

Adopted	Rejected
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# COMMITTEE REPORT

YES:	11
NO:	0

## 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:*

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2           paragraph and insert:
- 3           "SECTION 1. IC 4-6-14 IS ADDED TO THE INDIANA CODE AS
- 4           A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 5           1, 2010]:
- 6           **Chapter 14. Health Records and Identifying Information**
- 7           **Protection**
- 8           **Sec. 1. As used in this chapter, "abandoned" means voluntarily**
- 9           **surrendered, relinquished, or disclaimed by the health care**
- 10          **provider or regulated professional, with no intention of reclaiming**
- 11          **or regaining possession.**
- 12          **Sec. 2. As used in this chapter, "health care provider" means a**
- 13          **person listed in IC 16-39-7-1(a)(1) through IC 16-39-7-1(a)(11).**
- 14          **Sec. 3. As used in this chapter, "personal information" has the**
- 15          **meaning set forth in IC 24-4.9-2-10.**

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

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

7           **(1) Take possession of.**

8           **(2) Store.**

9           **(3) Maintain.**

10          **(4) Transfer.**

11          **(5) Protect.**

12          **(6) Destroy, subject to the limitations in sections 8(b) and 9(b)**  
13 **of this chapter.**

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

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

21           **(1) health records; or**

22           **(2) records or documents that contain personal information;**

23 **that the attorney general has taken possession of the records or**  
24 **documents. The notice in this subsection must include information**  
25 **about the procedure for either obtaining originals or copies of the**  
26 **records or having the original records sent to a duly authorized**  
27 **subsequent treating health care provider.**

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

31           **(1) may be able to assist in notifying persons whose records**  
32 **were abandoned and secured by the attorney general under**  
33 **this chapter; and**

34           **(2) when appropriate, may be able to assist in returning the**  
35 **records to those persons.**

36          **Sec. 8. (a) The attorney general shall maintain an original**  
37 **patient health record obtained under section 5 of this chapter for**  
38 **the lesser of the following:**

- 1           **(1) The time required under IC 16-39-7-1 and IC 16-39-7-2.**  
2           **(2) Three (3) years after the date the records are secured.**  
3           **(b) When the time expires under subsection (a), the attorney**  
4 **general may destroy the original patient records obtained under**  
5 **section 5 of this chapter.**  
6           **Sec. 9. (a) The attorney general shall maintain records that are**  
7 **not health records but contain personal information for at least**  
8 **three (3) years after the date the records are seized or secured.**  
9           **(b) When the time expires under subsection (a) and after**  
10 **notification under section 7 of this chapter, the attorney general**  
11 **may destroy the records that contain personal information.**  
12           **Sec. 10. (a) The health records and personal identifying**  
13 **information protection trust fund is established for the purpose of**  
14 **paying storage, maintenance, copying, mailing, and transfer of:**  
15           **(1) patient health records; and**  
16           **(2) records containing personal information;**  
17 **as required under this chapter. Expenditures from the trust fund**  
18 **may be made only to carry out the purposes of this subsection.**  
19           **(b) Subject to subsection (c), if a health care provider or a**  
20 **regulated professional is disciplined under IC 25-1-9 or IC 25-1-11,**  
21 **the board that issues the disciplinary order shall impose a fee**  
22 **against the individual of five dollars (\$5). The fee must be**  
23 **deposited into the health records and personal identifying**  
24 **information protection trust fund.**  
25           **(c) If the amount in the health records and personal identifying**  
26 **information protection trust fund exceeds seventy-five thousand**  
27 **dollars (\$75,000), the fee imposed under subsection (b) may not be**  
28 **imposed on an individual who is subject to a disciplinary order.**  
29           **(d) The attorney general shall administer the trust fund.**  
30           **(e) The expenses of administering the trust fund shall be paid**  
31 **from the money in the fund.**  
32           **(f) The treasurer of state shall invest the money in the trust fund**  
33 **not currently needed to meet the obligations of the fund in the same**  
34 **manner as other public money may be invested.**  
35           **(g) Money in the trust fund at the end of a state fiscal year does**  
36 **not revert to the state general fund.**  
37           **Sec. 11. The attorney general is immune from civil liability for**  
38 **destroying or failing to maintain custody and control of any record**

1       **obtained under this chapter.**

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

4               **(1) The Indiana professional licensing agency and the**  
5               **appropriate board that regulates a health care provider or a**  
6               **regulated professional under IC 25.**

