Reprinted
April 3, 2007

ENGROSSED
SENATE BILL No. 320

DIGEST OF SB 320 (Updated April 2, 2007 3:12 pm - DI 77)

Citations Affected: IC 10-13; IC 25-1; IC 25-21.8; IC 25-23.6; IC 25-33; noncode.

Synopsis: Massage therapists certification. Establishes the state board of massage therapy to certify massage therapists. Specifies certification requirements. Establishes guidelines for the certification by endorsement of a massage therapist who holds a certification or license in another state. Establishes penalties for the unauthorized use of the title massage therapist. Provides that a licensed clinical social worker, a social worker, an marriage and family therapist, or a mental health counselor may not administer or interpret a psychological test unless the individual is competent to administer or interpret the psychological test. Removes: (1) the psychology board's authority to establish a list of restricted psychology tests; and (2) the prohibition of certain individuals from administering or interpreting a restricted psychological test. Repeals definition of "appraisal".

Effective: Upon passage; July 1, 2007.

Miller, Errington, Delph
(HOUSE SPONSORS — KLINKER, FRIZZELL)

January 11, 2007, read first time and referred to Committee on Health and Provider Services.
February 22, 2007, amended, reported favorably — Do Pass.
February 26, 2007, read second time, amended, ordered engrossed. Engrossed.
February 27, 2007, read third time, passed. Yeas 35, nays 13.

HOUSE ACTION

March 6, 2007, read first time and referred to Committee on Public Health.
March 29, 2007, amended, reported — Do Pass.
April 2, 2007, read second time, amended, ordered engrossed.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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ENGROSSED
SENATE BILL No. 320

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-13-3-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 37. (a) Under Public Law 92-544 (86 Stat. 1115), a local law enforcement agency may use fingerprints submitted for the purpose of identification in a request related to the following:

(1) A taxicab driver's license application.

~~(2) An application for a license for a massage therapist.~~

~~(3)~~ **(2)** Reinstatement or renewal of a **taxicab driver's** license. ~~described in subdivisions (1) and (2).~~

(b) An applicant shall submit the fingerprints on forms provided for the license application.

(c) The local law enforcement agency shall charge each applicant the fees set by the department and federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints.

(d) The local law enforcement agency may:

(1) forward for processing to the Federal Bureau of Investigation

or any other agency fingerprints submitted by a license applicant; and

(2) receive the results of all fingerprint investigations.

SECTION 2. IC 25-1-2-2.1, AS AMENDED BY P.L.87-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) Certified public accountants, public accountants, and accounting practitioners.

(2) Architects and landscape architects.

(3) Dry cleaners.

(4) Professional engineers.

(5) Land surveyors.

(6) Real estate brokers.

(7) Real estate agents.

(8) Security dealers' licenses issued by the securities commissioner.

(9) Dental hygienists.

(10) Dentists.

(11) Veterinarians.

(12) Physicians.

(13) Chiropractors.

(14) Physical therapists.

(15) Optometrists.

(16) Pharmacists and assistants, drugstores or pharmacies.

(17) Motels and mobile home community licenses.

(18) Nurses.

(19) Podiatrists.

(20) Occupational therapists and occupational therapy assistants.

(21) Respiratory care practitioners.

(22) Social workers, marriage and family therapists, and mental health counselors.

(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.

(24) Wholesale legend drug distributors.

(25) Physician assistants.

(26) Dietitians.

(27) Hypnotists.

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(28) Athlete agents.
(29) Manufactured home installers.
(30) Home inspectors.
(31) Massage therapists.

SECTION 3. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.
(2) Indiana grain buyers and warehouse licensing agency.
(3) Indiana auctioneer commission.
(4) Board of registration for architects and landscape architects.
(5) State board of barber examiners.
(6) State board of cosmetology examiners.
(7) Medical licensing board of Indiana.
(8) Secretary of state.
(9) State board of dentistry.
(10) State board of funeral and cemetery service.
(11) Worker's compensation board of Indiana.
(12) Indiana state board of health facility administrators.
(13) Committee of hearing aid dealer examiners.
(14) Indiana state board of nursing.
(15) Indiana optometry board.
(16) Indiana board of pharmacy.
(17) Indiana plumbing commission.
(18) Board of podiatric medicine.
(19) Private detectives licensing board.
(20) State board of registration for professional engineers.
(21) Board of environmental health specialists.
(22) State psychology board.
(23) Indiana real estate commission.
(24) Speech-language pathology and audiology board.
(25) Department of natural resources.
(26) State boxing commission.
(27) Board of chiropractic examiners.
(28) Mining board.
(29) Indiana board of veterinary medical examiners.

