TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

Final Rule
LSA Document #12-452(F)

DIGEST

Amends 844 IAC 10-2-2, 844 IAC 10-3-1, 844 IAC 10-3-2, 844 IAC 10-3-3, 844 IAC 10-4-1, 844 IAC 10-4-2, 844 IAC 10-6-2, 844 IAC 10-7-1, 844 IAC 10-7-2, and 844 IAC 10-7-7 to implement rules based on House Enrolled Act 1233 (P.L.197-2011, SECTIONS 91 through 108) for occupational therapy assistants, which changes the terms "certified" and "certification" to "licensed" and "license". Effective 30 days after filing with the Publisher.

844 IAC 10-2-2; 844 IAC 10-3-1; 844 IAC 10-3-2; 844 IAC 10-3-3; 844 IAC 10-4-1; 844 IAC 10-4-2; 844 IAC 10-6-2; 844 IAC 10-7-1; 844 IAC 10-7-2; 844 IAC 10-7-7

SECTION 1. 844 IAC 10-2-2 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-2-2 Fees

Authority: IC 25-1-8-2; IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-23.5-2; IC 25-23.5-5

Sec. 2. (a) The board shall charge and collect the following fees:

Application for license ~~or certification~~	$100
License ~~or certification~~ renewal	$100 biennially
Temporary permit	$50
Verification of license ~~or certification~~	$10
Duplicate wall license ~~or certification~~	$10

(b) Applicants required to take the national examination for licensure shall pay a fee directly to a professional examination service in the amount set by the examination service.

(Medical Licensing Board of Indiana; 844 IAC 10-2-2; filed Feb 11, 2002, 4:40 p.m.: 25 IR 2247; readopted filed Oct 10, 2008, 8:55 a.m.: 20081105-IR-844080342RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA)

SECTION 2. 844 IAC 10-3-1 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-3-1 Application for licensure; deadlines

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-23.5-5

Sec. 1. All applicants for licensure ~~or certification~~ must apply on such form and in such manner as the committee shall prescribe. Complete applications for licensure ~~or certification~~ must be submitted at least thirty (30) days prior to the examination date.

(Medical Licensing Board of Indiana; 844 IAC 10-3-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1067; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA)

SECTION 3. 844 IAC 10-3-2 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-3-2 Licensure by examination

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-23.5-5

Sec. 2. The committee shall issue a license ~~or certificate~~ by examination to an applicant who completes the following:

(1) Applies in the form and manner prescribed by the committee.
(2) Submits the fees specified in 844 IAC 10-2-1.
(3) Successfully completes the examination required by the committee for licensure as an occupational therapist.
(4) Successfully completes the examination required by the committee for ~~certification~~ **licensure** as an occupational therapy assistant.
(5) Submits two (2) recent passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed by the applicant, shall be submitted with each application.
(6) Submits an official transcript of grades from which the applicant obtained the applicant's degree that shows that all requirements for graduation have been met.
(7) Submits a certified copy of a diploma to the committee of the applicant's graduation from a school or program of occupational therapy or a program of occupational therapy assistants approved by the board that meets the standards set by the board under 844 IAC 10-1-2.
(8) Otherwise meets the requirements of IC 25-23.5-5.

(Medical Licensing Board of Indiana; 844 IAC 10-3-2; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1067; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA)

SECTION 4. 844 IAC 10-3-3 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-3-3 Licensure by endorsement

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-23.5-5

Sec. 3. The committee may issue a license ~~or certificate~~ by endorsement to an applicant who completes the following:

(1) Applies to the committee in the form and manner required by the board.
(2) Submits the fees required under 844 IAC 10-2-1.
(3) Submits a diploma to the committee of the applicant's graduation from a school or program of occupational therapy or a program of occupational therapy assistants approved by the board that meets the standards set by the board under 844 IAC 10-1-2.
(4) Submits two (2) recent passport-quality photographs of the applicant, not smaller than two (2) inches by two (2) inches, each signed by the applicant, in black ink.
(5) Submits an official transcript of grades from which the applicant obtained the applicant's degree that shows that all requirements for graduation have been met.
(6) Submits verification of ~~licensure/certification~~ **licensure** status from the initial state in which the applicant has been or is currently ~~licensed/certified.~~ **licensed.**
(7) Submits verification from all states in which the applicant has been or is currently ~~licensed/certified,~~ **licensed,** which statement shall include whether the applicant has ever been disciplined in any manner.
(8) Otherwise meets the requirements of IC 25-23.5-5.

(Medical Licensing Board of Indiana; 844 IAC 10-3-3; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1067; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA)

SECTION 5. 844 IAC 10-4-1 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-4-1 Mandatory registration; renewal

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-23.5-5-9; IC 25-23.5-5-12

Sec. 1. Every occupational therapist and occupational therapy assistant holding a license ~~or certificate~~ issued by the committee shall renew his or her license ~~or certificate~~ biennially on or before December 31 of each

even-numbered year.

(Medical Licensing Board of Indiana; 844 IAC 10-4-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 12, 2004, 10:12 a.m.: 28 IR 211; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA)

SECTION 6. 844 IAC 10-4-2 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-4-2 Address; change of name

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-23.5-5

Sec. 2. (a) Each license ~~or certificate~~ holder shall inform the committee, in writing, of all changes of address or name within fifteen (15) days of the change.

(b) A license ~~or certificate~~ holder's failure to receive notification of renewal due to failure to notify the board of a change of address or name shall not constitute an error on the part of the committee, board, or Indiana professional licensing agency, nor shall it exonerate or otherwise excuse the license ~~or certificate~~ holder from renewing such license. ~~or certification.~~

(Medical Licensing Board of Indiana; 844 IAC 10-4-2; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA)

SECTION 7. 844 IAC 10-6-2 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-23.5-2

Sec. 2. An occupational therapy aide may contribute to indirect patient services through the provision of the following:
(1) Routine department maintenance.
(2) Transportation of patients.
(3) Preparation and setting up of treatment equipment.
(4) Performing clerical activities.
An aide, with direct on-site supervision of a licensed occupational therapist or, when appropriate, a ~~certified~~ **licensed** occupational therapy assistant, may provide direct patient service.

(Medical Licensing Board of Indiana; 844 IAC 10-6-2; filed Sep 1, 2000, 2:04 p.m.: 24 IR 23; readopted filed Nov 16, 2006, 10:52 a.m.: 20061129-IR-844060240RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA)

SECTION 8. 844 IAC 10-7-1 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-7-1 Continuing competency requirements

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-1-4; IC 25-23.5-2

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

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

(c) Continuing competency hours:

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

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

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

(Medical Licensing Board of Indiana; 844 IAC 10-7-1; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA)

SECTION 9. 844 IAC 10-7-2 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-7-2 Responsibilities of licensees

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6
Affected: IC 25-23.5-2

Sec. 2. A license ~~or certificate~~ holder must do the following:
(1) Certify completion of continuing competency required by this rule at the time of license renewal.
(2) Retain verification of completion of continuing competency required by this rule for three (3) years after the last renewal date.
(3) Present verification of completion of continuing competency required by this rule at the request of the committee.

(Medical Licensing Board of Indiana; 844 IAC 10-7-2; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA)

SECTION 10. 844 IAC 10-7-7 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-7-7 Renewal; sworn statement

Authority: IC 25-23.5-2-5
Affected: IC 25-23.5-2

Sec. 7. An application for renewal of a license ~~or certificate~~ must contain a sworn statement by the licensee attesting that the continuing competency requirements as required by this section have been fulfilled.

(Medical Licensing Board of Indiana; 844 IAC 10-7-7; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA)

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