

Document: Readopted Rules

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**TITLE 848 INDIANA STATE BOARD
OF NURSING**

LSA Document #01-127

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

848 IAC 1-1-2.1	848 IAC 3-2-5
848 IAC 1-1-5	848 IAC 3-2-6
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848 IAC 1-1-10	848 IAC 3-4-1
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848 IAC 1-1-15	848 IAC 4-1-3
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848 IAC 3-2-3	848 IAC 5-2-1
848 IAC 3-2-4	

SECTION 1. UNDER IC 4-22-2.5-3, THE FOLLOWING ARE READOPTED:

- 848 IAC 1-1-2.1 Definitions
- 848 IAC 1-1-8 Renewal of license
- 848 IAC 1-1-11 Name change
- 848 IAC 1-1-15 Temporary permits
- 848 IAC 1-2 Accreditation
- 848 IAC 2-1 Definitions
- 848 IAC 2-2 Registered Nursing
- 848 IAC 2-3 Licensed Practical Nursing
- 848 IAC 3-1 Definitions
- 848 IAC 3-2-1 Application for limited license; qualifications
- 848 IAC 3-2-3 Photograph submitted with application
- 848 IAC 3-2-4 Temporary permit not issued
- 848 IAC 3-2-6 Notice of renewal
- 848 IAC 3-2-7 Fee for renewal
- 848 IAC 3-2-8 Delinquent fee
- 848 IAC 3-3 Competent practice of nurse-midwives
- 848 IAC 4-1-1 Applicability
- 848 IAC 4-1-2 "Board" defined
- 848 IAC 4-1-4 "Nurse Practitioner" defined

- 848 IAC 4-1-5 "Clinical nurse specialist" defined
- 848 IAC 4-2 Competent practice of nurse practitioners
- 848 IAC 4-3 Competent practice of clinical nurse specialists
- 848 IAC 5-1 Prescriptive authority

SECTION 2. UNDER IC 4-22-2.5-3, 848 IAC 1-1-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 1-1-5 Appeals

Authority: IC 25-23-1-7

Affected: IC 4-21.5

Sec. 5. ~~APPEAL PROCEDURE.~~ (5.1) ~~PROCEDURE.~~ In accordance with Indiana Code 4-22-1 the Indiana Administrative Adjudication Act, the Indiana State Board of Nurses' Registration and Nursing Education respects the right of any applicant to appeal its decisions. Applicants shall be entitled to have a hearing before the Board, by filing a written application for such a hearing, within fifteen (15) days after receipt of notice of decision. **Appeals before the Indiana state board of nursing are governed by the Indiana Administrative Orders and Procedures Act (AOPA) under IC 4-21.5.** (*Indiana State Board of Nursing; Reg 5; filed Jul 18, 1977, 8:55 a.m.: Rules and Regs. 1978, p. 611*)

SECTION 3. UNDER IC 4-22-2.5-3, 848 IAC 1-1-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 1-1-6 Licensure by examination

Authority: IC 25-23-1-7

Affected: IC 25-23-1-11; IC 25-23-1-12

Sec. 6. (a) Any person who makes application to the board for a license shall submit to the board written evidence, verified by oath, that the registered nurse applicant meets IC 25-23-1-11 and the licensed practical nurse applicant meets IC 25-23-1-12.

(b) Schools of nursing shall be notified by the Indiana board of nursing annually of the filing dates and the dates on which the graduates will be scheduled to write the examination. Schools of nursing shall submit to the board a list of graduates that will write the examination at least 60 days prior to the examination date.

(c) The required application for licensure by examination and fee shall be filed no later than the 56th day prior to the date of the examination. Applications will be accepted until the 42nd day prior to the examination date when an additional late application processing fee is submitted.

(d) The board of nursing shall provide examination information to the candidate at least two (2) weeks prior to the licensing examination.

(e) (b) A copy of a marriage certificate or court order shall be submitted by a candidate who wishes to change her/his name after the application is filed.

(f) (c) Candidates shall present **an admission card the authorization to test** and a **photograph photo identification** for entrance to the licensing examination. The photograph shall have the school seal affixed and the signatures of the candidate and the nurse director of the school or designee. **testing center.**

(g) A candidate without proper identification may be permitted entrance to the licensing examination by the board if eligibility is established by two (2) or more of the following:

- (1) verification with check-in list of candidates;
- (2) displaying requested identification such as: student I.D., driver's license, etc.;
- (3) being identified by two (2) randomly selected classmates or an examiner.