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(30) State department of health.
(31) Indiana physical therapy committee.
(32) Respiratory care committee.
(33) Occupational therapy committee.
(34) Social worker, marriage and family therapist, and mental health counselor board.
(35) Real estate appraiser licensure and certification board.
(36) State board of registration for land surveyors.
(37) Physician assistant committee.
(38) Indiana dietitians certification board.
(39) Indiana hypnotist committee.
(40) Attorney general (only for the regulation of athlete agents).
(41) Manufactured home installer licensing board.
(42) Home inspectors licensing board.
(43) State board of massage therapy.
~~(43)~~ **(44)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 4. IC 25-1-6-3, AS AMENDED BY P.L.206-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) State board of cosmetology examiners (IC 25-8-3-1).
(7) State board of funeral and cemetery service (IC 25-15-9).
(8) State board of registration for professional engineers (IC 25-31-1-3).

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(9) Indiana plumbing commission (IC 25-28.5-1-3).
(10) Indiana real estate commission (IC 25-34.1).
(11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
(12) Private detectives licensing board (IC 25-30-1-5.1).
(13) State board of registration for land surveyors (IC 25-21.5-2-1).
(14) Manufactured home installer licensing board (IC 25-23.7).
(15) Home inspectors licensing board (IC 25-20.2-3-1).
(16) State board of massage therapy (IC 25-21.8-3-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 5. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:
(1) licensed, certified, or registered by a board listed in this section; and
(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:
(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).
(9) State board of funeral and cemetery service (IC 25-15-9).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).

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(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Indiana state board of nursing (IC 25-23-1).
(14) Indiana optometry board (IC 25-24).
(15) Indiana board of pharmacy (IC 25-26).
(16) Indiana plumbing commission (IC 25-28.5-1-3).
(17) Board of podiatric medicine (IC 25-29-2-1).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2).
(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(24) Respiratory care committee (IC 25-34.5).
(25) Private detectives licensing board (IC 25-30-1-5.1).
(26) Occupational therapy committee (IC 25-23.5).
(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) State board of registration for land surveyors (IC 25-21.5-2-1).
(30) Physician assistant committee (IC 25-27.5).
(31) Indiana athletic trainers board (IC 25-5.1-2-1).
(32) Indiana dietitians certification board (IC 25-14.5-2-1).
(33) Indiana hypnotist committee (IC 25-20.5-1-7).
(34) Indiana physical therapy committee (IC 25-27).
(35) Manufactured home installer licensing board (IC 25-23.7).
(36) Home inspectors licensing board (IC 25-20.2-3-1).
(37) State board of massage therapy (IC 25-21.8-3-1).
~~(37)~~ **(38)** Any other occupational or professional agency created after June 30, 1981.

SECTION 6. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).

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(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).
(9) State board of funeral and cemetery service (IC 25-15).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Mining board (IC 22-10-1.5-2).
(14) Indiana state board of nursing (IC 25-23-1).
(15) Indiana optometry board (IC 25-24).
(16) Indiana board of pharmacy (IC 25-26).
(17) Indiana plumbing commission (IC 25-28.5-1-3).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2-1).
(22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
(23) Department of insurance (IC 27-1).
(24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(26) Private detectives licensing board (IC 25-30-1-5.1).
(27) Occupational therapy committee (IC 25-23.5-2-1).
(28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
(29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(30) State board of registration for land surveyors (IC 25-21.5-2-1).
(31) Physician assistant committee (IC 25-27.5).
(32) Indiana athletic trainers board (IC 25-5.1-2-1).
(33) Board of podiatric medicine (IC 25-29-2-1).
(34) Indiana dietitians certification board (IC 25-14.5-2-1).
(35) Indiana physical therapy committee (IC 25-27).
(36) Manufactured home installer licensing board (IC 25-23.7).
(37) Home inspectors licensing board (IC 25-20.2-3-1).
(38) State board of massage therapy (IC 25-21.8-3-1).

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~~(38)~~ **(39)** Any other occupational or professional agency created after June 30, 1981.

SECTION 7. IC 25-1-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) State board of cosmetology examiners (IC 25-8-3-1).
(7) State board of registration of land surveyors (IC 25-21.5-2-1).
(8) State board of funeral and cemetery service (IC 25-15-9).
(9) State board of registration for professional engineers (IC 25-31-1-3).
(10) Indiana plumbing commission (IC 25-28.5-1-3).
(11) Indiana real estate commission (IC 25-34.1-2-1).
(12) Real estate appraiser licensure certification board (IC 25-34.1-8).
(13) Private detectives licensing board (IC 25-30-1-5.1).
(14) Manufactured home installer licensing board (IC 25-23.7).
(15) Home inspectors licensing board (IC 25-20.2-3-1).
(16) State board of massage therapy (IC 25-21.8-3-1).

SECTION 8. IC 25-21.8 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 21.8. MASSAGE THERAPISTS

Chapter 1. Application of Article

Sec. 1. (a) This article applies to an individual who practices or offers to practice massage therapy.

(b) This article does not apply to the following:

(1) An individual who:

(A) does not profess to be a massage therapist or use a title, an abbreviation, or another designation set forth in IC 25-21.8-5-3(3); and

(B) engages in the practice for which the person holds a license, certification, or registration under Indiana law, including an athletic trainer, a cosmetologist, or an individual licensed under the following:

(i) IC 25-1-5.
(ii) IC 25-7.

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(iii) IC 25-8.

(2) A massage therapy student who performs massage or massage therapy in the course of the student's studies and who:

(A) does not profess to be a massage therapist or use a title, an abbreviation, or another designation set forth in IC 25-21.8-5-3(3); and

(B) does not receive or request compensation for the massage or massage therapy.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Board" means the state board of massage therapy established by IC 25-21.8-3-1.

Sec. 3. "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5-3.

Sec. 4. "Massage", "massage therapy", or "bodywork":

(1) means the application of massage techniques on the human body;

(2) includes:

(A) the use of touch, pressure, percussion, kneading, movement, positioning, nonspecific stretching, stretching within the normal anatomical range of movement, and holding, with or without the use of massage devices that mimic or enhance manual measures; and

(B) the external application of heat, cold, water, ice, stones, lubricants, abrasives, and topical preparations that are not classified as prescription drugs; and

(3) does not include:

(A) spinal manipulation; and

(B) diagnosis or prescribing drugs for which a license is required.

Sec. 5. "Massage therapist" means an individual who practices massage or massage therapy.

Chapter 3. State Board of Massage Therapy

Sec. 1. The state board of massage therapy is established.

Sec. 2. The board consists of five (5) members appointed by the governor as follows:

(1) Three (3) massage therapists, each of whom:

(A) is certified under this article; and

(B) has been actively practicing massage therapy for at least three (3) of the five (5) years immediately preceding

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the individual's appointment.

(2) Two (2) members of the general public. A board member appointed under this subdivision must not:

(A) be certified under this article;

(B) be the spouse of an individual who is certified or intends to be certified under this article; or

(C) have a direct or an indirect financial interest in the profession regulated under this article.

Sec. 3. Each member of the board shall serve a term of three (3) years and until the member's successor is appointed and qualified.

Sec. 4. (a) A vacancy in the membership of the board shall be filled by an individual appointed by the governor for the unexpired term.

(b) A member may not serve more than two (2) consecutive terms in addition to any unexpired term to which the individual was appointed. A member may serve until a successor has been appointed and qualified under this chapter.

(c) A member of the board may be removed for cause by the governor.

Sec. 5. (a) Each year the board shall elect from its members the following officers:

(1) A chairperson.

(2) A vice chairperson.

(b) A member serving as chairperson or vice chairperson shall serve until the member's successor as chairperson or vice chairperson is elected.

Sec. 6. The board shall meet at least one (1) time each calendar year upon the call of the chairperson or the written request of a majority of the members of the board and with the advice and consent of the executive director of the professional licensing agency.

Sec. 7. (a) Three (3) members of the board constitute a quorum.

(b) An affirmative vote of three (3) members of the board is necessary for the board to take official action.

Sec. 8. A member of the board is not entitled to a per diem allowance or any other compensation for the performance of the member's duties.

Sec. 9. The board shall adopt rules under IC 4-22-2 regarding standards for the competent practice of massage therapy.

Chapter 4. Powers and Duties of the Board

Sec. 1. (a) The board shall do the following:

(1) Administer and enforce this article.

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(2) Adopt rules under IC 4-22-2 for the administration and enforcement of this article.

(3) Judge the qualifications of applicants for certification under this article.

(4) Issue, deny, or renew certifications under this article.

(5) Subject to IC 4-21.5, IC 25-1-7, and IC 25-1-11, discipline individuals who are certified under this article for violations of this article.

(6) Establish reasonable fees for examination, certification applications, renewal of certifications, and other services.

(7) Maintain a record of all proceedings.

(8) Maintain records of certified massage therapists.

(b) The board may do the following:

(1) Conduct administrative hearings.

(2) Administer oaths in matters relating to the discharge of the official duties of the board.

Sec. 2. The licensing agency shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

Sec. 3. Expenses incurred in the administration of this article must be paid from the state general fund.

Chapter 5. Issuance of Certification

Sec. 1. An application for a massage therapist certification must be:

(1) made to the board in the form and manner provided by the board; and

(2) accompanied by an application fee in the amount set by the board.

Sec. 2. An individual who applies for certification as a massage therapist must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

(A) is at least eighteen (18) years of age;

(B) has a high school diploma or the equivalent of a high school diploma;

(C) has successfully completed a massage school or program that:

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(i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on massage therapy, with at least two hundred fifty (250) hours consisting of hands on instruction;

(ii) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and

(iii) is accredited by the Indiana commission on proprietary education established by IC 20-12-76-11 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

(D) has taken and passed one (1) of the following:

(i) The National Certification Examination for Therapeutic Massage and Bodywork (NCETMB).

(ii) The National Certification Board Examination of the American Medical Massage Association (NCBEAMMA).

(2) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for certification if the applicant:

(A) has been convicted of:

(i) prostitution;

(ii) rape; or

(iii) sexual misconduct; or

(B) is a registered sex offender.

(3) Verify the information submitted on the application form.

(4) Pay fees established by the board.

Sec. 3. An individual who is not certified under this article may not:

(1) profess to be a massage therapist; or

(2) use:

(A) the title "Certified Massage Therapist" or "Massage Therapist"; or

(B) the abbreviation "CMT" or "MT".

Chapter 6. Certification by Endorsement

Sec. 1. (a) The board may grant certification by endorsement to an individual who:

(1) is licensed, certified, or registered in another state having credentialing standards that are at least as strict as the

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credentialing standards specified under this article;
(2) is in good standing with the standards of the other state or country;
(3) pays an application fee established by the board; and
(4) provides a history of the individual's criminal convictions, if any, including any criminal convictions relating to the practice of the profession. The board shall deny an application for certification if the applicant:
(A) has been convicted of:
(i) prostitution;
(ii) rape; or
(iii) sexual misconduct; or
(B) is a registered sex offender.

(b) An applicant for a certification by endorsement shall cause each state that previously credentialed the applicant to provide the board with the applicant's current status in the state.

Chapter 7. Certification Renewal

Sec. 1. A certification issued by the board is valid for four (4) years. A certification expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every four (4) years thereafter, unless renewed before that date.

Sec. 2. An individual who applies to renew certification as a massage therapist must:
(1) apply for renewal in the manner required by the board; and
(2) pay a renewal fee established by the board.

Sec. 3. If a renewal application is not submitted within the time set forth in section 1 of this chapter, the board shall charge the applicant a reinstatement fee in an amount established under IC 25-1-8-6.

Chapter 8. Discipline and Violations

Sec. 1. (a) This section does not apply to the violation of a rule adopted by the board.

(b) A person who knowingly violates or causes a violation of this article commits a Class B misdemeanor.

Sec. 2. The board shall follow the disciplinary procedures established under IC 25-1-7 and IC 25-1-11.

Sec. 3. If an individual certified under this article is convicted of a crime, the individual is responsible for notifying the board not later than thirty (30) days after the conviction.

Chapter 9. Preemption of Local Ordinances, Resolutions, Rules, and Policies

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Sec. 1. Except as provided in section 2 of this chapter, this article supersedes any ordinances, resolutions, rules, and policies relating to the licensing, certification, or registration of massage therapists that are adopted by a municipality or county and that otherwise have the force and effect of law.

Sec. 2. This article does not affect local ordinances, resolutions, rules, and policies adopted by a municipality or county that have the force and effect of law and that relate to:

(1) zoning requirements; or

(2) occupational license fees.

SECTION 9. IC 25-33-1-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) ~~Except as provided in sections 3(g) and 14(c) of this chapter,~~ This article exempts a person who does not profess to be a psychologist, **who is practicing within the scope of the person's license, education, and training,** and who is:

(1) a ~~certified~~ **licensed** marriage and family therapist;

(2) a ~~certified~~ **licensed** social worker or a ~~certified~~ **licensed** clinical social worker;

~~(3)~~ **(4)** a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;

~~(4)~~ **(5)** a licensed or certified health care professional;

~~(5)~~ **(6)** a licensed attorney;

~~(6)~~ **(7)** a student, an intern, or a trainee pursuing a course of study in psychology in an accredited institution of higher education or training institution if the psychology activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision as determined by the board;

~~(7)~~ **(8)** an employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance; or

~~(8)~~ **(9)** any other certified or licensed ~~profession.~~ **professional.**

(b) To be exempt under this article, a person described under subsection (a)(1), (a)(2), (a)(4), (a)(5), (a)(6), or (a)(8) must provide services:

(1) within the person's scope of practice and training; and

(2) according to any applicable ethical standards of the person's profession.

SECTION 10. IC 25-33-1-3, AS AMENDED BY P.L.1-2006, SECTION 478, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) There is created a board

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to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

(1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.

(2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.

(3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.

(4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.

(5) Initiate the prosecution and enjoinder of any person violating this article.

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(6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.