7               **(2) The state police department.**

8               **(3) A prosecuting attorney.**

9               **(4) Local law enforcement agencies.**

10              **(5) Federal law enforcement agencies.**

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

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

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

21       Page 10, between lines 7 and 8, begin a new paragraph and insert:  
22       "SECTION 74. IC 25-1-6-3, AS AMENDED BY P.L.160-2009,  
23       SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24       JULY 1, 2010]: Sec. 3. (a) The licensing agency shall perform all  
25       administrative functions, duties, and responsibilities assigned by law  
26       or rule to the executive director, secretary, or other statutory  
27       administrator of the following:

28               (1) Indiana board of accountancy (IC 25-2.1-2-1).

29               (2) Board of registration for architects and landscape architects  
30               (IC 25-4-1-2).

31               (3) Indiana auctioneer commission (IC 25-6.1-2-1).

32               ~~(4) State board of barber examiners (IC 25-7-5-1).~~

33               ~~(5)~~ **(4)** State board of cosmetology examiners (IC 25-8-3-1).

34               ~~(6)~~ **(5)** State board of funeral and cemetery service (IC 25-15-9).

35               ~~(7)~~ **(6)** State board of registration for professional engineers (IC  
36               25-31-1-3).

37               ~~(8)~~ **(7)** Indiana plumbing commission (IC 25-28.5-1-3).

38               ~~(9)~~ **(8)** Indiana real estate commission (IC 25-34.1).

- 1           ~~(9)~~ **(9)** Real estate appraiser licensure and certification board (IC  
2           25-34.1-8-1).  
3           ~~(10)~~ **(10)** Private investigator and security guard licensing board  
4           (IC 25-30-1-5.2).  
5           ~~(11)~~ **(11)** State board of registration for land surveyors (IC  
6           25-21.5-2-1).  
7           ~~(12)~~ **(12)** Manufactured home installer licensing board (IC  
8           25-23.7).  
9           ~~(13)~~ **(13)** Home inspectors licensing board (IC 25-20.2-3-1).  
10          ~~(14)~~ **(14)** State board of massage therapy (IC 25-21.8-2-1).

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

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

15           Page 20, delete lines 29 through 42.

16           Page 21, delete lines 1 through 6.

17           Page 37, delete lines 5 through 42.

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

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

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

25           (2) use the title:

26           (A) "**social worker**";

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

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

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

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

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

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

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

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

1 unless the individual is licensed under this article."

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

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

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

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

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

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

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

29 Page 41, between lines 14 and 15, begin a new paragraph and insert:

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

34 **(1) graduation; or**

35 **(2) moving into Indiana;**

36 **that has an application deadline that is at least thirty (30) days**  
37 **after the date of graduation or the date of moving into Indiana,**  
38 **unless the individual chooses to meet a deadline that is less than**

1 **thirty (30) days after either of those events.**

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

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

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

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

15 (1) the work is the independent private practice of mental health  
16 counseling; and

17 (2) the work is not performed at a place that has the supervision  
18 of a licensed mental health counselor or an equivalent supervisor,  
19 as determined by the board.

20 **(f) If an individual applies for, takes, and passes the first**  
21 **available examination, the individual may not count more than five**  
22 **hundred (500) hours of the postdegree clinical experience that is:**

23 **(1) required under subsection (b); and**

24 **(2) accumulated before taking the examination toward**  
25 **licensure as a mental health counselor.**

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

28 **(1) retain the hours accumulated before taking the**  
29 **examination;**

30 **(2) continue working; and**

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

33 Page 42, between lines 17 and 18, begin a new paragraph and insert:

34 "SECTION 65. IC 25-23.6-8.5-9 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) The board may

36 reinstate an invalid **mental health counselor** license up to three (3)

37 years after the expiration date of the license if the individual holding

38 the invalid license meets the requirements under IC 25-1-8-6.

