

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 86 be amended to read as follows:

- 1 Page 8, line 32, after "any" insert "**entity that regulates an**
- 2 **occupation or profession under this title, including any**".
- 3 Page 9, between lines 37 and 38, begin a new paragraph and insert:
- 4 "SECTION 32. IC 25-1-4-1, AS AMENDED BY P.L.2-2008,
- 5 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2009]: Sec. 1. **Notwithstanding any other law**, no board or
- 7 agency regulating a profession or occupation under this title or under
- 8 IC 16 or IC 22 may require continuing education as a condition of
- 9 certification, registration, or licensure. ~~unless so specifically authorized~~
- 10 ~~or mandated by statute~~."
- 11 Page 16, strike lines 24 through 31.
- 12 Page 17, strike lines 3 through 10.
- 13 Page 17, line 11, strike "(5)" and insert "**(4)**".
- 14 Page 17, line 13, strike "(6)" and insert "**(5)**".
- 15 Page 18, between lines 1 and 2, begin a new paragraph and insert:
- 16 "SECTION 16. IC 25-13-1-8, AS AMENDED BY P.L.105-2008,
- 17 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2009]: Sec. 8. (a) A license to practice dental hygiene in
- 19 Indiana shall be issued to candidates who pass the board's
- 20 examinations. The license shall be valid for the remainder of the
- 21 renewal period in effect on the date the license was issued.
- 22 (b) Prior to the issuance of the license, the applicant shall pay a fee
- 23 set by the board under section 5 of this chapter. A license issued by the
- 24 board expires on a date specified by the Indiana professional licensing

- 1 agency under IC 25-1-5-4(k) of each even-numbered year.
- 2 (c) An applicant for license renewal must satisfy the following
- 3 conditions:
- 4 (1) Pay the renewal fee set by the board under section 5 of this
- 5 chapter on or before the renewal date specified by the Indiana
- 6 professional licensing agency in each even-numbered year.
- 7 ~~(2) Subject to IC 25-1-4-3, provide the board with a sworn~~
- 8 ~~statement signed by the applicant attesting that the applicant has~~
- 9 ~~fulfilled the continuing education requirements under IC 25-13-2.~~
- 10 ~~(3)~~ (2) Be currently certified or successfully complete a course in
- 11 basic life support through a program approved by the board. The
- 12 board may waive the basic life support requirement for applicants
- 13 who show reasonable cause.
- 14 (d) If the holder of a license does not renew the license on or before
- 15 the renewal date specified by the Indiana professional licensing agency,
- 16 the license expires and becomes invalid without any action by the
- 17 board.
- 18 (e) A license invalidated under subsection (d) may be reinstated by
- 19 the board in three (3) years or less after such invalidation if the holder
- 20 of the license meets the requirements under IC 25-1-8-6(c).
- 21 (f) If a license remains invalid under subsection (d) for more than
- 22 three (3) years, the holder of the invalid license may obtain a reinstated
- 23 license by meeting the requirements for reinstatement under
- 24 IC 25-1-8-6(d).
- 25 (g) The board may require the holder of an invalid license who files
- 26 an application under this subsection to appear before the board and
- 27 explain why the holder failed to renew the license.
- 28 (h) The board may adopt rules under section 5 of this chapter
- 29 establishing requirements for the reinstatement of a license that has
- 30 been invalidated for more than three (3) years.
- 31 (i) The license to practice must be displayed at all times in plain
- 32 view of the patients in the office where the holder is engaged in
- 33 practice. No person may lawfully practice dental hygiene who does not
- 34 possess a license and its current renewal.
- 35 (j) Biennial renewals of licenses are subject to the provisions of
- 36 IC 25-1-2.
- 37 SECTION 17. IC 25-14-1-10, AS AMENDED BY P.L.105-2008,
- 38 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2009]: Sec. 10. (a) Unless renewed, a license issued by the
- 40 board expires on a date specified by the agency under IC 25-1-5-4(k).
- 41 An applicant for renewal shall pay the renewal fee set by the board
- 42 under section 13 of this chapter on or before the renewal date specified
- 43 by the agency.
- 44 (b) The license shall be properly displayed at all times in the office
- 45 of the person named as the holder of the license, and a person may not
- 46 be considered to be in legal practice if the person does not possess the

1 license and renewal card.

