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TITLE 852 INDIANA OPTOMETRY BOARD

Proposed Rule LSA Document #02-132

DIGEST

Amends 852 IAC 1-13-1 concerning license revocation and the duties of practitioners whose licenses have been revoked. Amends 852 IAC 1-13-2 concerning license suspension and the duties of practitioners whose licenses have been suspended. Effective 30 days after filing with the secretary of state.

852 IAC 1-13-1

852 IAC 1-13-2

SECTION 1. 852 IAC 1-13-1 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-13-1 License revocation; duties of licensees

Authority: IC 25-24-1-1

Affected: IC 25-24-1-3

Sec. 1. In any case where a practitioner's license has been revoked, said person shall **do the following:**

(1) Promptly notify, or cause to be notified in the manner and method specified by the board, all patients then in the care of the practitioner, or those persons responsible for the patient's care, of the revocation and of the practitioner's consequent inability to act for or on their behalf in the practitioner's professional capacity. Such notice shall advise all patients to seek the services of another practitioner in good standing of their own choice.

(2) Promptly notify, or cause to be notified, all health care facilities where such practitioner has privileges, of the revocation accompanied by a list of all patients then in the care of such practitioner.

(3) Notify in writing, by first class mail, the following organizations and governmental agencies of the revocation of licensure:

(A) Indiana ~~department of public welfare~~ **family and social services administration.**

(B) Social Security Administration.

(C) The boards or equivalent agency of each state in which the person is licensed to practice optometry.

(D) The ~~International~~ Association of **Regulatory** Boards of ~~Examiners in~~ Optometry. ~~Inc.~~

(4) Make reasonable arrangements with said ~~licensee's~~ **practitioner's** active patients for the transfer of all patient records, studies and test results, or copies thereof, to a succeeding practitioner employed by the patient or by those responsible for the patient's care.

(5) Within thirty (30) days after the date of license revocation, the practitioner shall file an affidavit with the board showing compliance with the provisions of the revocation order and with ~~852 IAC 1-13~~, **this rule**, which time may be extended by the board. Such affidavit shall also state all other jurisdictions in which the practitioner is still licensed.

(6) Proof of compliance with this section shall be a condition precedent to **filing** any ~~petition for reinstatement.~~ **application for licensure.**

(Indiana Optometry Board; 852 IAC 1-13-1; filed May 11, 1987, 9:00 a.m.: 10 IR 1878; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238)

SECTION 2. 852 IAC 1-13-2 IS AMENDED TO READ AS FOLLOWS:

852 IAC 1-13-2 License suspension; duties of licensees

Authority: IC 25-24-1-1

Affected: IC 25-24-1-3

Sec. 2. (a) In any case where a person's license has been suspended, said person shall, within thirty (30) days from the date of the order of suspension, file with the board an affidavit that **confirms the following:**

(1) All active patients then under the practitioner's care have been notified in the manner and method specified by the board of the practitioner's suspension and consequent inability to act for or on their behalf in a professional capacity. Such notice shall advise all such patients to seek the services of another practitioner of good standing of their own choice.

(2) All health care facilities where such practitioner has privileges have been informed of the suspension order.

(3) Reasonable arrangements were made for the transfer of patient records, studies and test results, or copies thereof, to a succeeding practitioner employed by the patient or those responsible for the patient's care.

(4) The following organizations and governmental agencies have been notified in writing, by first class mail, of the suspension of the practitioner's license:

(A) Indiana family and social services administration.

(B) Social Security Administration.

(C) The boards or equivalent agency of each state in which the person is licensed to practice optometry.

(D) The Association of Regulatory Boards of Optometry.

(b) Proof of compliance with this section shall be a condition precedent to reinstatement. *(Indiana Optometry Board; 852 IAC 1-13-2; filed May 11, 1987, 9:00 a.m.: 10 IR 1879; readopted filed Jul 10, 2001, 3:00 p.m.: 24 IR 4238)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 13, 2002 at 9:20 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 10, Indianapolis, Indiana the Indiana Optometry Board will hold a public hearing on proposed rules concerning license revocation, license suspension, and duties of licensees. 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.

Lisa R. Hayes
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