

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1003

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

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

SECTION 1. IC 16-31-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11.5. Temporary Licensure of Retired and Inactive Emergency Medical Services Personnel

Sec. 1. Notwithstanding any other provision of this article, the commission shall issue a temporary license or certificate to an individual to allow the individual to provide emergency medical services if the individual satisfies the following conditions:

- (1) The individual applies for the temporary license or certificate in the manner prescribed by the commission.**
- (2) The individual has, within the past five (5) years, held:**
 - (A) a certificate or license under this article; or**
 - (B) an equivalent certificate or license in another state; to provide emergency medical services.**
- (3) The individual remains in good standing with the issuing entity and the license or certification described in subdivision (2):**
 - (A) was retired, surrendered, or otherwise inactivated by the individual; and**
 - (B) was not revoked, suspended, or relinquished by the**

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issuing entity.

Sec. 2. The commission shall post the following on the department of homeland security's Internet web site:

- (1)** The application for a temporary license or certification described in section 1 of this chapter.
- (2)** A list of the names of individuals who have been granted a temporary license or certification by the commission under this chapter.

Sec. 3. This chapter expires at the conclusion of the federal public health emergency concerning COVID-19 that was renewed on October 15, 2021, or any subsequent renewal of the declared federal public health emergency concerning COVID-19.

SECTION 2. IC 25-1-5.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 5.7. Emergency Practitioner Temporary Licensing

Sec. 1. As used in this chapter, "board" has the meaning set forth in IC 25-0.5-11-1.

Sec. 2. As used in this chapter, "license" includes a license, certificate, registration, or permit.

Sec. 3. As used in this chapter, "licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

Sec. 4. Notwithstanding any other law, the licensing agency shall issue a temporary license to an individual if the individual satisfies the following conditions:

- (1)** The individual applies for the temporary license in the manner prescribed by the licensing agency.
- (2)** The individual has, within the past five (5) years, held:
 - (A)** a license issued by a board; or
 - (B)** an equivalent license in another state;

to practice the profession.
- (3)** The individual remains in good standing with the board or licensing agency and the license described in subdivision (2):
 - (A)** was retired, surrendered, or otherwise inactivated by the individual; and
 - (B)** was not revoked, suspended, or relinquished by the board or licensing agency.

Sec. 5. Notwithstanding any other law, the licensing agency shall issue a temporary license to an individual who has an equivalent license in another state to a license issued by a board if the individual satisfies the following conditions:

- (1)** The individual applies for the temporary license in the



manner prescribed by the licensing agency.

(2) The individual remains in good standing and has not been disciplined by the state that has jurisdiction to issue the license.

Sec. 6. Notwithstanding any other law, the licensing agency shall issue a temporary license to a recently graduated student if the student satisfies the following conditions:

(1) The student applies for the temporary license in the manner prescribed by the licensing agency.

(2) The student has successfully completed all required course work at an accredited or approved school.

(3) The student has submitted a certificate of completion to the licensing agency.

(4) The student has applied for any of the following:

(A) A physician assistant license under IC 25-27.5-4.

(B) A nurse license under IC 25-23.

(C) A respiratory care practitioner license under IC 25-34.5.

(D) A pharmacist license under IC 25-26-13.

(E) A physician license under IC 25-22.5.

Sec. 7. The licensing agency shall post the following on the licensing agency's Internet web site:

(1) The application for a temporary license described in sections 4, 5, and 6 of this chapter.

(2) A list of the names of individuals who have been granted a temporary license by the licensing agency under this chapter.

Sec. 8. This chapter expires at the conclusion of the federal public health emergency concerning COVID-19 that was renewed on October 15, 2021, or any subsequent renewal of the declared federal public health emergency concerning COVID-19.

SECTION 3. IC 25-23-1-7, AS AMENDED BY P.L.135-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The board shall do the following:

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

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

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

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



chapter and of the board.