(7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

~~(g) The board shall adopt rules under IC 4-22-2 to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:~~

~~(1) a psychologist licensed under IC 25-33-1-5.1;~~

~~(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);~~

~~(3) a qualified physician licensed under IC 25-22.5;~~

~~(4) a school psychologist who holds a valid:~~

~~(A) license issued by the department of education under IC 20-28-2; or~~

~~(B) endorsement under IC 20-28-12;~~

~~practicing within the scope of the school psychologist's license or endorsement; or~~

~~(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.~~

~~(h) The board shall provide to:~~

~~(1) the social work certification and marriage and family therapists credentialing board; and~~

~~(2) any other interested party upon receiving the request of the interested party;~~

~~a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent~~

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~~under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.~~

~~(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:~~

~~(1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and~~

~~(2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.~~

~~(j)~~ **(g)** This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 11. IC 25-33-1-14, AS AMENDED BY P.L.246-2005, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not apply to an individual who is:

(1) a member of a teaching faculty, at a public or private institution of higher learning for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;

(2) a commissioned psychology officer in the regular United States armed services;

(3) licensed by the department of education (established by IC 20-19-3-1) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or

(4) endorsed as an independent practice school psychologist under IC 20-28-12.

~~(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and emotional disorders and disabilities, disorders of personality, or~~

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~~neuropsychological, neurocognitive, or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.~~

~~(c)~~ **(b)** It is unlawful for an individual to:

(1) claim that the individual is a psychologist; or

(2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist", or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

~~(d)~~ **(c)** It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter**, and the individual is practicing within the scope of the individual's license, education, and training.**

~~(e) It is unlawful for an individual, other than:~~

~~(1) a psychologist licensed under IC 25-33-1-5.1;~~

~~(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);~~

~~(3) a qualified physician licensed under IC 25-22.5;~~

~~(4) a school psychologist who holds a valid:~~

~~(A) license issued by the department of education under IC 20-28-2; or~~

~~(B) endorsement under IC 20-28-12;~~

~~who practices within the scope of the school psychologist's license or endorsement; or~~

~~(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;~~

~~to administer or interpret a restricted psychology test or instrument as established by the board under section 3(g) of this chapter in the course of rendering psychological services to individuals, organizations, or to the public.~~

~~(f)~~ **(d)** This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 12. IC 25-23.6-1-1.5 IS REPEALED [EFFECTIVE

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UPON PASSAGE].

SECTION 13. [EFFECTIVE JULY 1, 2007] **(a) As used in this SECTION, "board" refers to the state board of massage therapy established by IC 25-21.8-3-1, as added by this act.**

(b) The governor shall make initial appointments to the board not later than January 1, 2008. The initial members of the board shall serve for the following terms:

(1) The three (3) members appointed under IC 25-21.8-3-2(1), as added by this act, serve for two (2) years.

(2) The two (2) members appointed under IC 25-21.8-3-2(2), as added by this act, serve for three (3) years.

(c) An individual who does not meet the requirements of IC 25-21.8-3-2(1), as added by this act, may be appointed to the board if the individual:

(1) substantially meets the requirements of licensure under IC 25-21.8, as added by this act;

(2) currently practices massage or massage therapy in Indiana; and

(3) has practiced massage or massage therapy in Indiana after June 1, 2004, for at least three (3) consecutive years.

(d) This SECTION expires July 1, 2011.

SECTION 14. [EFFECTIVE JULY 1, 2007] **(a) Notwithstanding IC 25-21.8-5-2, as added by this act, the state board of massage therapy established by IC 25-21.8-3-1, as added by this act, may issue a certification before July 1, 2009, to an applicant who practiced massage or massage therapy in Indiana after June 30, 2001, and before July 1, 2009, if the applicant meets the condition set forth in one (1) of the following subdivisions:**

(1) Either:

(A) provides the board with Internal Revenue Service income tax return forms from two (2) consecutive years that reflect that the applicant has been employed in the practice of massage or massage therapy; or

(B) has completed at least five hundred (500) hours of supervised classroom and hands on instruction, of which at least two hundred fifty (250) hours consist of hands on instruction in massage therapy.

(2) Provides a copy of a diploma, a transcript, a certificate, or another proof of completion of:

(A) a massage school accredited by:

(i) the Indiana commission on proprietary education established by IC 20-12-76-11; or

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(ii) another state where the standards for massage therapy education are substantially equivalent to the standards in Indiana; or

(B) a program at an institution of higher learning that is approved by the board.

(b) An applicant who begins practicing massage or massage therapy in Indiana after January 1, 2009, must meet the certification requirements set forth in IC 25-21.8, as added by this act, to be certified in Indiana.

