

Document: Proposed Rule, **Register Page Number:** 29 IR 2355

Source: April 1, 2006, Indiana Register, Volume 29, Number 7

Disclaimer: This document was created from the files used to produce the official CD-ROM Indiana Register.

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

Proposed Rule LSA Document #06-13

DIGEST

Amends 844 IAC 10-4-3 concerning the reinstatement requirements for a certificate that has been expired for more than three years to allow the committee to require a licensee to take and pass an examination. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to This Rule:

NAICS 621340 Offices of Physical, Occupational and Speech Therapists, and Audiologists

This rule makes changes regarding the practice of occupational therapy. The Occupational Therapy Committee (Committee) has the authority to propose rules to the Medical Licensing Board of Indiana (Board) concerning the competent practice of occupational therapy and the administration of IC 25-23.5. After considering the Committee's proposed rule, the Board shall adopt the rules under IC 4-22-2. The Board estimates that no small businesses will be directly affected by this rule. The proposed rule gives the Committee the discretion to require occupational therapists or occupational therapy assistants to take and pass the licensing examination if their certificate has been expired for more than three years.

844 IAC 10-4-3

SECTION 1. 844 IAC 10-4-3 IS AMENDED TO READ AS FOLLOWS:

844 IAC 10-4-3 Reinstatement of delinquent certificate

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

Affected: IC 25-23.5-5-10

Sec. 3. (a) An occupational therapist or occupational therapy assistant who is less than three (3) years delinquent in renewing a license or registration shall be reinstated upon receipt of **the following:**

- (1) A renewal application.
- (2) A penalty fee. ~~and~~
- (3) Renewal fees.

(b) If more than three (3) years have elapsed since the expiration of a certificate to practice as an occupational therapist or occupational therapy assistant, **the occupational therapy committee may require that the applicant must take and pass an examination approved by the occupational therapy committee prior to reinstatement, before reinstatement.** (*Medical Licensing Board of Indiana; 844 IAC 10-4-3; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 27, 2006 at 11:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing on proposed amendments concerning the reinstatement requirements for a certificate that has been expired for more than three years to allow the committee to require a licensee to take and pass an examination.

This rule makes changes regarding the practice of occupational therapy. The Occupational Therapy Committee (Committee) has the authority to propose rules to the Medical Licensing Board of Indiana (Board) concerning the competent practice of occupational therapy and the administration of IC 25-23.5. After considering the Committee's proposed rule, the Board shall

adopt the rules under IC 4-22-2. The Board estimates that no small businesses will be directly affected by this rule. This proposed rule will have some costs on the regulated entities because they will have to pay register to sit for the licensing examination if the Committee determines that the licensee has to pass the licensing examination. However, the proposed rule gives the Committee the discretion to require occupational therapists or occupational therapy assistants to take and pass the licensing examination if their certificate has been expired for more than three years. The proposed rule allows the Committee to consider other factors, such as whether the licensee has been practicing in another state before applying for reinstatement.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency