



Reprinted
February 25, 2010

ENGROSSED

SENATE BILL No. 356

DIGEST OF SB 356 (Updated February 24, 2010 4:25 pm - DI 77)

Citations Affected: IC 4-6; IC 16-27; IC 25-1; IC 25-2.1; IC 25-8; IC 25-23.6; IC 25-26; IC 25-34.1; IC 25-39; IC 34-30; IC 35-48; noncode.

Synopsis: Professional licensing. Establishes procedures for the attorney general to seize, secure, store, and destroy abandoned or at risk health records and other records containing personally identifying information. Creates a health records and personal identifying information protection trust fund to pay for costs associated with securing and maintaining the records. Allows a criminal history check for employees of home health agencies and personal services agencies to be provided through a private agency. Removes the July 1, 2010 expiration that allows limited criminal histories to be used for employees of home health agencies and personal services agencies. Establishes a uniform procedure to allow a board of a regulated occupation to issue a cease and desist order to an unlicensed person who engages in an activity that requires a license. Repeals and makes conforming changes concerning cease and desist and injunction orders. Merges and changes membership on the cosmetology and barber
(Continued next page)

Effective: June 30, 2010; July 1, 2010.

Delph, Mishler

(HOUSE SPONSORS — WELCH, MESSMER)

January 12, 2010, read first time and referred to Committee on Health and Provider Services.

January 28, 2010, amended, reported favorably — Do Pass.

February 1, 2010, read second time, ordered engrossed.

February 2, 2010, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 9, 2010, read first time and referred to Committee on Labor and Employment.

February 22, 2010, amended, reported — Do Pass.

February 24, 2010, read second time, amended, ordered engrossed.

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boards. Relocates barber statutes. Prohibits a person from professing to be a social worker unless the person is licensed as a social worker. Establishes a mental health counselor associate license. Establishes a water well driller and water well pump license. Prohibits a person from installing a water well pump unless the person is licensed. Allows persons who meet certain qualifications to be issued a water well driller and water well pump license without taking the examination. Establishes a continuing education requirement for a water well driller and water pump installer licensee. Eliminates the controlled substances advisory committee and transfers responsibilities to the Indiana board of pharmacy. Provides for automatic revocation of controlled substances permit if a physician's license is revoked. (Current law requires a separate administrative process to take place if physician's license is revoked.) Provides that at a retail pharmacy a controlled substance may not be dispensed to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the controlled substance provides documented proof of the person's identification. Requires the Indiana scheduled prescription electronic collection and tracking program's (INSPECT) data base to include information on a controlled substance recipient's method of payment for the controlled substance dispensed. Allows INSPECT information to be released to the following: (1) state toxicologist; (2) the Medicaid retrospective and prospective drug utilization review program; and (3) a substance abuse assistance program for certain licensed health care providers. Provides criminal and civil immunity for a practitioner who in good faith provides information to a law enforcement agency based on a report from INSPECT. Requires certain boards to establish prescribing norms and dispensing guidelines for the unsolicited dissemination of INSPECT exception reports to certain persons. Repeals laws concerning the certification of environmental health specialists and licensure of hypnotists. Requires the health finance commission to study the issue of paramedic licensure. Makes conforming changes.

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February 25, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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ENGROSSED SENATE BILL No. 356

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:

1 SECTION 1. IC 4-6-14 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]:

4 **Chapter 14. Health Records and Identifying Information**
5 **Protection**

6 **Sec. 1. As used in this chapter, "abandoned" means voluntarily**
7 **surrendered, relinquished, or disclaimed by the health care**
8 **provider or regulated professional, with no intention of reclaiming**
9 **or regaining possession.**

10 **Sec. 2. As used in this chapter, "health care provider" means a**
11 **person listed in IC 16-39-7-1(a)(1) through IC 16-39-7-1(a)(11).**

12 **Sec. 3. As used in this chapter, "personal information" has the**
13 **meaning set forth in IC 24-4.9-2-10.**

14 **Sec. 4. As used in this chapter, "regulated professional" means**
15 **an individual who is regulated by a board listed under**

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IC 25-1-11-1.

Sec. 5. The attorney general may do the following with abandoned health records and other records that contain personal information:

- (1) Take possession of.**
- (2) Store.**
- (3) Maintain.**
- (4) Transfer.**
- (5) Protect.**
- (6) Destroy, subject to the limitations in sections 8(b) and 9(b) of this chapter.**

Sec. 6. (a) Before taking any action described in section 5 of this chapter, the attorney general shall determine whether a health care provider or regulated professional has abandoned health records or records containing personal information.

(b) A determination of abandonment under this section may only be used for the purpose of taking an action described in this chapter. However, a subsequent enforcement action may take place under a state or federal law based on proof of facts that may have contributed to the determination of abandonment if the facts are proved in a subsequent enforcement action.

(c) An investigation to make a determination of abandonment under this section must be conducted under the attorney general's authority under existing state and federal law. Nothing in this chapter shall be construed to create new authority for a subpoena or search warrant.

Sec. 7. (a) The attorney general shall make reasonable efforts to notify the patients and those individuals identified in:

- (1) health records; or**
- (2) records or documents that contain personal information; that the attorney general has taken possession of the records or documents. The notice in this subsection must include information about the procedure for either obtaining originals or copies of the records or having the original records sent to a duly authorized subsequent treating health care provider.**

(b) Unless prohibited by law, the attorney general may also notify other persons, including professional organizations, hospitals, law enforcement agencies, and government units, who:

- (1) may be able to assist in notifying persons whose records were abandoned and secured by the attorney general under this chapter; and**
- (2) when appropriate, may be able to assist in returning the**

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records to those persons.

Sec. 8. (a) The attorney general shall maintain health records obtained under section 5 of this chapter for the lesser of the following:

- (1) The time required under IC 16-39-7-1 and IC 16-39-7-2.
- (2) Three (3) years after the date the records are secured.

(b) When the time expires under subsection (a), the attorney general may destroy the health records obtained under section 5 of this chapter.

Sec. 9. (a) The attorney general shall maintain records that are not health records but contain personal information for at least three (3) years after the date the records are seized or secured.

(b) When the time expires under subsection (a) and after notification under section 7 of this chapter, the attorney general may destroy the records that contain personal information.

Sec. 10. (a) The health records and personal identifying information protection trust fund is established for the purpose of paying storage, maintenance, copying, mailing, and transfer of:

- (1) health records; and
- (2) records containing personal information;

as required under this chapter. Expenditures from the trust fund may be made only to carry out the purposes of this subsection.

(b) Subject to subsection (c), if a health care provider or a regulated professional is disciplined under IC 25-1-9 or IC 25-1-11, the board that issues the disciplinary order shall impose a fee against the individual of five dollars (\$5). The fee must be deposited into the health records and personal identifying information protection trust fund.

(c) If the amount in the health records and personal identifying information protection trust fund exceeds seventy-five thousand dollars (\$75,000), the fee imposed under subsection (b) may not be imposed on an individual who is subject to a disciplinary order.

(d) The attorney general shall administer the trust fund.

(e) The expenses of administering the trust fund shall be paid from the money in the fund.

(f) The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(g) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 11. The attorney general is immune from civil liability for destroying or failing to maintain custody and control of any record

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obtained under this chapter.

Sec. 12. The following may cooperate with the attorney general's office to implement this chapter:

- (1) The Indiana professional licensing agency and the appropriate board that regulates a health care provider or a regulated professional under IC 25.**
- (2) The state police department.**
- (3) A prosecuting attorney.**
- (4) Local law enforcement agencies.**
- (5) Federal law enforcement agencies.**

Sec. 13. The attorney general may adopt rules under IC 4-22-2 that are necessary to administer and implement this chapter.

Sec. 14. A determination by the attorney general that health records or other records that contain personal information have been abandoned is subject to review in a circuit or superior court. A person who seeks to enforce this section must first notify the attorney general of the intention to seek judicial review.

Sec. 15. The attorney general may pay for the administration of this chapter only from funds currently appropriated to the office of the attorney general.

SECTION 2. IC 16-27-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 0.5. As used in this chapter, "expanded criminal history check" means a criminal history check of an individual, obtained through a private agency, that includes the following:

- (1) A search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided.**
- (2) A search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state.**

SECTION 3. IC 16-27-2-2.1, AS ADDED BY P.L.197-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2010]: Sec. 2.1. As used in this chapter, "national criminal history background check" has the meaning set forth in IC 10-13-3-12. means the determination provided by the state police department under IC 10-13-3-39(i).

SECTION 4. IC 16-27-2-4, AS AMENDED BY P.L.177-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2010]: Sec. 4. (a) A person who operates a home health agency under IC 16-27-1 or a personal services agency under

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1 IC 16-27-4 shall apply, not more than three (3) business days after the
 2 date that an employee begins to provide services in a patient's
 3 temporary or permanent residence, for a copy of the employee's
 4 ~~(1) national criminal history; or~~
 5 ~~(2) until July 1, 2010;~~ limited criminal history, **unless the person**
 6 **is required to obtain a national criminal history background**
 7 **check or an expanded criminal history check under subsection**
 8 **(b) or (c).**

9 (b) If a person who operates a home health agency under IC 16-27-1
 10 or a personal services agency under IC 16-27-4 determines an
 11 employee lived outside Indiana at any time during the two (2) years
 12 immediately before the date the individual was hired by the home
 13 health agency or personal services agency, the home health agency or
 14 personal services agency shall apply, not more than three (3) business
 15 days after the date that an employee begins to provide services in a
 16 patient's temporary or permanent residence, for ~~a determination~~
 17 ~~concerning the employee's national criminal history~~ **This subsection**
 18 ~~expires June 30, 2010.~~ **background check or expanded criminal**
 19 **history check.**

20 (c) If, more than three (3) days after an employee begins providing
 21 services in a patient's temporary or permanent residence, a person who
 22 operates a home health agency under IC 16-27-1 or a personal services
 23 agency under IC 16-27-4 discovers the employee lived outside Indiana
 24 during the two (2) years immediately before the date the individual was
 25 hired, the agency shall apply, not more than three (3) business days
 26 after the date the agency learns the employee lived outside Indiana, for
 27 ~~a determination concerning the employee's national criminal history~~
 28 ~~This subsection expires June 30, 2010.~~ **background check or**
 29 **expanded criminal history check.**

30 (d) A home health agency or personal services agency may not
 31 employ a person to provide services in a patient's or client's temporary
 32 or permanent residence for more than three (3) business days without
 33 applying for:
 34 ~~(1) a:~~
 35 ~~(A) (1) a national criminal history~~ **background check or an**
 36 **expanded criminal history check as required** under subsection
 37 ~~(a)(1); (b) or (c); or~~
 38 ~~(B) (2) a limited criminal history as required by subsection (a)(2)~~
 39 ~~until June 30, 2010; or (a).~~
 40 ~~(2) a determination concerning that person's national criminal~~
 41 ~~history background check as required by:~~
 42 ~~(A) subsection (a)(1); or~~

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~~(B) subsection (b) or (c) until June 30, 2010.~~

SECTION 5. IC 16-27-2-5, AS AMENDED BY P.L.177-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2010]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if that person's limited criminal history, ~~or~~ national criminal history **background check, or expanded criminal history check** indicates that the person has been convicted of any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Exploitation of an endangered adult (IC 35-46-1-12).
- (4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).
- (5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.
- (6) A felony that is substantially equivalent to a felony listed in:
 - (A) subdivisions (1) through (4); or
 - (B) subdivision (5), if the conviction for theft occurred less than ten (10) years before the person's employment application date;
 for which the conviction was entered in another state.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's limited criminal history, ~~or~~ national criminal history **background check, or expanded criminal history check**, required by section 4 of this chapter, unless ~~either~~ the state police department, ~~or~~ the Federal Bureau of Investigation under IC 10-13-3-39, **or the private agency providing the expanded criminal history check** is responsible for failing to provide the person's limited criminal history, ~~or~~ national criminal history **background check, or expanded criminal history check** to the home health agency or personal services agency within the time required under this subsection.

SECTION 6. IC 25-1-2-2.1, AS AMENDED BY P.L.177-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: 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

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- 1 (2) years or for the period specified in the article under which the
 2 permit, license, certificate of registration, or evidence of authority is
 3 issued if the period specified in the article is longer than two (2) years:
 4 (1) Certified public accountants, public accountants, and
 5 accounting practitioners.
 6 (2) Architects and landscape architects.
 7 (3) Dry cleaners.
 8 (4) Professional engineers.
 9 (5) Land surveyors.
 10 (6) Real estate brokers.
 11 (7) Real estate agents.
 12 (8) Security dealers' licenses issued by the securities
 13 commissioner.
 14 (9) Dental hygienists.
 15 (10) Dentists.
 16 (11) Veterinarians.
 17 (12) Physicians.
 18 (13) Chiropractors.
 19 (14) Physical therapists.
 20 (15) Optometrists.
 21 (16) Pharmacists and assistants, drugstores or pharmacies.
 22 (17) Motels and mobile home community licenses.
 23 (18) Nurses.
 24 (19) Podiatrists.
 25 (20) Occupational therapists and occupational therapy assistants.
 26 (21) Respiratory care practitioners.
 27 (22) Social workers, marriage and family therapists, and mental
 28 health counselors.
 29 (23) Real estate appraiser licenses and certificates issued by the
 30 real estate appraiser licensure and certification board.
 31 (24) Wholesale legend drug distributors.
 32 (25) Physician assistants.
 33 (26) Dietitians.
 34 ~~(27) Hypnotists.~~
 35 ~~(28)~~ (27) Athlete agents.
 36 ~~(29)~~ (28) Manufactured home installers.
 37 ~~(30)~~ (29) Home inspectors.
 38 ~~(31)~~ (30) Massage therapists.
 39 ~~(32)~~ (31) Interior designers.
 40 ~~(33)~~ (32) Genetic counselors.

41 SECTION 7. IC 25-1-2-6, AS AMENDED BY P.L.122-2009,
 42 SECTION 1, AND AS AMENDED BY P.L.160-2009, SECTION 4, IS

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1 CORRECTED AND AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) As used in this section,
 3 "license" includes all occupational and professional licenses,
 4 registrations, permits, and certificates issued under the Indiana Code,
 5 and "licensee" includes all occupational and professional licensees,
 6 registrants, permittees, and certificate holders regulated under the
 7 Indiana Code.

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

- 10 (1) Indiana board of accountancy.
 11 (2) Indiana grain buyers and warehouse licensing agency.
 12 (3) Indiana auctioneer commission.
 13 (4) Board of registration for architects and landscape architects.
 14 ~~(5) State board of barber examiners.~~
 15 ~~(6) (5) State board of cosmetology and barber examiners.~~
 16 ~~(7) (6) Medical licensing board of Indiana.~~
 17 ~~(8) (7) Secretary of state.~~
 18 ~~(9) (8) State board of dentistry.~~
 19 ~~(10) (9) State board of funeral and cemetery service.~~
 20 ~~(11) (10) Worker's compensation board of Indiana.~~
 21 ~~(12) (11) Indiana state board of health facility administrators.~~
 22 ~~(13) (12) Committee of hearing aid dealer examiners.~~
 23 ~~(14) (13) Indiana state board of nursing.~~
 24 ~~(15) (14) Indiana optometry board.~~
 25 ~~(16) (15) Indiana board of pharmacy.~~
 26 ~~(17) (16) Indiana plumbing commission.~~
 27 ~~(18) (17) Board of podiatric medicine.~~
 28 ~~(19) (18) Private investigator and security guard licensing board.~~
 29 ~~(20) (19) State board of registration for professional engineers.~~
 30 ~~(21) Board of environmental health specialists.~~
 31 ~~(22) (20) State psychology board.~~
 32 ~~(23) (21) Indiana real estate commission.~~
 33 ~~(24) (22) Speech-language pathology and audiology board.~~
 34 ~~(25) (23) Department of natural resources.~~
 35 ~~(26) (24) State *boxing athletic* commission.~~
 36 ~~(27) (25) Board of chiropractic examiners.~~
 37 ~~(28) (26) Mining board.~~
 38 ~~(29) (27) Indiana board of veterinary medical examiners.~~
 39 ~~(30) (28) State department of health.~~
 40 ~~(31) (29) Indiana physical therapy committee.~~
 41 ~~(32) (30) Respiratory care committee.~~
 42 ~~(33) (31) Occupational therapy committee.~~

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- 1 ~~(34)~~ *Social worker, marriage and family therapist, and mental*
 2 ~~health counselor~~ **(32)** *Behavioral health and human services*
 3 *licensing board.*
 4 ~~(35)~~ **(33)** Real estate appraiser licensure and certification board.
 5 ~~(36)~~ **(34)** State board of registration for land surveyors.
 6 ~~(37)~~ **(35)** Physician assistant committee.
 7 ~~(38)~~ **(36)** Indiana dietitians certification board.
 8 ~~(39)~~ **Indiana hypnotist committee.**
 9 ~~(40)~~ **(37)** Attorney general (only for the regulation of athlete
 10 agents).
 11 ~~(41)~~ **(38)** Manufactured home installer licensing board.
 12 ~~(42)~~ **(39)** Home inspectors licensing board.
 13 ~~(43)~~ **(40)** State board of massage therapy.
 14 ~~(44)~~ **(41)** Any other occupational or professional agency created
 15 after June 30, 1981.

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

25 SECTION 8. IC 25-1-4-0.3, AS AMENDED BY P.L.122-2009,
 26 SECTION 2, AND AS AMENDED BY P.L.160-2009, SECTION 5, IS
 27 CORRECTED AND AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2010]: Sec. 0.3. As used in this chapter, "board"
 29 means any of the following:

- 30 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 31 (2) Board of registration for architects and landscape architects
 32 (IC 25-4-1-2).
 33 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
 34 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
 35 ~~(5) State board of barber examiners (IC 25-7-5-1).~~
 36 ~~(6) State boxing commission (IC 25-9-1).~~
 37 ~~(7)~~ **(5)** Board of chiropractic examiners (IC 25-10-1).
 38 ~~(8)~~ **(6)** State board of cosmetology **and barber** examiners
 39 (IC 25-8-3-1).
 40 ~~(9)~~ **(7)** State board of dentistry (IC 25-14-1).
 41 ~~(10)~~ **(8)** Indiana dietitians certification board (IC 25-14.5-2-1).
 42 ~~(11)~~ **(9)** State board of registration for professional engineers

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- 1 (IC 25-31-1-3).
 2 ~~(12) Board of environmental health specialists (IC 25-32-1).~~
 3 ~~(13) (10) State board of funeral and cemetery service~~
 4 (IC 25-15-9).
 5 ~~(14) (11) Indiana state board of health facility administrators~~
 6 (IC 25-19-1).
 7 ~~(15) (12) Committee of hearing aid dealer examiners~~
 8 (IC 25-20-1-1.5).
 9 ~~(16) (13) Home inspectors licensing board (IC 25-20.2-3-1).~~
 10 ~~(17) Indiana hypnotist committee (IC 25-20.5-1-7).~~
 11 ~~(18) (14) State board of registration for land surveyors~~
 12 (IC 25-21.5-2-1).
 13 ~~(19) (15) Manufactured home installer licensing board~~
 14 (IC 25-23.7).
 15 ~~(20) (16) Medical licensing board of Indiana (IC 25-22.5-2).~~
 16 ~~(21) (17) Indiana state board of nursing (IC 25-23-1).~~
 17 ~~(22) (18) Occupational therapy committee (IC 25-23.5).~~
 18 ~~(23) (19) Indiana optometry board (IC 25-24).~~
 19 ~~(24) (20) Indiana board of pharmacy (IC 25-26).~~
 20 ~~(25) (21) Indiana physical therapy committee (IC 25-27-1).~~
 21 ~~(26) (22) Physician assistant committee (IC 25-27.5).~~
 22 ~~(27) (23) Indiana plumbing commission (IC 25-28.5-1-3).~~
 23 ~~(28) (24) Board of podiatric medicine (IC 25-29-2-1).~~
 24 ~~(29) (25) Private investigator and security guard licensing board~~
 25 (IC 25-30-1-5.2).
 26 ~~(30) (26) State psychology board (IC 25-33).~~
 27 ~~(31) (27) Indiana real estate commission (IC 25-34.1-2).~~
 28 ~~(32) (28) Real estate appraiser licensure and certification board~~
 29 (IC 25-34.1-8).
 30 ~~(33) (29) Respiratory care committee (IC 25-34.5).~~
 31 ~~(34) Social worker, marriage and family therapist, and mental~~
 32 ~~health counselor (30) Behavioral health and human services~~
 33 ~~licensing board (IC 25-23.6).~~
 34 ~~(35) (31) Speech-language pathology and audiology board~~
 35 (IC 25-35.6-2).
 36 ~~(36) (32) Indiana board of veterinary medical examiners~~
 37 (IC 25-38.1-2).

38 SECTION 9. IC 25-1-5-3, AS AMENDED BY P.L.122-2009,
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2010]: Sec. 3. (a) There is established the Indiana professional
 41 licensing agency. The agency shall perform all administrative
 42 functions, duties, and responsibilities assigned by law or rule to the

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1 executive director, secretary, or other statutory administrator of the
2 following:

- 3 (1) Board of chiropractic examiners (IC 25-10-1).
- 4 (2) State board of dentistry (IC 25-14-1).
- 5 (3) Indiana state board of health facility administrators
- 6 (IC 25-19-1).
- 7 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 8 (5) Indiana state board of nursing (IC 25-23-1).
- 9 (6) Indiana optometry board (IC 25-24).
- 10 (7) Indiana board of pharmacy (IC 25-26).
- 11 (8) Board of podiatric medicine (IC 25-29-2-1).
- 12 ~~(9) Board of environmental health specialists (IC 25-32).~~
- 13 ~~(10)~~ (9) Speech-language pathology and audiology board
- 14 (IC 25-35.6-2).
- 15 ~~(11)~~ (10) State psychology board (IC 25-33).
- 16 ~~(12)~~ (11) Indiana board of veterinary medical examiners
- 17 (IC 25-38.1-2).
- 18 ~~(13) Controlled substances advisory committee (IC 35-48-2-1).~~
- 19 ~~(14)~~ (12) Committee of hearing aid dealer examiners (IC 25-20).
- 20 ~~(15)~~ (13) Indiana physical therapy committee (IC 25-27).
- 21 ~~(16)~~ (14) Respiratory care committee (IC 25-34.5).
- 22 ~~(17)~~ (15) Occupational therapy committee (IC 25-23.5).
- 23 ~~(18)~~ (16) Behavioral health and human services licensing board
- 24 (IC 25-23.6).
- 25 ~~(19)~~ (17) Physician assistant committee (IC 25-27.5).
- 26 ~~(20)~~ (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- 27 ~~(21)~~ (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- 28 ~~(22) Indiana hypnotist committee (IC 25-20.5-1-7).~~

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

31 SECTION 10. IC 25-1-5-10, AS AMENDED BY P.L.122-2009,
32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2010]: Sec. 10. (a) As used in this section, "provider" means
34 an individual licensed, certified, registered, or permitted by any of the
35 following:

- 36 (1) Board of chiropractic examiners (IC 25-10-1).
- 37 (2) State board of dentistry (IC 25-14-1).
- 38 (3) Indiana state board of health facility administrators
- 39 (IC 25-19-1).
- 40 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 41 (5) Indiana state board of nursing (IC 25-23-1).
- 42 (6) Indiana optometry board (IC 25-24).

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- 1 (7) Indiana board of pharmacy (IC 25-26).
- 2 (8) Board of podiatric medicine (IC 25-29-2-1).
- 3 ~~(9) Board of environmental health specialists (IC 25-32-1).~~
- 4 ~~(10)~~ (9) Speech-language pathology and audiology board
- 5 (IC 25-35.6-2).
- 6 ~~(11)~~ (10) State psychology board (IC 25-33).
- 7 ~~(12)~~ (11) Indiana board of veterinary medical examiners
- 8 (IC 25-38.1-2).
- 9 ~~(13)~~ (12) Indiana physical therapy committee (IC 25-27).
- 10 ~~(14)~~ (13) Respiratory care committee (IC 25-34.5).
- 11 ~~(15)~~ (14) Occupational therapy committee (IC 25-23.5).
- 12 ~~(16)~~ (15) Behavioral health and human services licensing board
- 13 (IC 25-23.6).
- 14 ~~(17)~~ (16) Physician assistant committee (IC 25-27.5).
- 15 ~~(18)~~ (17) Indiana athletic trainers board (IC 25-5.1-2-1).
- 16 ~~(19)~~ (18) Indiana dietitians certification board (IC 25-14.5-2-1).
- 17 ~~(20) Indiana hypnotist committee (IC 25-20.5-1-7).~~
- 18 (b) The agency shall create and maintain a provider profile for each
- 19 provider described in subsection (a).
- 20 (c) A provider profile must contain the following information:
- 21 (1) The provider's name.
- 22 (2) The provider's license, certification, registration, or permit
- 23 number.
- 24 (3) The provider's license, certification, registration, or permit
- 25 type.
- 26 (4) The date the provider's license, certification, registration, or
- 27 permit was issued.
- 28 (5) The date the provider's license, certification, registration, or
- 29 permit expires.
- 30 (6) The current status of the provider's license, certification,
- 31 registration, or permit.
- 32 (7) The provider's city and state of record.
- 33 (8) A statement of any disciplinary action taken against the
- 34 provider within the previous ten (10) years by a board or
- 35 committee described in subsection (a).
- 36 (d) The agency shall make provider profiles available to the public.
- 37 (e) The computer gateway administered by the office of technology
- 38 established by IC 4-13.1-2-1 shall make the information described in
- 39 subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally
- 40 available to the public on the Internet.
- 41 (f) The agency may adopt rules under IC 4-22-2 to implement this
- 42 section.

