license or marriage and family**
 2 **therapist associate** license, **as appropriate**, to an individual who:

- 3 (1) achieves a passing score, as determined by the board, on the
 4 examination provided under this chapter; and
 5 (2) is otherwise qualified under this article.

6 SECTION 38. IC 25-23.6-8-8 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) A **marriage and**
 8 **family therapist** license issued by the board is valid for the remainder
 9 of the renewal period in effect on the date the license was issued.

10 (b) An individual may renew a **marriage and family therapist**
 11 license by:

- 12 (1) paying a renewal fee on or before the expiration date of the
 13 license; and
 14 (2) completing not less than fifteen (15) hours of continuing
 15 education each licensure year.

16 (c) If an individual fails to pay a renewal on or before the expiration
 17 date of a license, the license becomes invalid.

18 SECTION 39. IC 25-23.6-8-8.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2008]: Sec. 8.5. (a) A **marriage and family**
 21 **therapist associate license issued by the board is valid for the**
 22 **remainder of the renewal period in effect on the date the license**
 23 **was issued.**

24 (b) An individual may renew a **marriage and family therapist**
 25 **associate license two (2) times** by:

- 26 (1) paying a renewal fee on or before the expiration date of
 27 the license; and
 28 (2) completing not less than fifteen (15) hours of continuing
 29 education each licensure year.

30 (c) The board may renew a **marriage and family therapist**
 31 **associate license for additional periods based on circumstances**
 32 **determined by the board.**

33 (d) If an individual fails to pay a renewal fee on or before the
 34 expiration date of a license, the license becomes invalid.

35 SECTION 40. IC 25-23.6-8-9 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) The board may
 37 reinstate an invalid **marriage and family therapist** license **issued**
 38 **under section 5 of this chapter** up to three (3) years after the
 39 expiration date of the license if the individual holding the invalid
 40 license meets the requirements under IC 25-1-8-6.

41 (b) If more than three (3) years have elapsed since the date a
 42 **marriage and family therapist** license expired, the individual holding

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1 the license may renew the license by satisfying the requirements for
 2 renewal established by the board and meeting the requirements under
 3 IC 25-1-8-6.

4 **(c) The board may reinstate an invalid marriage and family**
 5 **therapist associate license issued under section 5 of this chapter up**
 6 **to one (1) year after the expiration date of the license if the**
 7 **individual holding the invalid license meets the requirements under**
 8 **IC 25-1-8-6. An associate license that has been expired for more**
 9 **than one (1) year may not be reinstated under IC 25-1-8-6.**

10 SECTION 41. IC 25-23.6-8-11 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) An individual
 12 who is licensed **as a marriage and family therapist** under this ~~article~~
 13 **chapter** shall notify the board in writing when the individual retires
 14 from practice.

15 (b) Upon receipt of the notice, the board shall:

- 16 (1) record the fact the individual is retired; and
 17 (2) release the individual from further payment of renewal fees
 18 and continuing education requirements.

19 SECTION 42. IC 25-23.6-8-13 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) An individual
 21 who applies for a **marriage and family therapist** license under
 22 **section 1 of this article chapter** may be exempted by the board from
 23 the examination requirement under this chapter if the individual:

24 **(1) complies with subsection (b); and**

25 ~~(1)~~ (2) is licensed or certified to practice as a marriage and family
 26 therapist in another state or ~~(2)~~ has engaged in the practice of
 27 marriage and family therapy for at least three (3) of the previous
 28 five (5) years.

29 **(b) An individual may be exempted under subsection (a) if the**
 30 **individual:**

31 ~~(3)~~ (1) has passed a licensing examination substantially
 32 equivalent to the licensing examination required under this
 33 article;

34 ~~(4)~~ (2) has passed an examination pertaining to the marriage and
 35 family therapy laws and rules of this state; and

36 ~~(5)~~ (3) has not committed any act or is not under investigation for
 37 any act that constitutes a violation of this article;

38 and is otherwise qualified under ~~sections section 1 and 2~~ of this chapter
 39 and pays an additional fee.