(c) Notwithstanding IC 25-21.8-5-2 and IC 25-21.8-6, both as added by this act, the state board of massage therapy may issue a certification to an applicant who:

(1) before July 1, 2007, enrolled in a massage therapy school or program that required at least five hundred (500) hours of supervised classroom and hands on instruction, of which at least two hundred fifty (250) hours were hands on instruction, if the school or program was in good standing with a state, regional, or national agency of government charged with regulating massage therapy or programs; and

(2) before January 1, 2008, completes the requirements of the massage therapy school or program described in subdivision (1).

(d) This SECTION expires July 1, 2010.

SECTION 15. [EFFECTIVE JULY 1, 2007] **(a) Before December 31, 2008, the state board of massage therapy established by IC 25-21.8-3-1, as added by this act, shall:**

(1) adopt a certification examination;

(2) approve an examination other than the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB); or

(3) approve an equivalent massage examination accredited by the National Commission for Certifying Agencies (NCCA);

that an individual may use as the basis for complying with IC 25-21.8-5-2(1)(D), as added by this act.

(b) This SECTION expires December 31, 2009.

SECTION 16. **An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 320.

MILLER

SENATE MOTION

Madam President: I move that Senator Errington be added as second author of Senate Bill 320.

MILLER

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 320, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 10, line 3, delete "thermal therapy,".

Page 10, delete lines 12 through 13.

Page 10, line 14, delete "7." and insert "**6.**".

Page 10, line 20, delete "8." and insert "**7.**".

Page 13, line 3, after "classroom" insert "**and hands on**".

Page 13, line 3, delete ";" and insert "**, with at least two hundred fifty (250) hours consisting of hands on instruction;**".

Page 13, line 16, delete ", if the" and insert "**.**".

Page 13, delete line 17.

Page 13, line 18, after "(ii)" insert "**The National Certification Board Examination of the American Medical Massage Association (NCBEAMMA).**

(iii)".

Page 13, line 18, delete "." and insert "**if the examination has undergone psychometric evaluation by a recognized agency.**".

Page 13, delete lines 19 through 20.

Page 13, line 37, delete "Therapist"," and insert "**Therapist" or**".

Page 13, line 38, delete ", "Licensed Massage Practitioner", "Massage" and insert "**;**".

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Page 13, delete lines 39 through 40.

Page 14, line 33, delete ":".

Page 14, line 34, delete "(A)".

Page 14, run in lines 33 through 34.

Page 14, line 36, delete "another agency that meets" and insert "**the National Certification Board of the American Medical Massage Association;**".

Page 14, delete lines 37 through 39.

Page 15, line 5, delete "(a)".

Page 15, delete lines 19 through 21.

Page 16, line 32, delete "the following:".

Page 16, delete lines 33 through 39.

Page 16, line 40, delete "(B)".

Page 16, run in lines 32 through 40.

Page 17, line 2, delete "Provides proof of current membership in good standing in" and insert "**Has completed**".

Page 17, delete line 3.

Page 17, line 4, delete "requires".

Page 17, line 5, delete "instruction" and insert "**and hands on instruction, of which at least two hundred fifty (250) hours consist of hands on instruction,**".

Page 17, line 25, delete "instruction" and insert "**and hands on instruction, of which at least two hundred fifty (250) hours were hands on instruction,**".

and when so amended that said bill do pass.

(Reference is to SB 320 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 320 be amended to read as follows:

Page 5, line 11, delete "Except for appeals of denials of license renewals to the".

Page 5, line 12, delete "executive director authorized by section 5.5 of this chapter, nothing" and insert "Nothing".

Page 8, line 38, delete "IC 25-21.8-5-4(3);" and insert "**IC 25-21.8-5-3(3);**".

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Page 8, line 41, delete "a physician chiropractor, podiatrist, physical" and insert "**an athletic trainer, a cosmetologist, or an individual licensed under the following:**

(i) IC 25-1-5.

(ii) IC 25-7.

(iii) IC 25-8.".

Page 8, delete line 42.

Page 9, line 6, delete "IC 25-21.8-5-4(3);" and insert "**IC 25-21.8-5-3(3);**".

Page 9, delete lines 9 through 27.

Page 9, line 36, delete "therapeutic".

Page 10, line 6, delete "joint manipulation or".

Page 10, line 6, delete "adjustment;" and insert "**manipulation;**".

Page 10, delete lines 11 through 28.

Page 10, delete lines 38 through 40.

Page 11, delete lines 6 through 8.

Page 11, delete line 24.

Page 11, line 25, after "as" delete "chairperson," and insert "**chairperson or**".

Page 11, line 25, after "vice" delete "chairperson, or" and insert "**chairperson**".

Page 11, line 26, delete "secretary".

Page 11, line 26, delete "chairperson," and insert "**chairperson or**".

Page 11, line 27, delete "chairperson, or secretary" and insert "chairperson".

Page 11, line 28, delete "two (2) times" and insert "**one (1) time**".