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1 SECTION 11. IC 25-1-6-3, AS AMENDED BY P.L.160-2009,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 3. (a) The licensing agency shall perform all
4 administrative functions, duties, and responsibilities assigned by law
5 or rule to the executive director, secretary, or other statutory
6 administrator of the following:

- 7 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 8 (2) Board of registration for architects and landscape architects
9 (IC 25-4-1-2).
- 10 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 11 ~~(4) State board of barber examiners (IC 25-7-5-1).~~
- 12 ~~(5) (4) State board of cosmetology examiners (IC 25-8-3-1).~~
- 13 ~~(6) (5) State board of funeral and cemetery service (IC 25-15-9).~~
- 14 ~~(7) (6) State board of registration for professional engineers~~
15 ~~(IC 25-31-1-3).~~
- 16 ~~(8) (7) Indiana plumbing commission (IC 25-28.5-1-3).~~
- 17 ~~(9) (8) Indiana real estate commission (IC 25-34.1).~~
- 18 ~~(10) (9) Real estate appraiser licensure and certification board~~
19 ~~(IC 25-34.1-8-1).~~
- 20 ~~(11) (10) Private investigator and security guard licensing board~~
21 ~~(IC 25-30-1-5.2).~~
- 22 ~~(12) (11) State board of registration for land surveyors~~
23 ~~(IC 25-21.5-2-1).~~
- 24 ~~(13) (12) Manufactured home installer licensing board~~
25 ~~(IC 25-23.7).~~
- 26 ~~(14) (13) Home inspectors licensing board (IC 25-20.2-3-1).~~
- 27 ~~(15) (14) State board of massage therapy (IC 25-21.8-2-1).~~

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

30 SECTION 12. IC 25-1-7-1, AS AMENDED BY P.L.1-2009,
31 SECTION 138, AS AMENDED BY P.L.122-2009, SECTION 5, AND
32 AS AMENDED BY P.L.160-2009, SECTION 7, IS CORRECTED
33 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
34 2010]: Sec. 1. As used in this chapter:

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

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

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

41 "Licensee" means a person who is:

- 42 (1) licensed, certified, or registered by a board listed in this

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- 1 section; and
- 2 (2) the subject of a complaint filed with the division.
- 3 "Person" means an individual, a partnership, a limited liability
- 4 company, or a corporation.
- 5 "Regulated occupation" means an occupation in which a person is
- 6 licensed, certified, or registered by one (1) of the following:
- 7 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 8 (2) Board of registration for architects and landscape architects
- 9 (IC 25-4-1-2).
- 10 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 11 ~~(4) State board of barber examiners (IC 25-7-5-1).~~
- 12 ~~(5) (4) State *boxing athletic* commission (IC 25-9-1).~~
- 13 ~~(6) (5) Board of chiropractic examiners (IC 25-10-1).~~
- 14 ~~(7) (6) State board of cosmetology and barber examiners~~
- 15 ~~(IC 25-8-3-1).~~
- 16 ~~(8) (7) State board of dentistry (IC 25-14-1).~~
- 17 ~~(9) (8) State board of funeral and cemetery service (IC 25-15-9).~~
- 18 ~~(10) (9) State board of registration for professional engineers~~
- 19 ~~(IC 25-31-1-3).~~
- 20 ~~(11) (10) Indiana state board of health facility administrators~~
- 21 ~~(IC 25-19-1).~~
- 22 ~~(12) (11) Medical licensing board of Indiana (IC 25-22.5-2).~~
- 23 ~~(13) (12) Indiana state board of nursing (IC 25-23-1).~~
- 24 ~~(14) (13) Indiana optometry board (IC 25-24).~~
- 25 ~~(15) (14) Indiana board of pharmacy (IC 25-26).~~
- 26 ~~(16) (15) Indiana plumbing commission (IC 25-28.5-1-3).~~
- 27 ~~(17) (16) Board of podiatric medicine (IC 25-29-2-1).~~
- 28 ~~(18) Board of environmental health specialists (IC 25-32-1).~~
- 29 ~~(19) (17) State psychology board (IC 25-33).~~
- 30 ~~(20) (18) Speech-language pathology and audiology board~~
- 31 ~~(IC 25-35.6-2).~~
- 32 ~~(21) (19) Indiana real estate commission (IC 25-34.1-2).~~
- 33 ~~(22) (20) Indiana board of veterinary medical examiners~~
- 34 ~~(IC 25-38.1).~~
- 35 ~~(23) (21) Department of natural resources for purposes of~~
- 36 ~~licensing water well drillers under IC 25-39-3.~~
- 37 ~~(24) (22) Respiratory care committee (IC 25-34.5).~~
- 38 ~~(25) (23) Private investigator and security guard licensing board~~
- 39 ~~(IC 25-30-1-5.2).~~
- 40 ~~(26) (24) Occupational therapy committee (IC 25-23.5).~~
- 41 ~~(27) *Social worker, marriage and family therapist, and mental*~~
- 42 ~~*health counselor* (25) Behavioral health and human services~~

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- 1 *licensing* board (IC 25-23.6).
- 2 ~~(28)~~ **(26)** Real estate appraiser licensure and certification board
- 3 (IC 25-34.1-8).
- 4 ~~(29)~~ **(27)** State board of registration for land surveyors
- 5 (IC 25-21.5-2-1).
- 6 ~~(30)~~ **(28)** Physician assistant committee (IC 25-27.5).
- 7 ~~(31)~~ **(29)** Indiana athletic trainers board (IC 25-5.1-2-1).
- 8 ~~(32)~~ **(30)** Indiana dietitians certification board (IC 25-14.5-2-1).
- 9 ~~(33)~~ **(31)** Indiana hypnotist committee (~~IC 25-20.5-1-7~~).
- 10 ~~(34)~~ **(31)** Indiana physical therapy committee (IC 25-27).
- 11 ~~(35)~~ **(32)** Manufactured home installer licensing board
- 12 (IC 25-23.7).
- 13 ~~(36)~~ **(33)** Home inspectors licensing board (IC 25-20.2-3-1).
- 14 ~~(37)~~ **(34)** State department of health, for out-of-state mobile
- 15 health care entities.
- 16 ~~(38)~~ **(35)** State board of massage therapy (IC 25-21.8-2-1).
- 17 ~~(39)~~ **(36)** Any other occupational or professional agency created
- 18 after June 30, 1981.

19 SECTION 13. IC 25-1-7-14 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2010]: **Sec. 14. (a) Notwithstanding any other law, if the board of**
 22 **a regulated occupation believes that a person who is not licensed,**
 23 **certified, or registered under this title is engaged in or is believed**
 24 **to be engaged in activities for which a license, certification, or**
 25 **registration is required under this title, the board may do the**
 26 **following:**

27 **(1) File a complaint with the attorney general, who shall**
 28 **investigate and may file:**

29 **(A) with notice; or**

30 **(B) without notice, if the attorney general determines that**
 31 **person is engaged in activities that may affect an**
 32 **individual's health or safety;**

33 **a motion for a cease and desist order with the appropriate**
 34 **board.**

35 **(2) Upon review of the attorney general's motion for a cease**
 36 **and desist order, the board may issue an order requiring the**
 37 **affected person to show cause why the person should not be**
 38 **ordered to cease and desist from such activities. The show**
 39 **cause order must set forth a time and place for a hearing at**
 40 **which the affected person may appear and show cause as to**
 41 **why the person should not be subject to licensing,**
 42 **certification, or registration under this title.**

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1 (b) If the board, after a hearing, determines that the activities
2 in which the person is engaged are subject to licensing,
3 certification, or registration under this title, the board may issue
4 a cease and desist order that must describe the person and
5 activities that are the subject of the order.

6 (c) A hearing conducted under this section must comply with the
7 requirements under IC 4-21.5.

8 (d) A cease and desist order issued under this section is
9 enforceable in the circuit or superior courts. A person who is
10 enjoined under a cease and desist order and who violates the order
11 shall be punished for contempt of court.

12 (e) A cease and desist order issued under this section does not
13 relieve any person from criminal prosecution.

14 SECTION 14. IC 25-1-8-1, AS AMENDED BY P.L.122-2009,
15 SECTION 6, AND AS AMENDED BY P.L.160-2009, SECTION 8, IS
16 CORRECTED AND AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2010]: Sec. 1. As used in this chapter, "board"
18 means any of the following:

- 19 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 20 (2) Board of registration for architects and landscape architects
21 (IC 25-4-1-2).
- 22 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 23 ~~(4) State board of barber examiners (IC 25-7-5-1).~~
- 24 ~~(5) (4) State boxing athletic commission (IC 25-9-1).~~
- 25 ~~(6) (5) Board of chiropractic examiners (IC 25-10-1).~~
- 26 ~~(7) (6) State board of cosmetology and barber examiners~~
27 ~~(IC 25-8-3-1).~~
- 28 ~~(8) (7) State board of dentistry (IC 25-14-1).~~
- 29 ~~(9) (8) State board of funeral and cemetery service (IC 25-15).~~
- 30 ~~(10) (9) State board of registration for professional engineers~~
31 ~~(IC 25-31-1-3).~~
- 32 ~~(11) (10) Indiana state board of health facility administrators~~
33 ~~(IC 25-19-1).~~
- 34 ~~(12) (11) Medical licensing board of Indiana (IC 25-22.5-2).~~
- 35 ~~(13) (12) Mining board (IC 22-10-1.5-2).~~
- 36 ~~(14) (13) Indiana state board of nursing (IC 25-23-1).~~
- 37 ~~(15) (14) Indiana optometry board (IC 25-24).~~
- 38 ~~(16) (15) Indiana board of pharmacy (IC 25-26).~~
- 39 ~~(17) (16) Indiana plumbing commission (IC 25-28.5-1-3).~~
- 40 ~~(18) Board of environmental health specialists (IC 25-32-1).~~
- 41 ~~(19) (17) State psychology board (IC 25-33).~~
- 42 ~~(20) (18) Speech-language pathology and audiology board~~

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- 1 (IC 25-35.6-2).
 2 ~~(21)~~ **(19)** Indiana real estate commission (IC 25-34.1-2-1).
 3 ~~(22)~~ **(20)** Indiana board of veterinary medical examiners
 4 (IC 25-38.1-2-1).
 5 ~~(23)~~ **(21)** Department of insurance (IC 27-1).
 6 ~~(24)~~ **(22)** State police department (IC 10-11-2-4), for purposes of
 7 certifying polygraph examiners under IC 25-30-2.
 8 ~~(25)~~ **(23)** Department of natural resources for purposes of
 9 licensing water well drillers under IC 25-39-3.
 10 ~~(26)~~ **(24)** Private investigator and security guard licensing board
 11 (IC 25-30-1-5.2).
 12 ~~(27)~~ **(25)** Occupational therapy committee (IC 25-23.5-2-1).
 13 ~~(28)~~ *Social worker, marriage and family therapist, and mental*
 14 *health counselor* **(26)** *Behavioral health and human services*
 15 *licensing board* (IC 25-23.6-2-1).
 16 ~~(29)~~ **(27)** Real estate appraiser licensure and certification board
 17 (IC 25-34.1-8).
 18 ~~(30)~~ **(28)** State board of registration for land surveyors
 19 (IC 25-21.5-2-1).
 20 ~~(31)~~ **(29)** Physician assistant committee (IC 25-27.5).
 21 ~~(32)~~ **(30)** Indiana athletic trainers board (IC 25-5.1-2-1).
 22 ~~(33)~~ **(31)** Board of podiatric medicine (IC 25-29-2-1).
 23 ~~(34)~~ **(32)** Indiana dietitians certification board (IC 25-14.5-2-1).
 24 ~~(35)~~ **(33)** Indiana physical therapy committee (IC 25-27).
 25 ~~(36)~~ **(34)** Manufactured home installer licensing board
 26 (IC 25-23.7).
 27 ~~(37)~~ **(35)** Home inspectors licensing board (IC 25-20.2-3-1).
 28 ~~(38)~~ **(36)** State board of massage therapy (IC 25-21.8-2-1).
 29 ~~(39)~~ **(37)** Any other occupational or professional agency created
 30 after June 30, 1981.

31 SECTION 15. IC 25-1-8-6, AS AMENDED BY P.L.122-2009,
 32 SECTION 7, AND AS AMENDED BY P.L.160-2009, SECTION 9, IS
 33 CORRECTED AND AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) As used in this section,
 35 "board" means any of the following:

- 36 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 37 (2) Board of registration for architects and landscape architects
 38 (IC 25-4-1-2).
 39 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
 40 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
 41 ~~(5) State board of barber examiners (IC 25-7-5-1):~~
 42 ~~(6) State boxing commission (IC 25-9-1):~~

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- 1 ~~(7)~~ **(5)** Board of chiropractic examiners (IC 25-10-1).
 2 ~~(8)~~ **(6)** State board of cosmetology **and barber** examiners
 3 (IC 25-8-3-1).
 4 ~~(9)~~ **(7)** State board of dentistry (IC 25-14-1).
 5 ~~(10)~~ **(8)** Indiana dietitians certification board (IC 25-14.5-2-1).
 6 ~~(11)~~ **(9)** State board of registration for professional engineers
 7 (IC 25-31-1-3).
 8 ~~(12)~~ **Board of environmental health specialists** (~~IC 25-32-1~~).
 9 ~~(13)~~ **(10)** State board of funeral and cemetery service
 10 (IC 25-15-9).
 11 ~~(14)~~ **(11)** Indiana state board of health facility administrators
 12 (IC 25-19-1).
 13 ~~(15)~~ **(12)** Committee of hearing aid dealer examiners
 14 (IC 25-20-1-1.5).
 15 ~~(16)~~ **(13)** Home inspectors licensing board (IC 25-20.2-3-1).
 16 ~~(17)~~ **Indiana hypnotist committee** (~~IC 25-20.5-1-7~~).
 17 ~~(18)~~ **(14)** State board of registration for land surveyors
 18 (IC 25-21.5-2-1).
 19 ~~(19)~~ **(15)** Manufactured home installer licensing board
 20 (IC 25-23.7).
 21 ~~(20)~~ **(16)** Medical licensing board of Indiana (IC 25-22.5-2).
 22 ~~(21)~~ **(17)** Indiana state board of nursing (IC 25-23-1).
 23 ~~(22)~~ **(18)** Occupational therapy committee (IC 25-23.5).
 24 ~~(23)~~ **(19)** Indiana optometry board (IC 25-24).
 25 ~~(24)~~ **(20)** Indiana board of pharmacy (IC 25-26).
 26 ~~(25)~~ **(21)** Indiana physical therapy committee (IC 25-27).
 27 ~~(26)~~ **(22)** Physician assistant committee (IC 25-27.5).
 28 ~~(27)~~ **(23)** Indiana plumbing commission (IC 25-28.5-1-3).
 29 ~~(28)~~ **(24)** Board of podiatric medicine (IC 25-29-2-1).
 30 ~~(29)~~ **(25)** Private investigator and security guard licensing board
 31 (IC 25-30-1-5.2).
 32 ~~(30)~~ **(26)** State psychology board (IC 25-33).
 33 ~~(31)~~ **(27)** Indiana real estate commission (IC 25-34.1-2).
 34 ~~(32)~~ **(28)** Real estate appraiser licensure and certification board
 35 (IC 25-34.1-8).
 36 ~~(33)~~ **(29)** Respiratory care committee (IC 25-34.5).
 37 ~~(34)~~ *Social worker, marriage and family therapist, and mental*
 38 *health counselor* **(30)** *Behavioral health and human services*
 39 *licensing* board (IC 25-23.6).
 40 ~~(35)~~ **(31)** Speech-language pathology and audiology board
 41 (IC 25-35.6-2).
 42 ~~(36)~~ **(32)** Indiana board of veterinary medical examiners

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(IC 25-38.1).

~~(37)~~ (33) State board of massage therapy (IC 25-21.8-2-1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
 - (B) shall, if the holder has not complied with the continuing

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1 education requirements, meet any requirements imposed under
2 IC 25-1-4-5 and IC 25-1-4-6.

3 (5) Complete such remediation and additional training as deemed
4 appropriate by the board given the lapse of time involved.

5 (6) Any other requirement that is provided for in statute or rule
6 that is not related to fees.

7 SECTION 16. IC 25-1-9-1, AS AMENDED BY P.L.122-2009,
8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of
10 the following:

- 11 (1) Board of chiropractic examiners (IC 25-10-1).
12 (2) State board of dentistry (IC 25-14-1).
13 (3) Indiana state board of health facility administrators
14 (IC 25-19-1).
15 (4) Medical licensing board of Indiana (IC 25-22.5-2).
16 (5) Indiana state board of nursing (IC 25-23-1).
17 (6) Indiana optometry board (IC 25-24).
18 (7) Indiana board of pharmacy (IC 25-26).
19 (8) Board of podiatric medicine (IC 25-29-2-1).
20 ~~(9) Board of environmental health specialists (IC 25-32):~~
21 ~~(10)~~ (9) Speech-language pathology and audiology board
22 (IC 25-35.6-2).
23 ~~(11)~~ (10) State psychology board (IC 25-33).
24 ~~(12)~~ (11) Indiana board of veterinary medical examiners
25 (IC 25-38.1-2).
26 ~~(13)~~ (12) Indiana physical therapy committee (IC 25-27-1).
27 ~~(14)~~ (13) Respiratory care committee (IC 25-34.5).
28 ~~(15)~~ (14) Occupational therapy committee (IC 25-23.5).
29 ~~(16)~~ (15) Behavioral health and human services licensing board
30 (IC 25-23.6).
31 ~~(17)~~ (16) Physician assistant committee (IC 25-27.5).
32 ~~(18)~~ (17) Indiana athletic trainers board (IC 25-5.1-2-1).
33 ~~(19)~~ (18) Indiana dietitians certification board (IC 25-14.5-2-1).
34 ~~(20) Indiana hypnotist committee (IC 25-20.5-1-7):~~

35 SECTION 17. IC 25-1-9-17 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. The board ~~and the~~
37 ~~controlled substances advisory committee (IC 35-48-2-1)~~ may require
38 an applicant for licensure to appear before the board ~~or committee~~
39 before issuing a license.

40 SECTION 18. IC 25-1-11-1, AS AMENDED BY P.L.160-2009,
41 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of

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1 the following:

- 2 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 3 (2) Board of registration for architects and landscape architects
 4 (IC 25-4-1-2).
 5 (3) Indiana auctioneer commission (IC 25-6.1-2).
 6 ~~(4) State board of barber examiners (IC 25-7-5-1).~~
 7 ~~(5)~~ (4) State athletic commission (IC 25-9-1).
 8 ~~(6)~~ (5) State board of cosmetology **and barber** examiners
 9 (IC 25-8-3-1).
 10 ~~(7)~~ (6) State board of registration of land surveyors
 11 (IC 25-21.5-2-1).
 12 ~~(8)~~ (7) State board of funeral and cemetery service (IC 25-15-9).
 13 ~~(9)~~ (8) State board of registration for professional engineers
 14 (IC 25-31-1-3).
 15 ~~(10)~~ (9) Indiana plumbing commission (IC 25-28.5-1-3).
 16 ~~(11)~~ (10) Indiana real estate commission (IC 25-34.1-2-1).
 17 ~~(12)~~ (11) Real estate appraiser licensure and certification board
 18 (IC 25-34.1-8).
 19 ~~(13)~~ (12) Private investigator and security guard licensing board
 20 (IC 25-30-1-5.2).
 21 ~~(14)~~ (13) Manufactured home installer licensing board
 22 (IC 25-23.7).
 23 ~~(15)~~ (14) Home inspectors licensing board (IC 25-20.2-3-1).
 24 ~~(16)~~ (15) State board of massage therapy (IC 25-21.8-2-1).

25 SECTION 19. IC 25-1-16 IS ADDED TO THE INDIANA CODE
 26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2010]:

28 **Chapter 16. Evaluation of Regulated Occupations**

29 **Sec. 1. As used in this chapter, "agency" refers to the Indiana**
 30 **professional licensing agency.**

31 **Sec. 2. As used in this chapter, "board" means an entity that**
 32 **regulates a specific regulated occupation.**

33 **Sec. 3. As used in this chapter, "committee" means the**
 34 **regulated occupations evaluation committee established by section**
 35 **6 of this chapter.**

36 **Sec. 4. As used in this chapter, "license" means:**

- 37 (1) an unlimited license, certificate, or registration;
 38 (2) a limited or probationary license, certificate, or
 39 registration;
 40 (3) a temporary license, certificate, registration, or permit;
 41 (4) an intern permit; or
 42 (5) a provisional license;



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1 issued by the board regulating the regulated occupation in
2 question.

3 Sec. 5. As used in this chapter, "regulated occupation" has the
4 meaning set forth in IC 25-1-7-1.

5 Sec. 6. The regulated occupations evaluation committee is
6 established.

7 Sec. 7. (a) The committee consists of the following individuals:

8 (1) The dean of the Indiana University School of Public and
9 Environmental Affairs or the dean's designee. The dean or the
10 dean's designee shall serve as chairperson of the committee.

11 (2) The director of the agency or the director's designee.

12 (3) The attorney general or the attorney general's designee, as
13 a nonvoting member.

14 (4) Two (2) individuals appointed by the governor who are
15 licensed in a regulated occupation.

16 (5) Two (2) individuals appointed by the governor who are not
17 licensed in a regulated occupation.

18 (b) The term of a member appointed under subsection (a)(4) or
19 (a)(5) is three (3) years.

20 (c) The affirmative votes of a majority of the voting members
21 appointed to the committee are required for the committee to take
22 action on any measure.

23 Sec. 8. (a) The committee shall review and evaluate each
24 regulated occupation. The review and evaluation must include the
25 following:

26 (1) The functions, powers, and duties of the regulated
27 occupation and the board, including any functions, powers, or
28 duties that are inconsistent with current or projected practice
29 of the occupation.

30 (2) An assessment of the management efficiency of the board.

31 (3) An assessment of the regulated occupation's and the
32 board's ability to meet the objectives of the general assembly
33 in licensing the regulated occupation.

34 (4) Any other criteria identified by the committee.

35 (b) The committee shall prepare a report concerning each
36 regulated occupation that the committee reviews and evaluates.

37 The report must contain the following:

38 (1) The number of individuals who are licensed in the
39 regulated occupation.

40 (2) A summary of the board's functions and actions.

41 (3) The budget and other fiscal factors of regulating the
42 regulated occupation.