40 SECTION 43. IC 34-30-2-99.5 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2008]: **Sec. 99.5. IC 25-23.3-9-1 (Concerning**

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1 **acts and omissions under the Interstate nurse licensure compact).**
2 SECTION 44. IC 25-23-1-28 IS REPEALED [EFFECTIVE JULY
3 1, 2008].
4 SECTION 45. [EFFECTIVE JULY 1, 2008] (a) **Notwithstanding**
5 **IC 25-23.3, as added by this act, IC 25-23.3 may not be**
6 **implemented until July 1, 2009.**
7 (b) **The Indiana state board of nursing shall, not later than June**
8 **30, 2009, adopt rules under IC 4-22-2 to administer IC 25-23.3, as**
9 **added by this act.**
10 (c) **This SECTION expires July 1, 2009.**
11 SECTION 46. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 1, strike "Subject to section".

Page 9, strike lines 2 through 3.

Page 9, line 20, reset in roman "If a licensed acupuncturist practices acupuncture on a patient".

Page 9, reset in roman line 21.

Page 9, line 22, reset in roman "the patient from a physician licensed under IC 25-22.5".

Page 9, line 22, after "IC 25-22.5" insert ",".

Page 9, line 23, reset in roman "the physician is immune from civil liability relating to".

Page 9, reset in roman lines 24 through 26.

Page 10, line 39, strike "eleemosynary" and insert "**charitable**".

Page 11, line 31, after "issued" insert "**dental**".

Page 12, line 19, delete "office".

Page 12, line 20, after "dentist" insert "**with patient care**".

Page 15, line 3, delete "(e)" and insert "**(g)**".

Page 15, line 4, delete "(f)," and insert "**(h)**".

Page 15, line 17, delete "course" and insert "**curriculum**".

Page 15, line 17, delete "anticariogenic".

Page 15, line 18, after "medicaments" insert "**for the control or prevention of dental caries**".

Page 15, line 18, after "dentist." insert "**The curriculum must include instruction on the following:**

- (1) **Ethics and jurisprudence.**
- (2) **Reasons for fluorides.**
- (3) **Systemic fluoride.**
- (4) **Topical fluoride.**
- (5) **Fluoride application.**
- (6) **Laboratory work on topical fluoride applications and patient competency."**

Page 15, line 20, delete "course" and insert "**curriculum**".

Page 15, line 21, after "dentist." insert "**The curriculum must include instruction on the following:**

- (1) **Ethics and jurisprudence.**
- (2) **Plaque and materia alba.**
- (3) **Intrinsic and extrinsic stain.**
- (4) **Abrasive agents.**

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(5) Use of a slow speed hand piece, prophylaxis cup, and occlusal polishing brush.

(6) Theory of selective polishing.

(7) Laboratory work concerning slow speed hand piece, hand dexterity, and patient competency."

Page 15, delete lines 22 through 42.

Page 16, delete lines 1 through 16.

Page 32, line 4, after "3." insert **"(a) Notwithstanding any other law, this article does not take effect until July 1, 2009.**

(b)".

Page 32, delete lines 30 through 42.

Delete pages 33 through 35.

Page 36, delete lines 1 through 31.

Page 37, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 40. IC 25-23.6-3-2, AS AMENDED BY P.L.2-2007, SECTION 330, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) This article may not be construed to limit the marriage and family therapy services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine or psychology or a course of study to gain licensure under this article in an accredited eligible postsecondary educational institution or training institution ~~or is a graduate accumulating experience required for licensure if:~~

(A) the activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student ~~or graduate~~ uses a title that contains the term "intern" or "trainee";

(3) Not a resident of Indiana if the person performed services in Indiana for not more than five (5) days in any one (1) month and not more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance.

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(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and addiction and who provides counseling in the areas of alcohol or drug abuse addictions.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article."

Page 37, delete lines 37 through 42.

Page 38, delete lines 1 through 32.

Page 42, line 36, after "years" insert **"Before an individual obtains any post degree clinical experience, the individual must be licensed as a marriage therapist associate under this chapter."**

Page 44, line 27, after "IC 25-1-8-6." insert **"An associate license that has been expired for more than one (1) year may not be reinstated under IC 25-1-8-6."**

Page 45, delete lines 16 through 42.

Delete pages 46 through 53.

Page 54, delete lines 1 through 39.

Page 55, delete lines 2 through 3, begin a new paragraph and insert: **"SECTION 57. IC 25-23-1-28 IS REPEALED [EFFECTIVE JULY 1, 2008]."**

Page 55, delete lines 11 through 42.

Delete page 56.

Page 57, delete lines 1 through 8.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1172 as introduced.)

BROWN C, Chair

Committee Vote: yeas 8, nays 2.

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