

Insights

Rapid Modernization: Major Changes Coming to the Professional Licensing Agency

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After the passage of transformative legislation and the announcement of groundbreaking new administrative processes, the Professional Licensing Agency (PLA) is poised to undergo a rapid modernization. This evolution will be much broader in scope and implemented at a faster pace than the norm for state agencies. These changes will be important to understand for anyone who represents licensed professionals or entities in the healthcare field.

A slew of changes intended to modernize the PLA's operations were enacted by the Indiana General Assembly during the 2023 legislative session in **House Enrolled Act (HEA) 1460**. Many of the changes are effective July 1, 2023. Here's a quick rundown:

- **Electronic Meetings:** After July 1, 2023, boards that regulate licensed professionals may meet and conduct business electronically, so long as they meet physically in person at least one time per calendar year. The legislature also enacted provisions that deal specifically with situations involving technology issues that may arise during virtual meetings.
- **Public Posting of Information:** Ever tried and failed to find an agenda or meeting minutes for a regulatory board? Beginning July 1, 2023, each board's agendas, public meeting minutes, and vacancies are statutorily required to be posted online in accordance with strict timelines.
- **Applications:** Beginning January 1, 2024, all applications must be submitted electronically unless an individual specifically asks for a paper application. Also, starting July 1, 2023, the PLA is required to send notifications of incomplete items to applicants every 14 calendar days after submission of an initial application.
- **Board Appointments:** When a vacancy on a regulatory board occurs, the Governor will now have 90 days to appoint an individual to the board. If this timeline is not met, the PLA is permitted to fill the vacancy. This new process should come as a welcome relief to any client who has been stymied by the inability of a board to conduct business due to a lack of quorum.

In addition to the legislative changes described above, PLA will be rolling out new administrative processes to further modernize how they interact with constituents.

First, PLA announced significant changes to its **rulemaking** processes. Once implemented, these processes will be uniform across all regulatory boards overseen by PLA. When rules are necessary (due to legislative directive, board action, or request from a stakeholder group or association), the PLA's Deputy General Counsel will form a subcommittee of relevant board members, the Office of the Attorney General, and interested parties. Once draft

rules are compiled based on the subcommittee's work, they will be presented to the proper regulatory board to then move through the process. In addition, PLA has increased rulemaking manpower through a memorandum of understanding with the Office of Management and Budget (OMB).

Second, PLA may be revisiting their longstanding policy of not offering informal guidance or advice. Look for the development of bulletins from regulatory boards regarding issues pertinent to each profession. PLA is also considering forms through which licensed professionals can request specific guidance from their board. Either change, if ultimately implemented, would create a new mechanism for communication between regulatory boards and their licensed professionals that would be unprecedented.

If you have questions about the information found in this alert, please contact **Grant M. Achenbach** or **Stephanie T. Eckerle**.

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