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

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

12 SECTION 66. IC 25-23.6-8.5-13 IS ADDED TO THE INDIANA  
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2010]: **Sec. 13. (a) An individual who, before**  
 15 **July 1, 2009, receives a master's or doctoral degree described in**  
 16 **IC 25-23.6-8.5-1(1)(A) or IC 25-23.6-8.5-1.5(1)(A) and who seeks**  
 17 **licensure under IC 25-23.6-8.5 may do either of the following:**

18 (1) **Seek a mental health counselor associate license by:**

19 (A) **applying for a mental health counselor associate license**  
 20 **under IC 25-23.6-8.5 if the individual meets the**  
 21 **requirements under IC 25-23.6-8.5; and**

22 (B) **taking the required examination.**

23 **Notwithstanding IC 25-23.6-8.5-4(b), any postdegree clinical**  
 24 **experience that the individual obtained before July 1, 2009,**  
 25 **counts toward the requirements of IC 25-23.6-8.5.**

26 (2) **Seek a mental health counselor license by applying for a**  
 27 **mental health counselor license under IC 25-23.6-8.5, if the**  
 28 **individual meets the requirements under IC 25-23.6-8.5.**

29 **(b) This SECTION expires June 30, 2015."**

30 Page 42, line 22, delete "abolilshment" and insert "**abolishment**".

31 Page 42, line 23, delete "on July 1, 2010." and insert ".".

32 Page 42, line 28, reset in roman "In addition the board may, in the  
 33 name of the".

34 Page 42, reset in roman lines 29 through 31.

35 Page 42, delete lines 32 through 42.

36 Delete page 43.

37 Page 44, delete lines 1 through 11.

38 Page 45, reset in roman lines 32 through 42.

- 1 Page 46, reset in roman lines 1 through 2.  
 2 Page 46, line 3, delete "(e) (c)" and insert "(e)".  
 3 Page 46, between lines 12 through 13, begin a new paragraph and  
 4 insert:  
 5 "SECTION 72. 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 73. 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 74. 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 75 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 76. 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

1 by the department under this ~~chapter~~ **article**.

2 SECTION 77. IC 25-39-2-12.5 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2010]: **Sec. 12.5. "Licensee" refers to a**  
5 **person who has been issued a water well driller's and water well**  
6 **pump installer's license issued by the department under this**  
7 **article.**

8 SECTION 78. IC 25-39-2-15.5 IS ADDED TO THE INDIANA  
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2010]: **Sec. 15.5. "Water well pump**  
11 **installer" means a person who installs or repairs water well**  
12 **pumps.**

13 SECTION 79 IC 25-39-3-1 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) An individual  
15 may not be a water well driller **or water well pump installer** without  
16 a license.

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

19 (c) The license of the licensee operating well drilling equipment **or**  
20 **installing a water well pump** shall be carried by the licensee and  
21 presented for inspection by a representative of the department upon  
22 request.

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

25 SECTION 80. IC 25-39-3-2 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) An application  
27 for a license must be made on a form prescribed by the commission in  
28 rules adopted under IC 4-22-2. The purpose of the form is to identify  
29 the applicant and obtain information to determine if the applicant is  
30 qualified to be licensed.

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

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

36 (1) **a copy of the continuing education verification of**  
37 **attendance forms; and**

38 (2) **a statement by the applicant attesting that the applicant**

1           **has complied with the continuing education requirements**  
 2           **under IC 25-39-6.**

3           SECTION 81 IC 25-39-3-3 IS AMENDED TO READ AS  
 4           FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) To qualify for an  
 5           original license an individual must:

- 6           (1) be at least eighteen (18) years of age;  
 7           (2) furnish evidence from three (3) references, two (2) of whom  
 8           are water well drillers, **water well pump installers**, or licensed  
 9           plumbing contractors familiar with the applicant's work  
 10          experience and professional competency; and  
 11          (3) have successfully completed a competency examination  
 12          prepared and administered by the department.

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

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

18          SECTION 82 IC 25-39-3-4 IS AMENDED TO READ AS  
 19          FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) In consultation  
 20          with the Indiana Well Drilling Contractors Association **and the**  
 21          **Indiana Ground Water Association**, the department shall prepare one  
 22          (1) or more competency examinations to determine if an applicant for  
 23          a license is qualified to be a water well driller **and water well pump**  
 24          **installer.**

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

- 28          (1) Placement of wells.  
 29          (2) Well drilling procedures.  
 30          (3) Operations of well drilling **and water well pump** equipment.  
 31          (4) Contamination precautions.  
 32          (5) Installation of well casing **and water well pumps.**  
 33          (6) Well grouting procedures.  
 34          (7) Well screen design and installation.  
 35          (8) Pitless adapter units.  
 36          (9) Installation of pumping apparatus.  
 37          (10) Well disinfection.  
 38          (11) Sealing abandoned wells.

