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Insights

Come One, Come All: New Reciprocity Laws for Health Care Professionals in Indiana

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As of March 18, 2022, certain out-of-state health care professionals will find it easier to obtain licenses and certifications to practice in Indiana after recent changes to the state's reciprocity laws. The new credentialing standards set forth in Indiana Code 25-1-21 (the "Reciprocity Statute") apply broadly to health care professionals, except for social workers, marriage and family therapists, mental health counselors, addiction counselors and clinical addiction counselors, and respiratory care practitioners.[1]

The Reciprocity Statute establishes a simplified application process for out-of-state health care professionals seeking Indiana licensure or certification. Applicants must satisfy the following conditions:

- Maintain a current license or certification from another state or jurisdiction which satisfies certain equivalency or minimum standards;
- Not have committed any act in any state or jurisdiction that would be grounds for refusal, suspension, or revocation of a license, certification, registration, or permit to practice the occupation in Indiana at the time such act was committed;
- Not have a complaint or investigation pending before the occupation's regulating agency in another state or jurisdiction relating to unprofessional conduct;
- Be in good standing and not have been disciplined by the Indiana agency reviewing and issuing the license or certification;
- Pay the fee required by the Indiana board reviewing the application; and
- If required by law, an occupation's professional board may require the applicant to pass an examination specific to the laws of Indiana.

Any nonresident issued a license or certification under the Reciprocity Statute is entitled to the same rights and subject to the same obligations as an Indiana resident issued the same license or certification.

To bridge the gap until a final determination is made on an application, an applicant is entitled to a provisional license or provisional certification without an examination. The provisional license or provisional certification must be in the occupation applied for and at the same practice level as determined by the applicable board, provided the following additional requirements are met:

- submission of an affidavit verifying certain licensure and disciplinary information;
- no disqualifying criminal history;
- verification of the current license or certification held in another state or jurisdiction; and
- submission of the license or certification application and the requisite application fee to the applicable Indiana board for review.

Provisional licenses and certifications must be issued within 30 days of submission of a complete application and are valid until the earlier of: (a) 365 days following issuance; (b) the date on which the license or certification application is approved and issued; or (c) the date on which the license or certification application is denied. A professional board is required to make a final determination on all applications before the provisional license or provisional certification expires.

It is important to note that these reciprocity laws apply to physicians and osteopathic physicians only until July 1, 2026. In 2022 Indiana also adopted the Interstate Medical Licensure Compact ("IMLC") which provides an expedited pathway to licensure in multiple states, although the IMLC will not be implemented immediately. The Reciprocity Statute serves as a reciprocity stopgap for physicians until the IMLC is fully implemented.

In addition to the Reciprocity Statute, the temporary COVID-19 related licensure and certification laws for out-of-state practitioners, retired and inactive emergency medical services personnel, and certain recently graduated students will remain in effect in Indiana through the end of the federal COVID-19 public health emergency.[2]

Given the evolving landscape of reciprocity laws and standards related to the temporary issuance of licenses and certifications, out-of-state health care professionals wishing to practice in Indiana should carefully weigh their options in determining which application process to pursue.

Disclaimer. The contents of this article should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult with counsel concerning your situation and specific legal questions you may have.

[1] The laws governing these other health care professions already addressed reciprocity; however, 2021 statutory updates now require the applicable professional boards to issue licenses within 30 days of receiving a completed application.
[2] Ind. Code § 16-31-11.5 *et seq*.; 25-1-5.7 *et seq*. These emergency licensing rules will expire at the end of the COVID-19 public health emergency which was most recently renewed on April 16, 2022 for a period of ninety (90) days through at least July 15, 2022.