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- 1 **(4) An assessment of the effect of the regulated occupation on**
- 2 **the state's economy, including consumers and businesses.**
- 3 **(5) Any recommendations for legislation, including whether**
- 4 **a regulated occupation should be modified, combined with**
- 5 **another board, or terminated.**
- 6 **(6) Any recommendations for administrative changes.**

7 **Sec. 9. (a) A board shall cooperate with the committee, as the**
 8 **committee determines is necessary in the committee's review and**
 9 **evaluation of the board.**

10 **(b) The committee shall allow testimony concerning each**
 11 **regulated occupation that is being reviewed and evaluated.**

12 **Sec. 10. The committee shall establish a schedule to review and**
 13 **evaluate each regulated occupation. Each regulated occupation**
 14 **must be reviewed and evaluated at least every seven (7) years.**

15 **Sec. 11. (a) The agency shall provide staff and administrative**
 16 **support to the committee.**

17 **(b) The committee may hire, with approval of the director of the**
 18 **agency, an individual to assist the committee.**

19 **(c) The expenditures of the committee shall be paid from**
 20 **appropriations to the agency.**

21 **Sec. 12. (a) Each member of the committee who is not a state**
 22 **employee is entitled to reimbursement for traveling expenses as**
 23 **provided under IC 4-13-1-4 and other expenses actually incurred**
 24 **in connection with the member's duties as provided in the state**
 25 **policies and procedures established by the Indiana department of**
 26 **administration and approved by the budget agency.**

27 **(b) Each member of the committee who is a state employee is**
 28 **entitled to reimbursement for traveling expenses as provided under**
 29 **IC 4-13-1-4 and other expenses actually incurred in connection**
 30 **with the member's duties as provided in the state policies and**
 31 **procedures established by the Indiana department of**
 32 **administration and approved by the budget agency.**

33 **Sec. 13. The committee shall submit a report to the:**
 34 **(1) governor;**
 35 **(2) health finance commission; and**
 36 **(3) legislative services agency;**
 37 **not later than July 1 of each year. The report submitted to the**
 38 **legislative services agency must be in an electronic format under**
 39 **IC 5-14-6.**

40 **SECTION 20. IC 25-2.1-9-3 IS AMENDED TO READ AS**
 41 **FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) If the board has**
 42 **reason to believe that the subject of an investigation has committed a**

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1 violation of this article or IC 25-1-11:
 2 (1) the board shall direct that a complaint be issued under
 3 ~~IC 25-2-1-7-7~~, **IC 25-1-7**, if the subject of the investigation is a
 4 licensee; and
 5 (2) the board shall take appropriate action under ~~IC 25-2-1-13~~,
 6 **IC 25-1-7-14**, if the subject of the investigation is not a licensee.
 7 (b) If the board does not proceed under subsection (a), the board
 8 shall close the matter and may release the information only with the
 9 consent of the individual or firm that was under investigation.
 10 SECTION 21. IC 25-8-2-2.1 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2010]: **Sec. 2.1. "Barber" means a person licensed under**
 13 **IC 25-8-12.1.**
 14 SECTION 22. IC 25-8-2-2.2 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2010]: **Sec. 2.2. "Barber instructor" means a person licensed**
 17 **under IC 25-8-6.4 to teach barbering.**
 18 SECTION 23. IC 25-8-2-2.3 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2010]: **Sec. 2.3. "Barber school" means an establishment licensed**
 21 **under IC 25-8-6.3 that offers training in barbering.**
 22 SECTION 24. IC 25-8-2-2.4 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2010]: **Sec. 2.4. "Barber shop" means an establishment licensed**
 25 **under IC 25-8-8.1 that offers barbering to the public.**
 26 SECTION 25. IC 25-8-2-2.7 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2010]: **Sec. 2.7. (a) "Barbering" means performing one (1) or**
 29 **more of the following practices upon the head, face, or neck of a**
 30 **person:**
 31 (1) **Cutting, trimming, styling, arranging, dressing, curling,**
 32 **permanent waving, cleansing, bleaching, tinting, coloring, or**
 33 **similarly treating hair.**
 34 (2) **Shaving or trimming beards and mustaches.**
 35 (3) **Applying oils, creams, antiseptics, clays, powders, lotions,**
 36 **or other preparations, either by hand or by mechanical**
 37 **appliances, in the performance of facial or scalp massage.**
 38 (b) **"Barbering" does not include performing any of the acts**
 39 **described in subsection (a) when done:**
 40 (1) **in treating illness or disease;**
 41 (2) **as a student in a barber school that complies with the**
 42 **notice requirements set forth in IC 25-8-6.3; or**

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1 **(3) without compensation.**

2 SECTION 26. IC 25-8-2-2.6, AS ADDED BY P.L.78-2008,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2010]: Sec. 2.6. "Beauty culture professional" refers to the
5 following:

- 6 (1) A cosmetologist licensed under IC 25-8-9.
7 (2) An electrologist licensed under IC 25-8-10.
8 (3) A manicurist licensed under IC 25-8-11.
9 (4) An esthetician licensed under IC 25-8-12.5.
10 (5) An instructor licensed under IC 25-8-6.

11 **(6) A barber licensed under IC 25-8-12.1.**

12 SECTION 27. IC 25-8-2-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. "Board" refers to the
14 state board of cosmetology **and barber** examiners.

15 SECTION 28. IC 25-8-2-10 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. "Instructor" means
17 a person:

- 18 (1) licensed under IC 25-8-6 to teach in a cosmetology school; **or**
19 (2) **licensed under IC 25-8-6.4 to teach in a barber school.**

20 SECTION 29. IC 25-8-3-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The state board of
22 cosmetology **and barber** examiners is established.

23 SECTION 30. IC 25-8-3-5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) Each of the
25 remaining five (5) members of the board must reside in Indiana.

26 (b) ~~At least three (3)~~ **The members of the board must meet the**
27 **following qualifications:**

- 28 (1) ~~Two (2)~~ (2) of the members described in subsection (a) must:
29 have been licensed cosmetologists practicing in
30 (A) **possess a current cosmetologist license; and**
31 (B) **have practiced** cosmetology ~~salons~~ in Indiana
32 continuously for at least five (5) years **immediately** before
33 appointment.

34 (2) **Two (2) of the members of the board must:**

- 35 (A) **possess a current barber license; and**
36 (B) **have practiced barbering in Indiana continuously for**
37 **at least five (5) years immediately before appointment.**

38 (c) ~~Two (2)~~ (3) ~~One (1)~~ (1) of the members described in subsection
39 (a) may ~~must~~ be owners ~~an owner~~ or operators ~~operator~~ of a
40 **barber or cosmetology schools. One (1) of the members**
41 described in this subsection must be a licensed cosmetologist.
42 ~~One (1) of school. However, the members described in this~~

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1 subsection is member may not required to be a licensed barber
 2 or cosmetologist.
 3 (d) Not more than two (2) members of the board may be:
 4 (1) owners of;
 5 (2) operators of;
 6 (3) members of the board of directors of;
 7 (4) employees of; or
 8 (5) contractors with;
 9 a cosmetology school.
 10 (4) One (1) of the members must be licensed as an
 11 electrologist, an esthetician, or a manicurist.
 12 (5) One (1) of the members must not have any association with
 13 cosmetology or barbering, except as a consumer.
 14 SECTION 31. IC 25-8-3-6 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. No more than four
 16 (4) five (5) members of the board may belong to the same political
 17 party.
 18 SECTION 32. IC 25-8-3-23, AS AMENDED BY P.L.197-2007,
 19 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2010]: Sec. 23. (a) The board shall adopt rules under
 21 IC 4-22-2 to:
 22 (1) prescribe sanitary requirements for:
 23 (A) cosmetology salons;
 24 (B) electrology salons;
 25 (C) esthetic salons;
 26 (D) manicuring salons; and
 27 (E) cosmetology schools;
 28 (F) barber shops; and
 29 (G) barber schools;
 30 (2) establish standards for the practice of cosmetology and the
 31 operation of:
 32 (A) cosmetology salons;
 33 (B) electrology salons;
 34 (C) esthetic salons;
 35 (D) manicuring salons; and
 36 (E) cosmetology schools;
 37 (F) barber shops; and
 38 (G) barber schools;
 39 (3) implement the licensing system under this article and provide
 40 for a staggered renewal system for licenses; and
 41 (4) establish requirements for cosmetology school uniforms for
 42 students and instructors.

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1 (b) The board may adopt rules under IC 4-22-2 to establish the
 2 following for the practice of cosmetology, **barbering**, electrology,
 3 esthetics, or manicuring in a mobile salon:

4 (1) Sanitation standards.

5 (2) Safety requirements.

6 (3) Permanent address requirements at which the following are
 7 located:

8 (A) Records of appointments.

9 (B) License numbers of employees.

10 (C) If applicable, the vehicle identification number of the
 11 license holder's self-contained facility.

12 (4) Enforcement actions to ensure compliance with the
 13 requirements under this article and all local laws and ordinances.

14 SECTION 33. IC 25-8-3-26 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 26. The board shall
 16 furnish each person licensed to operate:

17 (1) a cosmetology salon;

18 (2) an electrology salon;

19 (3) an esthetic salon;

20 (4) a manicuring salon; ~~or~~

21 (5) a cosmetology school;

22 **(6) a barber shop; or**

23 **(7) a barber school;**

24 with a copy of the rules concerning sanitary requirements described in
 25 section ~~23(1)~~ **23(a)(1)** of this chapter.

26 SECTION 34. IC 25-8-3-27 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 27. A person operating:

28 (1) a cosmetology salon;

29 (2) an electrology salon;

30 (3) an esthetic salon;

31 (4) a manicuring salon; ~~or~~

32 (5) a cosmetology school;

33 **(6) a barber shop; or**

34 **(7) a barber school;**

35 shall post the rules described in section 26 of this chapter in a
 36 conspicuous place in that salon or school.

37 SECTION 35. IC 25-8-3-28, AS AMENDED BY P.L.177-2009,
 38 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2010]: Sec. 28. (a) A member of the board or any inspector or
 40 investigator may inspect:

41 (1) a cosmetology salon;

42 (2) an electrology salon;

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- 1 (3) an esthetic salon;
- 2 (4) a manicuring salon;
- 3 (5) a cosmetology school; or
- 4 (6) a mobile salon;
- 5 **(7) a barber shop; or**
- 6 **(8) a barber school;**

7 during its regular business hours.

8 (b) A member of the board or any inspector or investigator may
9 inspect:

- 10 (1) a cosmetology salon;
- 11 (2) an electrology salon;
- 12 (3) an esthetic salon;
- 13 (4) a manicuring salon;
- 14 (5) a cosmetology school; or
- 15 (6) a mobile salon;
- 16 **(7) a barber shop; or**
- 17 **(8) a barber school;**

18 before an initial license is issued.

19 SECTION 36. IC 25-8-3-29 IS ADDED TO THE INDIANA CODE
20 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
21 1, 2010]: **Sec. 29. (a) The board may not adopt a rule establishing**
22 **different standards for an inmate or former inmate of a penal**
23 **institution who applies for:**

- 24 **(1) admission to barber school; or**
- 25 **(2) a license as a registered barber.**

26 **(b) A person who graduates from a barber school operated by**
27 **a penal institution may not have the person's license denied or**
28 **revoked as a result of the acts for which the person was convicted.**

29 SECTION 37. IC 25-8-4-1 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The provisions of
31 this article requiring a person to obtain a license do not apply to a
32 person performing cosmetology as a:

- 33 (1) ~~licensed student in a barber under IC 25-7;~~ **school;**
- 34 (2) commissioned medical or surgical officer of the United States
35 armed forces;
- 36 (3) chiropractor (as defined by IC 25-10-1-1(2));
- 37 (4) embalmer (as defined by IC 25-15-2-8);
- 38 (5) funeral director (as defined by IC 25-15-2-12);
- 39 (6) registered nurse (as defined by IC 25-23-1-1.1(a));
- 40 (7) licensed practical nurse (as defined by IC 25-23-1-1.2);
- 41 (8) physician (as defined by IC 25-22.5-1-1.1(g));
- 42 (9) podiatrist (as defined by IC 25-29-1-13);

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- 1 (10) person conducting an educational activity involving
- 2 cosmetology at a scheduled meeting of an association that:
- 3 (A) recognizes a group of its members as cosmetologists; and
- 4 (B) is not open to persons who are not licensed under this
- 5 chapter; or
- 6 (11) student in a cosmetology school.

7 SECTION 38. IC 25-8-4-2, AS AMENDED BY P.L.177-2009,
 8 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2010]: Sec. 2. (a) If the board determines that:

- 10 (1) a person possesses a valid license from another jurisdiction to
- 11 perform acts that require a license under this article; and
- 12 (2) the jurisdiction issuing the license imposes substantially equal
- 13 requirements on applicants for the license as are imposed on
- 14 applicants for an Indiana license;

15 the board may issue a license to perform those acts in Indiana to that
 16 person upon payment of the fee required under IC 25-8-13.

17 (b) This subsection applies only to applications for a cosmetologist
 18 license under IC 25-8-9. If the jurisdiction issuing the license does not
 19 impose substantially equal requirements for education hours as
 20 required under subsection (a)(2), the board may approve the
 21 combination of education hours plus actual licensed practice in the
 22 other jurisdiction when issuing a license to a person from that
 23 jurisdiction. One (1) year of licensed practice is equal to one hundred
 24 (100) hours of education to an applicant who has completed a
 25 minimum of one thousand (1,000) hours of education.

26 (c) This subsection applies only to applications for a manicurist
 27 license under IC 25-8-11. If the jurisdiction issuing a license does not
 28 impose substantially equal requirements for education hours as
 29 required under subsection (a)(2), the board may approve the
 30 combination of education hours plus actual licensed practice in the
 31 other jurisdiction when issuing a license to a person from that
 32 jurisdiction, as follows:

- 33 (1) For an applicant with less than twenty (20) years of actual
- 34 licensed practice as a manicurist, one (1) year of licensed practice
- 35 is equal to one hundred (100) hours of education to an applicant
- 36 who has completed at least three hundred (300) hours of
- 37 education.
- 38 (2) For an applicant with twenty (20) or more years of actual
- 39 licensed practice as a manicurist, one (1) year of licensed practice
- 40 is equal to one hundred (100) hours of education to an applicant
- 41 who has completed at least one hundred (100) hours of education.

42 (d) This subsection applies only to applications for an electrologist

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1 license under IC 25-8-10. If the jurisdiction issuing a license does not
 2 impose substantially equal requirements for education hours as
 3 required under subsection (a)(2), the board may approve the
 4 combination of education hours plus actual licensed practice in the
 5 other jurisdiction when issuing a license to a person from that
 6 jurisdiction. One (1) year of licensed practice as an electrologist is
 7 equal to one hundred (100) hours of education to an applicant who has
 8 completed at least two hundred (200) hours of education.

9 (e) This subsection applies only to applications for an esthetician
 10 license under IC 25-8-12.5. If the jurisdiction issuing a license does not
 11 impose substantially equal requirements for education hours as
 12 required under subsection (a)(2), the board may approve the
 13 combination of education hours plus actual licensed practice in the
 14 other jurisdiction when issuing a license to a person from that
 15 jurisdiction. One (1) year of licensed practice as an esthetician is equal
 16 to one hundred (100) hours of education to an applicant who has
 17 completed at least four hundred (400) hours of education.

18 (f) This subsection applies only to applications for a beauty culture
 19 instructor license under IC 25-8-6. If the jurisdiction issuing a license
 20 does not impose substantially equal requirements for education hours
 21 as required under subsection (a)(2), the board may approve the
 22 combination of education hours plus actual licensed practice in the
 23 other jurisdiction when issuing a license to a person from that
 24 jurisdiction. One (1) year of licensed practice as a beauty culture
 25 instructor is equal to one hundred (100) hours of education to an
 26 applicant who has completed at least seven hundred (700) hours of
 27 education.

28 **(g) This subsection applies only to applications for a barber**
 29 **license under IC 25-8-12.1. If the jurisdiction issuing the license**
 30 **does not impose substantially equivalent requirements as required**
 31 **under subsection (a)(2), the board may approve a combination of**
 32 **education hours plus actual licensed practice in the other**
 33 **jurisdiction when issuing a license to a person from that**
 34 **jurisdiction. One (1) year of licensed practice is equal to one**
 35 **hundred (100) hours of education to an applicant who has**
 36 **completed at least one thousand (1,000) hours of education.**

37 SECTION 39. IC 25-8-4-4 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. A license issued
 39 under this article may not be transferred unless:

- 40 (1) the license is a cosmetology salon **or barber shop** license;
 41 and
 42 (2) the person holding the license was required to change the

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1 location of the cosmetology salon **or barber shop** by
2 circumstances that the board determines were beyond the control
3 of that person.

4 SECTION 40. IC 25-8-4-7, AS AMENDED BY P.L.157-2006,
5 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2010]: Sec. 7. (a) Each applicant must pass a final practical
7 demonstration examination of the acts permitted by the license. The
8 applicant's cosmetology school **or barber school** shall administer the
9 final practical demonstration examination.

10 (b) The board shall conduct a written examination of the applicants
11 for a cosmetologist license **and a barber license** at least once each
12 month. The board shall conduct a written examination of the applicants
13 for all other licenses issued under this article at least four (4) times
14 each year. The written examinations described in this section:

15 (1) shall be conducted at the times and places determined by the
16 board; and

17 (2) may be administered through computer based testing.

18 SECTION 41. IC 25-8-4-8 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. The examinations
20 described in section 7 of this chapter must include:

21 (1) a practical demonstration of the acts permitted by the license;
22 and

23 (2) a written test concerning the licensed activity, as it is
24 customarily taught in a cosmetology school **or barber school**.

25 SECTION 42. IC 25-8-4-11 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. A person who holds
27 a cosmetology school license **or a barber school license** shall display
28 a sign that complies with standards prescribed by the board on the
29 premises of that establishment indicating that the establishment is a
30 cosmetology school **or barber school** licensed under this article.

31 SECTION 43. IC 25-8-4-13 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. A person who holds
33 any license issued under this chapter except the licenses described in
34 section 11 of this chapter shall display the license in a conspicuous
35 place in that person's work area in the cosmetology salon, **or**
36 cosmetology school, **barber shop, or barber school** where the person
37 is employed. The license must be clearly visible to a customer of that
38 person who is present in the licensed person's work area.

39 SECTION 44. IC 25-8-4-17, AS AMENDED BY P.L.177-2009,
40 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2010]: Sec. 17. (a) Except for an instructor license issued
42 under subsection (d), **or** IC 25-8-6-1, **or IC 25-8-6.4**, a license issued

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1 under this article expires on a date specified by the licensing agency
 2 under IC 25-1-6-4 and expires four (4) years after the initial expiration
 3 date.

4 (b) A license issued to an instructor under IC 25-8-6-1 or
 5 **IC 25-8-6.4** expires at the time that the instructor's practitioner license
 6 expires. The board shall renew an instructor's license under this
 7 subsection concurrently with the instructor's practitioner license.

8 (c) Except as provided in IC 25-8-9-11, a person who holds a license
 9 under this article may apply for renewal.

10 (d) Initial provisional licenses are valid for a length of time
 11 determined by the board, but not to exceed two (2) years.

12 SECTION 45. IC 25-8-6.3 IS ADDED TO THE INDIANA CODE
 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2010]:

15 **Chapter 6.3. Barber School Licenses**

16 **Sec. 1. The board may issue a license under this article to**
 17 **operate a barber school.**

18 **Sec. 2. A person must file a verified application with the board**
 19 **on a form prescribed by the board to obtain a barber school**
 20 **license.**

21 **Sec. 3. The application described in section 2 of this chapter**
 22 **must state that:**

23 (1) the proposed school will require students to successfully
 24 complete at least one thousand five hundred (1,500) hours of
 25 course work as a requirement for graduation;

26 (2) not more than ten (10) hours of course work may be taken
 27 by a student during one (1) day;

28 (3) the course work will provide instruction to students in all
 29 theories and practical applications of barbering, including:

30 (A) the scientific fundamentals for barbering, hygiene, and
 31 bacteriology;

32 (B) the histology of hair, skin, muscles, and nerves;

33 (C) the structure of the head, face, and neck;

34 (D) elementary chemistry relating to sterilization and
 35 antiseptics;

36 (E) cutting, shaving, arranging, dressing, coloring,
 37 bleaching, tinting, and permanent waving of the hair; and

38 (F) at least ten (10) hours of study on skin and diseases of
 39 the skin under a certified dermatologist;

40 (4) the school will provide one (1) instructor for each group of
 41 twenty (20) or fewer students;

42 (5) the school will be operated under the personal supervision

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1 of a licensed barber instructor;

2 (6) the applicant has obtained:

3 (A) a building permit;

4 (B) a certificate of occupancy; or

5 (C) any other planning approval required under
6 IC 22-15-3 and IC 36-7-4;

7 required to operate the school;

8 (7) the school, if located in the same building as a residence,
9 will:

10 (A) be separated from the residence by a substantial floor
11 to ceiling partition; and

12 (B) have a separate entrance;

13 (8) as a requirement for graduation, the proposed school
14 must:

15 (A) administer; and

16 (B) require a student to pass;

17 a final practical demonstration examination of the acts
18 permitted by the license; and

19 (9) the applicant has paid the fee set forth in IC 25-8-13.

20 Sec. 4. (a) A barber school licensed under this chapter shall
21 require each student for graduation to pass a final examination
22 that tests the student's practical knowledge of the curriculum
23 studied.

24 (b) The board shall consider an applicant for the barbering
25 professional examination as fulfilling the practical examination
26 requirement established in IC 25-8-4-7 after successfully
27 completing the final practical demonstration examination.

28 (c) A passing score of at least seventy-five percent (75%) is
29 required on the final practical demonstration examination.

30 (d) A barber school licensed under this chapter shall allow each
31 student for graduation at least three (3) attempts to pass the final
32 practical demonstration examination.

33 (e) The board may monitor the administration of the final
34 practical demonstration examination for any of the following
35 purposes:

36 (1) As a result of a complaint received.

37 (2) As part of random observations.

38 (3) To collect data.

39 Sec. 5. The board may adopt rules under IC 4-22-2 requiring
40 that the curriculum offered by a barber school licensed under this
41 chapter provide a minimum number of hours of instruction in each
42 of the subjects described in section 3(3) of this chapter.

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1 **Sec. 6. A barber school licensed under this chapter shall display**
2 **a sign:**

- 3 (1) that complies with standards established by the board;
- 4 (2) at each entrance used by the school's customers; and
- 5 (3) that states that students perform barbering in the
- 6 establishment.

7 SECTION 46. IC 25-8-6.4 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2010]:

10 **Chapter 6.4. Barber Instructor Licenses**

11 **Sec. 1. The board may license a person to be an instructor.**

12 **Sec. 2. A person must file a verified application with the board**
13 **on a form prescribed by the board to obtain an instructor license.**

14 **Sec. 3. The application described in section 2 of this chapter**
15 **must state that the applicant:**

- 16 (1) holds a barber license issued under this article;
- 17 (2) has graduated from high school or received a high school
- 18 equivalency certificate;
- 19 (3) has successfully completed at least nine hundred (900)
- 20 hours of instruction in the theory and practice of instructor
- 21 training as a student in a barber school;
- 22 (4) has received a satisfactory grade of at least seventy-five
- 23 percent (75%) on an examination for instructor license
- 24 applicants prescribed by the board; and
- 25 (5) has paid the fee set forth in IC 25-8-13 for the issuance of
- 26 a license under this chapter.

27 **Sec. 4. (a) If a person does not receive a satisfactory grade on**
28 **the examination described in IC 25-8-4-7, the person may repeat**
29 **the examination subject to the rules governing the examination**
30 **adopted by the board.**

31 **(b) If a person does not receive a satisfactory grade on the**
32 **examination described in subsection (a), the board may:**

- 33 (1) refuse to permit the person to take the examination again;
- 34 or
- 35 (2) permit the person to take the examination again subject to
- 36 the rules governing the examination adopted by the board.

37 SECTION 47. IC 25-8-8.1 IS ADDED TO THE INDIANA CODE
38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2010]:

40 **Chapter 8.1. Barber Shop Licenses**

41 **Sec. 1. The board may issue a license under this article to**
42 **operate a barber shop.**

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Sec. 2. A person who wishes to obtain a barber shop license must:

(1) select a site for the barber shop that, if located in the same building as a residence:

(A) is separated from the residence by a substantial floor to ceiling partition; and

(B) has a separate entrance from the residence;

(2) obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) any other approval action required under IC 22-15-3 and IC 36-7-4;

required to operate the barber shop;

(3) install furnishings and obtain shop equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the barber shop will be under the personal supervision of a barber licensed under this article.

Sec. 3. The board may issue a license under this chapter if the applicant has:

(1) complied with section 2 of this chapter; and

(2) paid the fee for the license set forth in IC 25-8-13.

Sec. 4. A person holding a license issued under this chapter shall display a sign complying with standards prescribed by the board.

The sign must:

(1) be clearly visible to a customer entering the establishment at the shop's main public entrance; and

(2) state in legible printing that the establishment is licensed as a barber shop.

Sec. 5. (a) If:

(1) the board cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and

(2) the board determines that more than fifteen (15) days are required to determine if the applicant has complied with section 2 of this chapter;

the board shall issue a temporary barber shop license to the applicant.