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

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

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

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

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

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

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

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

(10) Keep a record of all its proceedings.

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

(12) Adopt rules and administer the interstate nurse licensure compact under IC 25-42.

(13) Adopt or amend rules to implement the nursing licensure by endorsement available for foreign nursing school graduates under sections 11 and 12 of this chapter.

(b) The board may do the following:

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

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

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

(B) Recommendations concerning educational programs and requirements.



(C) Recommendations regarding examinations and licensure of applicants.

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

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

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

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

SECTION 4. IC 25-23-1-7.3, AS AMENDED BY P.L.216-2021, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.3. (a) The following definitions apply throughout this section:

(1) "Eligible associate degree registered nursing program" means an associate degree registered nursing program that:

(A) is accredited by the board; and

(B) has an annual rate of successful completion of the National Council Licensure Examination (NCLEX) score of at least eighty percent (80%).

(2) "Qualified nurse educator certificate program" means a nurse educator certificate program that:

(A) is provided by an accredited institution; and

(B) requires at least fifteen (15) credit hours for completion.

(b) Notwithstanding 848 IAC 1-2-13(b), and subject to the approval of the board, an individual who holds a bachelor of science in nursing without having attained a master's degree in nursing may teach clinical courses in an eligible associate degree registered nursing program if:

(1) subject to subsection (c), the individual:

(A) is enrolled in a qualified nurse educator certificate program; and

(B) completes the qualified nurse educator certificate program within two (2) years after the individual's hire date;

(2) the individual has completed a qualified nurse educator certificate program; or

(3) the individual is enrolled in a master's degree nursing program.

(c) An individual described in subsection (b)(1) must:

(1) show progress toward completion of the qualified nurse educator certificate program throughout the two (2) year period beginning on the individual's hire date; and

(2) upon completion of the qualified nurse educator certificate program, enroll in a master's degree nursing program.

(d) This section expires June 30, 2023.



SECTION 5. IC 25-23-1-11, AS AMENDED BY P.L.156-2020, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Any person who applies to the board for a license to practice as a registered nurse must:

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

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

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

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

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

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

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- (A) Canadian Nurse Association Testing Service Examination (CNAT); or
 - (B) Canadian Registered Nurse Examination (CRNE);
 - (2) achieved the passing score required on the examination at the time the examination was taken;
 - (3) is currently licensed in a Canadian province or in another state; and
 - (4) meets the other requirements under this section.
- (e) The board shall issue by endorsement a license to practice as a registered nurse to an applicant who:**
- (1) is a graduate of a foreign nursing school;**
 - (2) provides:**
 - (A) documentation that the applicant has:**
 - (i) taken an examination prepared by the Commission on Graduates of Foreign Nursing Schools International, Inc. (CGFNS); and**
 - (ii) achieved the passing score required on the examination at the time the examination was taken;**
 - (B) a satisfactory Credentials Evaluation Service Professional Report issued by CGFNS; or**
 - (C) a satisfactory VisaScreen Certificate verification letter issued by CGFNS; and**
 - (3) meets the other requirements of this section.**
- ~~(e)~~ **(f)** Each applicant for examination and registration to practice as a registered nurse shall pay:
- (1) a fee set by the board; and
 - (2) if the applicant is applying for a multistate license (as defined in IC 25-42-1-11) under IC 25-42 (Nurse Licensure Compact), a fee of twenty-five dollars (\$25) in addition to the fee under subdivision (1);
- a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Payment of the fee or fees shall be made by the applicant prior to the date of examination.
- (g)** The lesser of the following amounts from fees collected under ~~this subsection (f)~~ shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:
- (1) Twenty-five percent (25%) of the license application fee per license applied for under this section.
 - (2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.
- ~~(f)~~ **(h)** Any person who holds a license to practice as a registered



nurse in Indiana or under IC 25-42 may use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall practice or advertise as or assume the title of registered nurse or use the abbreviation of "R.N." or any other words, letters, signs, or figures to indicate that the person using same is a registered nurse.