The board may make exceptions to existing procedures for examinations in cases of emergency situations.

(h) (d) The required Indiana passing standard score for the registered nurse licensure examination is 1600 and for the practical nurse licensure examination is 350. **criteria for the licensure examination is set by the National Council of State Boards of Nursing using the computerized adaptive testing methodology.**

(i) An applicant for an Indiana license may write the licensing examination in another U.S. jurisdiction provided written consent is secured from the board of nursing in that jurisdiction. The applicant shall submit a copy of the consent to the Indiana board of nursing which will make the necessary arrangements. Candidates shall be responsible for fees charged by the proctoring board.

(j) (e) An applicant may take the examination at any testing center in the United States approved by the National Council for State Boards of Nursing. An authorization to test must be provided by the Indiana board of nursing may proctor the licensing examination upon authorization of another board of nursing, whether the examination is being taken for the first time or is a repeat examination. A nonrefundable proctoring fee shall be paid by the candidate prior to admission to the examination. prior to testing.

(k) Proctoring services will be provided only at a regularly scheduled examination session and to the extent of availability of examining space, as determined by the board.

(l) (f) Graduates of foreign schools of nursing shall meet the following qualifications before being licensed in Indiana:

- (1) Be licensed in the territory or country in which they graduated.
- (2) Meet the qualifications required in Indiana as determined by the board.
- (3) Obtain the official records from the territory or country in which the applicant graduated verifying academic qualifications, or be referred to state accredited nursing programs to establish the necessary credits if the original records are unobtainable.
- (4) Show evidence of having passed the examination prepared by the commission on graduates of foreign nursing schools.
- (5) Pass the appropriate nurse licensing examination in Indiana.

(m) (g) Requirements for unsuccessful candidates are as follows:

- (1) Any candidate who fails the Indiana licensing examination shall not be licensed until she or he has passed the licensing examination.
- (2) A complete application shall be submitted each time an examination is taken.
- (3) The full examination fee shall be charged for each reexamination.
- (4) A candidate who has failed the licensing examination (in any jurisdiction) should undertake a special study program before retaking the examination. This study program may include one (1) or all of the following:
 - (A) Auditing nursing courses at an approved program in nursing.
 - (B) Self-study program, such as review of course work or professional reading. etc.;
 - (C) Tutoring.
 - (D) Reenrollment in a state-accredited program of nursing.

(n) (h) Written informed consent from the candidate is necessary before individual licensing examination scores are released to anyone other than the candidate.

(o) (i) Candidates applying for the licensing examination shall be required to meet the board's curricular requirements for the program in nursing as stated in the rules and regulations in effect at the time of their graduation. (*Indiana State Board of Nursing; Reg 6; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 162; filed Mar 18, 1980, 4:00 p.m.: 3 IR 961; filed Feb 18, 1982, 2:18 p.m.: 5 IR 735; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1026; filed Sep 12, 1985, 3:27 p.m.: 9 IR 287*)

SECTION 4. UNDER IC 4-22-2.5-3, 848 IAC 1-1-7 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 1-1-7 Licensure by endorsement

Authority: IC 25-23-1-7

Affected: IC 25-23-1-11; IC 25-23-1-12

Sec. 7. (7-1) (a) An applicant who was originally licensed by the state board test pool examination by a board of nursing National Council Licensing Examination (NCLEX®) or an equivalent examination in another jurisdiction will be accepted for registration in Indiana by endorsement from the board which that granted the original license if the applicant meets the following qualifications:

- (a) (1) Is of good moral character.
- (b) (2) Has graduated from high school or the equivalent thereof.
- (c) (3) Has graduated from a state approved program in nursing.

(7-2) Achievement of the Indiana passing score on the state board test pool examination subsequent to September 1952 is required for licensure by endorsement.

~~(7-3)~~ **(b)** Applicants who are graduates of foreign schools of nursing are eligible for Indiana licensure by endorsement providing the following conditions are met:

- ~~(a)~~ **(1)** Have written and passed the ~~state board test pool~~ **National Council Licensing Examination (NCLEX®) or an equivalent** examination in another jurisdiction or country.
- ~~(b)~~ **(2)** Have achieved Indiana's passing scores in all areas.
- ~~(c)~~ **submit verification of immigration status and eligibility for employment in Indiana;**
- ~~(d)~~ **(3)** Submit copies of all scholastic records.
- ~~(e)~~ **(4)** Submit proof of good moral character.
- ~~(f)~~ **(5)** Submit proof of high school graduation or equivalent thereof.
- ~~(g)~~ **(6)** Submit proof of having graduated from a program in nursing with concurrent theory and clinical experience in all areas. ~~tested by the state board test pool examination.~~

~~(7-4)~~ **(c)** The completed application accompanied by the ~~statutory~~ fee, photograph, and proof of current licensure in another jurisdiction shall be submitted to the Indiana board of nursing. The fee is nonrefundable.