(b) A temporary license issued under subsection (a) is valid until:

(1) the board approves or denies the application for a license under this chapter; or

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1 **(2) three (3) months after the issuance of the temporary**
 2 **license;**
 3 **whichever occurs first.**

4 SECTION 48. IC 25-8-12.1 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2010]:

7 **Chapter 12.1. Barber Licenses**

8 **Sec. 1. The board may license a person to be a barber.**

9 **Sec. 2. A person must file a verified application with the board**
 10 **on a form prescribed by the board to obtain a barber license.**

11 **Sec. 3. The application described in section 2 of this chapter**
 12 **must state that the applicant:**

13 **(1) is either:**

14 **(A) at least eighteen (18) years of age; or**

15 **(B) at least seventeen (17) years of age and is a graduate of**
 16 **an accredited high school;**

17 **(2) has graduated from an approved barber school with not**
 18 **less than one thousand five hundred (1,500) hours of training;**

19 **(3) has received a satisfactory grade of at least seventy-five**
 20 **percent (75%) on an examination for barber license**
 21 **applicants prescribed by the board;**

22 **(4) has not committed an act that could subject the applicant**
 23 **to discipline under IC 25-1-11; and**

24 **(5) has paid the fee set forth in IC 25-8-13 for the issuance of**
 25 **a license under this chapter.**

26 **Sec. 4. (a) If a person does not receive a satisfactory grade on**
 27 **the examination described in IC 25-8-4-7, that person may repeat**
 28 **the examination subject to the rules governing the examination**
 29 **adopted by the board.**

30 **(b) If a person does not receive a satisfactory grade on the**
 31 **examination described in subsection (a), the board may:**

32 **(1) refuse to permit the person to take the examination again;**
 33 **or**

34 **(2) permit the person to take the examination again subject to**
 35 **the rules governing the examination adopted by the board.**

36 **Sec. 5. A person licensed under this chapter may not engage in**
 37 **barbering in a barber school except as part of student instruction.**

38 **Sec. 6. A person licensed under this chapter may not engage in**
 39 **barbering outside a barber shop unless the person:**

40 **(1) has the permission of a person who holds a barber shop**
 41 **license and:**

42 **(A) employs; or**

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- 1 **(B) leases or subleases a part of a shop to;**
 2 **the person licensed under this chapter; and**
 3 **(2) complies with any other practice restrictions established**
 4 **by the board under this chapter.**

5 **Sec. 7. The board may issue a temporary work permit to**
 6 **practice barbering.**

7 **Sec. 8. A person must file a verified application with the board**
 8 **on a form prescribed by the board to obtain a temporary work**
 9 **permit.**

10 **Sec. 9. The application described in section 8 of this chapter**
 11 **must state that the applicant will practice barbering under the**
 12 **supervision of a barber, and:**

- 13 **(1) has filed an application under section 2 of this chapter, but**
 14 **has not taken the examination described in IC 25-8-4-7; or**
 15 **(2) has filed an application under IC 25-8-4-2(g) and is**
 16 **awaiting board determination as described in IC 25-8-4-2(g).**

17 **Sec. 10. (a) Except when held by a barber applicant who has**
 18 **filed an application under IC 25-8-4-2(g), a work permit issued**
 19 **under section 7 of this chapter expires:**

- 20 **(1) three (3) months after the date of issuance; or**
 21 **(2) thirty (30) days after the permit holder takes the**
 22 **examination described in IC 25-8-4-7;**

23 **whichever occurs first.**

24 **(b) A work permit held by a barber license applicant who has**
 25 **filed an application under IC 25-8-4-2(g) expires thirty (30) days**
 26 **after board determination as described in IC 25-8-4-2(g).**

27 **Sec. 11. The board may not:**

- 28 **(1) renew or reinstate a work permit; or**
 29 **(2) grant a person more than one (1) work permit;**

30 **issued under section 7 of this chapter.**

31 **Sec. 12. A person who:**

32 **(1) enters active military service of the United States or of this**
 33 **state:**

- 34 **(A) in time of war or an emergency;**
 35 **(B) for or during a period of training; or**
 36 **(C) in connection with or under the operation of a system**
 37 **of selective service; and**

38 **(2) at the time of entry holds a valid license as a registered**
 39 **barber;**

40 **shall be granted a similar certificate of registration or license upon**
 41 **presenting to the board an honorable discharge from military**
 42 **service, dated not more than six (6) months before the time of the**

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1 presentation. The similar certificate or license shall be granted by
2 the board upon payment of a fee established by the board.

3 Sec. 13. (a) This section applies only to applications for a barber
4 license under this chapter.

5 (b) If an applicant comes from a jurisdiction that does not issue
6 a barber license, the board may issue an initial provisional license
7 to an applicant who meets the following requirements:

8 (1) The board finds that the applicant has sufficient training
9 or experience as a barber.

10 (2) The applicant has not committed an act that would
11 constitute a violation of the standards of practice under
12 IC 25-1-11.

13 (3) The applicant pays a fee established by the board under
14 IC 25-1-8.

15 (c) An applicant who has been granted an initial provisional
16 license must work under the supervision of a licensed barber.

17 (d) A person who holds an initial provisional license may apply
18 for renewal of a barber license under this article.

19 (e) The holder of a provisional license may petition the board
20 for the issuance of a barber license to practice without supervision.
21 The holder of a provisional license who demonstrates to the board
22 that the holder may satisfactorily practice without supervision
23 shall be released from terms of the provisional license and is
24 entitled to hold a license under this chapter.

25 SECTION 49. IC 25-8-13-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. The board may not
27 charge a fee for:

28 (1) transferring a cosmetology salon license under IC 25-8-4-4 or
29 barber shop license under IC 25-8-8.1; or

30 (2) issuing a temporary license to practice cosmetology under
31 IC 25-8-7-6 or a temporary work permit to practice barbering
32 under IC 25-8-12.1-7.

33 SECTION 50. IC 25-8-13-3, AS AMENDED BY P.L.157-2006,
34 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2010]: Sec. 3. (a) The board shall charge a fee established by
36 the board under IC 25-1-8-2 for an application to issue or renew a
37 cosmetology school or barber school license.

38 (b) The board shall charge a fee established under IC 25-1-8-6 for
39 reinstating a cosmetology school or barber school license.

40 SECTION 51. IC 25-8-13-4, AS AMENDED BY P.L.157-2006,
41 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2010]: Sec. 4. (a) The board shall charge a fee established by

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1 the board under IC 25-1-8-2 for issuing or renewing
 2 ~~(1) a cosmetology instructor license;~~
 3 ~~(2) an esthetics instructor license; or~~
 4 ~~(3) an electrology instructor license.~~
 5 (b) The board shall charge a fee established under IC 25-1-8-6 for
 6 reinstating an instructor license.

7 SECTION 52. IC 25-8-13-5, AS AMENDED BY P.L.157-2006,
 8 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2010]: Sec. 5. (a) The board shall charge a fee established by
 10 the board under IC 25-1-8-2 for issuing or renewing:

- 11 (1) a cosmetology salon license;
- 12 (2) an electrology salon license;
- 13 (3) an esthetic salon license; ~~or~~
- 14 (4) a manicurist salon license; **or**
- 15 **(5) a barber shop license.**

16 (b) The board shall charge a fee established under IC 25-1-8-6 for
 17 reinstating:

- 18 (1) a cosmetology salon license;
- 19 (2) an electrology salon license;
- 20 (3) an esthetic salon license; ~~or~~
- 21 (4) a manicurist salon license; **or**
- 22 **(5) a barber shop license.**

23 SECTION 53. IC 25-8-13-12.1 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2010]: **Sec. 12.1. (a) The board shall establish**
 26 **fees under IC 25-1-8-2 for providing an examination to an**
 27 **applicant for a barber license.**

28 **(b) The board shall establish fees under IC 25-1-8-2 for issuing**
 29 **or renewing a barber license.**

30 **(c) The board shall charge a fee established under IC 25-1-8-6**
 31 **for reinstating a barber license.**

32 **(d) The board shall charge a fee established by the board under**
 33 **IC 25-1-8-2 for issuing a license to a person who holds a barber**
 34 **license from another jurisdiction that meets the requirements**
 35 **under IC 25-8-4-2.**

36 SECTION 54. IC 25-8-14-6 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) A person who:

- 38 (1) is a cosmetologist, a manicurist, an electrologist, an
 39 esthetician, **a barber**, or an instructor; and
- 40 (2) knowingly performs any act authorized by a license issued
 41 under this article while the person has an infectious, a contagious,
 42 or a communicable disease that has been epidemiologically

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1 demonstrated to be transmitted through casual contact;
2 commits a Class C infraction.

3 (b) A person who knowingly attends a cosmetology school **or a**
4 **barber school** as a student while the person has an infectious, a
5 contagious, or a communicable disease that has been epidemiologically
6 demonstrated to be transmitted through casual contact commits a Class
7 C infraction.

8 SECTION 55. IC 25-23.6-4-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. An individual may
10 not:

11 (1) profess to be a **social worker**, licensed social worker, or
12 licensed clinical social worker;

13 (2) use the title:

14 (A) "**social worker**";

15 ~~(A)~~ (B) "licensed social worker";

16 ~~(B)~~ (C) "licensed clinical social worker";

17 ~~(C)~~ (D) "clinical social worker";

18 ~~(D)~~ (E) "psychiatric social worker"; or

19 ~~(E)~~ (F) "psychosocial worker";

20 (3) use any other title containing the words "**social worker**",
21 "licensed social worker", or "licensed clinical social worker";

22 (4) use any other words, letters, abbreviations, or insignia
23 indicating or implying that the individual is a **social worker**,
24 licensed social worker, or licensed clinical social worker; or

25 (5) practice as a **social worker**, licensed social worker, or clinical
26 social worker for compensation;

27 unless the individual is licensed under this article.

28 SECTION 56. IC 25-23.6-4.5-1 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) An individual
30 may not:

31 (1) profess to be a licensed mental health counselor;

32 (2) use the title:

33 (A) "licensed mental health counselor";

34 (B) "mental health counselor"; or

35 (C) "mental health therapist";

36 (3) use any other words, letters, abbreviations, or insignia
37 indicating or implying that the individual is a licensed mental
38 health counselor; or

39 (4) practice mental health counseling for compensation;

40 unless the individual is licensed under this article, IC 25-22.5, or
41 IC 25-33.

42 (b) An individual may not:

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- 1 **(1) profess to be a licensed mental health counselor associate;**
 2 **(2) use the title:**
 3 **(A) "licensed mental health counselor associate";**
 4 **(B) "mental health counselor associate"; or**
 5 **(C) "mental health therapist associate";**
 6 **(3) use any other words, letters, abbreviations, or insignia**
 7 **indicating or implying that the individual is a licensed mental**
 8 **health counselor associate; or**
 9 **(4) practice mental health counseling for compensation;**
 10 **unless the individual is licensed under this article, IC 25-22.5, or**
 11 **IC 25-33.**

12 SECTION 57. IC 25-23.6-4.5-3 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. **(a)** An individual
 14 who is licensed as a mental health counselor shall:

- 15 (1) display the license or a clear copy of the license at each
 16 location where the mental health counselor regularly practices;
 17 and
 18 (2) include the words "licensed mental health counselor" or the
 19 letters "LMHC" on all promotional materials, including business
 20 cards, brochures, stationery, advertisements, and signs that name
 21 the individual.

22 **(b) An individual who is licensed as a mental health counselor**
 23 **associate shall:**

- 24 **(1) display the license or a clear copy of the license at each**
 25 **location where the mental health counselor associate regularly**
 26 **practices; and**
 27 **(2) include the words "licensed mental health counselor**
 28 **associate" or the letters "LMHCA" on all promotional**
 29 **materials, including business cards, brochures, stationery,**
 30 **advertisements, and signs that name the individual.**

31 SECTION 58. IC 25-23.6-8.5-1, AS AMENDED BY P.L.2-2007,
 32 SECTION 340, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2010]: Sec. 1. An individual who applies for a
 34 license as a mental health counselor must meet the following
 35 requirements:

- 36 (1) Furnish satisfactory evidence to the board that the individual
 37 has:
 38 (A) received a master's or doctor's degree in an area related to
 39 mental health counseling from:
 40 (i) an eligible postsecondary educational institution that
 41 meets the requirements under section 2 of this chapter; or
 42 (ii) a foreign school that has a program of study that meets

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- 1 the requirements under section 2 of this chapter;
 2 (B) completed the educational requirements under section 3 of
 3 this chapter; and
 4 (C) completed the experience requirements under section 4 of
 5 this chapter.

6 **(2) Furnish satisfactory evidence to the board that the**
 7 **individual:**

- 8 **(A) except as provided in section 1.7 of this chapter, holds**
 9 **a mental health counselor associate, in good standing,**
 10 **issued under section 7 of this chapter; or**
 11 **(B) is licensed or certified to practice as a mental health**
 12 **counselor in another state and is otherwise qualified under**
 13 **this chapter.**

14 ~~(2)~~ **(3) Furnish satisfactory evidence to the board that the**
 15 **individual does not have a conviction for a crime that has a direct**
 16 **bearing on the individual's ability to practice competently.**

17 ~~(3)~~ **(4) Furnish satisfactory evidence to the board that the**
 18 **individual has not been the subject of a disciplinary action by a**
 19 **licensing or certification agency of another state or jurisdiction on**
 20 **the grounds that the individual was not able to practice as a**
 21 **mental health counselor without endangering the public.**

22 ~~(4)~~ **(5) Pass an examination provided by the board.**

23 ~~(5)~~ **(6) Pay the fee established by the board.**

24 SECTION 59. IC 25-23.6-8.5-1.5 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. An individual who applies for**
 27 **a license as a mental health counselor associate must meet the**
 28 **following requirements:**

29 **(1) Furnish satisfactory evidence to the board that the**
 30 **individual has:**

31 **(A) received a master's or doctor's degree in mental health**
 32 **counseling therapy or in a related area as determined by**
 33 **the board from an institution of higher education that**
 34 **meets the requirements under section 2 of this chapter or**
 35 **from a foreign school that has a program of study that**
 36 **meets the requirements under section 2(3)(A) or 2(3)(B) of**
 37 **this chapter; and**

38 **(B) completed the educational requirements under section**
 39 **3 of this chapter.**

40 **(2) Furnish satisfactory evidence to the board that the**
 41 **individual does not have a conviction for a crime that has a**
 42 **direct bearing on the individual's ability to practice**

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- 1 **competently.**
- 2 **(3) Furnish satisfactory evidence to the board that the**
- 3 **individual has not been the subject of a disciplinary action by**
- 4 **a licensing or certification agency of another state or**
- 5 **jurisdiction on the grounds that the individual was not able to**
- 6 **practice as a mental health counselor associate without**
- 7 **endangering the public.**
- 8 **(4) Pay the fee established by the board.**
- 9 **(5) Pass an examination provided by the board.**
- 10 SECTION 60. IC 25-23.6-8.5-1.7 IS ADDED TO THE INDIANA
- 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2010]: **Sec. 1.7. An individual who receives**
- 13 **a master's degree and enters a doctoral program may do either of**
- 14 **the following:**
- 15 **(1) Apply for a mental health counselor associate license**
- 16 **under section 1.5 of this chapter by meeting the requirements**
- 17 **of this chapter.**
- 18 **(2) Elect not to apply for a mental health counselor associate**
- 19 **license under section 1.5 of this chapter, accrue the clinical**
- 20 **experience required under section 4 of this chapter, and apply**
- 21 **for a mental health counselor license at the conclusion of the**
- 22 **doctoral program.**
- 23 SECTION 61. IC 25-23.6-8.5-2, AS AMENDED BY P.L.2-2007,
- 24 SECTION 341, IS AMENDED TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2010]: **Sec. 2. An applicant for a mental**
- 26 **health counselor license under section 1 of this chapter or a mental**
- 27 **health counselor associate license under section 1.5 of this chapter**
- 28 **must have received a master's or doctor's degree in an area related to**
- 29 **mental health counseling from an eligible postsecondary educational**
- 30 **institution that meets the following requirements:**
- 31 (1) If the institution was located in the United States or a territory
- 32 of the United States, at the time of the applicant's graduation the
- 33 institution was accredited by a regional accrediting body
- 34 recognized by the Commission on Recognition of Postsecondary
- 35 Accreditation.
- 36 (2) If the institution was located in Canada, at the time of the
- 37 applicant's graduation the institution was a member in good
- 38 standing with the Association of Universities and Colleges of
- 39 Canada.
- 40 (3) If the institution was located in a foreign country other than
- 41 Canada, at the time of the applicant's graduation the institution:
- 42 (A) was recognized by the government of the country where

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1 the school was located as a program to train in the practice of
 2 mental health counseling or psychotherapy counseling; and
 3 (B) maintained a standard of training substantially equivalent
 4 to the standards of institutions accredited by a regional
 5 accrediting body recognized by the Commission on
 6 Recognition of Postsecondary Accreditation.

7 SECTION 62. IC 25-23.6-8.5-3, AS AMENDED BY P.L.2-2007,
 8 SECTION 342, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2010]: Sec. 3. An applicant **as a mental health**
 10 **counselor** under section 1 **of this chapter or a mental health**
 11 **counselor associate under section 1.5** of this chapter must complete
 12 the following educational requirements:

13 (1) Complete sixty (60) semester hours of graduate course work
 14 in counseling that must include either a master's degree that
 15 required not less than forty-eight (48) semester hours or a doctor's
 16 degree in counseling. The graduate course work must include the
 17 following content areas:

- 18 (A) Human growth and development.
- 19 (B) Social and cultural foundations of counseling.
- 20 (C) Helping relationship, including counseling theory and
 21 practice.
- 22 (D) Group dynamics, processes, counseling, and consultation.
- 23 (E) Lifestyle and career development.
- 24 (F) Assessment and appraisal of individuals.
- 25 (G) Research and program evaluation.
- 26 (H) Professional orientation and ethics.
- 27 (I) Foundations of mental health counseling.
- 28 (J) Contextual dimensions of mental health counseling.
- 29 (K) Knowledge and skills for the practice of mental health
 30 counseling and psychotherapy.
- 31 (L) Clinical instruction.

32 (2) Not less than one (1) supervised clinical practicum, internship,
 33 or field experience in a counseling setting, which must include a
 34 minimum of one thousand (1,000) clock hours consisting of one
 35 (1) practicum of one hundred (100) hours, one (1) internship of
 36 six hundred (600) hours, and one (1) advanced internship of three
 37 hundred (300) hours with at least one hundred (100) hours of face
 38 to face supervision. This requirement may be met by a supervised
 39 practice experience that took place away from an eligible
 40 postsecondary educational institution but that is certified by an
 41 official of the eligible postsecondary educational institution as
 42 being equivalent to a clinical mental health graduate level

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1 practicum or internship program at an institution accredited by an
2 accrediting agency approved by the United States Department of
3 Education or the Association of Universities and Colleges of
4 Canada.

5 SECTION 63. IC 25-23.6-8.5-4 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. **(a) As used in this**
7 **section, "first available examination" means the first examination**
8 **after the date of an individual's:**

- 9 **(1) graduation; or**
10 **(2) moving into Indiana;**

11 **that has an application deadline that is at least thirty (30) days**
12 **after the date of graduation or the date of moving into Indiana,**
13 **unless the individual chooses to meet a deadline that is less than**
14 **thirty (30) days after either of those events.**

15 ~~(a)~~ **(b)** The applicant must have at least three thousand (3,000)
16 hours of post-graduate clinical experience over a two (2) year period.
17 The clinical experience must consist of one hundred (100) hours of
18 face to face supervision under the supervision of a licensed mental
19 health counselor or an equivalent supervisor, as determined by the
20 board.

21 ~~(b)~~ **(c)** A doctoral internship may be applied toward the supervised
22 work experience requirement.

23 ~~(c)~~ **(d)** Except as provided in subsection ~~(d)~~; **(e)**, the clinical
24 experience requirement may be met by work performed at or away
25 from the premises of the supervising mental health counselor.

26 ~~(d)~~ **(e)** The clinical work requirement may not be performed away
27 from the supervising mental health counselor's premises if:

- 28 (1) the work is the independent private practice of mental health
29 counseling; and
30 (2) the work is not performed at a place that has the supervision
31 of a licensed mental health counselor or an equivalent supervisor,
32 as determined by the board.

33 **(f) If an individual applies for, takes, and passes the first**
34 **available examination, the individual may not count more than one**
35 **thousand five hundred (1,500) hours of the postdegree clinical**
36 **experience that is:**

- 37 (1) required under subsection **(b)**; and
38 (2) accumulated before taking the examination toward
39 licensure as a mental health counselor.

40 **(g) If an individual does not pass the first available examination,**
41 **the individual may:**

- 42 (1) retain the hours accumulated before taking the

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1 examination;

2 (2) continue working; and

3 (3) not accumulate any additional hours toward licensure as
4 a mental health counselor until passing the examination.

5 (h) If an individual does not take the first available examination,
6 the individual may not begin accumulating any postdegree clinical
7 experience hours toward licensure as a mental health counselor
8 until the individual passes the examination.

9 SECTION 64. IC 25-23.6-8.5-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. An individual who
11 satisfies the requirements of:

12 (1) ~~sections section 1 or 1.5 of this chapter~~; and

13 (2) section 2 of this chapter;

14 may take the examination provided by the board.

15 SECTION 65. IC 25-23.6-8.5-7 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) The board shall
17 issue a license to an ~~individual~~ **applicant as a mental health**
18 **counselor under section 1 of this chapter or a mental health**
19 **counselor associate under section 1.5 of this chapter** who:

20 (1) achieves a passing score, as determined by the board, on the
21 examination provided under this chapter; and

22 (2) is otherwise qualified under this article.

23 (b) **A person issued a license under this section may engage in**
24 **the practice of mental health counseling.**

25 SECTION 66. IC 25-23.6-8.5-8 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) A **mental health**
27 **counselor** license issued by the board is valid for the remainder of the
28 renewal period in effect on the date the ~~certificate~~ **license** was issued.

29 (b) An individual may renew a **mental health counselor** license by:

30 (1) paying a renewal fee on or before the expiration date of the
31 license; and

32 (2) completing at least twenty (20) hours of continuing education
33 per licensure year.

34 (c) If an individual fails to pay a renewal **fee** on or before the
35 expiration date of a **mental health counselor** license, the license
36 becomes invalid.

37 SECTION 67. IC 25-23.6-8.5-8.5 IS ADDED TO THE INDIANA
38 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2010]: **Sec. 8.5. (a) A mental health counselor**
40 **associate license issued by the board is valid for the remainder of**
41 **the renewal period in effect on the date the license was issued.**

42 (b) An individual may renew a **mental health counselor**

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- 1 associate license two (2) times by:
 2 (1) paying a renewal fee on or before the expiration date of
 3 the license; and
 4 (2) completing at least twenty (20) hours of continuing
 5 education per licensure year.

6 (c) The board may renew a mental health counselor associate
 7 license for additional periods based on circumstances determined
 8 by the board.

9 (d) If an individual fails to pay a renewal fee on or before the
 10 expiration date of a mental health counselor associate license, the
 11 license becomes invalid.

12 SECTION 68. IC 25-23.6-8.5-9 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) The board may
 14 reinstate an invalid **mental health counselor** license up to three (3)
 15 years after the expiration date of the license if the individual holding
 16 the invalid license meets the requirements under IC 25-1-8-6.

17 (b) If more than three (3) years have elapsed since the date a **mental**
 18 **health counselor** license expired, the individual holding the license
 19 may reinstate the invalid license by satisfying the requirements for
 20 reinstatement established by the board and meeting the requirements
 21 under IC 25-1-8-6.

22 (c) The board may reinstate an invalid mental health counselor
 23 associate license up to one (1) year after the expiration date of the
 24 license if the individual holding the invalid license meets the
 25 requirements under IC 25-1-8-6. A mental health counselor
 26 associate license that has been expired for more than one (1) year
 27 may not be reinstated under IC 25-1-8-6.

28 SECTION 69. IC 25-23.6-8.5-13 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) An individual who, before
 31 July 1, 2010, receives a master's or doctoral degree described in
 32 IC 25-23.6-8.5-1(1)(A) or IC 25-23.6-8.5-1.5(1)(A) and who seeks
 33 licensure under IC 25-23.6-8.5 may do either of the following:

- 34 (1) Seek a mental health counselor associate license by:
 35 (A) applying for a mental health counselor associate license
 36 under IC 25-23.6-8.5 if the individual meets the
 37 requirements under IC 25-23.6-8.5; and
 38 (B) taking the required examination.

39 Notwithstanding IC 25-23.6-8.5-4(f), any postdegree clinical
 40 experience that the individual obtained before July 1, 2010,
 41 counts toward the requirements of IC 25-23.6-8.5.

- 42 (2) Seek a mental health counselor license by applying for a

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1 **mental health counselor license under IC 25-23.6-8.5, if the**
 2 **individual meets the requirements under IC 25-23.6-8.5.**
 3 **(b) This SECTION expires June 30, 2015.**
 4 SECTION 70. IC 25-26-13-4.3 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2010]: **Sec. 4.3. (a) Any rules adopted by the**
 7 **controlled substances advisory committee (IC 35-48-2-1 (before its**
 8 **abolishment)) before July 1, 2010, shall be treated as rules of the**
 9 **Indiana board of pharmacy (IC 25-26).**
 10 **(b) This section expires July 1, 2015.**
 11 SECTION 71. IC 25-34.1-6-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2. (a) A person who:**
 13 (1) performs the acts of a salesperson without a salesperson
 14 license;
 15 (2) performs the acts of a broker without a broker license; or
 16 (3) conducts, or solicits or accepts enrollment of students for, a
 17 course as prescribed in IC 25-34.1-3 without course approval;
 18 commits a Class A infraction. Upon conviction for an offense under
 19 this section, the court shall add to any fine imposed the amount of any
 20 fee or other compensation earned in the commission of the offense.
 21 Each transaction constitutes a separate offense.
 22 (b) In all actions for the collection of a fee or other compensation for
 23 performing acts regulated by this article, it must be alleged and proved
 24 that, at the time the cause of action arose, the party seeking relief was
 25 not in violation of this section.
 26 (c) The commission may issue a cease and desist order to prevent
 27 violations of this section:
 28 (1) If the commission determines that a person is violating this
 29 section, or is believed to be violating this section, the commission
 30 may issue an order to that person setting forth the time and place
 31 for a hearing at which the affected person may appear and show
 32 cause as to why the challenged activities are not in violation of
 33 this section.
 34 (2) After an opportunity for hearing, if the commission determines
 35 that the person is violating this section, the commission shall
 36 issue a cease and desist order which shall describe the person and
 37 activities which are the subject of the order.
 38 (3) A cease and desist order issued under this section is
 39 enforceable in the circuit courts of this state.
 40 (d) The attorney general, the commission, or the prosecuting
 41 attorney of any county in which a violation occurs may maintain an
 42 action in the name of the state to enjoin a person from violating this

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1 section.