Page 11, line 30, delete "." and insert "**and with the advice and consent of the executive director of the professional licensing agency.**".

Page 11, between lines 36 and 37, begin a new paragraph and insert:

"**Sec. 9. The board shall adopt rules under IC 4-22-2 regarding standards for the competent practice of massage therapy.**".

Page 12, line 3, delete "IC 25-1-7" insert "**IC 4-21.5, IC 25-1-7,**".

Page 12, line 4, delete "IC 4-21.5" and insert "**this article**".

Page 12, delete lines 24 through 25.

Page 12, line 26, delete "2." and insert "**1.**".

Page 12, line 32, delete "3." and insert "**2.**".

Page 13, delete lines 18 through 20.

Page 13, line 23, delete "A criminal conviction may not" and insert "**The board shall deny an application for certification if the applicant:**".

Page 13, delete line 24.

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Page 13, line 25, delete "the conviction is for:" and insert "**has been convicted of:**".

Page 13, line 29, delete "the applicant".

Page 13, line 32, delete "4." and insert "**3.**".

Page 13, line 34, after ";" insert "**or**".

Page 13, delete line 35.

Page 13, line 36, delete "(3)" and insert "**(2)**".

Page 13, line 38, after ";" insert "**or**".

Page 13, line 39, delete ""LMT"," and insert "**"CMT" or**".

Page 13, line 39, delete ", "LMP", or "MP"; or" and insert "**.**".

Page 13, delete lines 40 through 42.

Page 14, line 2, delete "Subject to section 2 of this chapter, the" and insert "**The**".

Page 14, line 4, after "state" delete "or".

Page 14, line 5, delete "country".

Page 14, line 13, delete "A criminal conviction may not" and insert "**The board shall deny an application for certification if the applicant:**".

Page 14, delete line 14.

Page 14, line 15, delete "the conviction is for:" and insert "**has been convicted of:**".

Page 14, line 19, delete "the applicant".

Page 14, line 21, delete "jurisdiction" and insert "**state**".

Page 14, line 23, delete "jurisdiction." and insert "**state.**".

Page 14, delete lines 24 through 36.

Page 14, line 38, delete "two (2)" and insert "**four (4)**".

Page 14, line 40, delete "two (2)" and insert "**four (4)**".

Page 15, line 2, after ";" insert "**and**".

Page 15, line 3, delete "; and" and insert "**.**".

Page 15, delete lines 4 through 13.

Page 15, line 16, delete "by the" and insert "**under IC 25-1-8-6.**".

Page 15, delete line 17.

Page 15, line 22, delete "Class C" and insert "**Class B**".

Page 15, line 23, delete "(a)".

Page 15, line 24, delete "IC 25-1-7, IC 25-1-9-4, and IC 25-1-9-9." and insert "**IC 25-1-7 and IC 25-1-11.**".

Page 15, delete lines 25 through 26, begin a new paragraph and insert:

"**Sec. 3. If an individual certified under this article is convicted of a crime, the individual is responsible for notifying the board not later than thirty (30) days after the conviction.**".

Page 16, line 1, delete "October 1, 2007." and insert "**January 1,**

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2008.".

Page 16, line 18, delete "IC 25-21.8-5-3," and insert "**IC 25-21.8-5-2,**".

Page 16, line 20, delete "2008," and insert "**2009,**".

Page 16, line 22, delete "2007," and insert "**2009,**".

Page 16, line 24, delete "Provides" and insert "**Either:**

(A) provides".

Page 16, line 27, delete "." and insert "**; or**".

Page 16, line 28, delete "(2) Has", begin a new line double block indented and insert:

"**(B) has**".

Page 16, line 31, delete ", as a condition of membership." and insert "**in massage therapy.**".

Page 16, line 32, delete "(3)" and insert "**(2)**".

Page 17, line 1, delete "June 30, 2007," and insert "**January 1, 2009,**".

Page 17, line 4, delete "IC 25-21.8-5-3" and insert "**IC 25-21.8-5-2**".

Page 17, line 7, delete "March" and insert "**July**".

Page 17, line 18, after "Before" delete "July 1," and insert "**December 31,**".

Page 17, line 28, delete "IC 25-21.8-5-3(1)(D)" and insert "**IC 25-21.8-5-2(1)(D)**".

(Reference is to SB 320 as printed February 23, 2007.)

MILLER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 320, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 14, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 9. IC 25-23.6-11-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) An individual licensed under this article may not administer or interpret a psychological test as a professional activity unless the individual is competent by education and training to administer or interpret the psychological test. An individual may demonstrate competence by meeting the**

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qualifications established by the developer, publisher, or authorized distributor of the psychological test.

(b) An individual who violates this section commits a Class A misdemeanor.