~~(7-5)~~ Applicants who were licensed prior to September 1952 shall be required to have taken and passed the licensing examination given by the state board of nursing in the original state of licensure. (*Indiana State Board of Nursing; Reg 7; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 165; filed Mar 18, 1980, 4:00 p.m.: 3 IR 963; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1028*)

SECTION 5. UNDER IC 4-22-2.5-3, 848 IAC 1-1-10 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 1-1-10 Duplicate license

Authority: IC 25-23-1-7

Affected: IC 25-23-1-7; IC 25-23-1-16.1

Sec. 10. ~~(10-1)~~ **(a)** The licensee shall report, in writing, on the form supplied by the board, the loss of the original certificate of licensure or the biennial renewal license.

~~(10-2)~~ **(b)** A license ~~which that~~ has been lost or destroyed shall be replaced upon proper identification of the registrant. ~~and payment of a fee.~~ (*Indiana State Board of Nursing; Reg 10; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 166; filed Mar 29, 1985, 10:43 a.m.: 8 IR 1028*)

SECTION 6. UNDER IC 4-22-2.5-3, 848 IAC 1-1-13 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 1-1-13 Employment conditions; enforcement powers and duties; records and reports

Authority: IC 25-23-1-7

Affected: IC 4-1-6; IC 25-23-1-7; IC 25-23-1-16.1

Sec. 13. ENFORCEMENT: ~~(13-1)~~ **Legal conditions of employment:**

~~(a)~~ Any person who practices or offers to practice nursing as either a registered or licensed practical nurse in ~~the State of~~ Indiana shall hold a current Indiana license as proof of their legal authorization to practice.

~~(b)~~ A candidate who has applied for the licensing examination may be employed during the interim between graduation and licensure providing employment is not in conflict with the Indiana Nurse Practice Act.

~~(13-2)~~ **(b)** The Indiana board of nursing (**board**) shall be responsible for **the following:**

~~(a)~~ **(1)** The verification of licensure of nurses to employers of nurses.

~~(b)~~ **(2)** Initiating appropriate action as authorized by the Nurse Practice Act **under IC 25-23-1** on reports to the board concerning incidents involving a licensee that may be cause for disciplinary action.

~~(c)~~ **(3)** Assuring that imposters are not functioning in roles normally assumed by the licensed nurse.

~~(d)~~ **(4)** Carrying out the duties of the board in compliance with the Fair Information Practice Act ~~P.L.21, Acts 1977.~~ **under IC 4-1-6.**

~~(13-3)~~ The Employing Agency is responsible for:

~~(a)~~ Verifying that applicants for positions requiring a license in nursing are currently licensed in the State of Indiana;

~~(b)~~ Submitting annually to the Board:

- (1) Names of all licensed nurses;
- (2) Indiana nursing license numbers;
- (3) Expiration dates of nursing licenses;
- (4) Names of unlicensed employed graduate nurses;
- (c) Reporting to the Board any incident involving a licensed nurse that could be cause for disciplinary action;
- (d) Assuring that an unlicensed employed graduate nurse is not functioning in the role normally assumed by the licensed nurse.

(13.4) Reports regarding licensees:

- (a) Each hospital, agency or unit (office) employing licensed nurses shall submit an inclusive list of those persons at such times as may be required by the Board. Names of employed unlicensed graduate nurses are also to be submitted at this time;
- (b) The names of individuals whose licenses have been placed on probation, suspended, revoked or surrendered voluntarily, shall become a matter of public record.

(Indiana State Board of Nursing; Reg 13; filed Mar 1, 1978, 8:51 a.m.: Rules and Regs. 1979, p. 167)

SECTION 7. UNDER IC 4-22-2.5-3, 848 IAC 3-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 3-2-2 Fees for limited license

Authority: IC 25-23-1-7

Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 2. (a) Each applicant for a limited license in nurse-midwifery shall pay a fee as provided in 848 IAC 1-1-14 in the form of a personal check, certified check, cashier's check, or money order payable to the health professions bureau. This fee is not refundable, but may be used up to and including ~~three (3) years~~ **one (1) year** from the original submission of the application.