2 (e) In charging any person in a complaint for an injunction or in
3 affidavit, information, or indictment with the violation of the provisions
4 of this section, it is sufficient, without averring any further or more
5 particular facts, to charge that the person upon a certain day and in a
6 certain county either acted as a real estate broker or salesperson not
7 having a license or conducted, or solicited or accepted enrollment of
8 students for, a broker or salesperson course without course approval.

9 (f) (c) Each enforcement procedure established in this section **and**
10 **IC 25-1-7-14** is supplemental to other enforcement procedures
11 established in this section.

12 SECTION 72. IC 25-34.1-8-12, AS AMENDED BY P.L.3-2008,
13 SECTION 204, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) A person who:

15 (1) performs:

16 (A) the acts of a licensed real estate appraiser without a
17 license; or

18 (B) the acts of a certified real estate appraiser without a
19 certificate; or

20 (2) conducts or solicits or accepts enrollment of students for a
21 course without course approval as required by section 13 of this
22 chapter;

23 commits a Class B infraction. When a judgment is entered for an
24 offense under this section, the court shall add to any fine imposed the
25 amount of any fee or other compensation earned in the commission of
26 the offense. Each transaction constitutes a separate offense.

27 (b) In all actions for the collection of a fee or other compensation for
28 performing acts regulated by this article, a party seeking relief must
29 allege and prove that at the time the cause of action arose the party was
30 not in violation of this section.

31 (c) The attorney general, the board, or the prosecuting attorney of
32 any county in which a violation occurs may maintain an action in the
33 name of the state of Indiana to enjoin a person from violating this
34 section.

35 (d) In charging any person in a complaint for a judgment or an
36 injunction for the violation of this section, it is sufficient, without
37 averring any further or more particular facts, to charge that the person
38 upon a certain day and in a certain county:

39 (1) acted as:

40 (A) a certified real estate appraiser without a certificate; or

41 (B) a licensed real estate appraiser without a license; or

42 (2) conducted, or solicited or accepted enrollment of students for

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1 a real estate appraiser course without course approval.

2 (e) Each enforcement procedure established in this section **and**
3 **IC 25-1-7-14** is supplemental to other enforcement procedures
4 established in this section.

5 SECTION 73. IC 25-39-1.5-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. For the purposes of
7 this article, the occupation of a ~~licensed water well driller~~ **licensee** is
8 a regulated occupation under IC 25-1-7-1.

9 SECTION 74. IC 25-39-1.5-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. For the purposes of
11 licensing a water well ~~drillers~~ **driller and well water pump installer**
12 under IC 25-39-3, the department of natural resources is a "board"
13 under IC 25-1-8-1.

14 SECTION 75. IC 25-39-1.5-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. IC 25-39-3 and
16 IC 25-39-4 do not apply to the following:

17 (1) A person who installs a well that:

18 (A) is for personal use; and

19 (B) is not greater than one and one-fourth (1 1/4) inches inside
20 diameter and not greater than twenty-four (24) feet deep.

21 (2) A plumber who:

22 (A) is licensed under IC 25-28.5;

23 (B) is registered with the department under section 4 of this
24 chapter; and

25 (C) installs wells that are not greater than one and one-fourth
26 (1 1/4) inches inside diameter and not greater than twenty-four
27 (24) feet deep.

28 **(3) A person who installs or repairs a water well pump or**
29 **water well pumping equipment for personal use.**

30 **(4) A person who is working under the direction and personal**
31 **supervision of a person who holds a license.**

32 SECTION 76. IC 25-39-1.5-4 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. A plumber licensed
34 under IC 25-28.5 must register with the department before the plumber
35 installs a well **or well water pump.**

36 SECTION 77. IC 25-39-2-12 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. "License" refers to
38 a water well driller's **and water well pump installer's** license issued
39 by the department under this ~~chapter:~~ **article.**

40 SECTION 78. IC 25-39-2-12.5 IS ADDED TO THE INDIANA
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2010]: **Sec. 12.5. "Licensee" refers to a**

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1 **person who has been issued a water well driller's and water well**
2 **pump installer's license issued by the department under this**
3 **article.**

4 SECTION 79. IC 25-39-2-15.5 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2010]: **Sec. 15.5. "Water well pump**
7 **installer" means a person who installs or repairs water well**
8 **pumps.**

9 SECTION 80. IC 25-39-3-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) An individual
11 may not be a water well driller **or water well pump installer** without
12 a license.

13 (b) The department shall issue a license to each individual who
14 applies and qualifies for a license under this chapter.

15 (c) The license of the licensee operating well drilling equipment **or**
16 **installing a water well pump** shall be carried by the licensee and
17 presented for inspection by a representative of the department upon
18 request.

19 (d) Every license expires on December 31 of the year for which it
20 was issued.

21 SECTION 81. IC 25-39-3-2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) An application
23 for a license must be made on a form prescribed by the commission in
24 rules adopted under IC 4-22-2. The purpose of the form is to identify
25 the applicant and obtain information to determine if the applicant is
26 qualified to be licensed.

27 (b) An application for an original license or a license renewal must
28 be accompanied by a license fee of one hundred dollars (\$100).

29 (c) **Unless an applicant has held an original license for less than**
30 **one (1) year, a license renewal application must be accompanied**
31 **by:**

- 32 (1) **a copy of the continuing education verification of**
- 33 **attendance forms; and**
- 34 (2) **a statement by the applicant attesting that the applicant**
- 35 **has complied with the continuing education requirements**
- 36 **under IC 25-39-6.**

37 SECTION 82. IC 25-39-3-3 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) To qualify for an
39 original license an individual must:

- 40 (1) be at least eighteen (18) years of age;
- 41 (2) furnish evidence from three (3) references, two (2) of whom
- 42 are water well drillers, **water well pump installers**, or licensed

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1 plumbing contractors familiar with the applicant's work
2 experience and professional competency; and

3 (3) have successfully completed a competency examination
4 prepared and administered by the department.

5 (b) The competency examination shall be administered at least two
6 (2) times every calendar year.

7 (c) The fee to take the competency examination shall be set by the
8 director under IC 25-1-8. This fee is nonrefundable and must be paid
9 each time an applicant applies to take the examination.

10 SECTION 83. IC 25-39-3-3.5 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2010]: **Sec. 3.5. (a) Notwithstanding this**
13 **article, an individual, who is not exempt under this article, is not**
14 **required to have a license to install a water well pump until**
15 **January 1, 2011.**

16 (b) **Notwithstanding section 3 of this chapter, the department**
17 **shall issue an original license to an applicant who meets the**
18 **following qualifications:**

19 (1) **Is at least eighteen (18) years of age.**

20 (2) **Furnishes evidence that the applicant has installed water**
21 **well pumps for at least three (3) years.**

22 (3) **Furnishes references from three (3) individuals who are**
23 **licensed under this article and who are familiar with the**
24 **applicant's experience and competency.**

25 (4) **Complies with the requirements under section 2 of this**
26 **chapter.**

27 (c) **This section expires July 1, 2011.**

28 SECTION 84. IC 25-39-3-4 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) In consultation
30 with the Indiana Well Drilling Contractors Association **and the**
31 **Indiana Ground Water Association**, the department shall prepare one
32 (1) or more competency examinations to determine if an applicant for
33 a license is qualified to be a water well driller **and water well pump**
34 **installer.**

35 (b) The competency examination must include questions to
36 determine if the applicant for a license has adequate knowledge and
37 expertise concerning the following:

38 (1) Placement of wells.

39 (2) Well drilling procedures.

40 (3) Operations of well drilling **and water well pump** equipment.

41 (4) Contamination precautions.

42 (5) Installation of well casing **and water well pumps.**

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- 1 (6) Well grouting procedures.
- 2 (7) Well screen design and installation.
- 3 (8) Pitless adapter units.
- 4 (9) Installation of pumping apparatus.
- 5 (10) Well disinfection.
- 6 (11) Sealing abandoned wells.
- 7 (12) Ground water occurrence.
- 8 (13) Aquifer characteristics.
- 9 (14) Drawdown requirements and limitations.
- 10 (15) Depth considerations.
- 11 (16) Methods of measuring well yield.
- 12 (17) The requirements of this chapter and other laws relating to
- 13 wells.
- 14 (18) Other accepted standards relating to the drilling, operation,
- 15 and abandonment of wells **and water well pumps**.

16 SECTION 85. IC 25-39-4-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Each ~~water well~~
 18 ~~driller licensee~~ shall keep accurate records for each well drilled. The
 19 record for each well must contain the following information:

- 20 (1) The location of the well.
- 21 (2) The depth and diameter of the well.
- 22 (3) The date the contractor completed the well.
- 23 (4) The character and thickness of materials or formations drilled.
- 24 (5) The static water level and performance data of the well.
- 25 (6) Any other information required by rule.

26 (b) Each ~~water well driller licensee~~ shall, within thirty (30) days
 27 after the completion of a well, forward a copy of the record of the well
 28 to the department on forms prescribed or approved by the department.

29 SECTION 86. IC 25-39-4-2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The commission
 31 shall, by rule, establish standards for well siting, construction, and
 32 operation. The standards must address the following:

- 33 (1) Placement of wells.
- 34 (2) Well drilling procedures.
- 35 (3) Operation of well drilling **and water well pump** equipment.
- 36 (4) Contamination precautions.
- 37 (5) Well casing **and water well pump** specification and
- 38 installation.
- 39 (6) Well grouting procedures.
- 40 (7) Well screen design and installation.
- 41 (8) Pitless adapter units.
- 42 (9) Installation of pumping apparatus.

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- 1 (10) Well disinfection techniques.
- 2 (11) Sealing and plugging abandoned wells.
- 3 (12) Other generally accepted standards relating to the drilling,
- 4 operation, or abandonment of wells.

5 (b) A well that is drilled after December 31, 1987, must be drilled
6 in compliance with the rules adopted under this section.

7 SECTION 87. IC 25-39-4-7 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Under
9 IC 4-21.5-3-6, the director may suspend or revoke the license of a
10 ~~water well driller licensee~~ who has done any of the following:

- 11 (1) Acted as a ~~well driller licensee~~ without a license in violation
- 12 of this article.
- 13 (2) Secured a license through error or fraud.
- 14 (3) Failed to comply with any of the requirements of sections 1,
- 15 2, 4, 5, and 6 of this chapter.

16 (b) Under IC 4-21.5-3-5, the director may refuse to grant, renew, or
17 restore a license to a person who has done any of the following:

- 18 (1) Acted as a ~~well driller licensee~~ without a license in violation
- 19 of this article.
- 20 (2) Secured a license through error or fraud.
- 21 (3) Failed to comply with any of the requirements of sections 1,
- 22 2, 4, 5, and 6 of this chapter.

23 SECTION 88. IC 25-39-4-8 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The department
25 may initiate injunctive proceedings in the appropriate court against a
26 person who acts as a ~~water well driller licensee~~ without a license or
27 while the person's license is suspended. The department may not be
28 compelled to give bond in such a cause.

29 (b) After an action has been filed and notice has been given, all
30 matters involved in the action shall be held in abeyance until the action
31 has been tried and determined.

32 (c) If a defendant continues to violate this article after notice of the
33 action has been given but before trial and determination, the
34 department may, upon a verified showing of those acts of the
35 defendant, obtain a temporary restraining order without notice. The
36 order is effective until the cause has been tried and determined.

37 SECTION 89. IC 25-39-4-10 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. Upon written
39 application by the owner of a well or the ~~water well driller,~~ licensee,
40 the department shall keep the record of a well confidential for a period
41 of one (1) year, and that record is not considered to be a public record.

42 SECTION 90. IC 25-39-6 IS ADDED TO THE INDIANA CODE

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1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2010]:

3 **Chapter 6. Continuing Education**

4 **Sec. 1. Except as provided in section 6 of this chapter, a licensee**
5 **who has held a license for at least one (1) calender year shall**
6 **complete six (6) actual hours of continuing education before**
7 **December 31 of each even-numbered year.**

8 **Sec. 2. A licensee shall retain the following for each continuing**
9 **education course the individual attends:**

10 **(1) A record of:**

11 **(A) the number of hours the individual spent in the**
12 **continuing education course;**

13 **(B) the name of the person or organization presenting the**
14 **continuing education course;**

15 **(C) the date, location, and title of the continuing education**
16 **course; and**

17 **(D) the number of hours of continuing education awarded**
18 **for the course.**

19 **(2) Verification that the individual attended the course.**

20 **The records and verification of attendance must be retained for**
21 **three (3) years after the individual attends a continuing education**
22 **course.**

23 **Sec. 3. (a) An institution, organization, governmental agency, or**
24 **individual that wishes to offer continuing education courses for the**
25 **purposes of this chapter must apply in writing to the department**
26 **for approval of each course. An application for approval of a**
27 **course must be received by the department not less than thirty (30)**
28 **days before the course is offered. The department shall approve or**
29 **deny an application for approval of a continuing education course**
30 **not more than ten (10) business days after receiving the**
31 **application.**

32 **(b) An application must include the following information:**

33 **(1) The title of the course and subjects that will be presented.**

34 **(2) The name of the person or organization presenting the**
35 **continuing education course.**

36 **(3) The date, location, and title of the continuing education**
37 **course.**

38 **(4) The number of hours of continuing education to be**
39 **offered.**

40 **(5) Course outlines for the subjects to be offered.**

41 **(6) The fee to be charged for each course.**

42 **(7) Any other information requested by the department.**

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1 (c) The department may approve an application for approval of
 2 a continuing education course that addresses one (1) of the
 3 following topics:
 4 (1) Water well construction.
 5 (2) Pump installation and repair.
 6 (3) Grouting.
 7 (4) Water sample collection and sampling.
 8 (5) Contamination of water supplies.
 9 (6) Other topics the department determines to be relevant for
 10 the continued improvement of the knowledge of a license
 11 holder.

12 Sec. 4. An institution, organization, governmental agency, or
 13 individual that has been approved to offer a continuing education
 14 course for the purposes of this chapter shall submit to the
 15 department not more than forty-five (45) days after the course has
 16 been completed a typed listing of the following information:

- 17 (1) The name of each individual who attended the course,
 18 including each individual's license number.
- 19 (2) The title of the course.
- 20 (3) The name of the person or organization presenting the
 21 continuing education course.
- 22 (4) The date, location, and title of the continuing education
 23 course.
- 24 (5) The number of hours of continuing education each
 25 individual received.

26 Sec. 5. The department shall maintain and make available to the
 27 public a list of future continuing education courses that will satisfy
 28 the continuing education requirements of this article.

29 Sec. 6. A licensee may apply in writing to the department for a
 30 waiver or modification of the continuing education requirements
 31 applying to the licensee under this article if the licensee:

- 32 (1) establishes that an emergency existed during the period for
 33 which the continuing education was required;
- 34 (2) has had an incapacitating illness verified by the applicant
 35 and a licensed physician; or
- 36 (3) was prevented from completing the continuing education
 37 requirement because of active military duty during the period
 38 for which the continuing education was required.

39 Sec. 7. The department may enter into a contract with the
 40 Indiana Ground Water Association to administer this chapter.

41 SECTION 91. IC 34-30-2-152.5, AS ADDED BY P.L.65-2006,
 42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2010]: Sec. 152.5. (a) IC 35-48-7-11.1(m) (Concerning
2 providing information to or obtaining information from the Indiana
3 scheduled prescription electronic collection and tracking program).

4 **(b) IC 35-48-7-11.1(n) (Concerning providing information to a**
5 **law enforcement agency based on a report from the Indiana**
6 **scheduled prescription electronic collection and tracking program).**

7 SECTION 92. IC 35-48-2-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The board shall
9 administer this article and may recommend to the general assembly the
10 addition, deletion, or rescheduling of all substances listed in the
11 schedules in sections 4, 6, 8, 10, and 12 of this chapter by submitting
12 in an electronic format under IC 5-14-6 a report of such
13 recommendations to the legislative council. In making a determination
14 regarding a substance, the board shall consider the following:

- 15 (1) The actual or relative potential for abuse.
- 16 (2) The scientific evidence of its pharmacological effect, if
- 17 known.
- 18 (3) The state of current scientific knowledge regarding the
- 19 substance.
- 20 (4) The history and current pattern of abuse.
- 21 (5) The scope, duration, and significance of abuse.
- 22 (6) The risk to public health.
- 23 (7) The potential of the substance to produce psychic or
- 24 physiological dependence liability.
- 25 (8) Whether the substance is an immediate precursor of a
- 26 substance already controlled under this article.

27 (b) After considering the factors enumerated in subsection (a), the
28 board shall make findings and recommendations concerning the control
29 of the substance if it finds the substance has a potential for abuse.

30 (c) If the board finds that a substance is an immediate precursor,
31 substances which are precursors of the controlled precursor shall not
32 be subject to control solely because they are precursors of the
33 controlled precursor.

34 (d) If any substance is designated or rescheduled to a more
35 restrictive schedule as a controlled substance under federal law and
36 notice is given to the board, the board shall recommend similar control
37 of the substance under this article in the board's report to the general
38 assembly, unless the board objects to inclusion or rescheduling. In that
39 case, the board shall publish the reasons for objection and afford all
40 interested parties an opportunity to be heard. At the conclusion of the
41 hearing, the board shall publish its findings.

42 (e) If a substance is rescheduled to a less restrictive schedule or

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1 deleted as a controlled substance under federal law, the substance is
2 rescheduled or deleted under this article. If the board objects to
3 inclusion, rescheduling, or deletion of the substance, the board shall
4 notify the chairman of the legislative council not more than thirty (30)
5 days after the federal law is changed and the substance may not be
6 rescheduled or deleted until the conclusion of the next complete
7 session of the general assembly. The notice from the board to the
8 chairman of the legislative council must be published.

9 (f) ~~There is established a sixteen (16) member controlled substances~~
10 ~~advisory committee to serve as a consultative and advising body to the~~
11 ~~board in all matters relating to the classification, reclassification,~~
12 ~~addition to, or deletion from of all substances classified as controlled~~
13 ~~substances in schedules I to IV or substances not controlled or yet to~~
14 ~~come into being. In addition, The advisory committee board shall~~
15 ~~conduct hearings and make recommendations to the board regarding~~
16 ~~revocations, suspensions, and restrictions of registrations as provided~~
17 ~~in IC 35-48-3-4. All hearings shall be conducted in accordance with~~
18 ~~IC 4-21.5-3. The advisory committee shall be made up of:~~

- 19 (1) ~~two (2) physicians licensed under IC 25-22.5, one (1) to be~~
20 ~~elected by the medical licensing board of Indiana from among its~~
21 ~~members and one (1) to be appointed by the governor;~~
- 22 (2) ~~two (2) pharmacists, one (1) to be elected by the state board~~
23 ~~of pharmacy from among its members and one (1) to be appointed~~
24 ~~by the governor;~~
- 25 (3) ~~two (2) dentists, one (1) to be elected by the state board of~~
26 ~~dentistry from among its members and one (1) to be appointed by~~
27 ~~the governor;~~
- 28 (4) ~~the state toxicologist or the designee of the state toxicologist;~~
- 29 (5) ~~two (2) veterinarians, one (1) to be elected by the state board~~
30 ~~of veterinary medical examiners from among its members and one~~
31 ~~(1) to be appointed by the governor;~~
- 32 (6) ~~one (1) podiatrist to be elected by the board of podiatric~~
33 ~~medicine from among its members;~~
- 34 (7) ~~one (1) advanced practice nurse with authority to prescribe~~
35 ~~legend drugs as provided by IC 25-23-1-19.5 who is:~~
 - 36 (A) ~~elected by the state board of nursing from among the~~
37 ~~board's members; or~~
 - 38 (B) ~~if a board member does not meet the requirements under~~
39 ~~IC 25-23-1-19.5 at the time of the vacancy on the advisory~~
40 ~~committee; appointed by the governor;~~
- 41 (8) ~~the superintendent of the state police department or the~~
42 ~~superintendent's designee;~~

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1 ~~(9)~~ three ~~(3)~~ members appointed by the governor who have
 2 demonstrated expertise concerning controlled substances; and
 3 ~~(10)~~ one ~~(1)~~ member appointed by the governor who is a
 4 psychiatrist with expertise in child and adolescent psychiatry.

5 ~~(g)~~ All members of the advisory committee elected by a board shall
 6 serve a term of one ~~(1)~~ year and all members of the advisory committee
 7 appointed by the governor shall serve a term of four ~~(4)~~ years. Any
 8 elected or appointed member of the advisory committee, may be
 9 removed for cause by the authority electing or appointing the member.
 10 If a vacancy occurs on the advisory committee, the authority electing
 11 or appointing the vacating member shall elect or appoint a successor to
 12 serve the unexpired term of the vacating member. The board shall
 13 acquire the recommendations of the advisory committee pursuant to
 14 administration over the controlled substances to be or not to be
 15 included in schedules I to V; especially in the implementation of
 16 scheduled substances changes as provided in subsection ~~(d)~~.

17 ~~(h)~~ ~~(g)~~ Authority to control under this section does not extend to
 18 distilled spirits, wine, or malt beverages, as those terms are defined or
 19 used in IC 7.1, or to tobacco.

20 ~~(i)~~ ~~(h)~~ The board shall exclude any nonnarcotic substance from a
 21 schedule if that substance may, under the Federal Food, Drug, and
 22 Cosmetic Act or state law, be sold over the counter without a
 23 prescription.

24 SECTION 93. IC 35-48-3-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) Any humane
 26 society, animal control agency, or governmental entity operating an
 27 animal shelter or other animal impounding facility is entitled to receive
 28 a limited permit only for the purpose of buying, possessing, and using:

- 29 (1) sodium pentobarbital to euthanize injured, sick, homeless, or
 30 unwanted domestic pets and animals;
- 31 (2) ketamine and ketamine products to anesthetize or immobilize
 32 fractious domestic pets and animals; and
- 33 (3) a combination product containing tiletamine and zolazepam as
 34 an agent for the remote chemical capture of domestic pets or
 35 animals that otherwise cannot be restrained or captured.

36 (b) A humane society, animal control agency, or governmental
 37 entity entitled to receive a permit under this chapter must:

- 38 (1) apply to the board according to the rules established by the
 39 board;
- 40 (2) pay annually to the board a fee set by the board for the limited
 41 permit; and
- 42 (3) submit proof, as determined by the board, that the employees

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1 of an applicant who will handle a controlled substance are
2 sufficiently trained to use and administer the controlled substance.

3 (c) All fees collected by the board under this section shall be
4 credited to the state board of pharmacy account.

5 (d) Storage, handling, and use of controlled substances obtained
6 according to this section are subject to the rules adopted by the board.

7 **(e) Before issuing a permit under this section, the board may**
8 **consult with the board of veterinary medical examiners.**

9 SECTION 94. IC 35-48-3-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. ~~Registration.~~ (a) The
11 board shall register an applicant to manufacture or distribute controlled
12 substances unless it determines that the issuance of that registration
13 would be inconsistent with the public interest. In determining the
14 public interest, the board shall consider:

15 (1) maintenance of effective controls against diversion of
16 controlled substances into other than legitimate medical,
17 scientific, or industrial channels;

18 (2) compliance with applicable state and local law;

19 (3) any convictions of the applicant under any federal and state
20 laws relating to any controlled substance;

21 (4) past experience in the manufacture or distribution of
22 controlled substances, and the existence in the applicant's
23 establishment of effective controls against diversion;

24 (5) furnishing by the applicant of false or fraudulent material in
25 any application filed under this article;

26 (6) suspension or revocation of the applicant's federal registration
27 to manufacture, distribute, or dispense controlled substances as
28 authorized by federal law; and

29 (7) any other factors relevant to and consistent with the public
30 health and safety.

31 (b) Registration under subsection (a) of this section does not entitle
32 a registrant to manufacture and distribute controlled substances in
33 schedules I or II other than those specified in the registration.

34 (c) Practitioners must be registered to dispense any controlled
35 substances or to conduct research with controlled substances in
36 schedules II through V if they are authorized to dispense or conduct
37 research under the law of this state. The board need not require
38 separate registration under this chapter for practitioners engaging in
39 research with nonnarcotic controlled substances in schedules II through
40 V where the registrant is already registered under this chapter in
41 another capacity, to the extent authorized by his registration in that
42 other capacity.

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1 (d) Registration to conduct research or instructional activities with
2 controlled substances in schedules I through V does not entitle a
3 registrant to conduct research or instructional activities with controlled
4 substances other than those approved by the ~~controlled substances~~
5 ~~advisory committee board~~ in accordance with the registration.