SECTION 6. IC 25-23-1-12, AS AMENDED BY P.L.156-2020, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A person who applies to the board for a license to practice as a licensed practical nurse must:

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

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

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



(d) The board shall issue by endorsement a license to practice as a licensed practical nurse to an applicant who:

(1) is a graduate of a foreign nursing school;

(2) provides:

(A) documentation that the applicant has:

(i) taken an examination prepared by the Commission on Graduates of Foreign Nursing Schools International, Inc. (CGFNS); and

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

(B) a satisfactory Credentials Evaluation Service Professional Report issued by CGFNS; or

(C) a VisaScreen Certificate verification letter issued by CGFNS; and

(3) meets the other requirements of this section.

(e) Each applicant for examination and registration to practice as a practical nurse shall pay:

(1) a fee set by the board; and

(2) if the applicant is applying for a multistate license (as defined in IC 25-42-1-11) under IC 25-42 (Nurse Licensure Compact), a fee of twenty-five dollars (\$25) in addition to the fee under subdivision (1);

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.

(f) The lesser of the following amounts from fees collected under this subsection (e) 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.

(g) Any person who holds a license to practice as a licensed practical nurse in Indiana or under IC 25-42 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 7. IC 25-23-1-20.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.1. (a) As used in this**

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section, "eligible associate or bachelor's degree registered nursing program" means an associate or bachelor's degree registered nursing program that:

- (1) is accredited by the board; and
- (2) has an annual rate of successful completion of the National Council Licensure Examination (NCLEX) score of at least eighty percent (80%).

(b) As used in this section, "nursing program" means any of the following:

- (1) A licensed practical nursing program.
- (2) An associate degree nursing program.
- (3) A diploma nursing program.
- (4) A baccalaureate degree nursing program.

(c) An eligible associate degree or bachelor's degree registered nursing program that has been operating for at least five (5) years may increase enrollment in the program at any rate the program considers appropriate.

(d) A nursing program that:

- (1) is operated by a postsecondary educational institution, as defined in IC 21-7-13-6(a)(1);
- (2) was accredited by the board on a date after June 30, 2020, and before July 1, 2021; and
- (3) has been operating for at least one (1) year;

may increase its enrollment rate by not more than one hundred percent (100%).

SECTION 8. IC 25-23-1-20.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.2. (a) As used in this section, "clinical experience" means the learning experiences provided in facilities appropriate to the curriculum objectives.

(b) As used in this section, "clinical hours" refers to the number of hours of clinical experience a nursing student is required to complete.

(c) As used in this section, "NCLEX" refers to the National Council Licensure Examination that is:

- (1) provided by the National Council of State Boards of Nursing; and
- (2) used to determine the competency of graduates of nursing school.

(d) As used in this section, "nursing program" means one (1) of the following:

- (1) A licensed practical nursing program.



- (2) An associate degree nursing program.
- (3) A diploma nursing program.
- (4) A baccalaureate degree nursing program.

(e) As used in this section, "simulation hours" refers to the hours spent by a nursing student participating in an educational process:

- (1) that replicates real world clinical scenarios in a simulation lab; and
- (2) in which a nursing student develops and practices the nursing student's nursing skills.

(f) A nursing program may allow substitution of simulation hours for clinical hours in the following manner:

- (1) Simulation for not more than fifty percent (50%) of clinical hours if a nursing program has an overall pass rate of at least eighty percent (80%) on the NCLEX.
- (2) Simulation for not more than twenty-five percent (25%) of clinical hours if a nursing program has an overall pass rate of less than eighty percent (80%) on the NCLEX.

(g) The board may adopt rules under IC 4-22-2 to implement this section. Nothing in this section prohibits a nursing program from substituting simulation hours for clinical hours in accordance with this section before the board adopts rules under this section.