2 (c) If a holder of a dental license does not renew the license on or  
3 before the renewal date specified by the agency, without any action by  
4 the board the license together with any related renewal card is  
5 invalidated.

6 (d) Except as provided in section 27.1 of this chapter, a license  
7 invalidated under subsection (c) may be reinstated by the board in three  
8 (3) years or less after its invalidation if the holder of the license meets  
9 the requirements under IC 25-1-8-6(c).

10 (e) Except as provided in section 27.1 of this chapter, if a license  
11 remains invalid under subsection (c) for more than three (3) years, the  
12 holder of the invalid license may obtain a reinstated license by  
13 satisfying the requirements for reinstatement under IC 25-1-8-6(d).

14 (f) The board may require the holder of an invalid license who files  
15 an application under this subsection to appear before the board and  
16 explain why the holder failed to renew the license.

17 (g) The board may adopt rules under section 13 of this chapter  
18 establishing requirements for the reinstatement of a license that has  
19 been invalidated for more than three (3) years. The fee for a duplicate  
20 license to practice as a dentist is subject to IC 25-1-8-2.

21 (h) Biennial renewal of licenses is subject to IC 25-1-2.

22 ~~(i) Subject to IC 25-1-4-3, an application for renewal of a license~~  
23 ~~under this section must contain a sworn statement signed by the~~  
24 ~~applicant attesting that the applicant has fulfilled the continuing~~  
25 ~~education requirements under IC 25-14-3.~~

26 SECTION 18. IC 25-20.2-3-8 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. The board shall:

- 28 (1) administer and enforce this article;  
29 (2) adopt rules under IC 4-22-2 that are reasonably necessary or  
30 appropriate for the administration and enforcement of this article;  
31 (3) prescribe the requirements for and the form of licenses,  
32 applications, and other documents that are required by this article;  
33 (4) grant, deny, suspend, and revoke approval of examinations  
34 and courses of study;  
35 (5) issue, deny, suspend, and revoke licenses in accordance with  
36 this article;  
37 (6) in accordance with IC 25-1-7, investigate complaints  
38 concerning licensees or persons the board has reason to believe  
39 should be licensees, including complaints concerning failure to  
40 comply with this article or rules adopted under this article, and,  
41 when appropriate, take action under IC 25-20.2-8;  
42 (7) bring actions in the name of the state in an appropriate circuit  
43 court in order to enforce compliance with this article or rules  
44 adopted under this article;  
45 (8) establish fees in accordance with IC 25-1-8;  
46 (9) inspect the records of a licensee in accordance with rules

- 1 adopted by the board;
- 2 (10) conduct or designate a member or other representative to
- 3 conduct public hearings on any matter for which a hearing is
- 4 required under this article and exercise all powers granted under
- 5 IC 4-21.5;
- 6 (11) adopt a seal containing the words "Indiana Home Inspectors
- 7 Licensing Board" and, through the board's secretary, certify
- 8 copies and authenticate all acts of the board;
- 9 (12) in accordance with IC 25-1-6:
- 10 (A) use counsel, consultants, and other persons;
- 11 (B) enter into contracts; and
- 12 (C) authorize expenditures;
- 13 that are reasonably necessary or appropriate to administer and
- 14 enforce this article and rules adopted under this article;
- 15 ~~(13) establish continuing education requirements for licensed~~
- 16 ~~home inspectors in accordance with IC 25-1-4;~~
- 17 ~~(14)~~ **(13)** maintain the board's office, files, records, and property
- 18 in the city of Indianapolis; and
- 19 ~~(15)~~ **(14)** exercise all other powers specifically conferred on the
- 20 board by this article."

21 Page 22, between lines 18 and 19, begin a new paragraph and insert:

22 "SECTION 23. IC 25-23-1-19.8, AS AMENDED BY P.L.157-2006,

23 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

24 JULY 1, 2009]: Sec. 19.8. (a) Before December 31 of an

25 even-numbered year, the Indiana professional licensing agency or the

26 agency's designee shall randomly audit at least one percent (1%) but

27 not more than ten percent (10%) of the practice agreements of

28 advanced practice nurses with authority to prescribe legend drugs

29 under section 19.5 of this chapter to determine whether the practice

30 agreement meets the requirements of this chapter or rules adopted by

31 the board.