6 (e) **The board may consult with the board of veterinary medical**
7 **examiners before issuing a registration to a person:**

8 (1) **who seeks to conduct research or instructional activities**
9 **with controlled substances in schedules I through IV; and**

10 (2) **whose activities constitute the practice of veterinary**
11 **medicine (as defined by IC 25-38.1-1-12).**

12 (f) Compliance by manufacturers and distributors with the
13 provisions of the federal law respecting registration (excluding fees)
14 entitles them to be registered under this article.

15 SECTION 95. IC 35-48-3-5, AS AMENDED BY P.L.197-2007,
16 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2010]: Sec. 5. (a) An application for registration or
18 reregistration submitted pursuant to and a registration issued under
19 section 3 of this chapter to manufacture, distribute, or dispense a
20 controlled substance may be denied, suspended, or revoked by the
21 board upon a finding ~~by the advisory committee~~ that the applicant or
22 registrant:

23 (1) has furnished false or fraudulent material information in any
24 application filed under this article;

25 (2) has violated any state or federal law relating to any controlled
26 substance;

27 (3) has had ~~his~~ **the applicant's or registrant's** federal registration
28 suspended or revoked to manufacture, distribute, or dispense
29 controlled substances; or

30 (4) has failed to maintain reasonable controls against diversion of
31 controlled substances into other than legitimate medical,
32 scientific, or industrial channels.

33 (b) The board may limit revocation or suspension of a registration
34 or the denial of an application for registration or reregistration to the
35 particular controlled substance with respect to which grounds for
36 revocation, suspension, or denial exist.

37 (c) If the board suspends or revokes a registration or denies a
38 application for reregistration, all controlled substances owned or
39 possessed by the registrant at the time of suspension or the effective
40 date of the revocation or denial order may be placed under seal. The
41 board may require the removal of such substances from the premises.
42 No disposition may be made of substances under seal until the time for

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1 taking an appeal has elapsed or until all appeals have been concluded
 2 unless a court, upon application therefor, orders the sale of perishable
 3 substances and the deposit of the proceeds of the sale with the court.
 4 Upon a revocation or denial order becoming final, all controlled
 5 substances may be forfeited to the state.

6 (d) The board shall promptly notify the drug enforcement
 7 administration of all orders suspending or revoking registration, all
 8 orders denying any application for registration or reregistration, and all
 9 forfeitures of controlled substances.

10 (e) If the Drug Enforcement Administration terminates, denies,
 11 suspends, or revokes a federal registration for the manufacture,
 12 distribution, or dispensing of controlled substances, a registration
 13 issued by the board under this chapter is automatically suspended.

14 (f) The board may reinstate a registration that has been suspended
 15 under subsection (e), after a hearing, if the board is satisfied that the
 16 applicant is able to manufacture, distribute, or dispense controlled
 17 substances with reasonable skill and safety to the public. As a condition
 18 of reinstatement, the board may impose disciplinary or corrective
 19 measures authorized under IC 25-1-9-9 or this article.

20 **(g) A registration issued under this chapter is automatically**
 21 **revoked if any state license authorizing a dispenser to act as a**
 22 **practitioner is revoked.**

23 SECTION 96. IC 35-48-3-6 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) Before
 25 recommending a denial, suspension, or revocation of a registration, or
 26 before refusing a renewal of registration, the ~~advisory committee~~ **board**
 27 shall serve upon the applicant or registrant an order to show cause why
 28 registration should not be denied, revoked, or suspended, or why the
 29 renewal should not be denied. The order to show cause shall contain a
 30 statement of the basis therefor and shall call upon the applicant or
 31 registrant to appear before the ~~advisory committee~~ **board** at a time and
 32 place not less than thirty (30) days after the date of service of the order,
 33 but in the case of a denial or renewal of registration the show cause
 34 order shall be served not later than thirty (30) days before the
 35 expiration of the registration. These proceedings shall be conducted in
 36 accordance with IC 4-21.5 without regard to any criminal prosecution
 37 or other proceeding. Proceedings to refuse renewal of registration shall
 38 not abate the existing registration, which shall remain in effect pending
 39 the outcome of the administrative hearing.

40 (b) The ~~advisory committee~~ **may recommend suspension, and the**
 41 **board may suspend, without an order to show cause, any registration**
 42 **simultaneously with the institution of proceedings under section 4 of**

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1 this chapter, or where renewal of registration is refused, if it finds that
 2 there is an imminent danger to the public health or safety which
 3 warrants this action. The suspension shall continue in effect until the
 4 conclusion of the proceedings, including judicial review thereof, unless
 5 sooner withdrawn by the board or dissolved by a court of competent
 6 jurisdiction.

7 (c) If an applicant for reregistration (who is doing business under a
 8 registration previously granted and not revoked nor suspended) has
 9 applied for reregistration at least forty-five (45) days before the date on
 10 which the existing registration is due to expire, the existing registration
 11 of the applicant shall automatically be extended and continue in effect
 12 until the date on which the board so issues its order. The board may
 13 extend any other existing registration under the circumstances
 14 contemplated in this section even though the registrant failed to apply
 15 for reregistration at least forty-five (45) days before expiration of the
 16 existing registration, with or without request by the registrant, if the
 17 board finds that such extension is not inconsistent with the public
 18 health and safety.

19 SECTION 97. IC 35-48-7-8.1, AS AMENDED BY
 20 P.L.182-2009(ss), SECTION 399, IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8.1. ~~(a) This section~~
 22 ~~applies after June 30, 2007.~~

23 ~~(b)~~ **(a)** The ~~advisory committee~~ **board** shall provide for a controlled
 24 substance prescription monitoring program that includes the following
 25 components:

26 (1) Each time a controlled substance designated by the ~~advisory~~
 27 ~~committee board~~ under IC 35-48-2-5 through IC 35-48-2-10 is
 28 dispensed, the dispenser shall transmit to the INSPECT program
 29 the following information:

30 (A) The controlled substance recipient's name.

31 (B) The controlled substance recipient's or the recipient
 32 representative's identification number or the identification
 33 number or phrase designated by the INSPECT program.

34 (C) The controlled substance recipient's date of birth.

35 (D) The national drug code number of the controlled substance
 36 dispensed.

37 (E) The date the controlled substance is dispensed.

38 (F) The quantity of the controlled substance dispensed.

39 (G) The number of days of supply dispensed.

40 (H) The dispenser's United States Drug Enforcement Agency
 41 registration number.

42 (I) The prescriber's United States Drug Enforcement Agency

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- 1 registration number.
- 2 (J) An indication as to whether the prescription was
- 3 transmitted to the pharmacist orally or in writing.
- 4 (K) Other data required by the ~~advisory committee~~ **board**.
- 5 (2) The information required to be transmitted under this section
- 6 must be transmitted not more than seven (7) days after the date on
- 7 which a controlled substance is dispensed.
- 8 (3) A dispenser shall transmit the information required under this
- 9 section by:
- 10 (A) uploading to the INSPECT web site;
- 11 (B) a computer diskette; or
- 12 (C) a CD-ROM disk;
- 13 that meets specifications prescribed by the ~~advisory committee~~
- 14 **board**.
- 15 (4) The ~~advisory committee~~ **board** may require that prescriptions
- 16 for controlled substances be written on a one (1) part form that
- 17 cannot be duplicated. However, the ~~advisory committee~~ **board**
- 18 may not apply such a requirement to prescriptions filled at a
- 19 pharmacy with a Type II permit (as described in IC 25-26-13-17)
- 20 and operated by a hospital licensed under IC 16-21, or
- 21 prescriptions ordered for and dispensed to bona fide enrolled
- 22 patients in facilities licensed under IC 16-28. The ~~committee~~
- 23 **board** may not require multiple copy prescription forms for any
- 24 prescriptions written. The ~~advisory committee~~ **board** may not
- 25 require different prescription forms for any individual drug or
- 26 group of drugs. Prescription forms required under this subdivision
- 27 must be jointly approved by the ~~committee~~ and by the Indiana
- 28 board of pharmacy established by IC 25-26-13-3.
- 29 (5) The costs of the program.
- 30 **(b) This subsection applies only to a retail pharmacy. A**
- 31 **pharmacist, pharmacy technician, or person authorized by a**
- 32 **pharmacist to dispense a controlled substance may not dispense a**
- 33 **controlled substance to a person who is not personally known to**
- 34 **the pharmacist, pharmacy technician, or person authorized by a**
- 35 **pharmacist to dispense a controlled substance unless the person**
- 36 **taking possession of the controlled substance provides documented**
- 37 **proof of the person's identification to the pharmacist, pharmacy**
- 38 **technician, or person authorized by a pharmacist to dispense a**
- 39 **controlled substance.**
- 40 SECTION 98. IC 35-48-7-10.1, AS ADDED BY P.L.65-2006,
- 41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2010]: Sec. 10.1. ~~(a) This section applies after June 30, 2007.~~

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- 1 **(b) (a)** The INSPECT program must do the following:
- 2 (1) Create a data base for information required to be transmitted
- 3 under section 8.1 of this chapter in the form required under rules
- 4 adopted by the ~~advisory committee~~, **board**, including search
- 5 capability for the following:
- 6 (A) A controlled substance recipient's name.
- 7 (B) A controlled substance recipient's or recipient
- 8 representative's identification number.
- 9 (C) A controlled substance recipient's date of birth.
- 10 (D) The national drug code number of a controlled substance
- 11 dispensed.
- 12 (E) The dates a controlled substance is dispensed.
- 13 (F) The quantities of a controlled substance dispensed.
- 14 (G) The number of days of supply dispensed.
- 15 (H) A dispenser's United States Drug Enforcement Agency
- 16 registration number.
- 17 (I) A prescriber's United States Drug Enforcement Agency
- 18 registration number.
- 19 (J) Whether a prescription was transmitted to the pharmacist
- 20 orally or in writing.
- 21 **(K) A controlled substance recipient's method of payment**
- 22 **for the controlled substance dispensed.**
- 23 (2) Provide the ~~advisory committee~~ **board** with continuing
- 24 twenty-four (24) hour a day online access to the data base.
- 25 (3) Secure the information collected and the data base maintained
- 26 against access by unauthorized persons.
- 27 **(c) (b)** The ~~advisory committee~~ **board** may execute a contract with
- 28 a vendor designated by the ~~advisory committee~~ **board** to perform any
- 29 function associated with the administration of the INSPECT program.
- 30 **(d) (c)** The INSPECT program may gather prescription data from
- 31 the Medicaid retrospective drug utilization review (DUR) program
- 32 established under IC 12-15-35.
- 33 **(e) (d)** The ~~advisory committee~~ **board** may accept and designate
- 34 grants, public and private financial assistance, and licensure fees to
- 35 provide funding for the INSPECT program.
- 36 SECTION 99. IC 35-48-7-11.1, AS ADDED BY P.L.65-2006,
- 37 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2010]: Sec. 11.1. ~~(a) This section applies after June 30, 2007.~~
- 39 **(b) (a)** Information received by the INSPECT program under section
- 40 8.1 of this chapter is confidential.
- 41 **(c) (b)** The ~~advisory committee~~ **board** shall carry out a program to
- 42 protect the confidentiality of the information described in subsection

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1 ~~(b)~~ **(a)**. The ~~advisory committee board~~ may disclose the information
2 to another person only under subsection **(c)**, **(d)**, ~~(e)~~, or ~~(h)~~ **(g)**.
3 ~~(d)~~ **(c)** The ~~advisory committee board~~ may disclose confidential
4 information described in subsection ~~(b)~~ **(a)** to any person who is
5 authorized to engage in receiving, processing, or storing the
6 information.
7 ~~(e)~~ **(d)** Except as provided in subsections **(e)** and **(f)**, and ~~(g)~~, the
8 ~~advisory committee board~~ may release confidential information
9 described in subsection ~~(b)~~ **(a)** to the following persons:
10 (1) A member of the board ~~the advisory committee~~, or another
11 governing body that licenses practitioners and is engaged in a
12 investigation, an adjudication, or a prosecution of a violation
13 under any state or federal law that involves a controlled
14 substance.
15 (2) An investigator for the consumer protection division of the
16 office of the attorney general, a prosecuting attorney, the attorney
17 general, a deputy attorney general, or an investigator from the
18 office of the attorney general, who is engaged in:
19 (A) an investigation;
20 (B) an adjudication; or
21 (C) a prosecution;
22 of a violation under any state or federal law that involves a
23 controlled substance.
24 (3) A law enforcement officer who is an employee of:
25 (A) a local, state, or federal law enforcement agency; or
26 (B) an entity that regulates controlled substances or enforces
27 controlled substances rules or laws in another state;
28 that is certified to receive information from the INSPECT
29 program.
30 (4) A practitioner or practitioner's agent certified to receive
31 information from the INSPECT program.
32 (5) A controlled substance monitoring program in another state
33 with which Indiana has established an interoperability agreement.
34 **(6) The state toxicologist.**
35 **(7) A certified representative of the Medicaid retrospective**
36 **and prospective drug utilization review program.**
37 **(8) A substance abuse assistance program for a licensed health**
38 **care provider who:**
39 **(A) has prescriptive authority under IC 25; and**
40 **(B) is participating in the assistance program.**
41 ~~(f)~~ **(e)** Information provided to an individual under:
42 (1) subsection ~~(e)~~~~(3)~~ **(d)****(3)** is limited to information:

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1 (A) concerning an individual or proceeding involving the
 2 unlawful diversion or misuse of a schedule II, III, IV, or V
 3 controlled substance; and
 4 (B) that will assist in an investigation or proceeding; and
 5 (2) subsection ~~(c)~~(4) **(d)(4)** may be released only for the purpose
 6 of:

7 (A) providing medical or pharmaceutical treatment; or
 8 (B) evaluating the need for providing medical or
 9 pharmaceutical treatment to a patient.

10 ~~(g)~~ **(f)** Before the ~~advisory committee~~ **board** releases confidential
 11 information under subsection ~~(c)~~; **(d)**, the applicant must be approved
 12 by the INSPECT program in a manner prescribed by the ~~advisory~~
 13 ~~committee:~~ **board**.

14 ~~(h)~~ **(g)** The ~~advisory committee~~ **board** may release to:
 15 (1) a member of the board ~~the advisory committee~~; or another
 16 governing body that licenses practitioners;
 17 (2) an investigator for the consumer protection division of the
 18 office of the attorney general, a prosecuting attorney, the attorney
 19 general, a deputy attorney general, or an investigator from the
 20 office of the attorney general; or
 21 (3) a law enforcement officer who is:
 22 (A) authorized by the state police department to receive the
 23 type of information released; and
 24 (B) approved by the ~~advisory committee~~ **board** to receive the
 25 type of information released;

26 confidential information generated from computer records that
 27 identifies practitioners who are prescribing or dispensing large
 28 quantities of a controlled substance.

29 ~~(i)~~ **(h)** The information described in subsection ~~(h)~~ **(g)** may not be
 30 released until it has been reviewed by:

31 (1) a member of the ~~advisory committee~~ **board** who is licensed in
 32 the same profession as the prescribing or dispensing practitioner
 33 identified by the data; or
 34 (2) the ~~advisory committee's~~ **board's** designee;

35 and until that member or the designee has certified that further
 36 investigation is warranted. However, failure to comply with this
 37 subsection does not invalidate the use of any evidence that is otherwise
 38 admissible in a proceeding described in subsection ~~(j)~~: **(i)**.

39 ~~(j)~~ **(i)** An investigator or a law enforcement officer receiving
 40 confidential information under subsection **(c)**, **(d)**, ~~(c)~~; or ~~(h)~~ **(g)** may
 41 disclose the information to a law enforcement officer or an attorney for
 42 the office of the attorney general for use as evidence in the following:

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- 1 (1) A proceeding under IC 16-42-20.
- 2 (2) A proceeding under any state or federal law that involves a
- 3 controlled substance.
- 4 (3) A criminal proceeding or a proceeding in juvenile court that
- 5 involves a controlled substance.

6 ~~(k)~~ **(j)** The ~~advisory committee board~~ may compile statistical
 7 reports from the information described in subsection ~~(b)~~: **(a)**. The
 8 reports must not include information that identifies any practitioner,
 9 ultimate user, or other person administering a controlled substance.
 10 Statistical reports compiled under this subsection are public records.

11 ~~(h)~~ **(k)** This section may not be construed to require a practitioner to
 12 obtain information about a patient from the data base.

13 ~~(m)~~ **(l)** A practitioner is immune from civil liability for an injury,
 14 death, or loss to a person solely due to a practitioner seeking or not
 15 seeking information from the INSPECT program. The civil immunity
 16 described in this subsection does not extend to a practitioner if the
 17 practitioner receives information directly from the INSPECT program
 18 and then negligently misuses this information. This subsection does not
 19 apply to an act or omission that is a result of gross negligence or
 20 intentional misconduct.

21 ~~(n)~~ **(m)** The ~~advisory committee board~~ may review the records of
 22 the INSPECT program. If the ~~advisory committee board~~ determines
 23 that a violation of the law may have occurred, the ~~advisory committee~~
 24 ~~board~~ shall notify the appropriate law enforcement agency or the
 25 relevant government body responsible for the licensure, regulation, or
 26 discipline of practitioners authorized by law to prescribe controlled
 27 substances.

28 **(n) A practitioner who in good faith discloses information based**
 29 **on a report from the INSPECT program to a law enforcement**
 30 **agency is immune from criminal or civil liability. A practitioner**
 31 **that discloses information to a law enforcement agency under this**
 32 **subsection is presumed to have acted in good faith.**

33 SECTION 100. IC 35-48-7-11.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2010]: **Sec. 11.5. (a) Each board of a health**
 36 **care provider that prescribes or dispenses prescription drugs shall**
 37 **do the following:**

- 38 (1) Establish prescribing norms and dispensing guidelines for
- 39 the unsolicited dissemination of exception reports under
- 40 section 11.1(d) of this chapter.
- 41 (2) Provide the information determined in subdivision (1) to
- 42 the board.

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(b) The exception reports that are disseminated based on the prescribing norms and dispensing guidelines established under subsection (a) must comply with the following requirements:

(1) A report of prescriptive activity of a practitioner to the practitioner's professional licensing board designee when the practitioner deviates from the dispensing guidelines or the prescribing norms for the prescribing of a controlled substance within a particular drug class.

(2) A reporting of recipient activity to the practitioners who prescribed or dispensed the controlled substance when the recipient deviates from the dispensing guidelines of a controlled substance within a particular drug class.

(c) The board designee may, at the designee's discretion, forward the exception report under subsection (b)(2) to only the following for purposes of an investigation:

(1) A law enforcement agency.

(2) The attorney general.

SECTION 101. IC 35-48-7-12.1, AS ADDED BY P.L.65-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12.1. ~~(a) This section applies after June 30, 2007.~~

~~(b)~~ **(a) The advisory committee board** shall adopt rules under IC 4-22-2 to implement this chapter, including the following:

(1) Information collection and retrieval procedures for the INSPECT program, including the controlled substances to be included in the program required under section 8.1 of this chapter.

(2) Design for the creation of the data base required under section 10.1 of this chapter.

(3) Requirements for the development and installation of online electronic access by the advisory committee board to information collected by the INSPECT program.

(4) Identification of emergency situations or other circumstances in which a practitioner may prescribe, dispense, and administer a prescription drug specified in section 8.1 of this chapter without a written prescription or on a form other than a form specified in section ~~8.1(b)(4)~~ **8.1(4) of this chapter.**

~~(c)~~ **(b) The advisory committee board** may:

(1) set standards for education courses for individuals authorized to use the INSPECT program;

(2) identify treatment programs for individuals addicted to controlled substances monitored by the INSPECT program; and

(3) work with impaired practitioner associations to provide intervention and treatment.

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1 SECTION 102. THE FOLLOWING ARE REPEALED
2 [EFFECTIVE JULY 1, 2010]: IC 25-7; IC 25-8-3-3; IC 25-8-3-4;
3 IC 25-20.5-1; IC 25-32-1; IC 35-48-1-4; IC 35-48-2-1.5; IC 35-48-7-1.

4 SECTION 103. [EFFECTIVE JULY 1, 2010] (a) The definitions
5 in IC 25-8, as amended by this act, apply to this SECTION.

6 (b) Any license by the:

7 (1) state board of barber examiners (IC 25-7-5-1 (before its
8 repeal by this act)); or

9 (2) state board of cosmetology examiners (IC 25-8-3-1);
10 as effective on June 30, 2010, and before July 1, 2010, shall be
11 treated after June 30, 2010, as if the license had been issued by the
12 state board of cosmetology and barber examiners under
13 IC 25-8-3-1, as amended by this act.

14 (c) On July 1, 2010, all the powers, duties, orders, and liabilities
15 of the:

16 (1) state board of barber examiners (IC 25-7-5-1 (before its
17 repeal by this act)); or

18 (2) state board of cosmetology examiners (IC 25-8-3-1);
19 concerning the examination, licensing, and disciplining of a person
20 licensed or an applicant applying for a license under IC 25-7
21 (before its repeal by this act) or IC 25-8, as amended by this act,
22 are transferred to the state board of cosmetology and barber
23 examiners under IC 25-8-3-1, as amended by this act.

24 (d) On July 1, 2010, the property and records of the:

25 (1) state board of barber examiners (IC 25-7-5-1 (before its
26 repeal by this act)); or

27 (2) state board of cosmetology examiners (IC 25-8-3-1);
28 concerning the examination, licensing, and disciplining of a person
29 licensed or an applicant applying for a license under IC 25-7
30 (before its repeal by this act) or IC 25-8, as amended by this act,
31 are transferred to the state board of cosmetology and barber
32 examiners under IC 25-8-3-1, as amended by this act.

33 (e) Any rules adopted by the:

34 (1) state board of barber examiners (IC 25-7-5-1 (before its
35 repeal by this act)); or

36 (2) state board of cosmetology examiners (IC 25-8-3-1); and
37 in effect on June 30, 2010, shall be treated as rules of the state
38 board of cosmetology and barber examiners on July 1, 2010.

39 (f) Notwithstanding IC 25-8-3-7, the initial terms of office of the
40 members of the board appointed under IC 25-8-3-5 (as amended by
41 this act) are as follows:

42 (1) One (1) member appointed under IC 25-8-3-5(b)(1), as

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1 amended by this act, and one (1) member appointed under
2 IC 25-8-3-5(b)(2), as amended by this act, three (3) years.

3 (2) One (1) member appointed under IC 25-8-3-5(b)(2), as
4 amended by this act, one (1) member appointed under
5 IC 25-8-3-5(b)(3), as amended by this act, and one (1) member
6 appointed under IC 25-8-3-5(b)(4), as amended by this act,
7 two (2) years.

8 (3) One (1) member appointed under IC 25-8-3-5(b)(1), as
9 amended by this act, and one (1) member appointed under
10 IC 25-8-3-5(b)(5), as amended by this act, one (1) year.

11 The governor shall specify the terms of the cosmetologist and
12 barber members described in subdivisions (1), (2), and (3) when
13 making the initial appointments.

14 (g) The initial terms of the appointed members begin July 1,
15 2010.

16 (h) This SECTION expires July 1, 2015.

17 SECTION 104. [EFFECTIVE JULY 1, 2010] (a) Any license
18 issued by the controlled substances advisory committee before its
19 abolishment and effective on June 30, 2010, and before July 1,
20 2010, shall be treated after June 30, 2010, as if the license had been
21 issued by the Indiana board of pharmacy (IC 25-26).

22 (b) On July 1, 2010, the powers, duties, orders, liabilities,
23 property, and records of the controlled substances advisory
24 committee, before its abolishment, concerning the investigation,
25 licensing, and disciplining of a person licensed or an applicant
26 applying for a license under IC 35-48, as amended by this act, are
27 transferred to the Indiana board of pharmacy (IC 25-26).

28 (c) This SECTION expires July 1, 2015.

29 SECTION 105. [EFFECTIVE JULY 1, 2010] (a) Before November
30 1, 2010, the health finance commission established by IC 2-5-23-3
31 shall study and make recommendations concerning whether a
32 paramedic board should be established to license paramedics
33 instead of paramedics being certified by the emergency medical
34 services commission.

35 (b) This SECTION expires December 1, 2010.

36 SECTION 106. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 356, 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 1, delete lines 1 through 15.

Delete pages 2 through 3.

Page 4, delete lines 1 through 24.