- 1 (12) Ground water occurrence.
- 2 (13) Aquifer characteristics.
- 3 (14) Drawdown requirements and limitations.
- 4 (15) Depth considerations.
- 5 (16) Methods of measuring well yield.
- 6 (17) The requirements of this chapter and other laws relating to
- 7 wells.
- 8 (18) Other accepted standards relating to the drilling, operation,
- 9 and abandonment of wells **and water well pumps**.

10 SECTION 83 IC 25-39-4-1 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Each ~~water well~~  
 12 ~~driller licensee~~ shall keep accurate records for each well drilled. The  
 13 record for each well must contain the following information:

- 14 (1) The location of the well.
- 15 (2) The depth and diameter of the well.
- 16 (3) The date the contractor completed the well.
- 17 (4) The character and thickness of materials or formations drilled.
- 18 (5) The static water level and performance data of the well.
- 19 (6) Any other information required by rule.

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

23 SECTION 84 IC 25-39-4-2 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The commission  
 25 shall, by rule, establish standards for well siting, construction, and  
 26 operation. The standards must address the following:

- 27 (1) Placement of wells.
- 28 (2) Well drilling procedures.
- 29 (3) Operation of well drilling **and water well pump** equipment.
- 30 (4) Contamination precautions.
- 31 (5) Well casing **and water well pump** specification and
- 32 installation.
- 33 (6) Well grouting procedures.
- 34 (7) Well screen design and installation.
- 35 (8) Pitless adapter units.
- 36 (9) Installation of pumping apparatus.
- 37 (10) Well disinfection techniques.
- 38 (11) Sealing and plugging abandoned wells.

1 (12) Other generally accepted standards relating to the drilling,  
2 operation, or abandonment of wells.

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

5 SECTION 85 IC 25-39-4-7 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Under  
7 IC 4-21.5-3-6, the director may suspend or revoke the license of a  
8 ~~water well drifter licensee~~ who has done any of the following:

9 (1) Acted as a ~~well drifter licensee~~ without a license in violation  
10 of this article.

11 (2) Secured a license through error or fraud.

12 (3) Failed to comply with any of the requirements of sections 1,  
13 2, 4, 5, and 6 of this chapter.

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

16 (1) Acted as a ~~well drifter licensee~~ without a license in violation  
17 of this article.

18 (2) Secured a license through error or fraud.

19 (3) Failed to comply with any of the requirements of sections 1,  
20 2, 4, 5, and 6 of this chapter.

21 SECTION 86 IC 25-39-4-8 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The department  
23 may initiate injunctive proceedings in the appropriate court against a  
24 person who acts as a ~~water well drifter licensee~~ without a license or  
25 while the person's license is suspended. The department may not be  
26 compelled to give bond in such a cause.

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

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

35 SECTION 87. IC 25-39-4-10 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. Upon written  
37 application by the owner of a well or the ~~water well drifter, licensee,~~  
38 the department shall keep the record of a well confidential for a period

1 of one (1) year, and that record is not considered to be a public record.

2 SECTION 88. IC 25-39-6 IS ADDED TO THE INDIANA CODE  
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2010]:

5 **Chapter 6. Continuing Education**

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

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

- 12 (1) A record of:
  - 13 (A) the number of hours the individual spent in the
  - 14 continuing education course;
  - 15 (B) the name of the person or organization presenting the
  - 16 continuing education course;
  - 17 (C) the date, location, and title of the continuing education
  - 18 course; and
  - 19 (D) the number of hours of continuing education awarded
  - 20 for the course.

21 (2) Verification that the individual attended the course.  
22 **The records and verification of attendance must be retained for**  
23 **three (3) years after the individual attends a continuing education**  
24 **course.**

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

- 34 (b) An application must include the following information:
  - 35 (1) The title of the course and subjects that will be presented.
  - 36 (2) The name of the person or organization presenting the
  - 37 continuing education course.
  - 38 (3) The date, location, and title of the continuing education

- 1 course.
- 2 (4) The number of hours of continuing education to be
- 3 offered.
- 4 (5) Course outlines for the subjects to be offered.
- 5 (6) The fee to be charged for each course.
- 6 (7) Any other information requested by the department.