32 (b) The Indiana professional licensing agency shall establish an

33 audit procedure, which may include the following:

34 ~~(1) Requiring the advanced practice nurse to provide the agency~~

35 ~~with a copy of verification of attendance at or completion of a~~

36 ~~continuing education course or program the advanced practice~~

37 ~~nurse attended during the previous two (2) years.~~

38 ~~(2)~~ **(1)** Requiring the advanced practice nurse and the licensed

39 practitioner who have entered into a practice agreement to submit

40 information on a form prescribed by the agency that must include

41 a sworn statement signed by the advanced practice nurse and the

42 licensed practitioner that the parties are operating within the

43 terms of the practice agreement and the requirements under this

44 chapter or rules adopted by the board.

45 ~~(3)~~ **(2)** Reviewing patient health records and other patient

46 information at the practice location or by requiring the submission

- 1 of accurate copies to determine if the parties are operating within  
 2 the terms of the practice agreement and the requirements under  
 3 this chapter or rules adopted by the board.
- 4 ~~(4)~~ (3) After a reasonable determination that the advanced  
 5 practice nurse and the licensed practitioner who have entered into  
 6 a practice agreement are not operating within the terms of the  
 7 practice agreement, requiring the parties to appear before the  
 8 agency or the agency's designee to provide evidence of  
 9 compliance with the practice agreement.
- 10 (c) Not more than sixty (60) days after the completion of the audit  
 11 required in subsection (a), the Indiana professional licensing agency  
 12 shall provide the board with the following:
- 13 (1) A summary of the information obtained in the audit.  
 14 (2) A statement regarding whether an advanced practice nurse  
 15 and a licensed practitioner who have entered into a practice  
 16 agreement that is audited under subsection (a) are operating  
 17 within the terms of the practice agreement.
- 18 The agency shall also provide a copy of the information described in  
 19 this subsection to the board that regulates the licensed practitioner.
- 20 (d) The Indiana professional licensing agency may cause to be  
 21 served upon the advanced practice nurse an order to show cause to the  
 22 board as to why the board should not impose disciplinary sanctions  
 23 under IC 25-1-9-9 on the advanced practice nurse for the advanced  
 24 practice nurse's failure to comply with:
- 25 (1) an audit conducted under this section; or  
 26 (2) the requirements of a practice agreement under this chapter.
- 27 (e) ~~Except for a violation concerning continuing education~~  
 28 ~~requirements under IC 25-1-4,~~ The board shall hold a hearing in  
 29 accordance with IC 4-21.5 and state the date, time, and location of the  
 30 hearing in the order served under subsection (d).
- 31 (f) The board that regulates the licensed practitioner may cause to  
 32 be served upon the licensed practitioner an order to show cause to the  
 33 board as to why the board should not impose disciplinary sanctions  
 34 under IC 25-1-9-9 on the licensed practitioner for the licensed  
 35 practitioner's failure to comply with:
- 36 (1) an audit conducted under this section; or  
 37 (2) the requirements of a practice agreement under this chapter.
- 38 (g) The board that regulates the licensed practitioner shall hold a  
 39 hearing in accordance with IC 4-21.5 and state the date, time, and  
 40 location of the hearing in the order served under subsection (f).
- 41 (h) An order to show cause issued under this section must comply  
 42 with the notice requirements of IC 4-21.5.
- 43 (i) The licensed practitioner may divulge health records and other  
 44 patient information to the Indiana professional licensing agency or the  
 45 agency's designee. The licensed practitioner is immune from civil  
 46 liability for any action based upon release of the patient information

1 under this section."

2 Page 26, delete lines 26 through 28.

3 Page 31, between lines 9 and 10, begin a new paragraph and insert:

4 "SECTION 25. IC 25-24-1-14, AS AMENDED BY P.L.105-2008,  
5 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2009]: Sec. 14. (a) In each even-numbered year, the Indiana  
7 professional licensing agency shall issue a sixty (60) day notice of  
8 expiration and a license renewal application in accordance with  
9 IC 25-1-2-6 to each optometrist licensed in Indiana. The application  
10 shall be mailed to the last known address of the optometrist.