Page 8, delete lines 3 through 42, begin a new paragraph and insert:
 "SECTION 7. IC 25-1-2-6, AS AMENDED BY P.L.122-2009, SECTION 1, AND AS AMENDED BY P.L.160-2009, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: 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) (5) State board of cosmetology and barber examiners.~~
- ~~(7) (6) Medical licensing board of Indiana.~~
- ~~(8) (7) Secretary of state.~~
- ~~(9) (8) State board of dentistry.~~
- ~~(10) (9) State board of funeral and cemetery service.~~
- ~~(11) (10) Worker's compensation board of Indiana.~~
- ~~(12) (11) Indiana state board of health facility administrators.~~
- ~~(13) (12) Committee of hearing aid dealer examiners.~~
- ~~(14) (13) Indiana state board of nursing.~~
- ~~(15) (14) Indiana optometry board.~~
- ~~(16) (15) Indiana board of pharmacy.~~
- ~~(17) (16) Indiana plumbing commission.~~
- ~~(18) (17) Board of podiatric medicine.~~
- ~~(19) (18) Private investigator and security guard licensing board.~~
- ~~(20) (19) State board of registration for professional engineers.~~

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- ~~(21)~~ **Board of environmental health specialists.**
- ~~(22)~~ **(20)** State psychology board.
- ~~(23)~~ **(21)** Indiana real estate commission.
- ~~(24)~~ **(22)** Speech-language pathology and audiology board.
- ~~(25)~~ **(23)** Department of natural resources.
- ~~(26)~~ **(24)** State *boxing athletic* commission.
- ~~(27)~~ **(25)** Board of chiropractic examiners.
- ~~(28)~~ **(26)** Mining board.
- ~~(29)~~ **(27)** Indiana board of veterinary medical examiners.
- ~~(30)~~ **(28)** State department of health.
- ~~(31)~~ **(29)** Indiana physical therapy committee.
- ~~(32)~~ **(30)** Respiratory care committee.
- ~~(33)~~ **(31)** Occupational therapy committee.
- ~~(34)~~ *Social worker, marriage and family therapist, and mental health counselor* **(32)** *Behavioral health and human services licensing* board.
- ~~(35)~~ **(33)** Real estate appraiser licensure and certification board.
- ~~(36)~~ **(34)** State board of registration for land surveyors.
- ~~(37)~~ **(35)** Physician assistant committee.
- ~~(38)~~ **(36)** Indiana dietitians certification board.
- ~~(39)~~ **Indiana hypnotist committee.**
- ~~(40)~~ **(37)** Attorney general (only for the regulation of athlete agents).
- ~~(41)~~ **(38)** Manufactured home installer licensing board.
- ~~(42)~~ **(39)** Home inspectors licensing board.
- ~~(43)~~ **(40)** State board of massage therapy.
- ~~(44)~~ **(41)** 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."

Delete pages 9 through 14, begin a new paragraph and insert:

"SECTION 8. IC 25-1-4-0.3, AS AMENDED BY P.L.122-2009, SECTION 2, AND AS AMENDED BY P.L.160-2009, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 0.3. As used in this chapter, "board"

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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 athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- ~~(5) State board of barber examiners (IC 25-7-5-1);~~
- ~~(6) State boxing commission (IC 25-9-1);~~
- ~~(7) (5) Board of chiropractic examiners (IC 25-10-1).~~
- ~~(8) (6) State board of cosmetology and barber examiners (IC 25-8-3-1).~~
- ~~(9) (7) State board of dentistry (IC 25-14-1).~~
- ~~(10) (8) Indiana dietitians certification board (IC 25-14.5-2-1).~~
- ~~(11) (9) State board of registration for professional engineers (IC 25-31-1-3).~~
- ~~(12) Board of environmental health specialists (IC 25-32-1);~~
- ~~(13) (10) State board of funeral and cemetery service (IC 25-15-9).~~
- ~~(14) (11) Indiana state board of health facility administrators (IC 25-19-1).~~
- ~~(15) (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).~~
- ~~(16) (13) Home inspectors licensing board (IC 25-20.2-3-1).~~
- ~~(17) Indiana hypnotist committee (IC 25-20.5-1-7);~~
- ~~(18) (14) State board of registration for land surveyors (IC 25-21.5-2-1).~~
- ~~(19) (15) Manufactured home installer licensing board (IC 25-23.7).~~
- ~~(20) (16) Medical licensing board of Indiana (IC 25-22.5-2).~~
- ~~(21) (17) Indiana state board of nursing (IC 25-23-1).~~
- ~~(22) (18) Occupational therapy committee (IC 25-23.5).~~
- ~~(23) (19) Indiana optometry board (IC 25-24).~~
- ~~(24) (20) Indiana board of pharmacy (IC 25-26).~~
- ~~(25) (21) Indiana physical therapy committee (IC 25-27-1).~~
- ~~(26) (22) Physician assistant committee (IC 25-27.5).~~
- ~~(27) (23) Indiana plumbing commission (IC 25-28.5-1-3).~~
- ~~(28) (24) Board of podiatric medicine (IC 25-29-2-1).~~
- ~~(29) (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).~~
- ~~(30) (26) State psychology board (IC 25-33).~~
- ~~(31) (27) Indiana real estate commission (IC 25-34.1-2).~~
- ~~(32) (28) Real estate appraiser licensure and certification board~~

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(IC 25-34.1-8).

~~(33)~~ **(29)** Respiratory care committee (IC 25-34.5).

~~(34)~~ *Social worker, marriage and family therapist, and mental health counselor* **(30)** Behavioral health and human services licensing board (IC 25-23.6).

~~(35)~~ **(31)** Speech-language pathology and audiology board (IC 25-35.6-2).

~~(36)~~ **(32)** Indiana board of veterinary medical examiners (IC 25-38.1-2).

SECTION 9. IC 25-1-5-3, AS AMENDED BY P.L.122-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) There is established the Indiana professional licensing agency. The 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) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- ~~(9) Board of environmental health specialists (IC 25-32).~~
- ~~(10)~~ **(9)** Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(11)~~ **(10)** State psychology board (IC 25-33).
- ~~(12)~~ **(11)** Indiana board of veterinary medical examiners (IC 25-38.1-2).
- ~~(13) Controlled substances advisory committee (IC 35-48-2-1).~~
- ~~(14)~~ **(12)** Committee of hearing aid dealer examiners (IC 25-20).
- ~~(15)~~ **(13)** Indiana physical therapy committee (IC 25-27).
- ~~(16)~~ **(14)** Respiratory care committee (IC 25-34.5).
- ~~(17)~~ **(15)** Occupational therapy committee (IC 25-23.5).
- ~~(18)~~ **(16)** Behavioral health and human services licensing board (IC 25-23.6).
- ~~(19)~~ **(17)** Physician assistant committee (IC 25-27.5).
- ~~(20)~~ **(18)** Indiana athletic trainers board (IC 25-5.1-2-1).
- ~~(21)~~ **(19)** Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(22) Indiana hypnotist committee (IC 25-20.5-1-7).~~

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

SECTION 10. IC 25-1-5-10, AS AMENDED BY P.L.122-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- ~~(9) Board of environmental health specialists (IC 25-32-1).~~
- ~~(+0)~~ (9) Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(+1)~~ (10) State psychology board (IC 25-33).
- ~~(+2)~~ (11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- ~~(+3)~~ (12) Indiana physical therapy committee (IC 25-27).
- ~~(+4)~~ (13) Respiratory care committee (IC 25-34.5).
- ~~(+5)~~ (14) Occupational therapy committee (IC 25-23.5).
- ~~(+6)~~ (15) Behavioral health and human services licensing board (IC 25-23.6).
- ~~(+7)~~ (16) Physician assistant committee (IC 25-27.5).
- ~~(+8)~~ (17) Indiana athletic trainers board (IC 25-5.1-2-1).
- ~~(+9)~~ (18) Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(20) Indiana hypnotist committee (IC 25-20.5-1-7).~~

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

- (1) The provider's name.
- (2) The provider's license, certification, registration, or permit number.
- (3) The provider's license, certification, registration, or permit type.
- (4) The date the provider's license, certification, registration, or permit was issued.
- (5) The date the provider's license, certification, registration, or

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permit expires.

(6) The current status of the provider's license, certification, registration, or permit.

(7) The provider's city and state of record.

(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The agency may adopt rules under IC 4-22-2 to implement this section.

SECTION 11. IC 25-1-7-1, AS AMENDED BY P.L.1-2009, SECTION 138, AS AMENDED BY P.L.122-2009, SECTION 5, AND AS AMENDED BY P.L.160-2009, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: 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)~~ (4) State *boxing athletic* commission (IC 25-9-1).
- ~~(6)~~ (5) Board of chiropractic examiners (IC 25-10-1).
- ~~(7)~~ (6) State board of cosmetology **and barber** examiners (IC 25-8-3-1).

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- ~~(8)~~ (7) State board of dentistry (IC 25-14-1).
- ~~(9)~~ (8) State board of funeral and cemetery service (IC 25-15-9).
- ~~(10)~~ (9) State board of registration for professional engineers (IC 25-31-1-3).
- ~~(11)~~ (10) Indiana state board of health facility administrators (IC 25-19-1).
- ~~(12)~~ (11) Medical licensing board of Indiana (IC 25-22.5-2).
- ~~(13)~~ (12) Indiana state board of nursing (IC 25-23-1).
- ~~(14)~~ (13) Indiana optometry board (IC 25-24).
- ~~(15)~~ (14) Indiana board of pharmacy (IC 25-26).
- ~~(16)~~ (15) Indiana plumbing commission (IC 25-28.5-1-3).
- ~~(17)~~ (16) Board of podiatric medicine (IC 25-29-2-1).
- ~~(18)~~ Board of environmental health specialists ~~(IC 25-32-1)~~.
- ~~(19)~~ (17) State psychology board (IC 25-33).
- ~~(20)~~ (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(21)~~ (19) Indiana real estate commission (IC 25-34.1-2).
- ~~(22)~~ (20) Indiana board of veterinary medical examiners (IC 25-38.1).
- ~~(23)~~ (21) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- ~~(24)~~ (22) Respiratory care committee (IC 25-34.5).
- ~~(25)~~ (23) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- ~~(26)~~ (24) Occupational therapy committee (IC 25-23.5).
- ~~(27)~~ *Social worker, marriage and family therapist, and mental health counselor* (25) *Behavioral health and human services licensing* board (IC 25-23.6).
- ~~(28)~~ (26) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- ~~(29)~~ (27) State board of registration for land surveyors (IC 25-21.5-2-1).
- ~~(30)~~ (28) Physician assistant committee (IC 25-27.5).
- ~~(31)~~ (29) Indiana athletic trainers board (IC 25-5.1-2-1).
- ~~(32)~~ (30) Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(33)~~ Indiana hypnotist committee ~~(IC 25-20.5-1-7)~~.
- ~~(34)~~ (31) Indiana physical therapy committee (IC 25-27).
- ~~(35)~~ (32) Manufactured home installer licensing board (IC 25-23.7).
- ~~(36)~~ (33) Home inspectors licensing board (IC 25-20.2-3-1).
- ~~(37)~~ (34) State department of health, for out-of-state mobile health care entities.

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~~(38)~~ **(35)** State board of massage therapy (IC 25-21.8-2-1).

~~(39)~~ **(36)** Any other occupational or professional agency created after June 30, 1981."

Page 15, delete lines 1 through 24.

Page 16, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 13. IC 25-1-8-1, AS AMENDED BY P.L.122-2009, SECTION 6, AND AS AMENDED BY P.L.160-2009, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: 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)~~ **(4)** State ~~board of barber examiners~~ *boxing athletic* commission (IC 25-9-1).
- ~~(5)~~ **(5)** Board of chiropractic examiners (IC 25-10-1).
- ~~(7)~~ **(6)** State board of cosmetology **and barber** examiners (IC 25-8-3-1).
- ~~(8)~~ **(7)** State board of dentistry (IC 25-14-1).
- ~~(9)~~ **(8)** State board of funeral and cemetery service (IC 25-15).
- ~~(10)~~ **(9)** State board of registration for professional engineers (IC 25-31-1-3).
- ~~(11)~~ **(10)** Indiana state board of health facility administrators (IC 25-19-1).
- ~~(12)~~ **(11)** Medical licensing board of Indiana (IC 25-22.5-2).
- ~~(13)~~ **(12)** Mining board (IC 22-10-1.5-2).
- ~~(14)~~ **(13)** Indiana state board of nursing (IC 25-23-1).
- ~~(15)~~ **(14)** Indiana optometry board (IC 25-24).
- ~~(16)~~ **(15)** Indiana board of pharmacy (IC 25-26).
- ~~(17)~~ **(16)** Indiana plumbing commission (IC 25-28.5-1-3).
- ~~(18)~~ **(17)** State psychology board (IC 25-33).
- ~~(20)~~ **(18)** Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(21)~~ **(19)** Indiana real estate commission (IC 25-34.1-2-1).
- ~~(22)~~ **(20)** Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- ~~(23)~~ **(21)** Department of insurance (IC 27-1).
- ~~(24)~~ **(22)** State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.

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- ~~(25)~~ **(23)** Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- ~~(26)~~ **(24)** Private investigator and security guard licensing board (IC 25-30-1-5.2).
- ~~(27)~~ **(25)** Occupational therapy committee (IC 25-23.5-2-1).
- ~~(28)~~ *Social worker, marriage and family therapist, and mental health counselor* **(26)** Behavioral health and human services licensing board (IC 25-23.6-2-1).
- ~~(29)~~ **(27)** Real estate appraiser licensure and certification board (IC 25-34.1-8).
- ~~(30)~~ **(28)** State board of registration for land surveyors (IC 25-21.5-2-1).
- ~~(31)~~ **(29)** Physician assistant committee (IC 25-27.5).
- ~~(32)~~ **(30)** Indiana athletic trainers board (IC 25-5.1-2-1).
- ~~(33)~~ **(31)** Board of podiatric medicine (IC 25-29-2-1).
- ~~(34)~~ **(32)** Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(35)~~ **(33)** Indiana physical therapy committee (IC 25-27).
- ~~(36)~~ **(34)** Manufactured home installer licensing board (IC 25-23.7).
- ~~(37)~~ **(35)** Home inspectors licensing board (IC 25-20.2-3-1).
- ~~(38)~~ **(36)** State board of massage therapy (IC 25-21.8-2-1).
- ~~(39)~~ **(37)** Any other occupational or professional agency created after June 30, 1981.

SECTION 14. IC 25-1-8-6, AS AMENDED BY P.L.122-2009, SECTION 7, AND AS AMENDED BY P.L.160-2009, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) As used in this section, "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 athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- ~~(5) State board of barber examiners (IC 25-7-5-1).~~
- ~~(6) State boxing commission (IC 25-9-1).~~
- ~~(7)~~ **(5)** Board of chiropractic examiners (IC 25-10-1).
- ~~(8)~~ **(6)** State board of cosmetology **and barber** examiners (IC 25-8-3-1).
- ~~(9)~~ **(7)** State board of dentistry (IC 25-14-1).
- ~~(10)~~ **(8)** Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(11)~~ **(9)** State board of registration for professional engineers (IC 25-31-1-3).

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- ~~(12)~~ Board of environmental health specialists (IC 25-32-1).
- ~~(13)~~ (10) State board of funeral and cemetery service (IC 25-15-9).
- ~~(14)~~ (11) Indiana state board of health facility administrators (IC 25-19-1).
- ~~(15)~~ (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- ~~(16)~~ (13) Home inspectors licensing board (IC 25-20.2-3-1).
- ~~(17)~~ Indiana hypnotist committee (IC 25-20.5-1-7).
- ~~(18)~~ (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- ~~(19)~~ (15) Manufactured home installer licensing board (IC 25-23.7).
- ~~(20)~~ (16) Medical licensing board of Indiana (IC 25-22.5-2).
- ~~(21)~~ (17) Indiana state board of nursing (IC 25-23-1).
- ~~(22)~~ (18) Occupational therapy committee (IC 25-23.5).
- ~~(23)~~ (19) Indiana optometry board (IC 25-24).
- ~~(24)~~ (20) Indiana board of pharmacy (IC 25-26).
- ~~(25)~~ (21) Indiana physical therapy committee (IC 25-27).
- ~~(26)~~ (22) Physician assistant committee (IC 25-27.5).
- ~~(27)~~ (23) Indiana plumbing commission (IC 25-28.5-1-3).
- ~~(28)~~ (24) Board of podiatric medicine (IC 25-29-2-1).
- ~~(29)~~ (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- ~~(30)~~ (26) State psychology board (IC 25-33).
- ~~(31)~~ (27) Indiana real estate commission (IC 25-34.1-2).
- ~~(32)~~ (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- ~~(33)~~ (29) Respiratory care committee (IC 25-34.5).
- ~~(34)~~ *Social worker, marriage and family therapist, and mental health counselor* (30) *Behavioral health and human services licensing board* (IC 25-23.6).
- ~~(35)~~ (31) Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(36)~~ (32) Indiana board of veterinary medical examiners (IC 25-38.1).
- ~~(37)~~ (33) State board of massage therapy (IC 25-21.8-2-1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate,

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or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 15. IC 25-1-9-1, AS AMENDED BY P.L.122-2009,

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SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- ~~(9) Board of environmental health specialists (IC 25-32).~~
- ~~(10)~~ **(9)** Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(11)~~ **(10)** State psychology board (IC 25-33).
- ~~(12)~~ **(11)** Indiana board of veterinary medical examiners (IC 25-38.1-2).
- ~~(13)~~ **(12)** Indiana physical therapy committee (IC 25-27-1).
- ~~(14)~~ **(13)** Respiratory care committee (IC 25-34.5).
- ~~(15)~~ **(14)** Occupational therapy committee (IC 25-23.5).
- ~~(16)~~ **(15)** Behavioral health and human services licensing board (IC 25-23.6).
- ~~(17)~~ **(16)** Physician assistant committee (IC 25-27.5).
- ~~(18)~~ **(17)** Indiana athletic trainers board (IC 25-5.1-2-1).
- ~~(19)~~ **(18)** Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(20) Indiana hypnotist committee (IC 25-20.5-1-7)."~~

Delete pages 17 through 19.

Page 20, delete lines 1 through 38.

Page 21, delete lines 2 through 27, begin a new paragraph and insert:

"SECTION 17. IC 25-1-11-1, AS AMENDED BY P.L.160-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: 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)~~ **(4)** State athletic commission (IC 25-9-1).
- ~~(6)~~ **(5)** State board of cosmetology **and barber** examiners

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(IC 25-8-3-1).

~~(7)~~ (6) State board of registration of land surveyors
(IC 25-21.5-2-1).

~~(8)~~ (7) State board of funeral and cemetery service (IC 25-15-9).

~~(9)~~ (8) State board of registration for professional engineers
(IC 25-31-1-3).

~~(10)~~ (9) Indiana plumbing commission (IC 25-28.5-1-3).

~~(11)~~ (10) Indiana real estate commission (IC 25-34.1-2-1).

~~(12)~~ (11) Real estate appraiser licensure and certification board
(IC 25-34.1-8).

~~(13)~~ (12) Private investigator and security guard licensing board
(IC 25-30-1-5.2).

~~(14)~~ (13) Manufactured home installer licensing board
(IC 25-23.7).

~~(15)~~ (14) Home inspectors licensing board (IC 25-20.2-3-1).

~~(16)~~ (15) State board of massage therapy (IC 25-21.8-2-1)."

Page 22, line 15, delete "." and insert ", as a nonvoting member."

Page 22, between lines 21 and 22, begin a new paragraph and insert:

"(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure."

Page 23, line 6, delete "The" and insert "A".

Page 23, line 7, delete "for its" and insert "in the committee's".

Page 23, line 7, delete "." and insert "of the board."

Page 24, line 1, strike "IC 25-2.1-7-7," and insert "IC 25-1-7,".

Page 41, delete lines 36 through 42.

Delete pages 42 through 51.

Page 52, delete lines 1 through 21, begin a new paragraph and insert:

"SECTION 75. IC 25-23.6-4.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) An individual may not:

(1) profess to be a licensed mental health counselor;

(2) use the title:

(A) "licensed mental health counselor";

(B) "mental health counselor"; or

(C) "mental health therapist";

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed mental health counselor; or

(4) practice mental health counseling for compensation;

unless the individual is licensed under this article, IC 25-22.5, or

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IC 25-33.

(b) An individual may not:

- (1) profess to be a licensed mental health counselor associate;**
- (2) use the title:**
 - (A) "licensed mental health counselor associate";**
 - (B) "mental health counselor associate"; or**
 - (C) "mental health therapist associate";**
- (3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed mental health counselor associate; or**
- (4) practice mental health counseling for compensation;**

unless the individual is licensed under this article.

SECTION 76. IC 25-23.6-4.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. **(a)** An individual who is licensed as a mental health counselor shall:

- (1) display the license or a clear copy of the license at each location where the mental health counselor regularly practices; and**
- (2) include the words "licensed mental health counselor" or the letters "LMHC" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.**

(b) An individual who is licensed as a mental health counselor associate shall:

- (1) display the license or a clear copy of the license at each location where the mental health counselor associate regularly practices; and**
- (2) include the words "licensed mental health counselor associate" or the letters "LMHCA" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual."**

Page 53, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 78. IC 25-23.6-8.5-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 1.7. An individual who receives a master's degree and enters a doctoral program may do either of the following:**

- (1) Apply for a mental health counselor associate license under section 1.5 of this chapter by meeting the requirements of this chapter.**
- (2) Elect not to apply for a mental health counselor associate license under section 1.5 of this chapter, accrue the clinical**

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experience required under section 4 of this chapter, and apply for a mental health counselor license at the conclusion of the doctoral program."

Page 54, line 13, after "Sec. 7." insert **"(a)"**.

Page 54, between lines 19 and 20, begin a new paragraph and insert: **"(b) A person issued a license under this section may engage in the practice of mental health counseling."**

Delete pages 57 through 60.

Page 61, delete lines 1 through 3.

Page 63, delete lines 5 through 42.

Delete page 64.

Page 65, delete lines 1 through 36.

Page 74, between lines 31 and 32, begin a new line single block indented and insert:

"(8) A substance abuse assistance program for a licensed health care provider who:

(A) has prescriptive authority under IC 25; and

(B) is participating in the assistance program."

Page 76, line 21, after "from" insert **"criminal or"**.

Page 76, line 21, after "liability." insert **"A practitioner that discloses information to a law enforcement agency under this subsection is presumed to have acted in good faith."**

Page 76, line 24, delete "The board, in" and insert **"Each board of a health care provider that prescribes or dispenses prescription drugs"**.

Page 76, line 25, delete "conjunction with the state police department, shall establish" and insert **"shall do the following:**

(1) Establish".

Page 76, between lines 28 and 29, begin a new line single block indented and insert:

"(2) Provide the information determined in subdivision (1) to the board."

Page 76, line 32, delete "a law" and insert **"the"**.

Page 76, line 33, delete "enforcement agency and".

Page 76, line 34, after "board" insert **"designee"**.

Page 76, line 34, delete "exceeds" and insert **"deviates from the dispensing guidelines or"**.

Page 76, line 38, delete "and" and insert **"or"**.

Page 76, line 39, delete "exceeds" and insert **"deviates from"**.

Page 76, between lines 40 and 41, begin a new paragraph and insert:

"(c) The board designee shall have the discretion to determine whether to forward the exception report under subsection (b)(2) to

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only either of the following for purposes of an investigation:

- (1) A law enforcement agency.
- (2) The attorney general."

Page 77, delete lines 24 through 36, begin a new paragraph and insert:

"SECTION 109. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2010]: IC 25-2.1-13-1; IC 25-6.1-7-3; IC 25-7; IC 25-8-3-3; IC 25-8-3-4; IC 25-14-1-14; IC 25-19-1-14; IC 25-20.2-8-4; IC 25-20.5-1; IC 25-21.5-11-1; IC 25-21.5-11-2; IC 25-22.5-8-4; IC 25-23-1-27.2; IC 25-24-1-19; IC 25-26-13-28; IC 25-30-1-19.5; IC 25-30-1-22; IC 25-30-1.3-24; IC 25-31-1-29; IC 25-32-1; IC 25-33-1-16; IC 25-38.1-4-12; IC 35-48-1-4; IC 35-48-2-1.5; IC 35-48-7-1."

Page 79, delete lines 8 through 42.

Delete pages 80 through 82.

Page 83, delete lines 1 through 9.

Page 83, after line 21, begin a new paragraph and insert:

"SECTION 115. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 356 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 356, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-6-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 14. Health Records and Identifying Information Protection

Sec. 1. As used in this chapter, "abandoned" means voluntarily surrendered, relinquished, or disclaimed by the health care

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provider or regulated professional, with no intention of reclaiming or regaining possession.

Sec. 2. As used in this chapter, "health care provider" means a person listed in IC 16-39-7-1(a)(1) through IC 16-39-7-1(a)(11).

Sec. 3. As used in this chapter, "personal information" has the meaning set forth in IC 24-4.9-2-10.

Sec. 4. As used in this chapter, "regulated professional" means an individual who is regulated by a board listed under IC 25-1-11-1.

Sec. 5. The attorney general may do the following with abandoned health records and other records that contain personal information:

- (1) Take possession of.
- (2) Store.
- (3) Maintain.
- (4) Transfer.
- (5) Protect.
- (6) Destroy, subject to the limitations in sections 8(b) and 9(b) of this chapter.

Sec. 6. Before taking any action described in section 5 of this chapter, the attorney general shall determine whether a health care provider or regulated professional has abandoned original patient health records in violation of IC 16-39-7-1(b) or records containing personal information in violation of IC 24-4.9.