SECTION 9. IC 25-23-1-20.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.3. (a) As used in this section, "clinical preceptor" means an individual who is:

- (1) employed by a cooperating agency; and
- (2) responsible for supervising one (1) nursing student at a time in a clinical facility.

(b) As used in this section, "cooperating agency" means an institution that cooperates with a nursing program to provide clinical facilities for the clinical experiences (as defined in section 20.2 of this chapter) of nursing students.

(c) Each clinical preceptor must:

- (1) be a nurse licensed under this article; and
- (2) have at least eighteen (18) months of experience as a registered nurse.

(d) Not later than July 1, 2023, the board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 10. IC 25-23-1-20.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.4. (a) As used in this



section, "faculty" refers to a group of individuals who are employed to administer and teach in a nursing program.

(b) Beginning July 1, 2022, the majority of employees on the faculty of a nursing program that:

(1) is operated by a state educational institution, as defined in IC 21-7-13-32; and

(2) predominantly issues associate degrees; may be part-time employees of the educational institution or hospital that conducts the nursing program.

(c) The board of nursing may adopt rules under IC 4-22-2 to implement this section.

SECTION 11. IC 25-23-1-34, AS AMENDED BY P.L.74-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) The impaired nurses account is established within the state general fund for the purposes of providing money for:

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

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

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

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

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

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

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

(3) Fines collected from registered nurses or licensed practical nurses under IC 25-1-9-9(a)(6).

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

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

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

SECTION 12. IC 34-18-3-2 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE MARCH 13, 2020 (RETROACTIVE)]: Sec. 2. **(a) Except as provided in subsection (b)**, for a health care provider to be qualified under this article, the health care provider or the health care provider's insurance carrier shall:

- (1) cause to be filed with the commissioner proof of financial responsibility established under IC 34-18-4; and
- (2) pay the surcharge assessed on all health care providers under IC 34-18-5.

(b) A health care provider who has a temporary license under IC 25-1-21 is qualified under this article while the temporary license is in effect.

SECTION 13. IC 34-18-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 13, 2020 (RETROACTIVE)]: Sec. 3. **(a) Except as provided in subsection (b)**, the officers, agents, and employees of a health care provider, while acting in the course and scope of their employment, may be qualified under this chapter if the following conditions are met:

- (1) The officers, agents, and employees are individually named or are members of a named class in the proof of financial responsibility filed by the health care provider under IC 34-18-4.
- (2) The surcharge assessed under IC 34-18-5 is paid.

(b) An officer, agent, or employee of a health care provider who has a temporary license under IC 25-1-21 is qualified under this article while the temporary license is in effect.

SECTION 14. IC 34-18-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 13, 2020 (RETROACTIVE)]: Sec. 7. (a) The commissioner shall adopt rules under IC 4-22-2 to establish the following:

- (1) Criteria for determining, upon application, whether a corporation, limited liability company, partnership, or professional corporation is subject to IC 34-18-2-14(7) and thus is eligible to qualify as a health care provider under this chapter.
- (2) The minimum annual aggregate insurance amount necessary for the corporation, limited liability company, partnership, or professional corporation to become qualified under IC 34-18-2-14(7).

(b) The criteria to be established by rule under subsection (a)(1) must include the identification of the health care purpose and function of the corporation, limited liability company, partnership, or professional corporation.

(c) The minimum annual aggregate insurance amount to be set by rule under subsection (a)(2) may not exceed five hundred thousand



dollars (\$500,000).

(d) The commissioner may require a corporation, limited liability company, partnership, or professional corporation that seeks to qualify under IC 34-18-2-14(7) and this chapter to provide information necessary to determine eligibility and to establish the minimum annual aggregate amount applicable to the corporation, limited liability company, partnership, or professional corporation.

(e) The commissioner may require a health care provider who is qualified under section 2(b) of this chapter and an officer, agent, and employee of a health care provider who is qualified under section 3(b) of this chapter to provide information necessary to determine eligibility.

SECTION 15. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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