(b) The fee for any reapplication shall be the same as determined by the board for the original application and is payable in the form of a personal check, certified check, cashier's check, or money order payable to the health professions bureau. *(Indiana State Board of Nursing; 848 IAC 3-2-2; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872)*

SECTION 8. UNDER IC 4-22-2.5-3, 848 IAC 3-2-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 3-2-5 Biennial renewal of limited license

Authority: IC 25-23-1-7

Affected: IC 25-23-1-1; IC 25-23-1-13.1

Sec. 5. Every person with a limited license to practice nurse-midwifery shall renew such limited license with the board on or before October 31 of odd-numbered years. *(Indiana State Board of Nursing; 848 IAC 3-2-5; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2872)*

SECTION 9. UNDER IC 4-22-2.5-3, 848 IAC 4-1-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 4-1-3 "Advanced practice nurse" defined

Authority: IC 25-23-1-7

Affected: IC 16-21; IC 25-23-1-1

Sec. 3. (a) "Advanced practice nurse" means a registered nurse holding a current license in ~~the state of~~ Indiana who:

- (1) has obtained additional knowledge and skill through a formal, organized program of study and clinical experience, **bachelor's degree or higher**, or its equivalent, as determined by the board;
- (2) functions in an expanded role of nursing at a specialized level through the application of advanced knowledge and skills to provide healthcare to individuals, families, or groups in a variety of settings, including, but not limited to:
 - (A) homes;
 - (B) institutions;
 - (C) offices;
 - (D) industries;
 - (E) schools;
 - (F) community agencies;
 - (G) private practice;

- (H) hospital outpatient clinics; and
- (I) health maintenance organizations; and
- (3) makes independent decisions about the nursing needs of clients.

(b) The three (3) categories of advanced practice nurses as defined in IC 25-23-1-1 are as follows:

- (1) Nurse practitioner as defined in section 4 of this rule.
- (2) Certified nurse-midwife as defined in 848 IAC 3-1.
- (3) Clinical nurse specialist as defined in section 5 of this rule.

(Indiana State Board of Nursing; 848 IAC 4-1-3; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2874)

SECTION 10. UNDER IC 4-22-2.5-3, 848 IAC 4-1-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 4-1-6 “Formal organized program of study and clinical experience or the equivalent as determined by the board” defined

Authority: IC 25-23-1-7

Affected: IC 25-23-1-1

Sec. 6. “Formal organized program of study and clinical experience or the equivalent as determined by the board” means:

(1) a **bachelor’s degree program or higher** offered by a college or university accredited by the Commission on Recognition of Postsecondary Accreditation ~~which shall include:~~ **that includes:**

(A) instruction in the biological, behavioral, medical, and nursing sciences relevant to practice as an advanced practice nurse in a specified category;

(B) instruction in the legal, ethical, and professional responsibilities of advanced practice nursing; and

(C) supervised clinical practice of those skills used by the advanced practice nurse in a specialty role; or

(2) experience obtained in collaboration with a physician, prior to the promulgation of this article, which was required by a national organization as a prerequisite for a national certifying examination used to certify a registered nurse in a specialty area.

(Indiana State Board of Nursing; 848 IAC 4-1-6; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2875)

SECTION 11. UNDER IC 4-22-2.5-3, 848 IAC 5-2-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

848 IAC 5-2-1 Limitations of rules

Authority: IC 25-23-1-7

Affected: IC 25-23-1

Sec. 1. ~~(a) Nothing in this article shall be construed to limit the authority of a registered nurse to perform services that a registered nurse was authorized to perform under IC 25-23-1 prior to July 1, 1993.~~

~~(b) No written practice agreement shall be necessary unless the advanced practice nurse seeks prescriptive authority.~~ *(Indiana State Board of Nursing; 848 IAC 5-2-1; filed Jul 29, 1994, 5:00 p.m.: 17 IR 2878)*

SECTION 12. UNDER IC 4-22-2.5-3, THE FOLLOWING ARE BEING REPEALED:

848 IAC 3-4-1 Limitations of rules

848 IAC 4-4-1 Limitations of rules

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on August 16, 2001 at 9:00 a.m., at the Indiana Government Center South, Conference Center Room C, Indianapolis, Indiana the Indiana State Board of Nursing will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

Kristen Burch

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402 West Washington Street, Room W041

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Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Beth Anne Compton
Executive Director
Health Professions Bureau