Sec. 7. (a) The attorney general shall make reasonable efforts to notify the patients and those individuals identified in:

- (1) health records; or
- (2) records or documents that contain personal information; that the attorney general has taken possession of the records or documents. The notice in this subsection must include information about the procedure for either obtaining originals or copies of the records or having the original records sent to a duly authorized subsequent treating health care provider.

(b) Unless prohibited by law, the attorney general may also notify other persons, including professional organizations, hospitals, law enforcement agencies, and government units, who:

- (1) may be able to assist in notifying persons whose records were abandoned and secured by the attorney general under this chapter; and
- (2) when appropriate, may be able to assist in returning the records to those persons.

Sec. 8. (a) The attorney general shall maintain an original

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patient health record obtained under section 5 of this chapter for the lesser of the following:

- (1) The time required under IC 16-39-7-1 and IC 16-39-7-2.
- (2) Three (3) years after the date the records are secured.

(b) When the time expires under subsection (a), the attorney general may destroy the original patient records obtained under section 5 of this chapter.

Sec. 9. (a) The attorney general shall maintain records that are not health records but contain personal information for at least three (3) years after the date the records are seized or secured.

(b) When the time expires under subsection (a) and after notification under section 7 of this chapter, the attorney general may destroy the records that contain personal information.

Sec. 10. (a) The health records and personal identifying information protection trust fund is established for the purpose of paying storage, maintenance, copying, mailing, and transfer of:

- (1) patient health records; and
- (2) records containing personal information;

as required under this chapter. Expenditures from the trust fund may be made only to carry out the purposes of this subsection.

(b) Subject to subsection (c), if a health care provider or a regulated professional is disciplined under IC 25-1-9 or IC 25-1-11, the board that issues the disciplinary order shall impose a fee against the individual of five dollars (\$5). The fee must be deposited into the health records and personal identifying information protection trust fund.

(c) If the amount in the health records and personal identifying information protection trust fund exceeds seventy-five thousand dollars (\$75,000), the fee imposed under subsection (b) may not be imposed on an individual who is subject to a disciplinary order.

(d) The attorney general shall administer the trust fund.

(e) The expenses of administering the trust fund shall be paid from the money in the fund.

(f) The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(g) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 11. The attorney general is immune from civil liability for destroying or failing to maintain custody and control of any record obtained under this chapter.

Sec. 12. The following may cooperate with the attorney general's

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office to implement this chapter:

- (1) The Indiana professional licensing agency and the appropriate board that regulates a health care provider or a regulated professional under IC 25.
- (2) The state police department.
- (3) A prosecuting attorney.
- (4) Local law enforcement agencies.
- (5) Federal law enforcement agencies.

Sec. 13. The attorney general may adopt rules under IC 4-22-2 that are necessary to administer and implement this chapter.

Sec. 14. A determination by the attorney general that health records or other records that contain personal information have been abandoned is subject to review in a circuit or superior court. A person who seeks to enforce this section must first notify the attorney general of the intention to seek judicial review.

Sec. 15. The attorney general may pay for the administration of this chapter only from funds currently appropriated to the office of the attorney general."

Page 10, between lines 7 and 8, begin a new paragraph and insert:
"SECTION 74. IC 25-1-6-3, AS AMENDED BY P.L.160-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: 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)~~ (4) State board of cosmetology examiners (IC 25-8-3-1).
- ~~(6)~~ (5) State board of funeral and cemetery service (IC 25-15-9).
- ~~(7)~~ (6) State board of registration for professional engineers (IC 25-31-1-3).
- ~~(8)~~ (7) Indiana plumbing commission (IC 25-28.5-1-3).
- ~~(9)~~ (8) Indiana real estate commission (IC 25-34.1).
- ~~(10)~~ (9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- ~~(11)~~ (10) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- ~~(12)~~ (11) State board of registration for land surveyors (IC 25-21.5-2-1).

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~~(13)~~ (12) Manufactured home installer licensing board (IC 25-23.7).

~~(14)~~ (13) Home inspectors licensing board (IC 25-20.2-3-1).

~~(15)~~ (14) State board of massage therapy (IC 25-21.8-2-1).

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

Page 11, line 41, delete "If" and insert "**Notwithstanding any other law, if**".

Page 20, delete lines 29 through 42.

Page 21, delete lines 1 through 6.

Page 37, delete lines 5 through 42.

Page 38, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 55. IC 25-23.6-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. An individual may not:

(1) profess to be a **social worker**, licensed social worker, or licensed clinical social worker;

(2) use the title:

(A) "**social worker**";

~~(A)~~ (B) "licensed social worker";

~~(B)~~ (C) "licensed clinical social worker";

~~(C)~~ (D) "clinical social worker";

~~(D)~~ (E) "psychiatric social worker"; or

~~(E)~~ (F) "psychosocial worker";

(3) use any other title containing the words "**social worker**", "licensed social worker", or "licensed clinical social worker";

(4) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a **social worker**, licensed social worker, or licensed clinical social worker; or

(5) practice as a **social worker**, licensed social worker, or clinical social worker for compensation;

unless the individual is licensed under this article."

Page 40, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 61. IC 25-23.6-8.5-2, AS AMENDED BY P.L.2-2007, SECTION 341, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. An applicant **for a mental health counselor license** under section 1 of this chapter **or a mental health counselor associate license under section 1.5 of this chapter** must have received a master's or doctor's degree in an area related to mental health counseling from an eligible postsecondary educational institution that meets the following requirements:

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(1) If the institution was located in the United States or a territory of the United States, at the time of the applicant's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(2) If the institution was located in Canada, at the time of the applicant's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.

(3) If the institution was located in a foreign country other than Canada, at the time of the applicant's graduation the institution:

(A) was recognized by the government of the country where the school was located as a program to train in the practice of mental health counseling or psychotherapy counseling; and

(B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation."

Page 41, between lines 14 and 15, begin a new paragraph and insert: "SECTION 63. IC 25-23.6-8.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. **(a) As used in this section, "first available examination" means the first examination after the date of an individual's:**

(1) graduation; or

(2) moving into Indiana;

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

~~(a)~~ **(b)** The applicant must have at least three thousand (3,000) hours of post-graduate clinical experience over a two (2) year period. The clinical experience must consist of one hundred (100) hours of face to face supervision under the supervision of a licensed mental health counselor or an equivalent supervisor, as determined by the board.

~~(b)~~ **(c)** A doctoral internship may be applied toward the supervised work experience requirement.

~~(c)~~ **(d)** Except as provided in subsection ~~(d)~~; **(e)**, the clinical experience requirement may be met by work performed at or away from the premises of the supervising mental health counselor.

~~(d)~~ **(e)** The clinical work requirement may not be performed away from the supervising mental health counselor's premises if:

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(1) the work is the independent private practice of mental health counseling; and

(2) the work is not performed at a place that has the supervision of a licensed mental health counselor or an equivalent supervisor, as determined by the board.

(f) If an individual applies for, takes, and passes the first available examination, the individual may not count more than five hundred (500) hours of the postdegree clinical experience that is:

(1) required under subsection (b); and

(2) accumulated before taking the examination toward licensure as a mental health counselor.

(g) If an individual does not pass the first available examination, the individual may:

(1) retain the hours accumulated before taking the examination;

(2) continue working; and

(3) not accumulate any additional hours toward licensure as a mental health counselor until passing the examination."

Page 42, between lines 17 and 18, begin a new paragraph and insert: "SECTION 65. IC 25-23.6-8.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) The board may reinstate an invalid **mental health counselor** license up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a **mental health counselor** license expired, the individual holding the license may reinstate the invalid license by satisfying the requirements for reinstatement established by the board and meeting the requirements under IC 25-1-8-6.

(c) The board may reinstate an invalid mental health counselor associate license up to one (1) year after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6. A mental health counselor associate license that has been expired for more than one (1) year may not be reinstated under IC 25-1-8-6.

SECTION 66. IC 25-23.6-8.5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 13. (a) An individual who, before July 1, 2009, receives a master's or doctoral degree described in IC 25-23.6-8.5-1(1)(A) or IC 25-23.6-8.5-1.5(1)(A) and who seeks licensure under IC 25-23.6-8.5 may do either of the following:**

(1) Seek a mental health counselor associate license by:

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(A) applying for a mental health counselor associate license under IC 25-23.6-8.5 if the individual meets the requirements under IC 25-23.6-8.5; and

(B) taking the required examination.

Notwithstanding IC 25-23.6-8.5-4(b), any postdegree clinical experience that the individual obtained before July 1, 2009, counts toward the requirements of IC 25-23.6-8.5.

(2) Seek a mental health counselor license by applying for a mental health counselor license under IC 25-23.6-8.5, if the individual meets the requirements under IC 25-23.6-8.5.

(b) This SECTION expires June 30, 2015."

Page 42, line 22, delete "abolilshment" and insert "abolishment".

Page 42, line 23, delete "on July 1, 2010." and insert ".".

Page 42, line 28, reset in roman "In addition the board may, in the name of the".

Page 42, reset in roman lines 29 through 31.

Page 42, delete lines 32 through 42.

Delete page 43.

Page 44, delete lines 1 through 11.

Page 45, reset in roman lines 32 through 42.

Page 46, reset in roman lines 1 through 2.

Page 46, line 3, delete "(e) (c)" and insert "(e)".

Page 46, between lines 12 through 13, begin a new paragraph and insert:

"SECTION 72. IC 25-39-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. For the purposes of this article, the occupation of a ~~licensed water well driller licensee~~ is a regulated occupation under IC 25-1-7-1.

SECTION 73. IC 25-39-1.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. For the purposes of licensing a water well ~~drillers~~ **driller and well water pump installer** under IC 25-39-3, the department of natural resources is a "board" under IC 25-1-8-1.

SECTION 74. IC 25-39-1.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. IC 25-39-3 and IC 25-39-4 do not apply to the following:

(1) A person who installs a well that:

(A) is for personal use; and

(B) is not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.

(2) A plumber who:

(A) is licensed under IC 25-28.5;

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(B) is registered with the department under section 4 of this chapter; and

(C) installs wells that are not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.

(3) A person who installs or repairs a water well pump or water well pumping equipment for personal use.

(4) A person who is working under the direction and personal supervision of a person who holds a license.

SECTION 75 IC 25-39-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. A plumber licensed under IC 25-28.5 must register with the department before the plumber installs a well **or well water pump**.

SECTION 76. IC 25-39-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. "License" refers to a water well driller's **and water well pump installer's** license issued by the department under this ~~chapter~~ **article**.

SECTION 77. IC 25-39-2-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 12.5. "Licensee" refers to a person who has been issued a water well driller's and water well pump installer's license issued by the department under this article.**

SECTION 78. IC 25-39-2-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 15.5. "Water well pump installer" means a person who installs or repairs water well pumps.**

SECTION 79 IC 25-39-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) An individual may not be a water well driller **or water well pump installer** without a license.

(b) The department shall issue a license to each individual who applies and qualifies for a license under this chapter.

(c) The license of the licensee operating well drilling equipment **or installing a water well pump** shall be carried by the licensee and presented for inspection by a representative of the department upon request.

(d) Every license expires on December 31 of the year for which it was issued.

SECTION 80. IC 25-39-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) An application

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for a license must be made on a form prescribed by the commission in rules adopted under IC 4-22-2. The purpose of the form is to identify the applicant and obtain information to determine if the applicant is qualified to be licensed.

(b) An application for an original license or a license renewal must be accompanied by a license fee of one hundred dollars (\$100).

(c) Unless an applicant has held an original license for less than one (1) year, a license renewal application must be accompanied by:

- (1) a copy of the continuing education verification of attendance forms; and**
- (2) a statement by the applicant attesting that the applicant has complied with the continuing education requirements under IC 25-39-6.**

SECTION 81 IC 25-39-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) To qualify for an original license an individual must:

- (1) be at least eighteen (18) years of age;
- (2) furnish evidence from three (3) references, two (2) of whom are water well drillers, **water well pump installers**, or licensed plumbing contractors familiar with the applicant's work experience and professional competency; and
- (3) have successfully completed a competency examination prepared and administered by the department.

(b) The competency examination shall be administered at least two (2) times every calendar year.

(c) The fee to take the competency examination shall be set by the director under IC 25-1-8. This fee is nonrefundable and must be paid each time an applicant applies to take the examination.

SECTION 82 IC 25-39-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) In consultation with the Indiana Well Drilling Contractors Association **and the Indiana Ground Water Association**, the department shall prepare one (1) or more competency examinations to determine if an applicant for a license is qualified to be a water well driller **and water well pump installer**.

(b) The competency examination must include questions to determine if the applicant for a license has adequate knowledge and expertise concerning the following:

- (1) Placement of wells.
- (2) Well drilling procedures.
- (3) Operations of well drilling **and water well pump** equipment.

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- (4) Contamination precautions.
- (5) Installation of well casing **and water well pumps**.
- (6) Well grouting procedures.
- (7) Well screen design and installation.
- (8) Pitless adapter units.
- (9) Installation of pumping apparatus.
- (10) Well disinfection.
- (11) Sealing abandoned wells.
- (12) Ground water occurrence.
- (13) Aquifer characteristics.
- (14) Drawdown requirements and limitations.
- (15) Depth considerations.
- (16) Methods of measuring well yield.
- (17) The requirements of this chapter and other laws relating to wells.
- (18) Other accepted standards relating to the drilling, operation, and abandonment of wells **and water well pumps**.

SECTION 83 IC 25-39-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Each ~~water well drifter~~ **licensee** shall keep accurate records for each well drilled. The record for each well must contain the following information:

- (1) The location of the well.
- (2) The depth and diameter of the well.
- (3) The date the contractor completed the well.
- (4) The character and thickness of materials or formations drilled.
- (5) The static water level and performance data of the well.
- (6) Any other information required by rule.

(b) Each ~~water well drifter licensee~~ shall, within thirty (30) days after the completion of a well, forward a copy of the record of the well to the department on forms prescribed or approved by the department.

SECTION 84 IC 25-39-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The commission shall, by rule, establish standards for well siting, construction, and operation. The standards must address the following:

- (1) Placement of wells.
- (2) Well drilling procedures.
- (3) Operation of well drilling **and water well pump** equipment.
- (4) Contamination precautions.
- (5) Well casing **and water well pump** specification and installation.
- (6) Well grouting procedures.
- (7) Well screen design and installation.

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- (8) Pitless adapter units.
- (9) Installation of pumping apparatus.
- (10) Well disinfection techniques.
- (11) Sealing and plugging abandoned wells.
- (12) Other generally accepted standards relating to the drilling, operation, or abandonment of wells.

(b) A well that is drilled after December 31, 1987, must be drilled in compliance with the rules adopted under this section.

SECTION 85 IC 25-39-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Under IC 4-21.5-3-6, the director may suspend or revoke the license of a ~~water well driller licensee~~ who has done any of the following:

- (1) Acted as a ~~well driller licensee~~ without a license in violation of this article.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

(b) Under IC 4-21.5-3-5, the director may refuse to grant, renew, or restore a license to a person who has done any of the following:

- (1) Acted as a ~~well driller licensee~~ without a license in violation of this article.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

SECTION 86 IC 25-39-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The department may initiate injunctive proceedings in the appropriate court against a person who acts as a ~~water well driller licensee~~ without a license or while the person's license is suspended. The department may not be compelled to give bond in such a cause.

(b) After an action has been filed and notice has been given, all matters involved in the action shall be held in abeyance until the action has been tried and determined.

(c) If a defendant continues to violate this article after notice of the action has been given but before trial and determination, the department may, upon a verified showing of those acts of the defendant, obtain a temporary restraining order without notice. The order is effective until the cause has been tried and determined.

SECTION 87. IC 25-39-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. Upon written application by the owner of a well or the ~~water well driller, licensee~~, the department shall keep the record of a well confidential for a period

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of one (1) year, and that record is not considered to be a public record.

SECTION 88. IC 25-39-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 6. Continuing Education

Sec. 1. Except as provided in section 6 of this chapter, a licensee who has held a license for at least one (1) calendar year shall complete six (6) actual hours of continuing education before December 31 of each even-numbered year.

Sec. 2. A licensee shall retain the following for each continuing education course the individual attends:

(1) A record of:

- (A) the number of hours the individual spent in the continuing education course;**
- (B) the name of the person or organization presenting the continuing education course;**
- (C) the date, location, and title of the continuing education course; and**
- (D) the number of hours of continuing education awarded for the course.**

(2) Verification that the individual attended the course.

The records and verification of attendance must be retained for three (3) years after the individual attends a continuing education course.

Sec. 3. (a) An institution, organization, governmental agency, or individual that wishes to offer continuing education courses for the purposes of this chapter must apply in writing to the department for approval of each course. An application for approval of a course must be received by the department not less than thirty (30) days before the course is offered. The department shall approve or deny an application for approval of a continuing education course not more than ten (10) business days after receiving the application.

(b) An application must include the following information:

- (1) The title of the course and subjects that will be presented.**
- (2) The name of the person or organization presenting the continuing education course.**
- (3) The date, location, and title of the continuing education course.**
- (4) The number of hours of continuing education to be offered.**
- (5) Course outlines for the subjects to be offered.**

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- (6) The fee to be charged for each course.
- (7) Any other information requested by the department.

(c) The department may approve an application for approval of a continuing education course that addresses one (1) of the following topics:

- (1) Water well construction.
- (2) Pump installation and repair.
- (3) Grouting.
- (4) Water sample collection and sampling.
- (5) Contamination of water supplies.
- (6) Other topics the department determines to be relevant for the continued improvement of the knowledge of a license holder.

Sec. 4. An institution, organization, governmental agency, or individual that has been approved to offer a continuing education course for the purposes of this chapter shall submit to the department not more than forty-five (45) days after the course has been completed a typed listing of the following information:

- (1) The name of each individual who attended the course, including each individual's license number.
- (2) The title of the course.
- (3) The name of the person or organization presenting the continuing education course.
- (4) The date, location, and title of the continuing education course.
- (5) The number of hours of continuing education each individual received.

Sec. 5. The department shall maintain and make available to the public a list of future continuing education courses that will satisfy the continuing education requirements of this article.

Sec. 6. A licensee may apply in writing to the department for a waiver or modification of the continuing education requirements applying to the licensee under this article if the licensee:

- (1) establishes that an emergency existed during the period for which the continuing education was required;
- (2) has had an incapacitating illness verified by the applicant and a licensed physician; or
- (3) was prevented from completing the continuing education requirement because of active military duty during the period for which the continuing education was required.

Sec. 7. The department may enter into a contract with the Indiana Ground Water Association to administer this chapter."

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Page 48, between lines 37 and 38, begin a new paragraph and insert:
"SECTION 91. IC 35-48-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) Any humane society, animal control agency, or governmental entity operating an animal shelter or other animal impounding facility is entitled to receive a limited permit only for the purpose of buying, possessing, and using:

- (1) sodium pentobarbital to euthanize injured, sick, homeless, or unwanted domestic pets and animals;
- (2) ketamine and ketamine products to anesthetize or immobilize fractious domestic pets and animals; and
- (3) a combination product containing tiletamine and zolazepam as an agent for the remote chemical capture of domestic pets or animals that otherwise cannot be restrained or captured.

(b) A humane society, animal control agency, or governmental entity entitled to receive a permit under this chapter must:

- (1) apply to the board according to the rules established by the board;
- (2) pay annually to the board a fee set by the board for the limited permit; and
- (3) submit proof, as determined by the board, that the employees of an applicant who will handle a controlled substance are sufficiently trained to use and administer the controlled substance.

(c) All fees collected by the board under this section shall be credited to the state board of pharmacy account.

(d) Storage, handling, and use of controlled substances obtained according to this section are subject to the rules adopted by the board.

(e) Before issuing a permit under this section, the board may consult with the board of veterinary medical examiners."

Page 49, between lines 34 and 35, begin a new paragraph and insert:

"(e) The board may consult with the board of veterinary medical examiners before issuing a registration to a person:

- (1) who seeks to conduct research or instructional activities with controlled substances in schedules I through IV; and**
- (2) whose activities constitute the practice of veterinary medicine (as defined by IC 25-38.1-1-12)."**

Page 49, line 35, delete "(e)" and insert "(f)".

Page 52, line 4, after "(b)" insert "(a)".

Page 53, between lines 10 and 11, begin a new paragraph and insert:

"(b) A pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance may not dispense a controlled substance to a person who is not personally known to the pharmacist, pharmacy technician, or person

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authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the controlled substance provides documented proof of the person's identification to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance."

Page 57, line 26, delete "shall have the discretion to determine" and insert "**may, at the designee's discretion,**".

Page 57, line 27, delete "whether to".

Page 57, line 28, delete "either of".

Page 58, delete lines 14 through 21, begin a new paragraph and insert:

"SECTION 92. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2010]: IC 25-7; IC 25-8-3-3; IC 25-8-3-4; IC 25-20.5-1; IC 25-32-1; IC 35-48-1-4; IC 35-48-2-1.5; IC 35-48-7-1."

Page 60, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 95. [EFFECTIVE JULY 1, 2010] **(a) Before November 1, 2010, the health finance commission established by IC 2-5-23-3 shall study and make recommendations concerning whether a paramedic board should be established to license paramedics instead of paramedics being certified by the emergency medical services commission.**

(b) This SECTION expires December 1, 2010."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 356 as printed January 29, 2010.)

BROWN C, Chair

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 356 be amended to read as follows:

Page 2, line 12, after "6." insert "**(a)**".

Page 2, line 14, delete "original patient".

Page 2, line 15, delete "in violation of IC 16-39-7-1(b)".

Page 2, line 16, delete "in violation of IC 24-4.9".

Page 2, between lines 16 and 17, begin a new paragraph and insert: "**(b) A determination of abandonment under this section may**

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only be used for the purpose of taking an action described in this chapter. However, a subsequent enforcement action may take place under a state or federal law based on proof of facts that may have contributed to the determination of abandonment if the facts are proved in a subsequent enforcement action.

(c) An investigation to make a determination of abandonment under this section must be conducted under the attorney general's authority under existing state and federal law. Nothing in this chapter shall be construed to create new authority for a subpoena or search warrant."

Page 2, line 34, delete "an original".

Page 2, line 35, delete "patient health record" and insert "health records".

Page 2, line 40, delete "original patient" and insert "health".

Page 3, line 9, delete "patient".

Page 40, line 42, delete "article." and insert "article, IC 25-22.5, or IC 25-33."

Page 41, between lines 19 and 20, begin a new paragraph and insert:
"SECTION 58. IC 25-23.6-8.5-1, AS AMENDED BY P.L.2-2007, SECTION 340, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. An individual who applies for a license as a mental health counselor must meet the following requirements:

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

(A) received a master's or doctor's degree in an area related to mental health counseling from:

- (i) an eligible postsecondary educational institution that meets the requirements under section 2 of this chapter; or
- (ii) a foreign school that has a program of study that meets the requirements under section 2 of this chapter;

(B) completed the educational requirements under section 3 of this chapter; and

(C) completed the experience requirements under section 4 of this chapter.

(2) **Furnish satisfactory evidence to the board that the individual:**

(A) **except as provided in section 1.7 of this chapter, holds a mental health counselor associate, in good standing, issued under section 7 of this chapter; or**

(B) **is licensed or certified to practice as a mental health counselor in another state and is otherwise qualified under**

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this chapter.

~~(2)~~ **(3)** Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

~~(3)~~ **(4)** Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a mental health counselor without endangering the public.

~~(4)~~ **(5)** Pass an examination provided by the board.

~~(5)~~ **(6)** Pay the fee established by the board."

Page 44, line 30, after "than" insert "**one thousand**".

Page 44, line 31, delete "(500)" and insert "**(1,500)**".

Page 44, between lines 41 and 42, begin a new paragraph and insert:

"(h) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a mental health counselor until the individual passes the examination."

Page 46, line 22, delete "2009" and insert "**2010**".

Page 46, line 30, delete "IC 25-23.6-8.5-4(b)," and insert "**IC 25-23.6-8.5-4(f)**".

Page 46, line 31, delete "2009" and insert "**2010**".

Page 47, delete lines 2 through 8.

Page 49, delete lines 3 through 9.

Page 51, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 84. IC 25-39-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.5. (a) Notwithstanding this article, an individual, who is not exempt under this article, is not required to have a license to install a water well pump until January 1, 2011.

(b) Notwithstanding section 3 of this chapter, the department shall issue an original license to an applicant who meets the following qualifications:

(1) Is at least eighteen (18) years of age.

(2) Furnishes evidence that the applicant has installed water well pumps for at least three (3) years.

(3) Furnishes references from three (3) individuals who are licensed under this article and who are familiar with the applicant's experience and competency.

(4) Complies with the requirements under section 2 of this chapter.

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(c) This section expires July 1, 2011."

Page 63, line 17, after "(b)" insert "**This subsection applies only to a retail pharmacy.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 356 as printed February 22, 2010.)

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