7 (c) The department may approve an application for approval of  
 8 a continuing education course that addresses one (1) of the  
 9 following topics:

- 10 (1) Water well construction.
- 11 (2) Pump installation and repair.
- 12 (3) Grouting.
- 13 (4) Water sample collection and sampling.
- 14 (5) Contamination of water supplies.
- 15 (6) Other topics the department determines to be relevant for
- 16 the continued improvement of the knowledge of a license
- 17 holder.

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

- 23 (1) The name of each individual who attended the course,
- 24 including each individual's license number.
- 25 (2) The title of the course.
- 26 (3) The name of the person or organization presenting the
- 27 continuing education course.
- 28 (4) The date, location, and title of the continuing education
- 29 course.
- 30 (5) The number of hours of continuing education each
- 31 individual received.

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

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

- 38 (1) establishes that an emergency existed during the period for

- 1           **which the continuing education was required;**
- 2           **(2) has had an incapacitating illness verified by the applicant**
- 3           **and a licensed physician; or**
- 4           **(3) was prevented from completing the continuing education**
- 5           **requirement because of active military duty during the period**
- 6           **for which the continuing education was required.**

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

9           Page 48, between lines 37 and 38, begin a new paragraph and insert:

10          "SECTION 91. IC 35-48-3-2 IS AMENDED TO READ AS  
 11          FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) Any humane  
 12          society, animal control agency, or governmental entity operating an  
 13          animal shelter or other animal impounding facility is entitled to receive  
 14          a limited permit only for the purpose of buying, possessing, and using:

- 15               (1) sodium pentobarbital to euthanize injured, sick, homeless, or
- 16               unwanted domestic pets and animals;
- 17               (2) ketamine and ketamine products to anesthetize or immobilize
- 18               fractious domestic pets and animals; and
- 19               (3) a combination product containing tiletamine and zolazepam as
- 20               an agent for the remote chemical capture of domestic pets or
- 21               animals that otherwise cannot be restrained or captured.

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

- 24               (1) apply to the board according to the rules established by the
- 25               board;
- 26               (2) pay annually to the board a fee set by the board for the limited
- 27               permit; and
- 28               (3) submit proof, as determined by the board, that the employees
- 29               of an applicant who will handle a controlled substance are
- 30               sufficiently trained to use and administer the controlled substance.

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

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

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

37          Page 49, between lines 34 and 35, begin a new paragraph and insert:

38          **"(e) The board may consult with the board of veterinary medical**

1 **examiners before issuing a registration to a person:**  
2 **(1) who seeks to conduct research or instructional activities**  
3 **with controlled substances in schedules I through IV; and**  
4 **(2) whose activities constitute the practice of veterinary**  
5 **medicine (as defined by IC 25-38.1-1-12).".**  
6 Page 49, line 35, delete "(e)" and insert "(f)".  
7 Page 52, line 4, after "(b)" insert "(a)".  
8 Page 53, between lines 10 and 11, begin a new paragraph and insert:  
9 **"(b) A pharmacist, pharmacy technician, or person authorized**  
10 **by a pharmacist to dispense a controlled substance may not**  
11 **dispense a controlled substance to a person who is not personally**  
12 **known to the pharmacist, pharmacy technician, or person**  
13 **authorized by a pharmacist to dispense a controlled substance**  
14 **unless the person taking possession of the controlled substance**  
15 **provides documented proof of the person's identification to the**  
16 **pharmacist, pharmacy technician, or person authorized by a**  
17 **pharmacist to dispense a controlled substance.".**  
18 Page 57, line 26, delete "shall have the discretion to determine" and  
19 insert "**may, at the designee's discretion,**".  
20 Page 57, line 27, delete "whether to".  
21 Page 57, line 28, delete "either of".  
22 Page 58, delete lines 14 through 21, begin a new paragraph and  
23 insert:  
24 "SECTION 92. THE FOLLOWING ARE REPEALED  
25 [EFFECTIVE JULY 1, 2010]: IC 25-7; IC 25-8-3-3; IC 25-8-3-4;  
26 IC 25-20.5-1; IC 25-32-1; IC 35-48-1-4; IC 35-48-2-1.5;  
27 IC 35-48-7-1."  
28 Page 60, between lines 4 and 5, begin a new paragraph and insert:  
29 "**SECTION 95. [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**

- 1 **services commission.**
- 2 **(b) This SECTION expires December 1, 2010."**
- 3 Renumber all SECTIONS consecutively.  
(Reference is to SB 356 as printed January 29, 2010.)

**and when so amended that said bill do pass.**

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Representative Brown C