SECTION 10. IC 25-33-1-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) ~~Except as provided in sections 3(g) and 14(c) of this chapter,~~ This article exempts a person who does not profess to be a psychologist and who is:

(1) a certified marriage and family therapist;

(2) a certified social worker or a certified clinical social worker;

(3) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;

(4) a licensed or certified health care professional;

(5) a licensed attorney;

(6) a student, an intern, or a trainee pursuing a course of study in psychology in an accredited institution of higher education or training institution if the psychology activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision as determined by the board;

(7) an employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance; or

(8) any other certified or licensed ~~profession.~~ **professional.**

(b) To be exempt under this article, a person described under subsection (a)(1), (a)(2), (a)(4), (a)(5), (a)(6), or (a)(8) must provide services:

(1) within the person's scope of practice and training; and

(2) according to any applicable ethical standards of the person's profession.

SECTION 11. IC 25-33-1-3, AS AMENDED BY P.L.1-2006, SECTION 478, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All

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members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

(1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.

(2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.

(3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.

(4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.

(5) Initiate the prosecution and enjoinder of any person violating this article.

(6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.

(7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

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(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

~~(g) The board shall adopt rules under IC 4-22-2 to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:~~

~~(1) a psychologist licensed under IC 25-33-1-5.1;~~

~~(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);~~

~~(3) a qualified physician licensed under IC 25-22.5;~~

~~(4) a school psychologist who holds a valid:~~

~~(A) license issued by the department of education under IC 20-28-2; or~~

~~(B) endorsement under IC 20-28-12;~~

~~practicing within the scope of the school psychologist's license or endorsement; or~~

~~(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.~~

~~(h) The board shall provide to:~~

~~(1) the social work certification and marriage and family therapists credentialing board; and~~

~~(2) any other interested party upon receiving the request of the interested party;~~

~~a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.~~

~~(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:~~

~~(1) the comments or objections provide evidence indicating that~~

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~~a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and~~

~~(2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.~~

~~(j)~~ **(g)** This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 12. IC 25-33-1-14, AS AMENDED BY P.L.246-2005, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not apply to an individual who is:

(1) a member of a teaching faculty, at a public or private institution of higher learning for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;

(2) a commissioned psychology officer in the regular United States armed services;

(3) licensed by the department of education (established by IC 20-19-3-1) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or

(4) endorsed as an independent practice school psychologist under IC 20-28-12.

~~(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and emotional disorders and disabilities, disorders of personality, or neuropsychological, neurocognitive, or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.~~

~~(c)~~ **(b)** It is unlawful for an individual to:

(1) claim that the individual is a psychologist; or

(2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist", or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

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unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

~~(d)~~ **(c)** It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter.

~~(e) It is unlawful for an individual, other than:~~

~~(1) a psychologist licensed under IC 25-33-1-5.1;~~

~~(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);~~

~~(3) a qualified physician licensed under IC 25-22.5;~~

~~(4) a school psychologist who holds a valid:~~

~~(A) license issued by the department of education under IC 20-28-2; or~~

~~(B) endorsement under IC 20-28-12;~~

~~who practices within the scope of the school psychologist's license or endorsement; or~~

~~(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;~~

~~to administer or interpret a restricted psychology test or instrument as established by the board under section 3(g) of this chapter in the course of rendering psychological services to individuals, organizations, or to the public.~~

~~(f)~~ **(d)** This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 13. IC 25-23.6-1-1.5 IS REPEALED [EFFECTIVE UPON PASSAGE].".

Page 16, after line 2, begin a new paragraph and insert:

"SECTION 16. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 320 as reprinted February 26, 2007.)

BROWN C, Chair

Committee Vote: yeas 9, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 320 be amended to read as follows:

Page 14, delete lines 11 through 21.

Page 14, line 25, after "psychologist" insert: ", **who is practicing within the scope of the person's license, education, and training,**".

Page 14, line 26, strike "certified" and insert "**licensed**".

Page 14, line 27, after "(2) a" strike "certified" and insert "**licensed**".

Page 14, line 27, after "or a" strike "certified" and insert "**licensed**".

Page 14, between lines 27 and 28, begin a new line block indented and insert:

"**(3) a licensed mental health counselor;**".

Page 14, line 28, strike "(3)" and insert "**(4)**".

Page 14, line 30, strike "(4)" and insert "**(5)**".

Page 14, line 31, strike "(5)" and insert "**(6)**".

Page 14, line 32, strike "(6)" and insert "**(7)**".

Page 14, line 38, strike "(7)" and insert "**(8)**".

Page 14, line 41, strike "(8)" and insert "**(9)**".

Page 18, line 24, after "chapter" delete "." and insert "**, and the individual is practicing within the scope of the individual's license, education, and training.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 320 as printed March 30, 2007.)

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