11 (b) The payment of the renewal fee must be made on or before the  
12 date established by the licensing agency under IC 25-1-5-4. The  
13 applicant's license expires and becomes invalid if the applicant has not  
14 paid the renewal fee by the date established by the licensing agency.

15 (c) The license shall be reinstated by the board not later than three  
16 (3) years after its expiration if the applicant for reinstatement meets the  
17 requirements under IC 25-1-8-6(c).

18 (d) Reinstatement of an expired license after the expiration of the  
19 three (3) year period provided in subsection (c) is dependent upon the  
20 applicant satisfying the requirements for reinstatement under  
21 IC 25-1-8-6(d).

22 (e) The board may classify a license as inactive if the board receives  
23 written notification from a licensee stating that the licensee will not  
24 maintain an office or practice optometry in Indiana. The renewal fee for  
25 an inactive license is one-half (1/2) the license renewal fee set by the  
26 board under section 1 of this chapter.

27 (f) ~~The holder of an inactive license is not required to fulfill~~  
28 ~~continuing education requirements set by the board.~~ The board may  
29 issue a license to the holder of an inactive license if the applicant:

30 (1) pays the renewal fee set by the board under section 1 of this  
31 chapter; **and**

32 (2) pays the reinstatement fee set by the board under section 1 of  
33 this chapter. ~~and~~

34 ~~(3) subject to IC 25-1-4-3, attests that the applicant obtained the~~  
35 ~~continuing education required by the board under section 1 of this~~  
36 ~~chapter for each year, or portion of a year during which the~~  
37 ~~applicant's license has been classified as inactive.~~

38 SECTION 26. IC 25-26-13-14, AS AMENDED BY P.L.105-2008,  
39 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2009]: Sec. 14. (a) A pharmacist's license expires biennially  
41 on the date established by the licensing agency under IC 25-1-5-4,  
42 unless renewed before that date.

43 (b) If an application for renewal is not filed and the required fee  
44 paid before the established biennial renewal date, the license expires  
45 and becomes invalid without any action taken by the board.

46 ~~(c) Subject to IC 25-1-4-3, a statement attesting that the pharmacist~~

1 has met the continuing education requirements shall be submitted with  
 2 the application for license renewal:

3 ~~(d)~~ (c) If a pharmacist surrenders the pharmacist's license to practice  
 4 pharmacy in Indiana, the board may subsequently consider  
 5 reinstatement of the pharmacist's license upon written request of the  
 6 pharmacist. The board may impose any conditions it considers  
 7 appropriate to the surrender or to the reinstatement of a surrendered  
 8 license. The practitioner may not voluntarily surrender the  
 9 practitioner's license to the board without the written consent of the  
 10 board if any disciplinary proceedings are pending against the  
 11 practitioner under this chapter or IC 25-1-9.

12 ~~(e)~~ (d) If a license has been expired for not more than three (3)  
 13 years, the board may reinstate the license only if the person meets the  
 14 requirements under IC 25-1-8-6(c).

15 ~~(f)~~ (e) If a license has been expired for more than three (3) years, the  
 16 license may be reinstated by the board if the holder of the license meets  
 17 the requirements for reinstatement under IC 25-1-8-6(d).

18 ~~(g)~~ (f) The board may require a person who applies for a license  
 19 under subsection ~~(e)~~ (d) to appear before the board and explain the  
 20 reason the person failed to renew the person's license.

21 SECTION 27. IC 25-34.1-9-20, AS AMENDED BY P.L.157-2006,  
 22 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2009]: Sec. 20. ~~Subject to IC 25-1-4,~~ The commission may  
 24 deny renewal of the license of a licensee that does not fulfill the  
 25 requirements of this chapter."

26 Page 32, line 21, after "2009]:" insert: "IC 25-1-4-2; IC 25-1-4-3;  
 27 IC 25-1-4-3.2; IC 25-1-4-4; IC 25-1-4-5; IC 25-1-4-6; IC 25-1-4-7;  
 28 IC 25-1-4-8; IC 25-4-1-31; IC 25-4-2-13; IC 25-13-2-9; IC 25-14-3-11;  
 29 IC 25-20-1-25; IC 25-23-1-19.7; IC 25-33-2-4; IC 25-38.1-2-13;"

30 Renumber all SECTIONS consecutively.

(Reference is to ESB 86 as printed April 10, 2009.)

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Representative Brown T